HARVARD IMMIGRATION AND REFUGEE CLINICAL PROGRAM
*of* HARVARD LAW SCHOOL
6 Everett Street • Wasserstein Hall 3103 • Cambridge, Massachusetts 02138
Voice: (617) 384-7504 • Fax: (617) 495-8595

December 9, 2019

USCIS
Boston Asylum Sub-Office
JFK Federal Building
15 New Sudbury Street; Suite 600
Boston, MA 02203

**Re:**

**Principal:** [redacted], #A[redacted]
[redacted] **Spouse:** [redacted], #A[redacted]

Dear Asylum Officer:

Enclosed please find documents submitted in support of [redacted] I-589 application (#ZNK-[redacted] scheduled for an interview on **December 12, 2019 at 10:00 A.M.**

Please find attached:

- An updated I-589, signed b[redacted] WITH photo AND duplicate copy;
- Copy of the above, updated I-589, with photo of derivative spouse [redacted] and duplicate;

Please find further attached as Tabs A-JJ, with annotated index:

- The applicant's signed declaration, identity documents, and corroborating documents;
- Derivative spouse's signed declaration, identity documents, and corroborating documents;
- Country conditions documentation; and
- Other corroborating documents.

Please see the document index included for details on and pertinent excerpts from the above. We request that this submission be promptly included in Mr. [redacted] file for review prior to his scheduled interview.

RECEIVED
DEC 10 2019
BY

Thank you very much for your attention to this matter. Please let us know if you have any questions. I can be reached at [redacted] or by email at Zalbun@law.harvard.edu.

Sincerely,

Zachary A. Albun
Albert M. Sacks Clinical Teaching and Advocacy Fellow
Harvard Immigration and Refugee Clinical Program
6 Everett St., WCC 3109
Cambridge, MA 02138

# Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

DHS Form G-28
OMB No. 1615-0105
Expires 05/31/2021

## Part 1. Information About Attorney or Accredited Representative

1. USCIS Online Account Number (if any) ▶ N/A

### *Name of Attorney or Accredited Representative*

2.a. Family Name (Last Name): Albun

2.b. Given Name (First Name): Zachary

2.c. Middle Name: Abraham

### *Address of Attorney or Accredited Representative*

3.a. Street Number and Name: 6 Everett Street

3.b. ☐ Apt. ☒ Ste. ☐ Flr. 3109

3.c. City or Town: Cambridge

3.d. State: MA 3.e. ZIP Code: 02138

3.f. Province: N/A

3.g. Postal Code: N/A

3.h. Country: USA

### *Contact Information of Attorney or Accredited Representative*

4. Daytime Telephone Number: [redacted]

5. Mobile Telephone Number (if any): N/A

6. Email Address (if any): Zalbun@law.harvard.edu

7. Fax Number (if any): [redacted]

## Part 2. Eligibility Information for Attorney or Accredited Representative

Select **all applicable** items.

1.a. ☒ I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information.**

Licensing Authority: Supreme Court of Illinois

1.b. Bar Number (if applicable): [redacted]

1.c. I (select **only one** box) ☒ am not ☐ am subject to any order suspending, enjoining, restraining, disbarring, or otherwise restricting me in the practice of law. If you are subject to any orders, use the space provided in **Part 6. Additional Information** to provide an explanation.

1.d. Name of Law Firm or Organization (if applicable): HIRC

2.a. ☐ I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States and recognized by the Department of Justice in accordance with 8 CFR part 1292.

2.b. Name of Recognized Organization: N/A

2.c. Date of Accreditation (mm/dd/yyyy): N/A

3. ☐ I am associated with N/A, the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative for a limited purpose is at his or her request.

4.a. ☐ I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2).

4.b. Name of Law Student or Law Graduate: N/A

## Part 3. Notice of Appearance as Attorney or Accredited Representative

If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

This appearance relates to immigration matters before (select **only one** box):

1.a. [X] U.S. Citizenship and Immigration Services (USCIS)

1.b. List the form numbers or specific matter in which appearance is entered.

I-589

2.a. [ ] U.S. Immigration and Customs Enforcement (ICE)

2.b. List the specific matter in which appearance is entered.

N/A

3.a. [ ] U.S. Customs and Border Protection (CBP)

3.b. List the specific matter in which appearance is entered.

N/A

4. Receipt Number (if any)

▶ ZNK [redacted]

5. I enter my appearance as an attorney or accredited representative at the request of the (select **only one** box):

[X] Applicant [ ] Petitioner [ ] Requestor

[ ] Beneficiary/Derivative [ ] Respondent (ICE, CBP)

### *Information About Client (Applicant, Petitioner, Requestor, Beneficiary or Derivative, Respondent, or Authorized Signatory for an Entity)*

6.a. Family Name (Last Name) [redacted]

6.b. Given Name (First Name) [redacted]

6.c. Middle Name N/A

7.a. Name of Entity (if applicable)

NOT APPLICABLE

7.b. Title of Authorized Signatory for Entity (if applicable)

NOT APPLICABLE

8. Client's USCIS Online Account Number (if any)

▶ N/A

9. Client's Alien Registration Number (A-Number) (if any)

▶ A- 2 [redacted]

### *Client's Contact Information*

10. Daytime Telephone Number [redacted]

11. Mobile Telephone Number (if any) [redacted]

12. Email Address (if any)

NOT APPLICABLE

### *Mailing Address of Client*

**NOTE:** Provide the client's mailing address. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application or petition being filed with this Form G-28.

13.a. Street Number and Name [redacted]

13.b. [X] Apt. [ ] Ste. [ ] Flr. [redacted]

13.c. City or Town [redacted]

13.d. State [redacted] 13.e. ZIP Code [redacted]

13.f. Province N/A

13.g. Postal Code N/A

13.h. Country

USA

## Part 4. Client's Consent to Representation and Signature

### *Consent to Representation and Release of Information*

I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1.** of this form. According to the Privacy Act of 1974 and U.S. Department of Homeland Security (DHS) policy, I also consent to the disclosure to the named attorney or accredited representative of any records pertaining to me that appear in any system of records of USCIS, ICE, or CBP.

## Part 4. Client's Consent to Representation and Signature (continued)

### *Options Regarding Receipt of USCIS Notices and Documents*

USCIS will send notices to both a represented party (the client) and his, her, or its attorney or accredited representative either through mail or electronic delivery. USCIS will send all secure identity documents and Travel Documents to the client's U.S. mailing address.

If you want to have notices and/or secure identity documents sent to your attorney or accredited representative of record rather than to you, please select **all applicable** items below. You may change these elections through written notice to USCIS.

**1.a.** ☒ I request that USCIS send original notices on an application or petition to the business address of my attorney or accredited representative as listed in this form.

**1.b.** ☒ I request that USCIS send any secure identity document (Permanent Resident Card, Employment Authorization Document, or Travel Document) that I receive to the U.S. business address of my attorney or accredited representative (or to a designated military or diplomatic address in a foreign country (if permitted)).

**NOTE:** If your notice contains Form I-94, Arrival-Departure Record, USCIS will send the notice to the U.S. business address of your attorney or accredited representative. If you would rather have your Form I-94 sent directly to you, select **Item Number 1.c.**

**1.c.** ☐ I request that USCIS send my notice containing Form I-94 to me at my U.S. mailing address.

### *Signature of Client or Authorized Signatory for an Entity*

**2.a.** Signat[redacted]ignatory for an Entity

**2.b.** Date of Signature (mm/dd/yyyy) 12/08/2019

## Part 5. Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before DHS. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

**1. a.** Signature of Attorney or Accredited Representative

**1.b.** Date of Signature (mm/dd/yyyy) 12/08/19

**2.a.** Signature of Law Student or Law Graduate

N/A

**2.b.** Date of Signature (mm/dd/yyyy) N/A

## Part 6. Additional Information

If you need extra space to provide any additional information within this form, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this form or attach a separate sheet of paper. Type or print your name at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

**1.a** Family Name (Last Name) S[redacted]

**1.b.** Given Name (First Name) F[redacted]

**1.c.** Middle Name

**2.a.** Page Number: 2 **2.b.** Part Number: 3 **2.c.** Item Number: 13.a

**2.d.**

N/A

**3.a.** Page Number **3.b.** Part Number **3.c.** Item Number

**3.d.**

N/A

**4.a.** Page Number: N/A **4.b.** Part Number: N/A **4.c.** Item Number: N/A

**4.d.**

N/A

**5.a.** Page Number: N/A **5.b.** Part Number: N/A **5.c.** Item Number: N/A

**5.d.**

N/A

**6.a.** Page Number **6.b.** Part Number **6.c.** Item Number

**6.d.**

N/A

Department of Homeland Security
U.S. Citizenship and Immigration Services

U.S. Department of Justice
Executive Office for Immigration Review

OMB No. 1615-0067; Expires 09/30/2022

# 89, Application for Asylum and for Withholding of Removal

**START HERE - Type or print in black ink. See the instructions for information about eligibility and how to complete and file this application. There is no filing fee for this application.**

NOTE: ☒ Check this box if you also want to apply for withholding of removal under the Convention Against Torture.

## Part A.I. Information About You

| 1. Alien Registration Number(s) (A-Number) *(if any)* | 2. U.S. Social Security Number *(if any)* | 3. USCIS Online Account Number *(if any)* |
|---|---|---|
| 2[redacted] | [redacted] | |

| 4. Complete Last Name | 5. First Name | 6. Middle Name |
|---|---|---|
| S[redacted] | F[redacted] | N/A |

7. What other names have you used *(include maiden name and aliases)?*
N/A

8. Residence in the U.S. *(where you physically reside)*

| Street Number and Name | Apt. Number |
|---|---|
| [redacted] | [redacted] |

| City | State | Zip Code | Telephone Number |
|---|---|---|---|
| [redacted] | [redacted] | [redacted] | [redacted] |

9. Mailing Address in the U.S. *(if different than the address in Item Number 8)*

| In Care Of *(if applicable)*: | Telephone Number |
|---|---|
| SEE ABOVE | (---) --- N/A |

| Street Number and Name | Apt. Number |
|---|---|
| N/A | N/A |

| City | State | Zip Code |
|---|---|---|
| N/A | N/A | N/A |

| 10. Gender | 11. Marital Status |
|---|---|
| ☒ Male ☐ Female | ☐ Single ☒ Married ☐ Divorced ☐ Widowed |

| 12. Date of Birth *(mm/dd/yyyy)* | 13. City and Country of Birth |
|---|---|
| [redacted] | [redacted] |

| 14. Present Nationality *(Citizenship)* | 15. Nationality at Birth | 16. Race, Ethnic, or Tribal Group | 17. Religion |
|---|---|---|---|
| Lebanon | [redacted] | [redacted] | Non-Religious |

1 *Check box, a through c that applies* a ☒ I have never been in Immigration Court proceedings.
b. ☐ I am now in Immigration Court proceedings. c ☐ I am not now in Immigration Court proceedings, but I have been in the p t.

1 *Comple 19 a through c.*
a. When did you last leave your country? *(mm/dd/yyyy)* [redacted]2018 b. What is your current I-94 Number, if any? [redacted]

c. List each entry into the U.S. beginning with your most recent entry. *List date (mm/dd/yyyy), place, and your status for each entry. (Attach additional sheets as needed.)*

| Date | Place | Status | Date Status Expires |
|---|---|---|---|
| [redacted]/2019 | [redacted] | H-1B | See Supplemental Page |
| Date [redacted]2019 | Place [redacted] | Status H-1B/See Supplemental Page | |
| Date [redacted]/2018 | Place [redacted] | Status H-1B | |

| 20. What country issued your last passport or travel document? | 21. Passport Number | 22. Expiration Date *(mm/dd/yyyy)* |
|---|---|---|
| [redacted] | [redacted] | [redacted] |
| | Travel Document Number N/A | |

| 23. What is your native language *(include dialect, if applicable)?* | 24. Are you fluent in English? | 25. What other languages do you speak fluently? |
|---|---|---|
| [redacted] | ☒ Yes ☐ No | French |

For EOIR use only.

**For USCIS use only.**

**Action:**
Interview Date: _____
Asylum Officer ID No.: _____

**Decision:**
Approval Date: _____
Denial Date: _____
Referral Date: _____

## Part A.II. Information About Your Spouse and Children

**Your spouse** ☐ I am not married. (Skip to **Your Children** below.)

| 1. Alien Registration Number (A-Number) *(if any)* | 2. Passport/ID Card Number *(if any)* | 3. Date of Birth *(mm/dd/yyyy)* | 4. U.S. Social Security Number *(if any)* |
|---|---|---|---|
| A [redacted] | [redacted] | [redacted] | [redacted] |
| **5.** Complete Last Name | **6.** First Name | **7.** Middle Name | **8.** Other names used *(include maiden name and aliases)* |
| [redacted] | [redacted] | N/A | N/A |
| **9.** Date of Marriage *(mm/dd/yyyy)* | **10.** Place of Marriage | **11.** City and Country of Birth | |
| [redacted]/2019 | Boston, MA | [redacted] | |
| **12.** Nationality *(Citizenship)* | **13.** Race, Ethnic, or Tribal Group | **14.** Gender | |
| Lebanon | [redacted] | ☒ Male ☐ Female | |

**15.** Is this person in the U.S.?
☒ Yes *(Complete Blocks 16 to 24.)* ☐ No *(Specify location):* _____

| 16. Place of last entry into the U.S. | 17. Date of last entry into the U.S. *(mm/dd/yyyy)* | 18. I-94 Number *(if any)* | 19. Status when last admitted *(Visa type, if any)* |
|---|---|---|---|
| [redacted] | 0[redacted] | [redacted] | F1 |
| **20.** What is your spouse's current status? | **21.** What is the expiration date of his/her authorized stay, if any? *(mm/dd/yyyy)* | **22.** Is your spouse in Immigration Court proceedings? | **23.** If previously in the U.S., date of previous arrival *(mm/dd/yyyy)* |
| F1 (Asylum Pending) | D/S | ☐ Yes ☒ No | [redacted]/2018 |

**24.** If in the U.S., is your spouse to be included in this application? *(Check the appropriate box.)*
☒ Yes *(Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)*
☐ No

**Your Children.** List **all** of your children, regardless of age, location, or marital status.

☒ I do not have any children. *(Skip to Part A.III., **Information about your background.**)*

☐ I have children. Total number of children: N/A.

(**NOTE:** *Use Form I-589 Supplement A or attach additional sheets of paper and documentation if you have more than four children.*)

| 1. Alien Registration Number (A-Number) *(if any)* | 2. Passport/ID Card Number *(if any)* | 3. Marital Status *(Married, Single, Divorced, Widowed)* | 4. U.S. Social Security Number *(if any)* |
|---|---|---|---|
| N/A | N/A | N/A | N/A |
| **5.** Complete Last Name | **6.** First Name | **7.** Middle Name | **8.** Date of Birth *(mm/dd/yyyy)* |
| N/A | N/A | N/A | N/A |
| **9.** City and Country of Birth | **10.** Nationality *(Citizenship)* | **11.** Race, Ethnic, or Tribal Group | **12.** Gender N/A |
| N/A | N/A | N/A | ☐ Male ☐ Female |

**13.** Is this child in the U.S. ? ☐ Yes *(Complete Blocks 14 to 21.)* ☐ No *(Specify location):* N/A

| 14. Place of last entry into the U.S. | 15. Date of last entry into the U.S. *(mm/dd/yyyy)* | 16. I-94 Number *(If any)* | 17. Status when last admitted *(Visa type, if any)* |
|---|---|---|---|
| N/A | N/A | N/A | N/A |
| **18.** What is your child's current status? | **19.** What is the expiration date of his/her authorized stay, if any? *(mm/dd/yyyy)* | **20.** Is your child in Immigration Court proceedings? | |
| N/A | N/A | ☐ Yes ☐ No N/A | |

**21.** If in the U.S., is this child to be included in this application? *(Check the appropriate box.)* N/A
☐ Yes *(Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)*
☐ No

## Part A.II. Information About Your Spouse and Children (Continued)

| 1. Alien Registration Number (A-Number) *(if any)* | 2. Passport/ID Card Number *(if any)* | 3. Marital Status *(Married, Single, Divorced, Widowed)* | 4. U.S. Social Security Number *(if any)* |
|---|---|---|---|
| N/A | N/A | N/A | N/A |
| **5.** Complete Last Name | **6.** First Name | **7.** Middle Name | **8.** Date of Birth *(mm/dd/yyyy)* |
| N/A | N/A | N/A | N/A |
| **9.** City and Country of Birth | **10.** Nationality *(Citizenship)* | **11.** Race, Ethnic, or Tribal Group | **12.** Gender N/A |
| N/A | N/A | N/A | ☐ Male ☐ Female |

**13.** Is this child in the U.S. ? ☐ Yes *(Complete Blocks 14 to 21.)* ☐ No *(Specify location):* N/A

| 14. Place of last entry into the U.S. | 15. Date of last entry into the U.S. *(mm/dd/yyyy)* | 16. I-94 Number *(If any)* | 17. Status when last admitted *(Visa type, if any)* |
|---|---|---|---|
| N/A | N/A | N/A | N/A |

| 18. What is your child's current status? | 19. What is the expiration date of his/her authorized stay, if any? *(mm/dd/yyyy)* | 20. Is your child in Immigration Court proceedings? |
|---|---|---|
| N/A | N/A | ☐ Yes ☐ No N/A |

**21.** If in the U.S., is this child to be included in this application? *(Check the appropriate box.)*

☐ Yes *(Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)*

☐ No N/A

| 1. Alien Registration Number (A-Number) *(if any)* | 2. Passport/ID Card Number *(if any)* | 3. Marital Status *(Married, Single, Divorced, Widowed)* | 4. U.S. Social Security Number *(if any)* |
|---|---|---|---|
| N/A | N/A | N/A | N/A |
| **5.** Complete Last Name | **6.** First Name | **7.** Middle Name | **8.** Date of Birth *(mm/dd/yyyy)* |
| N/A | N/A | N/A | N/A |
| **9.** City and Country of Birth | **10.** Nationality *(Citizenship)* | **11.** Race, Ethnic, or Tribal Group | **12.** Gender |
| N/A | N/A | N/A | ☐ Male ☐ Female |

**13.** Is this child in the U.S. ? ☐ Yes *(Complete Blocks 14 to 21.)* ☐ No *(Specify location):* N/A

| 14. Place of last entry into the U.S. | 15. Date of last entry into the U.S. *(mm/dd/yyyy)* | 16. I-94 Number *(If any)* | 17. Status when last admitted *(Visa type, if any)* |
|---|---|---|---|
| N/A | N/A | N/A | N/A |

| 18. What is your child's current status? | 19. What is the expiration date of his/her authorized stay, if any? *(mm/dd/yyyy)* | 20. Is your child in Immigration Court proceedings? |
|---|---|---|
| N/A | N/A | ☐ Yes ☐ No N/A |

**21.** If in the U.S., is this child to be included in this application? *(Check the appropriate box.)*

☐ Yes *(Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)*

☐ No N/A

| 1. Alien Registration Number (A-Number) *(if any)* | 2. Passport/ID Card Number *(if any)* | 3. Marital Status *(Married, Single, Divorced, Widowed)* | 4. U.S. Social Security Number *(if any)* |
|---|---|---|---|
| N/A | N/A | N/A | N/A |
| **5.** Complete Last Name | **6.** First Name | **7.** Middle Name | **8.** Date of Birth *(mm/dd/yyyy)* |
| N/A | N/A | N/A | N/A |
| **9.** City and Country of Birth | **10.** Nationality *(Citizenship)* | **11.** Race, Ethnic, or Tribal Group | **12.** Gender |
| N/A | N/A | N/A | ☐ Male ☐ Female |

**13.** Is this child in the U.S. ? ☐ Yes *(Complete Blocks 14 to 21.)* ☐ No *(Specify location):* N/A

| 14. Place of last entry into the U.S. | 15. Date of last entry into the U.S. *(mm/dd/yyyy)* | 16. I-94 Number *(If any)* | 17. Status when last admitted *(Visa type, if any)* |
|---|---|---|---|
| N/A | N/A | N/A | N/A |

| 18. What is your child's current status? | 19. What is the expiration date of his/her authorized stay, if any? *(mm/dd/yyyy)* | 20. Is your child in Immigration Court proceedings? |
|---|---|---|
| N/A | N/A | ☐ Yes ☐ No N/A |

**21.** If in the U.S., is this child to be included in this application? *(Check the appropriate box.)*

☐ Yes *(Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)*

☐ No N/A

## Part A.III. Information About Your Background

1. List your last address where you lived before coming to the United States. If this is not the country where you fear persecution, also list the last address in the country where you fear persecution. *(List Address, City/Town, Department, Province, or State and Country.)*
*(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)*

| Number and Street *(Provide if available)* | City/Town | Department, Province, or State | Country | Dates From *(Mo/Yr)* | To *(Mo/Yr)* |
|---|---|---|---|---|---|
| [redacted] | | | Lebanon | 07/1995 | 08/2018 |
| N/A | N/A | N/A | N/A | N/A | N/A |

2. Provide the following information about your residences during the past 5 years. List your present address first.
*(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)*

| Number and Street | City/Town | Department, Province, or State | Country | Dates From *(Mo/Yr)* | To *(Mo/Yr)* |
|---|---|---|---|---|---|
| [redacted] | | | | 08/2018 | Present |
| [redacted] | | | Lebanon | 07/1995 | 08/2018 |
| N/A | N/A | N/A | N/A | N/A | N/A |
| N/A | N/A | N/A | N/A | N/A | N/A |
| N/A | N/A | N/A | N/A | N/A | N/A |

3. Provide the following information about your education, beginning with the most recent school that you attended.
*(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)*

| Name of School | Type of School | Location *(Address)* | Attended From *(Mo/Yr)* | To *(Mo/Yr)* |
|---|---|---|---|---|
| [redacted] | | Lebanon | 08/2014 | 06/2018 |
| [redacted] | | Lebanon | 09/2011 | 06/2014 |
| [redacted] | | Lebanon | 09/1996 | 06/2011 |
| N/A | N/A | N/A | | |

4. Provide the following information about your employment during the past 5 years. List your present employment first.
*(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)*

| Name and Address of Employer | Your Occupation | Dates From *(Mo/Yr)* | To *(Mo/Yr)* |
|---|---|---|---|
| [redacted] New York, NY 10021 | [redacted] | [redacted] 2018 | Present |
| N/A | N/A | N/A | N/A |
| N/A | N/A | N/A | N/A |

5. Provide the following information about your parents and siblings (brothers and sisters). Check the box if the person is deceased.
*(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)*

| Full Name | City/Town and Country of Birth | Current Location |
|---|---|---|
| *Mother* [redacted] | [redacted], Lebanon | ☐ Deceased [redacted] Lebanon |
| *Father* [redacted] | [redacted], Lebanon | ☐ Deceased [redacted] Lebanon |
| *Sibling* [redacted] | [redacted], Lebanon | ☐ Deceased [redacted] |
| *Sibling* N/A | N/A | ☐ Deceased N/A |
| *Sibling* N/A | N/A | ☐ Deceased N/A |
| *Sibling* N/A | N/A | ☐ Deceased N/A |

## Part B. Information About Your Application

*(**NOTE:** Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part B.)*

When answering the following questions about your asylum or other protection claim (withholding of removal under 241(b)(3) of the INA or withholding of removal under the Convention Against Torture), you must provide a detailed and specific account of the basis of your claim to asylum or other protection. To the best of your ability, provide specific dates, places, and descriptions about each event or action described. You must attach documents evidencing the general conditions in the country from which you are seeking asylum or other protection and the specific facts on which you are relying to support your claim. If this documentation is unavailable or you are not providing this documentation with your application, explain why in your responses to the following questions.

Refer to Instructions, Part 1: Filing Instructions, Section II, "Basis of Eligibility," Parts A - D, Section V, "Completing the Form," Part B, and Section VII, "Additional Evidence That You Should Submit," for more information on completing this section of the form.

**1.** Why are you applying for asylum or withholding of removal under section 241(b)(3) of the INA, or for withholding of removal under the Convention Against Torture? Check the appropriate box(es) below and then provide detailed answers to questions A and B below:

I am seeking asylum or withholding of removal based on:

- ☐ Race
- ☒ Religion
- ☐ Nationality
- ☒ Political opinion
- ☒ Membership in a particular social group
- ☒ Torture Convention

**A.** Have you, your family, or close friends or colleagues ever experienced harm or mistreatment or threats in the past by anyone?

☐ No ☒ Yes

If "Yes," explain in detail:
1. What happened;
2. When the harm or mistreatment or threats occurred;
3. Who caused the harm or mistreatment or threats; and
4. Why you believe the harm or mistreatment or threats occurred.

From the time I was a child through medical school I lived a completely closeted existence in Lebanon, where as a result of homophobia from my government, church, and society as a whole, I had to completely hide my feelings and identity. This existence caused me to feel extremely anxious and paranoid, including seriously affecting my sleep and ability to focus for a number of years.

My husband [redacted] has been targeted, sexually assaulted and threatened with being exposed as a gay man.

I would like to explain in further detail at or before my asylum interview.

**B.** Do you fear harm or mistreatment if you return to your home country?

☐ No ☒ Yes

If "Yes," explain in detail:
1. What harm or mistreatment you fear;
2. Who you believe would harm or mistreat you; and
3. Why you believe you would or could be harmed or mistreated.

I fear that I will be ostracized from my family and targeted by the police because I am a gay man; I am open about my sexuality and am married to another man. I fear that I could be arrested, tortured, sexually assaulted, jailed and possibly killed on account of my sexuality. I also fear I would be severely pressured into conversion therapy.

I also fear that, should he be returned to Lebanon, my husband [redacted] would be arrested, tortured, sexually assaulted, and possibly killed.

I would like to explain in further detail at or before my asylum interview.

## Part B. Information About Your Application (Continued)

2. Have you or your family members ever been accused, charged, arrested, detained, interrogated, convicted and sentenced, or imprisoned in any country other than the United States (including for an immigration law violation)?

[X] No [ ] Yes

If "Yes," explain the circumstances and reasons for the action.

N/A

3.A. Have you or your family members ever belonged to or been associated with any organizations or groups in your home country, such as, but not limited to, a political party, student group, labor union, religious organization, military or paramilitary group, civil patrol, guerrilla organization, ethnic group, human rights group, or the press or media?

[ ] No [X] Yes

If "Yes," describe for each person the level of participation, any leadership or other positions held, and the length of time you or your family members were involved in each organization or activity.

My parents are very religious Christians and belong to a Christian group called the People of God. They have both had leadership roles on the family committee in our church.

I would like to explain in further detail at or before my asylum interview.

3.B. Do you or your family members continue to participate in any way in these organizations or groups?

[ ] No [X] Yes

If "Yes," describe for each person your or your family members' current level of participation, any leadership or other positions currently held, and the length of time you or your family members have been involved in each organization or group.

My parents continue to be highly involved in practicing their faith at church and in the People of God.

I would like to explain in further detail at or before my asylum interview.

4. Are you afraid of being subjected to torture in your home country or any other country to which you may be returned?

[ ] No [X] Yes

If "Yes," explain why you are afraid and describe the nature of torture you fear, by whom, and why it would be inflicted.

See Answer to Part B.1.A-B, above.

I would like to explain in further detail at or before my asylum interview.

## Part C. Additional Information About Your Application

(NOTE: *Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part C.*)

1. Have you, your spouse, your child(ren), your parents or your siblings ever applied to the U.S. Government for refugee status, asylum, or withholding of removal?

☐ No ☒ Yes

If "Yes," explain the decision and what happened to any status you, your spouse, your child(ren), your parents, or your siblings received as a result of that decision. Indicate whether or not you were included in a parent or spouse's application. If so, include your parent or spouse's A-number in your response. If you have been denied asylum by an immigration judge or the Board of Immigration Appeals, describe any change(s) in conditions in your country or your own personal circumstances since the date of the denial that may affect your eligibility for asylum.

My husband, [redacted] (#A[redacted]), also applied for asylum before we were married. His application (#ZBC[redacted]s currently pending with USCIS. I was not included at the time of filing because we were not yet married.

While living in Lebanon, [redacted] was assaulted and threatened with being exposed as a gay man. The psychic toll led him to attempt suicide. Should he be returned, [redacted] would be targeted, assaulted, jailed, tortured, and possibly killed by the police or other people who are opposed to homosexuality.

2.A. After leaving the country from which you are claiming asyl[redacted]id you or your spouse or child(ren) who are now in the United States travel through or reside in any other country before entering the U[redacted] States?

☐ No ☒ Yes

2.B. Have you, your spouse, your child(ren), or other family members, such as your parents or siblings, ever applied for or received any lawful status in any country other than the one from which you are now claiming asylum?

☐ No ☒ Yes

If "Yes" to either or both questions (2A and/or 2B), provide for each person the following: the name of each country and the length of stay, the person's status while there, the reasons for leaving, whether or not the person is entitled to return for lawful residence purposes, and whether the person applied for refugee status or for asylum while there, and if not, why he or she did not do so.

I had a brief layover in Paris, France before arriving in the United States. My husband, [redacted] had a brief layover in Germany before arriving in the United States. We took a brief trip to Canada together.

My husband previously had a student visa in France. He has never had lawful permanent resident status in France.

3. Have you, your spouse or your child(ren) ever ordered, incited, assisted or otherwise participated in causing harm or suffering to any person because of his or her race, religion, nationality, membership in a particular social group or belief in a particular political opinion?

☒ No ☐ Yes

If "Yes," describe in detail each such incident and your own, your spouse's, or your child(ren)'s involvement.

N/A

## Part C. Additional Information About Your Application (Continued)

4. After you left the country where you were harmed or fear harm, did you return to that country?

☒ No ☐ Yes

If "Yes," describe in detail the circumstances of your visit(s) (for example, the date(s) of the trip(s), the purpose(s) of the trip(s), and the length of time you remained in that country for the visit(s).)

N/A

5. Are you filing this application more than 1 year after your last arrival in the United States?

☒ No ☐ Yes

If "Yes," explain why you did not file within the first year after you arrived. You must be prepared to explain at your interview or hearing why you did not file your asylum application within the first year after you arrived. For guidance in answering this question, see Instructions, Part 1: Filing Instructions, Section V. "Completing the Form," Part C.

N/A

6. Have you or any member of your family included in the application ever committed any crime and/or been arrested, charged, convicted, or sentenced for any crimes in the United States (including for an immigration law violation)?

☒ No ☐ Yes

If "Yes," for each instance, specify in your response: what occurred and the circumstances, dates, length of sentence received, location, the duration of the detention or imprisonment, reason(s) for the detention or conviction, any formal charges that were lodged against you or your relatives included in your application, and the reason(s) for release. Attach documents referring to these incidents, if they are available, or an explanation of why documents are not available.

N/A

## Part D. Your Signature

I certify, under penalty of perjury under the laws of the United States of America, that this application and t
evidence submitted with it are all true and correct. Title 18, United States Code, Section 1546(a), provides in pa
Whoever knowingly makes under oath, or as permitted under penalty of perjury under Section 1746 of Title 2
United States Code, knowingly subscribes as true, any false statement with respect to a material fact in a
application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder,
knowingly presents any such application, affidavit, or other document containing any such false statement
which fails to contain any reasonable basis in law or fact - shall be fined in accordance with this title
imprisoned for up to 25 years. I authorize the release of any information from my immigration record that U.S
Citizenship and Immigration Services (USCIS) needs to determine eligibility for the benefit I am seeking.

***WARNING:*** **Applicants who are in the United States unlawfully are subject to removal if their asylum or withholding claims are not granted by an asylum officer or an immigration judge. Any information provided in completing this application may be used as a basis for the institution of, or as evidence in, removal proceedings even if the application is later withdrawn. Applicants determined to have knowingly made a frivolous application for asylum will be permanently ineligible for any benefits under the Immigration and Nationality Act. You may not avoid a frivolous finding simply because someone advised you to provide false information in your asylum application. If filing with USCIS, unexcused failure to appear for an appointment to provide biometrics (such as fingerprints) and your biographical information within the time allowed may result in an asylum officer dismissing your asylum application or referring it to an immigration judge. Failure without good cause to provide DHS with biometrics or other biographical information while in removal proceedings may result in your application being found abandoned by the immigration judge. See sections 208(d)(5)(A) and 208(d)(6) of the INA and 8 CFR sections 208.10, 1208.10, 208.20, 1003.47(d) and 1208.20.**

| Print your complete name. | Write your name in your native alphabet. |
|---|---|
| [redacted] | [redacted] |

Did your spouse, parent, or child(ren) assist you in completing this application? [X] No [ ] Yes *(If "Yes," list the name and relationship.)*

| N/A *(Name)* | N/A *(Relationship)* | N/A *(Name)* | N/A *(Relationship)* |
|---|---|---|---|

Did someone other than your spouse, parent, or child(ren) prepare this application? [ ] No [X] Yes *(If "Yes," complete Part E.)*

Asylum applicants may be represented by counsel. Have you been provided with a list of persons who may be available to assist you, at little or no cost, with your asylum claim? [X] No [ ] Yes

➡ Signature of Applicant *(The* [redacted] Sign your name so

Date [redacted] 2019

## Part E. Declaration of Person Preparing Form, if Other Than Applicant, Spouse, Parent, or Child

I declare that I have prepared this application at the request of the person named in Part D, that the responses provided are based on all information of which I have knowledge, or which was provided to me by the applicant, and that the completed application was read to the applicant in his or her native language or a language he or she understands for verification before he or she signed the application in my presence. I am aware that the knowing placement of false information on the Form I-589 may also subject me to civil penalties under 8 U.S.C. 1324c and/or criminal penalties under 18 U.S.C. 1546(a).

| Signature of Preparer | Print Complete Name of Preparer |
|---|---|
| | Zachary Albun |

| Daytime Telephone Number | Address of Preparer: Street Number and Name |
|---|---|
| (617)496-5497 | 6 Everett Street, WCC 3109 |

| Apt. Number | City | State | Zip Code |
|---|---|---|---|
| | Cambridge | MA | 02138 |

| To be completed by an attorney or accredited representative (if any). | [X] Select this box if Form G-28 is attached. | Attorney State Bar Number (if applicable) | Attorney or Accredited Representative USCIS Online Account Number (if any) |
|---|---|---|---|
| | | IL 6323553 | |

| A-Number *(If available)* | Date [redacted] 2019 |
|---|---|
| A2[redacted] | |
| Applicant's Name [redacted] | Applicant's Signature [redacted] |

## List All of Your Children, Regardless of Age or Marital Status

*(NOTE: Use this form and attach additional pages and documentation as needed, if you have more than four children)*

| 1. Alien Registration Number (A-Number) *(if any)* | 2. Passport/ID Card Number *(if any)* | 3. Marital Status *(Married, Single, Divorced, Widowed)* | 4. U.S. Social Security Number *(if any)* |
|---|---|---|---|
| N/A | N/A | N/A | |
| **5.** Complete Last Name | **6.** First Name | **7.** Middle Name | **8.** Date of Birth *(mm/dd/yyyy)* |
| N/A | N/A | N/A | N/A |
| **9.** City and Country of Birth | **10.** Nationality *(Citizenship)* | **11.** Race, Ethnic, or Tribal Group | **12.** Gender |
| N/A | N/A | N/A | ☐ Male ☐ Female |

**13.** Is this child in the U.S. ? ☐ Yes *(Complete Blocks 14 to 21.)* ☐ No *(Specify location):* _____

| 14. Place of last entry into the U.S. | 15. Date of last entry into the U.S. *(mm/dd/yyyy)* | 16. I-94 Number *(If any)* | 17. Status when last admitted *(Visa type, if any)* |
|---|---|---|---|
| N/A | N/A | N/A | N/A |

| 18. What is your child's current status? | 19. What is the expiration date of his/her authorized stay, if any? *(mm/dd/yyyy)* | 20. Is your child in Immigration Court proceedings? |
|---|---|---|
| N/A | N/A | ☐ Yes ☐ No |

**21.** If in the U.S., is this child to be included in this application? *(Check the appropriate box.)*

☐ Yes *(Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person .)*

☐ No

| 1. Alien Registration Number (A-Number) *(if any)* | 2. Passport/ID Card Number *(if any)* | 3. Marital Status *(Married, Single, Divorced, Widowed)* | 4. U.S. Social Security Number *(if any)* |
|---|---|---|---|
| N/A | N/A | N/A | N/A |
| **5.** Complete Last Name | **6.** First Name | **7.** Middle Name | **8.** Date of Birth *(mm/dd/yyyy)* |
| N/A | N/A | N/A | N/A |
| **9.** City and Country of Birth | **10.** Nationality *(Citizenship)* | **11.** Race, Ethnic, or Tribal Group | **12.** Gender |
| N/A | N/A | N/A | ☐ Male ☐ Female |

**13.** Is this child in the U.S. ? ☐ Yes *(Complete Blocks 14 to 21.)* ☐ No *(Specify location):* N/A

| 14. Place of last entry into the U.S. | 15. Date of last entry into the U.S. *(mm/dd/yyyy)* | 16. I-94 Number *(If any)* | 17. Status when last admitted *(Visa type, if any)* |
|---|---|---|---|
| N/A | N/A | N/A | N/A |

| 18. What is your child's current status? | 19. What is the expiration date of his/her authorized stay, if any? *(mm/dd/yyyy)* | 20. Is your child in Immigration Court proceedings? |
|---|---|---|
| N/A | N/A | ☐ Yes ☐ No |

**21.** If in the U.S., is this child to be included in this application? *(Check the appropriate box.)*

☐ Yes *(Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)*

☐ No

## Additional Information About Your Claim to Asylum

| A-Number *(if available)* | Date |
|---|---|
| A2[redacted] | [redacted]/2019 |
| Applicant's Name | Applicant's Signature |
| [redacted] | [redacted] |

**NOTE:** *Use this as a continuation page for any additional information requested. Copy and complete as needed.*

**Part** A.I.

**Question** 19

[redacted]

[redacted]

Additional Entries:

[redacted]2018 Place-New York Status-B-2
2016 Place-Boston Status B-1
2015 Place-Seattle Status B-1
2015 Place-Houston Status-J1

Duplicate I-589 For Principal Applicant, and Derivative Husband's Copy of Principals I-589 (and duplicate) omitted.

**U.S. DEPARTMENT OF HOMELAND SECURITY**
**UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES**
**ASYLUM OFFICE**

## I. DECLARATION & DOCUMENTS ESTABLISHING IDENTITY & TRAVEL HISTORY OF [redacted]

| TAB | DOCUMENT |
|---|---|
| A | Sworn Declaration by F[redacted] S[redacted] |
| B | F[redacted] S[redacted]s Lebanese Birth Certificate with translation & certi[redacted]te translation |
| C | F[redacted] S[redacted] Travel CBP Travel History from CBP demonstrating [redacted]2019 admission |
| D | [redacted] S[redacted]'s Lebanon Passport ([redacted], pages 10-11, with H-1B visa & 04/24/2019 H-1B stamps authorizing stay until [redacted]/2021 |
| E | F[redacted] S[redacted]s most recent I-94, (erroneously indicating Mr. S[redacted] was admitted in B-2 status) |
| F | F[redacted] S[redacted]'s New York Driver's Permit |
| G | Massachusetts August 10, 2018 Marriage Certificate of Mr. S[redacted] and his husband, derivative applicant J[redacted] D[redacted] |

## II. DECLARATION & DOCUMENTS ESTABLISHING IDENTITY & TRAVEL HISTORY OF DERIVATIVE SPOUSE, J[redacted] D[redacted]

| TAB | DOCUMENT |
|---|---|
| H | Sworn Declaration by J[redacted] D[redacted] |
| I | J[redacted] D[redacted]'s Current Lebanon Passport ([redacted] |
| J | J[redacted] D[redacted] [redacted]/2018 I-94 [F-1, D/S] ([redacted] |
| K | J[redacted] D[redacted]e's Previous Lebanon Passport [redacted] |
| L | J[redacted] D[redacted]s Lebanon Birth Certificate with Translation & Certificate of Translation; |
| M | J[redacted] D[redacted]'s Notice for 09/04/2019 Completed ASC I-589 Biometrics Appointment |

## III. LEBANON COUNTRY CONDITIONS

### 1. COUNTRY CONDITIONS EXPERT DECLARATION

| | |
|---|---|
| N | **Expert Country Conditions Declaration by Dr. Ghassan Moussawi, Ph.D., with Curriculum Vita** |

"[I]f F[redacted] S[redacted] were forced to return to Lebanon, he would be at a high risk of future harm by the state (particularly the police), religious institutions (including the Maronite church), and his family." **LGBTQ individuals in Lebanon are frequently subject to violence and threats from state and religious organizations that denounce homosexuality**, and from their own families due to perceived violations of dominant sexual and gender norms. (3)

"Lebanon does not have any protections for sexual minorities. In fact, **Article 534 of Lebanon's Penal Code explicitly outlaws "sexual acts that are contrary to nature." This law has been and is still used as a proxy for policing same-sex acts**. **The primary population targeted for arrest and/or brutality under the auspices of this provision are gay men** or men who have sex with men. By using the Article 534 "selectively and in combination with other criminal charges" the state can maintain homosexuality's status as a taboo topic and "encourage[e] the idea that gay and lesbian people are generally dissolute." (14)

**Police forces regularly assault and harass LGBTQ individuals who embody marginalized genders and class positions. Arrests, crackdowns and, most recently "anal probings," against LGBTQ individuals in Lebanon are very common. The police in Lebanon regularly exercise their right to stop two people in a car and inquire about their conduct. If they suspect they are gay men, they can take them to the police station**. [A]n . . . interviewee recounted how he was merely sitting in a car with another man when the police approached them, took their IDs, and proceeded to one of the two men's house to search his personal belongings for proof of homosexuality. **All of these events happened while physically and verbally assaulting the man in front of his family members**. (15)

On July 28, 2012, the Lebanese Internal Security forces raided a porn cinema in the district of Burj Hammoud in Beirut, arresting 36 men accused of engaging in what they termed "indecent and immoral acts. **The arrested men were taken to the infamous Hobeich police station and were subjected to painful anal insertions and probes to "prove" their engagement in homosexual activities.** (16)

These "tests of shame," as local activists have called them, were performed by forensic doctors. **While an initial partial ban on anal testing was officially issued, multiple reports demonstrate that anal testing continues to take place.** (17)

Likewise, LGBTQ individuals in Lebanon live in hear of raids against bars, clubs, an NGOs… (18)

Even as same-sex behavior is an illegal act in Lebanon punishable up to one-year in prison, in recent years, some media sources have focused reporting on the existence of underground gay and lesbians events and clubs in Beirut . . . However, as I show

extensively in my academic articles and forthcoming book, **such spaces, to the extent they exist, can only be reasonably described as safe or open to white tourists with protections from other states, such as the US**. Euro-American publications routinely ignore the critical and multiple (often violent, classist, and racist) exclusions in the country. **These journalistic accounts have "outed" these spaces and increased their visibility by revealing their names and locations, which has made them even less safe for local LGBT people.** (19)

All major religious groups and institutions in Lebanon denounce homosexuality. In fact, **the rejection of homosexuality is one of the few issues that both Christian and Muslim religious leaders agree on**. **Specifically, both Muslim and Christian clerics have denounced any attempt of decriminalizing homosexuality, on the basis that homosexuality is deviant, unnatural, and destroys the family unit**. In addition, such religious leaders are outspoken in condemning homosexuality through TV outlets and social media. (22)

**Christian clerics often talk about conversion therapy as the right method to curb what they see as "a cancer in society."** For instance, a Christian church in Lebanon's second city, Tripoli, recently arranged a conference to discuss ways to covert homosexuals to "normative sexual behavior." **Both Muslim and Christian leaders incite violence against LGBTQ community.** (23)

Homosexuality is overwhelmingly disapproved of in Lebanon. According to a recent study by the Arab Barometer research network, **only 6% of the population in Lebanon believed that gay relations should be accepted**. While all gender non-conforming individuals in Lebanon face widespread social stigma, **gay men are among the most stigmatized group of individuals.** (27)

In addition to the state, institutions such as the family and religious groups, including **the Maronite Church as well as both Shitte and Sunni Muslim leadership have been key actors in enforcing the ideal of heterosexuality** in Lebanon. (29)

Lebanon is the smallest recognized sovereign state on the mainland Asian continent and the entire country is smaller than the state of Connecticut. There is therefore no place to hide from homophobic groups, including the police. (35)

There is no location or community that is safe for openly gay people in Lebanon, irrespective of its religious valence, as discussed both Christian and Muslim religious communities direct violence and homophobia towards gay men. (36)

**LGBTQ people in Lebanon do not feel they can rely on the state, or on police, for protection. Indeed, the security apparatus has been among the worst offenders of assaults, bodily violations, and repression of (especially) gay men. Furthermore, police are linked to law enforcement officials, municipalities, and mayors of cities across the country and easily use their internal resources to** report **LGBTQ or suspects to each other** (37)

## 2. FURTHER EVIDENCE OF LEBANON STATE PERSECUTION OF GAY/LGBTQ INDIVIDUALS

| TAB | DOCUMENT |
|---|---|
| O | **United States Department of State, "Country Reports on Human Rights Practices for 2018: Lebanon" (March 13, 2019), *available at* https://www.state.gov/wp-content/uploads/2019/03/LEBANON-2018.pdf**<br><br>"Human rights organizations reported that **incidents of abuse occurred in certain police stations**. The government denied the systematic use of torture, although **authorities acknowledged violent abuse sometimes occurred during preliminary investigations at police stations or military installations** where officials interrogated suspects without an attorney present." (3)<br><br>"**Internal Security Forces (ISF) officers mistreated** drug users, persons involved in prostitution, and **LGBTI individuals in custody, particularly through forced HIV testing, threats of prolonged detention, and threats to expose their status to family or friends**." (3)<br><br>"The law prohibits sexual relations 'contradicting the laws of nature' and effectively **criminalizes consensual, same-sex sexual conduct** among consenting adults. … There are **no provisions of law providing antidiscrimination protections to LGBTI persons** based on their sexual orientation, gender identity or expression, or sex characteristics." (36)<br><br>"During the year **government agents interfered with or restricted events focused on LGBTI rights**. On May 14, **a general prosecutor ordered the ISF to arrest and detain 'Beirut Pride' organizer** Hadi Damien on charges of obscenity relating to Beirut Pride events that highlighted and supported the LGBTI community." (36) |
| P | **Amnesty International, "Fifteen years of LGBTI community activism in Lebanon: A story of existence and oppression" (May 17, 2019), available at https://www.amnesty.org/en/latest/news/2019/05/lgbti-community-activism-in-lebanon-a-story-of-existence-and-oppression/**<br><br>"[I]n the past two years, **state security authorities have intensified their crackdown** on [the International Day Against Homophobia, Transphobia and Biphobia] by **cancelling activities on various pretexts**, the main one being 'to ensure the protection of the audience as **radical religious groups have threatened to attack** if the event goes ahead.' … **Instead of holding those making threats accountable, security forces have taken the threat as a given** and imposed the ban."<br><br>"The growing visibility of activist work has come with increased vulnerability to crackdown. Activists and organisations working on LGBTI rights claim that **there has barely been a day in these past 15 years where there hasn't been a raid, or a** |

| | |
|---|---|
| | **violation of the fundamental rights** of individuals through arrests, sanctions, and a limiting of the rights to privacy, protection against torture and degrading treatment."<br><br>"**In 2018, … there had been an increase in the number of arrests under Article 534 - not the other way around**. [Helem, a Lebanese LGBT activist group] alone monitored **35 arrests and trials**, and more specifically, of 27 trans women and eight gay men, five of whom were in the military. Most of them were subjected to violations, ranging from **insults to threats, to severe beatings and harassment**. **Anal exams**, which the doctors' syndicate came out publicly against, is still banned at police stations in Beirut but individuals **continue to be subjected to those exams outside of Beirut**, not to mention that the threat of this exam is used to obtain so-called 'confessions.'"<br><br>"**Police patrols still arrest people arbitrarily on the basis of suspicion of same-sex conduct when they see individuals of the same sex walking together in the street.** The courts still try them on the basis of 'confessions' obtained either through intimidation or false promises."<br><br>"There is no doubt **continued hostility towards any person identifying as or perceived to be LGBTI;** for instance, there are **social media pages that call for transwomen to be prosecuted and calling on the state to arrest them, torture them** and simply remove them from public view; **television programmes continue to discriminate against LGBTI individuals,** … security authorities continue to arrest activists and hamper the work of organizations and individuals." |
| **Q** | **Amnesty International, "Human Rights in the Middle East and North Africa: Review of 2018" (Feb. 26, 2019), available at https://www.amnesty.org/download/Documents/MDE0194332019ENGLISH.PDF**<br><br>"In Lebanon, according to reports, **police harassed and abused LGBTI people**, especially in refugee and migrant communities, sometimes **making use of a penal code provision that criminalizes 'sexual intercourse contrary to nature'.**" (8)<br><br>"In May, the **Internal Security Forces (ISF) banned several activities organized by Beirut Pride** to mark the International Day against Homophobia and Transphobia, and **detained the organizer overnight**. … In October, **the General Security (GS) attempted to shut down a conference of LGBTI activists** from the Middle East and North Africa region, organized by the Arab Foundation for Freedom and Equality (AFE). After failing to make the AFE's executive director sign a pledge to cancel all conference activities, GS officers ordered the hotel to shut down the conference." (40) |
| **R** | **Human Rights Watch, "Lebanon: No Justification for LGBT Crackdown" (Feb. 11, 2019), *available at* https://www.hrw.org/news/2019/02/11/lebanon-no-justification-lgbt-crackdown**<br><br>"**Lebanese security forces have repeatedly interfered with human rights events related to gender and sexuality** in violation of international human rights protections, |

| | |
|---|---|
| | Human Rights Watch said today in a complaint to United Nations (UN) human rights officials."<br><br>"… Lebanon's General Security officials about **recent security force actions that have undermined the rights of sexual and gender minorities** and human rights advocates in Lebanon."<br><br>"Human Rights Watch urged the UN officials to press Lebanon's government to hold its security forces accountable for violations of international law and to refrain from **using unjustified grounds, such as vague 'morality' claims, to undermine the rights of sexual and gender minorities**." |
| S | **International Business Times, "Grindr Banned in Lebanon: List of Countries That Prohibit Gay Dating App" (January 21, 2019),** ***available at*** **https://www.ibtimes.com/grindr-banned-lebanon-list-countries-prohibit-gay-dating-app-2754668**<br><br>"Lebanon has reportedly **banned people from accessing Grindr, a gay dating mobile app**, on the country's public network. … A representative of the company confirmed the news by saying the **ban was in response to an order by the Ministry of Telecom**. However, the reason behind the ban was unknown."<br><br>"Banning an application on the public, shared network insinuates that the common space refuses to be a space for all. It **confines people to the private network** (home, cafés and work), thus **pushing back Grindr, its users, and the representations of sexual orientation and gender identity back in the closet, behind closed doors**. An approach of 'exist but not too much', 'live your life away from us', 'be private about who you are and don't impose yourself in the public sphere,' they further stated." |
| T | **Human Rights Watch, "Lebanon: Police Shutter Pride Events" (May 18, 2018),** ***available at*** **https://www.hrw.org/news/2018/05/18/lebanon-police-shutter-pride-events#**<br><br>"The Lebanese **Internal Security Forces arrested a prominent LGBT rights activist** and pressured him to cancel Beirut Pride events, Human Rights Watch said today. The crackdown **violates freedom of assembly and association and is a step backward** in a country that has made progress toward respecting the rights of LGBT people."<br><br>"**Internal Security Forces raided an LGBT-themed theater reading** and summoned **Beirut Pride organizer** Hadi Damien to the Hobeich police station, where he **was held overnight**."<br><br>"Article 534 of Lebanon's penal code punishes 'any sexual intercourse contrary to the order of nature' with up to one year in prison, a provision that has been used frequently to prosecute people suspected of homosexuality. Human Rights Watch has documented **reports of torture and ill-treatment by police and the military against people arrested under article 534.**" |

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| U | **Middle East Eye, "Despite Allegedly Torturing Gay People, UK Still Funds Lebanese Police Force" (August 11, 2017), available at https://www.middleeasteye.net/news/despite-allegedly-torturing-gay-people-uk-still-funds-lebanese-police-force**<br><br>"Rami, who is gay, has come to share his story of **torture by the Lebanese police,** an agency that receives millions of pounds in funding from the UK government … **Lebanon's LGBTI community** … has become more visible and outspoken in recent years, but its members **continue to be targeted and tortured by the country's national police force**, the Internal Security Forces (ISF).<br><br>"It was spring 2015 when Rami, his boyfriend and another friend were caught up in a **random stop and search at a checkpoint run by Hezbollah**. **When the Hezbollah fighters found nude photographs** on Rami's phone, he says, they presumed he was gay and **transferred him to the ISF**."<br><br>"He arrived at the ISF police station at 11am, where he was **handcuffed and beaten**, Rami says. He describes how the officers used **both psychological and physical torture**. 'They slapped me all over my body. They humiliated me.' For 12 hours, he was kept waiting with no water and no food. It wasn't until the next day he was allowed to call his brother. Using his family's connections, they were able to pay $500 to secure his release." |
| V | **Human Rights Watch, "Lebanon: Syrian Refugee's Account of Torture" (December 21, 2016), available at https://www.hrw.org/news/2016/12/21/lebanon-syrian-refugees-account-torture#**<br><br>"A 31-year-old Syrian refugee in Lebanon was allegedly **detained and tortured** in February 2016, **apparently on suspicion of being gay**, Human Rights Watch said today. The man, identified only as Shadi for his protection … said that **all interrogations at security branches focused on trying to elicit a confession that he was having sex with men** or to punish him for being gay."<br><br>"Shadi said that in January, **armed Military Intelligence officers raided an apartment** … interrogated him and his roommates, **punched them in the face, and hit them with batons**. After seeing a picture of Shadi and a transgender woman hanging on his wall, the officers questioned him about his sexuality. Military Intelligence officers returned in February and arrested Shadi."<br><br>"Shadi said he was transferred to the Sarba military intelligence branch in Jounieh, where **officers blindfolded him, stripped him naked, and tortured him throughout a two-hour interrogation**. . . . [O]fficers took him underground to an interrogation room and questioned him for more than four hours about his sexuality. Shadi said **the interrogator elbowed him in the stomach, on his neck, and kicked him in the groin in an attempt to elicit a confession that he was having sex with his male roommates**. He recalled the interrogator saying, '**You gays are coming here and making our country dirty**… Neither our society nor God accepts this!'" |

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| | "Shadi said that security officers then transported him to Rehanieh military police prison, where officers took him into a room and told him to undress. He said he was **handcuffed naked and told to bend over facing the wall**. **'I will insert this into your anus to determine how many times you've had sex,'** Shadi said an officer told him. He inserted the rod, causing Shadi to scream out in pain and beg the officer to stop. **Forced anal examinations** lack evidentiary value and are a form of cruel, inhuman, and degrading treatment that may in some cases amount to torture."<br><br>"Human Rights Watch has **long documented torture by Lebanon's security services**, and the failure of authorities to properly investigate allegations of abuse. In a 2013 report, Human Rights Watch documented the **widespread use of torture by the Lebanese Internal Security Forces against vulnerable groups** like drug users, sex workers, and lesbian, gay, bisexual, and transgender (LGBT) people." |
| **W** | **Human Rights Watch, "Dignity Debased: Forced Anal Examinations in Homosexuality Prosecutions" (July 2016), available at https://www.hrw.org/sites/default/files/report_pdf/globallgbtanalexams0716web.pdf**<br><br>"**In Lebanon, authorities often used forced anal examinations against men arrested on homosexuality-related charges** until 2012, when Lebanese activists mounted a campaign labeling the exams 'Tests of Shame.'" (4)<br><br>"However, the victory is only partial: Human Rights Watch found that **some investigative judges in Lebanon are still asking doctors to conduct anal examinations** and that some doctors are still doing so. **Police also persist in using other forms of torture and ill-treatment against men accused of homosexuality in Lebanon**." (4)<br><br>"In August 2012, **police conducted a mass arrest of 36 men, who were then subjected to anal exams** to seek evidence of homosexual conduct." (34)<br><br>"Legal Agenda and Helem documented an ISF raid on a bathhouse, Hammam al-Agha, in August 2014. … [S]everal victims reported that **ISF officers subjected them to other forms of torture**, including **tying a victim's hands behind their back while beating the soles of his feet**, beating victims with wooden sticks, **forcing them to walk on all fours**, and **placing bags over their heads**. **Police also subjected the men to involuntary HIV and drug tests**." (38) |

3. **HOMOPHOBIC VIOLENCE AND OTHER PERSECUTION COMMITED BY PERSONS OR GROUPS, INCLUDING RELIGIOUS ORGANIZATIONS AND FAMILIES, THAT THE LEBANESE GOVERNMENT IS UNABLE OR UNWILLING TO CONTROL**

| TAB | DOCUMENT |
|---|---|
| X | **CNN News, A Campaign to Silence This Lebanese Band Has Galvanized the Country's Extreme Christian Right (Aug. 4, 2019), available at https://www.cnn.com/2019/08/04/middleeast/lebanon-mashrou-leila-intl/index.html**<br><br>"**Right-wing Lebanese Christian activists**, who accused the band of 'blasphemy,' **vowed to stop the performance 'with force,'** unleashing a virulent social media campaign against the group …. Highlighting lyrics that they interpreted as '**devil worship**,' some activists invoked the crusades. Another Facebook group called the 'Soldiers of the Lord' tried to rally priests and politicians to join their bid to stop the concert."<br><br>"The band received **death threats**. **But instead of being given protection from the state**, the group said **they were called in for questioning by security forces** 'for the first time the band's history. … the Mashrou' Leila case is another step in **the rise of a new kind of right-wing Christian populism**."<br><br>"Lawyer and human rights activist Khaled Merheb told CNN he had seen messages posted to WhatsApp groups in which participants were **talking about how they were going to 'destroy everyone** who was going to the concert. And they were **showing weapons, like guns**,' he added." |
| Y | **The Guardian, "Mashrou' Leila Concert Cancelled After 'Homophobic' Pressure from Christian Groups" (July 31, 2019), available at https://www.theguardian.com/music/2019/jul/31/mashrou-leila-byblos-festival-concert-cancelled-after-pressure-from-christian-groups**<br><br>"The **office of the town's archbishop** had published a statement that said the group '**undermine religious and human values** [and] attack sacred symbols of Christianity', while the country's Catholic Information Centre called them a '**danger to society**'."<br><br>"The cancellation of Mashrou' Leila's concert reflects the **government's increased reliance on overbroad and abusive laws to stifle and censor** activists, journalist, and artists."<br><br>"It is unconscionable that there continue to be such calls emanating from institutions that … should be upholding the right to freedom of expression and protection of vulnerable groups, instead of **enabling hate speech, including homophobia.**" |
| Z | **Human Rights Watch, "Lebanon: Festival Cancels Mashrou' Leila Concert" (July 31, 2019), available at https://www.hrw.org/news/2019/07/31/lebanon-festival-cancels-mashrou-leila-concert#**<br><br>"The Byblos International Festival Committee has cancelled the indie band Mashrou Leila's August 9, 2019 concert, Human Rights Watch said today. The committee **cited** |

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| | **security considerations** and said it wanted **to avoid 'bloodshed,'** following a week of pressure and **threats from some individuals and some Christian groups**."<br><br>"**The Interior Ministry neither responded to the escalating violent threats against Mashrou' Leila, nor publicly guaranteed the safety of the festival and the concert-goers**. Instead, on July 24, **the public prosecution referred two band members for interrogation,** which lasted six hours. State Security officers forced them to pledge to **censor content on their social media accounts**, in violation of their right to free speech." |

| TAB | DOCUMENT |
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| AA | **Open Democracy, "The obstacle to Gay rights in Lebanon: homophobia or westphobia?" (May 27, 2019), available at https://www.opendemocracy.net/en/north-africa-west-asia/obstacle-gay-rights-lebanon-homophobia-or-westphobia/**<br><br>"[T]hough it is media-worthy and comprehensible enough to see Lebanon as a place where refined Christians are asking for change and barbaric Muslims are refusing it; **the reality on the ground is not so**. Besides the **active homophobia of the Maronite Church in Lebanon**, as attested by its member in a BBC documentary, **and the explosion of biblical quotes among Lebanese Facebook users whenever gay rights are invoked** . . . " |

## 4. PERSECUTION OF POLTICAL/RELIGIOUS DISSIDENCE IN LEBANON, INCLUDING PLEASE FOR LGBT TOLERANCE

| TAB | DOCUMENT |
|---|---|
| BB | **Independent, "'We won't back down': Anger mounts in Lebanon after protester shot dead and president tells anyone unhappy to leave country" (Nov. 14, 2019), available at https://www.independent.co.uk/news/world/middle-east/lebanon-protests-khalde-beirut-shooting-death-president-aoun-a9201386.html**<br><br>"Demonstrators burnt tyres and barricaded main roads across Lebanon on Wednesday, incensed by the news that **a soldier had killed a protester** in what is the first casualty of the weeks-long civil disobedience. Protesters were also marching on the presidential palace, outraged at **President Michel Aoun's call for those taking part in the rallies to emigrate, else risk plunging the country into 'catastrophe'**."<br><br>"The shooting is likely to worsen an already tense stand-off between protesters and the sectarian leaders that dominate the government. **In a televised interview on Tuesday** |

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| | **evening, Mr Aoun said that 'if people aren't satisfied with any of the decent leaders let them emigrate.'"** |
| **CC** | **Open Democracy, "In Lebanon: new waves of hatred with little solidarity (July 23, 2019), available at https://www.opendemocracy.net/en/north-africa-west-asia/lebanon-new-waves-hatred-little-solidarity/**<br><br>"[Three events, including the campaign against the band Mashrou' Leila, are] emblematic of the **new Lebanese state logic**. To start, they are all clear **hate campaigns** looking to mobilise the population against **a demonised other.** . . . In short they are part of a bankrupt political discourse in a bankrupt country, where **the ruling parties compete to find the best enemy and the scariest scarecrow** in order to boost their popularity: the Syrians, the Palestinians, **the LGBTIQ community**, etc."<br><br>". . . The various **hate campaigns** are not isolated events, and fall under a general direction and a **clear state policy**."<br><br>". . . Lebanon is all about respecting diversity **only when this diversity falls within the confines of what the ruling patriarchal, conservative power structure accepts** . . . This diversity does not include however any undesirable groups that do not fall within the sectarian confines of the ruling establishment [such as] **gender non-conforming peoples or non-heterosexual sexual identities** . . ." |
| **DD** | **Reuters, "U.S. Concerned Over Hezbollah's Growing Role in Lebanon" (February 19, 2019), available at https://www.reuters.com/article/us-mideast-crisis-lebanon-hezbollah-idUSKCN1Q81YR**<br><br>"**Hezbollah's growing role in the Lebanese government** worries the United States, the U.S. ambassador to Lebanon said during a meeting with Prime Minister Saad al-Hariri on Tuesday, according to the U.S. embassy."<br><br>"**The armed Shi'ite group, which is backed by Iran and listed as a terrorist organization** by the United States, **controls three of the 30 ministries in Hariri's new cabinet, the largest number it has ever held.** They include the Health Ministry, which has the fourth-largest budget in the state."<br><br>"Together with groups and individuals that see its arsenal as an asset to Lebanon, **Hezbollah won more than 70 of the 128 seats in parliament** in an election last year. Hariri, who is backed by the West, lost more than a third of his MPs." |
| **EE** | **The Economist, "How Homosexuality Became a Crime in the Middle East" (June 6, 2018), available at https://www.economist.com/open-future/2018/06/06/how-homosexuality-became-a-crime-in-the-middle-east** |

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| | "A survey by Pew Research Centre in 2013 found that **most people in the region believe homosexuality should be rejected: … 80% in Lebanon**."<br><br>"Last year Hassan Nasrallah, **the leader of Hezbollah, an Islamist political group based in Lebanon, accused the West of exporting homosexuality to the Islamic world**, echoing Iran's Ayatollah Khamenei's warning a year before of "ravaging moral decay" from the West. **Increasingly conservative attitudes** in the region have made matters worse." |
| **FF** | **New Internationalist, "Beirut: Paris of the Middle East?" (June 1, 2018), available at https://newint.org/agenda/2018/06/01/hezbollah-check-on-gay-rights**<br><br>"When Bader (a pseudonym) first arrived in Beirut as a refugee, … [a]s a transgender man experiencing discrimination and violence in another Arab country, … he decided to come: 'I thought Lebanon was open and accepting.' But once he arrived, he **witnessed friends arrested at Hezbollah checkpoints in the southern suburbs** – a stronghold for the conservative Shi'a political and militant group."<br><br>"Local LGBTIQ organizations report that **Hezbollah guards often interrogate people they suspect to be gay, before handing them over to the Internal Security Forces** – a national police force with a **reputation for torture**."<br><br>"But conservative forces are holding back progress. Last year, **Hezbollah's leader Hassan Nasrallah said, 'Homosexual relations defy… human nature**.'"<br><br>"**Bader quickly became afraid to move around Beirut and he has since found asylum in Canada**. Until attitudes in Lebanon change, he says, 'no [LGBTIQ] person is safe there'." |

## IV. FURTHER CORROBORATING DOCUMENTS

| TAB | DOCUMENT |
|---|---|
| **GG** | **Photos from Mr. [redacted] & Mr. [redacted] 2019 wedding and celebratory dinner** |
| **HH** | **([redacted]2019 Joint Lease for [redacted] Apartment, listing [redacted], and two roommates** |
| **II** | **First & most recent phone bills for [redacted] & Mr. [redacted]e's shared Sprint account** |
| [redacted] | |

# AFFIDAVIT OF F[redacted]

**Supplement to I-589 Application for Asylum, Withholding of Removal, and Protection Under the Convention Against Torture**

I, F[redacted] hereby declare as follows:

1. My name is F[redacted] I am a citizen of Lebanon. I was born in Dbayeh, Lebanon, on July 27, 1993[redacted]st recently entered the United States on July [redacted]2019.

2. Growing up in Lebanon, I was forced to completely repress my sexual identity. Every major religious group in Lebanon, including the Maronite Christian community that I was raised in, and in which my parents are still deeply involved, sees homosexuality as sinful and unnatural. Denying and suppressing myself for years and years caused me serious psychological pain and suffering, and because I was closeted, I had to bear it alone.

3. Today, I have accepted my sexuality and am happily married to another Lebanese man, J[redacted] But I am afraid that if forced to return to Lebanon, I will be physically beaten, arrested or otherwise targeted and ostracized because of my sexuality. Lebanese law criminalizes homosexuality, and the Lebanese police are known to use their power to arrest, attack, and even torture gay men. My marriage is the most important part of my life, but if [redacted]and I tried to live as a married couple in Lebanon, it not only would not only be impossible, it would place our lives in severe danger.

4. I also fear that I will be attacked and harmed because of my political opinions and religious beliefs, such as my opinion that gay people deserve equal rights and protections. My belief that homosexuality is natural goes against the way of life and religious beliefs of the great majority in Lebanon.

5. There is nowhere in Lebanon I could be safe. It is a very small country, and there is no part of it where homosexuality is accepted. Given the stigma against being gay and the targeting of and attacks on gay people by the authorities, the church, religious groups (and political parties) like Hezbollah, and even the general population, my life would be in danger anywhere I tried to go or live.

**Discovering and repressing my homosexuality as I grew up in a homophobic religious community**

6. When I was around two years old, my family moved to N[redacted] N[redacted]s located in the [redacted]district, north of Lebanon's capital city, Beirut. I lived there with my mother [redacted] father S[redacted] sister [redacted]and grandparents from my father's

side.

7. It was around sixth grade when I first realized that I was interested in boys. When I was in the locker room before sports class, I found myself looking at other boys and feeling curious and attracted. This made me confused and uncomfortable. I didn't know any boys who dated other boys. I went on the Internet and googled questions such as "how to like girls" or "why do I like boys when I am a boy." I think those searches were how I came to learn about the existence of a certain type of people who were called 'gay.' At one point, I came across some random website with a quiz titled something like 'how gay are you?'

8. After learning about being gay, I thought something was wrong with me and that I needed to fix myself. At school, I saw that certain boys who walked in a way that seemed feminine or spoke in a high-pitched voice were bullied and called *loute* (meaning "faggot" in English). I was scared that someone would find out about my secret, so I tried to hide any signs of being gay but I couldn't help but be attracted to boys. When I thought another boy was cute, I would try to get closer to him by asking him to join our study group so that I could spend more time around him. I didn't approach boys outside of a studying context, and definitely didn't ask them out on a date. I was frustrated at myself for being different, and I was paranoid that others would find out about it. I remember feeling that I was inferior to straight people.

9. The most painful part was having to hide what I was going through from my family. I never dared to confront my parents about my homosexuality, since talking about anything even remotely 'sexual' was taboo in our family. But even without directly asking, I knew my parents would not accept a gay son. They were always very conservative about relationships. Both my sister and I were not allowed to casually date anyone outside of plans for marriage.

10. I grew up in a very religious environment. The dominant group of people in [redacted] including my parents, were Christians. My parents first met in a prayer group led by a community called 'People of God,' an ecumenical Christian organization that focuses on promoting the Christian family. Each prayer group session conducted by People of God went on for three to four hours. On top of participating in 'People of God,' both of my parents were, and still are, particularly devout adherents of the Maronite church. The church grouped families into several 'committees,' and the priest would serve as each committee's adviser. We would go on committee picnics to have lunch and talk about the Bible together. My parents both served as the leader of our family's committee for about a year. They chose the agenda and speakers for bible talks. My father was especially active and planned many church-related social activities. I remember that a lot of the

Bible talks were about how to nurture a 'good Christian family.' The priest would talk about how a successful family is one where a Christian man and Christian woman marry and have children together.

11. For as far back as I can remember, I went to church every Sunday for mass as a child. My parents refused to let me skip church. My parents also made me participate in their bi-weekly prayer group, and often in a youth prayer group as well.

12. I attended Saint Joseph School from elementary school to high school. All the teachers and students were Christians. We had a rigorous religious curriculum with morning prayers, Bible study classes, and weekday mass. Even outside of school, almost all activities revolved around the Maronite church, and I mostly hung out with the children of my parents' friends from church. To this day, my family's social connections in Lebanon are almost entirely limited to our Christian community.

13. I also knew that my parents deeply believed in the teachings of the church and the prayer group. When I heard prayer group discussions about the Christian family, it made me wonder what a family would look like if a man liked another man. The discussions also made me realize that my parents would never accept their son, who could never conform to their vision of a Christian family. I remember feeling suffocated and lonely. I felt that I would never be able to reveal my true self to anyone in my family, school, or community. For many years I fought against my sexuality and tried to make myself be not gay. Throughout middle school and even in high school, whenever I went to church I asked God why this was happening to me. I prayed that I could be normal like others around me.

**Struggling & questioning God in college**

14. For both undergraduate and medical school, I attended the American University of Beirut (AUB). The university was about an hour drive away from home, and located in a Muslim populated area of Beirut. I'd never before spent time in an area with a such a Hezbollah presence. Many students and faculty at AUB were from families known to be associated with Hezbollah. I could tell that others supported it, because they carried accessories such as necklaces or keychains with the Hezbollah logo. Armed Hezbollah members were known to wait outside the university gates and attack students who offended them in some way. I knew Hezbollah too condemned homosexuality. Hassan Nasrallah, the leader of Hezbollah, would make public speeches where he would affirm its loyalty to Iran, which supported gay men being openly executed. It was clear that even in Beirut, outside of the Christian community I'd been raised in, Lebanon was not a safe

place for me.

15. It was also during college when I began to actively question the Christianity in which I was raised. I started to seek out and read the church's point of view on homosexuality. Source after source repeated that God created man and woman, and said gay men are unnatural and immoral sinners. Reading about the church's view on homosexuality felt alienating. By then, I had lived for many years as a closeted gay man. I had tried many times to change and cleanse myself of feelings for other men, but I couldn't. I would ask myself questions: I didn't choose to be attracted to men. How then could it be unnatural or sinful that I was only who I was born to be? Why would the church still deem me a sinner, if God created me this way? These thoughts made me question the point of prayer.

16. My hostility against praying eventually led to a huge fight with my parents. I told them that I wanted to skip the prayer group. My excuse was that I was preparing for medical school, and I needed to focus on studying. My parents were outraged.

17. But the truth is, years of hiding myself from the world was taking a psychological toll that also affected my ability to study for medical school or live a normal life. I remember experiencing phases of depression where for several days in a row I would simply sit alone in my room for 6-7 hours, unable to do anything. I would struggle to sleep as my brain was filled with negative thoughts about my sexuality. These phases continued throughout college and medical school. It was only really when I knew I was leaving Lebanon for my fellowship that they started to diminish, and after I came to America and grew into my relationship with Joe, they went away.

**Medical School and Confirming Homosexuality**

18. Although I was still closeted from everyone when I graduated from college, I secretly hoped the medical school community would be more open-minded and progressive towards homosexuality. AUB is the most prestigious medical school in the country and many of its students come to the U.S. for their post-graduate residencies. But once I entered, I quickly realized that even Lebanon's medical community was anti-gay. Even faculty advisers, in addition to my fellow students, would call men seen as feminine *loute*, or insult them in other ways.

19. It was particularly upsetting and hurtful to learn that, even in a medical context, many people denied the existence of homosexuality. For instance, as part of formal training, I was taught to ask about the patient's sexual orientation as part of the intake interview. But in clinical settings almost no one actually asks that question. I had heard that a few

physicians who did dare ask about sexual orientation were physically assaulted by patients who were offended by the mere suggestion that they could be homosexual.

20. During my third year, a patient came in to consult with our school's infectious disease specialist. The first thing he did was to demand the entire medical team except the specialist to leave the room. Later on, the specialist had to summarize each case for the students. He told us that the patient who demanded that we leave the room was HIV-positive, and didn't want anyone else to know about his disease. I thought his fear was completely justified. In Lebanon, HIV/AIDS is directly associated with 'bad' sexual behavior, especially between gay men. Even medical students didn't care to hide their disgust when talking about HIV-positive patients. Some immediately left to wash their hands in case they caught the 'dirty' disease. It took me some time to fully process and recover from that incident. I felt deeply sad knowing that in Lebanon, people were too afraid to share their life-threatening disease, even to their own medical team, because of its associations with their sexuality.

21. During my final year of medical school, I went to the U.S. for about two months for an internship program. I split the time between one month in New York and one month in Pittsburgh, both in neurology service. When I arrived in New York, I almost immediately noticed a stark difference. I saw two men holding hands on the streets---a scene I could have never seen in Beirut. I remember being amazed at how many gay couples there were, and even more surprisingly, how others treated them in the same say they would any heterosexual couple. Seeing this, for the first time I began to finally accept the fact that I am gay. I learned that for so many people outside of Lebanon, liking guys isn't an immoral sin. It was something that you could actually show to other people without being afraid.

22. With this realization, I wanted to explore my sexuality further. At the same time, I was nervous to expose myself after all the years of hiding. I thought the safest place to begin would be on a dating app. I set up an account on Grindr, a gay-only dating app (which Lebanon later banned). Shortly before my internship ended, I deleted Grindr. I knew that if anyone in Lebanon saw me on the app, I would be in risk of being arrested and tortured. When I returned to Lebanon. I felt that I had to switch off my true self again and suppress my homosexuality.

23. During the final month of medical school before graduation, I tried to force myself to remain silent and unnoticed with respect to sexuality or relationships. But while nothing had changed on the outside, I realized how different my thoughts about homosexuality had become, especially in relation to my religious beliefs. Unlike my college years when I questioned (but still tried to understand) the church's viewpoint, now I rejected with

many of its teachings outright. I knew that liking other guys and caring for them wasn't an immoral sin, I believed that gay men deserved the same rights as any other people.

24. Around summer 2018, my mom brought back a booklet from the prayer group. She told me that this week's topic was the Church's view on homosexuality, and the booklet was meant to summarize the Bible's approach to homosexuality. My mom told me to read it, adding that as a future doctor, I need to know how to deal with "those kinds of people." The booklet said that homosexual acts were unnatural and sinful. I saw that and thought it was pointless to read the rest of it. I was angry because I knew my mom genuinely believed in what it said. My parents treated the prayer group as their sacred and final source of authority. They always looked to the prayer group for answers.

25. I asked her what she would do if her son were gay. She started saying, "I wouldn't throw him in the trash, but…" and couldn't finish her sentence. I am still afraid to return to that conversation and tell my mother that I am gay. Witnessing that my mother, who I felt closer to than anybody in the world stand by that booklet made me feel alienated and hurt. It reinforced that I could not trust anybody in my family with my secret.

**Meeting [redacted] nd Arrival in U.S.**

26. After I graduated from medical school in June 2018, I had about two months in Lebanon, before heading to the U.S. for my fellowship program at Memorial Sloan Kettering (MSK). I decided to create an account on a different dating app, Tinder. I thought it would be safer since, unlike Grindr, both gay and straight people used Tinder, so the presence of the icon on my phone would not itself raise suspicions. I felt like I had to install the app because I needed some outlet from my suffocating closeted life in Lebanon. I was nervous, but I told myself I would be ok. On Tinder, you can only see a profile as a 'man seeking man' if you also have a profile as a 'man seeking man.' I told myself that others couldn't expose me without exposing they also had such a profile.

27. I did not upload a picture of myself to the app. Even so, I was scared to 'swipe' (to match) with any man in Lebanon. Instead, when my account location was set to Lebanon, I just looked at the profiles. That's how I first found [redacted], my current husband, around August 2018. I saw his Tinder profile and saw that his account on Instagram, which isn't a dating app, was linked to his profile. I direct-messaged him there. I kept 'reacting' to his Instagram stories and he eventually replied. Though he was very dry and brief in his responses, I continued to message him.

28. Finally, on August 10, [redacted] uploaded an Instagram story of the beach. When I messaged him, [redacted] told me that he was alone; his mom had planned to join him, but she wasn't coming any more. [redacted] then told me that, if I wanted to see him, this would be the one

chance I had. I think he was half-joking and didn't actually expect me to come, since with traffic that beach was at least a two-hour drive from Beirut. I drove to the beach and met him in person for the first time.

29. [redacted]and I spoke about his previous relationships. He told me he had a couple of short-lived relationships when he was in Europe and the U.S., which made him unhappy. He said he was frustrated by how people seemed to only care about looks and hooking up. He then told me he wanted a real relationship, where he could be truly himself. I told him that I wanted that too.

30. I remember that, even though we only talked and did nothing more, we were careful not to touch each other. I was nervous, since I knew that two guys alone on a beach together would definitely raise questions if they were gay. When we drove back that night I dropped Joe off a distance from his house, to prevent against us being seen together.

31. After that day on the beach, we met almost every day until August 15, which was when I left Lebanon for my fellowship. I was very frustrated that we could rarely spend time together alone, since we had to be careful to avoid being identified as a gay couple. I have never seen a gay couple walking on the street together in Lebanon, let alone holding their hands or kissing in public.

32. [redacted]and I planned to go to a mountain to see a sunset live music performance. We invited other friends and acquaintances to come along so that we would not be identified as on a date. But the day before the performance, I became too nervous. I kept thinking to myself what would happen if people started asking about how [redacted]and I knew each other. No one in Lebanon knew I was gay, and I was extremely insecure about the thought that I could be risking my safety, family relationships, and even life. I canceled on [redacted]telling him that it was too risky for me to be possibly identified as gay. He was extremely upset and disappointed in me.

33. But I changed my mind. Wanting badly to be with [redacted]I decided I would go to the concert, which we attended the next day. Around sunset, I grabbed [redacted]s hand and held it in mine. I knew it was a crazy thing to do, but I was desperate to show [redacted]that I was serious about him. Joe immediately pulled his hand out. His face reddened and he told me I was crazy to take such a risk.

34. At the end of the night, after dropping off our friend, we drove to the Beirut waterfront. We walked with a distance between us. We kept walking until we found a place on the waterfront where there was no one else in sight. We went behind a wall of rocks and stood facing each other. I looked into Joe's eyes and asked if I could hug and kiss him.

He said yes, and we briefly kissed. It was a special moment for me, one that I wanted to remember for a long time, but I had to keep my eyes open to see if anyone was coming. I hated that I had to do that. My heart was pounding, but I wasn't sure it was because I was kissing [redacted] or because I was terrified we could get caught. I then asked [redacted] if he would be my boyfriend. [redacted] said yes.

35. We tried seeing each other every day before I left for the U.S. Around August 13, we were at a cafe together, but had to sit at the opposite ends of a table. Whenever we complimented each other, even if it was just saying things like 'I like your shirt,' we talked over text to avoid any suspicion.

36. The last night before I left, we tried to meet to say goodbye. I had to walk about 10 minutes away from my house to find a spot where [redacted] could safely pick me up without anyone noticing. We then drove around several different parking lots until we finally found one where there weren't other people in sight. There, we stopped to talk about our plans for the future and how we would continue to date in the U.S. We talked about visiting each other on the weekends. We cried and kissed farewell,

37. After arriving in the U.S., [redacted] and I had for the first time real freedom to spend time together alone. While [redacted] had briefly discussed his past during our first date, it was during our first week together that I heard more about the multiple traumatic experiences he'd gone through related to his sexuality, especially in high school. I wasn't too surprised. [redacted] had been skinny and had a high-pitched voice, and bullying boys seen as *loutes* was common in Lebanon. But when I learned the details about [redacted] suicide attempts, I was terrified that [redacted] might repeat the same mistake of trying to hurt himself. Since then, [redacted] has told me that he has become a much stronger person through our relationship and since we escaped the toxic and dangerous environment of Lebanon.

38. Our relationship faced difficulties at first. During the first few weeks, [redacted] took a bus from Boston to New York to visit me. But because of my past life in Lebanon, I found it difficult to adjust to being in an open, public relationship, even in New York. [redacted] told me that it was difficult to walk me through every step of feeling secure about homosexuality. But he encouraged me to embrace who I am. He told me: don't suppress what you feel. Act in the way your body tells you to act. Live as a free person. Love the person you want to love. In the end, his encouragement made our relationship stronger.

39. As our relationship matured, we began talking about the next step. In March 2019, we got engaged [redacted] caught a very bad flu. I had to take him to the ER and he had a high fever. When we went home, I looked after [redacted] for several days. One morning, [redacted] fell out of the bed, on the ground. I began to pick [redacted] up and put him back into bed, and he proposed to me. I teared up and said yes. Then I also proposed to [redacted] kneeling down. [redacted] said yes.

40. Being outside of Lebanon has made us feel protected and secure in our relationship as well as with respect to our physical security. My relationship with [redacted] and especially my marriage to him, has fundamentally changed me. I don't think I have any insecurities about my sexual identity now. I know that [redacted] is supportive of anything I do. I feel like any other person. I feel completed by my relationship with [redacted] He helped me realize how important it is to accept my true self. He is my rock and foundation.

**Hiding our Marriage**

41. Around April 2019, I came out to my sister [redacted] who has lived in Poland since about 2015. I had recently seen her while my family visited Poland for Easter break, and I was texting with her after I had returned to New York. I decided to take a leap of faith. I thought if anyone in my family could understand my homosexuality, it would be my sister. She had been living in Poland for several years, so I thought she would have some exposure to homosexuality. I also remembered her telling me that she thought one of her friends in Poland was gay. At that point, my sister already knew that I had a friend in Boston named [redacted] who I visited over the weekends.

42. So I texted her something along the lines of, "I'll tell you something important, but I don't know if you'll be mad." I asked my sister if she thought there was something more than friends between [redacted] and me. I then told her that I was not straight, and I was dating [redacted] I asked my sister if she still loves me, to which she said yes. I could tell that she was trying to be supportive but struggling. She told me that she knew a bunch of "those kind of people" in Poland, and that we could work it out together. Then I asked whether it would be okay to tell our parents. In response, she told me that I should not tell them and that they won't accept it.

43. Today, nobody in my family except my sister who lives in Poland knows that I am gay. I hoped that coming out to my sister would be a starting point. Even still, I have not told her about my marriage with Joe. I fear that my gay marriage will be too much for her to accept. Even now, many of my closest friends do not know that I am gay. The vast majority of those I know in Lebanon, including people very close to me, still do not know I am gay. I think if my parents found out about my sexuality and marriage, they would try their hardest to force me to go through conversion therapy, since so many people in their religious community believe that being gay is an illness that needs to be cured. But I know I would refuse.

44. Around June 2019, [redacted] mother visited him in Boston before they took a family trip to the western U.S. I had heard from [redacted] that she knew he was gay, but also that she refused to hear anything about me. When [redacted] picked his mother up at the airport, I went to the

gym so that she would not see me in the apartment. Later, when they came back to the apartment after eating lunch, I had to hide in our roommate's bedroom so she would not see me.

45. About a week later, whe[redacted]ost his driver's license in Las Vegas, he called me and asked if I could bring his spare driver's license to JFK, where he was with his mother. I was of course glad to help out [redacted] but was worried about meeting his mother, since I knew that she didn't want to have anything to do with me. When I arrived, [redacted]s mother shook my hand. She didn't say anything to me, even on the car ride afterwards. That was my first and only encounter with [redacted]mother.

46. Also in June 2019, I officially moved-in with [redacted] at [redacted] Cambridge, MA. I now live part-time in Cambridge with him and our roommates, and part-time at [redacted]New York, NY, when I am working. I am planning to start living with [redacted]full-time when my post-doctoral fellowship ends around mid-2020.

47. Over the summer, [redacted]and I moved forward with our plan to take the next step in our relationship: marriage. We chose August 10, 2019, one year from the time we first met in Lebanon on the beach. Our close friend in the U.S. [redacted] officiated. We chose the waterfront next to the ICA in Boston seaport as the location.

48. On the day of the wedding, I remember smiling alongside [redacted] cried a lot at the end of the ceremony. I couldn't believe what had just happened. I couldn't believe that I was actually marrying another man. While I was so thankful to have met [redacted] I was also sad that I could never share this day to my family, even though it seemed like the first thing that any other couple would do.

49. At the wedding, [redacted]gave me a scrapbook containing photos of the memories we had made together. At the very end of the scrapbook [redacted]ncluded his vows. It was a small wedding. Only four people attended: [redacted]me[redacted] and his fiance. We didn't invite others because we were scared that somebody would leak the news of our wedding to people back in Lebanon[redacted]nd I had considered having celebratory dinner with a couple friends besides [redacted]and his fiancé (now husband) [redacted], but chose not to. Even Facebook posts congratulating us would be way too risky.

**Current Situation in Lebanon**

50. Even though, I feel safe here in the U.S., hearing disturbing news and stories often reminds me of how dire and dangerous it is in Lebanon for gay people like me.

51. For example, I recently learned on Facebook about the cancellation of a big concert by Mashrou' Leila—a band originally from Lebanon whose lead singer is known to be gay. People who had been planning to attend the concert were receiving death threats. I watched a live feed of a priest condemning the band, and then saw a post from someone I considered a friend expressing his opposition to the band. I immediately showed the post to [redacted] We talked about how it was tragic and disheartening to seeing such Facebook posts by people in our own age group. It reinforced my belief that the younger generation is closed-minded, just like those who've come before.

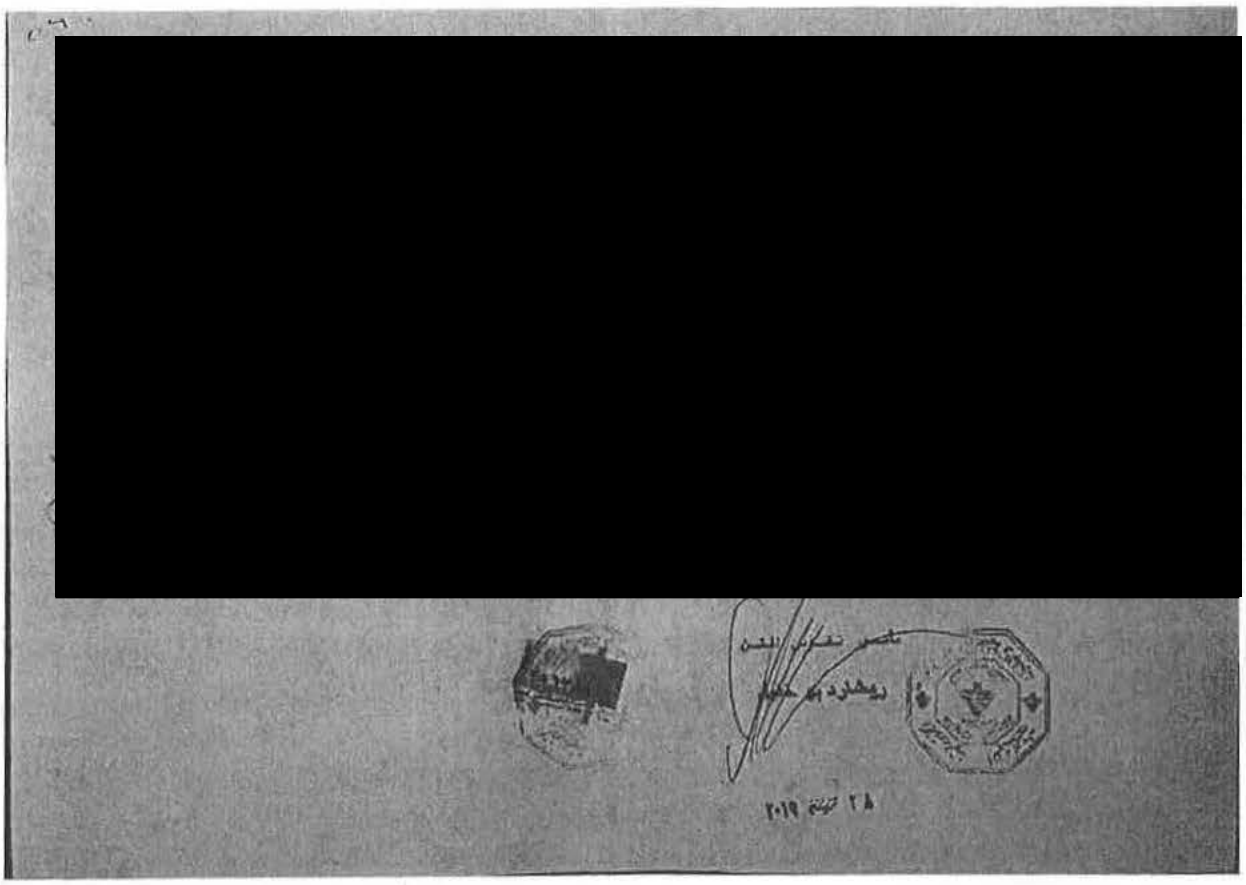
52. I would not be possible for me to live married to [redacted]back in Lebanon. In a country where homosexuality is a crime, it is unthinkable to be a married gay couple. We will definitely not be able to live together. We would have to hide and erase every aspect of our relationship and would be at constant risk of being a victim of homophobic violence, and getting arrested and probably killed. If forced to return to Lebanon, my family, church, and the religious society as a whole would try to force me back into the closet, and that same mental state I suffered in for years. But I know that it would only be a matter of time before it is discovered I am gay. I can no longer hide who I am and how I feel about homophobia and religions that promote homophobia. For this reason, I fear I will be harmed if I am forced to return to Lebanon.

For the foregoing reasons I respectfully request that I be granted asylum in the United States.

SUBSCRIBED AND SWORN UNDER THE PAINS AND PENALTIES OF PERJURY:

F[redacted] 12/08/2019

Date



[Stamps]
The Lebanese Republic
Ministry of interior
Directorate general of civil status

Birth Certificate

[redacted]

Civil affairs officer
[Signature]
Richard Bou Khalil

2019 November 28.

## CERTIFICATE OF TRANSLATION

**I, Maya Kazamel, am competent to translate from Arabic to English and certify that this translation is true and accurate.**

Maya

**(Signature of translator)**

**Maya Kazamel**
**(Typed/printed name of translator)**

**6 Everett Street, WCC 3103 Cambridge, MA 02138**
**(Address of translator)**

[redacted]

**(Telephone Number of Translator)**

**Signed this** 6 **day of** December, 2019

Passport Number [redacted]

Passport Country of Issuance : **Lebanon**

| | Date | Type | Location |
|---|---|---|---|
| 1 | 2019-07-28 | Arrival | HIG |
| 2 | 2019-07-25 | Departure | 314 |
| 3 | 2019-04-24 | Arrival | NEW |
| 4 | 2019-04-16 | Departure | NEW |
| 5 | 2018-08-15 | Arrival | NYC |
| 6 | 2018-04-21 | Departure | CHI |
| 7 | 2018-02-24 | Arrival | NEW |
| 8 | 2016-10-09 | Departure | BOS |
| 9 | 2016-10-03 | Arrival | BOS |
| 10 | 2015-12-11 | Departure | SEA |
| 11 | 2015-12-07 | Arrival | SEA |
| 12 | 2015-08-15 | Departure | NEW |
| 13 | 2015-06-28 | Arrival | HOU |

10

VISAS / التأشيرات ١٠

ADMITTED
NEW
APR 24 2019
H1B
08/03/2021

AUG 15 2018
H1B

VISA

UNITED STATES OF AMERICA

Issuing Post Name
BEIRUT
Surname
[redacted]
Given Name
[redacted]
Passport Number
R[redacted]
Entries
M
Annotation
[redacted]
Issue Date
[redacted]2018
Sex
M
Expiration Date
[redacted]
Visa Type /Class
R H1B
Nationality
LEBN
1010
[redacted]

For: FADI [redacted]

U.S. Customs and Border Protection
Securing America's Borders

## Most Recent I-94

**Admission (I-94) Record Number :** [redacted]
**Most Recent Date of Entry: 2019 April 24**
**Class of Admission : B2**
**Admit Until Date : 10/23/2019**
**Details provided on the I-94 Information form:**

**Last/Surname :** [redacted]
**First (Given) Name :** F[redacted]
**Birth Date :** [redacted]
**Passport Number :** [redacted]
**Country of Issuance :** Lebanon

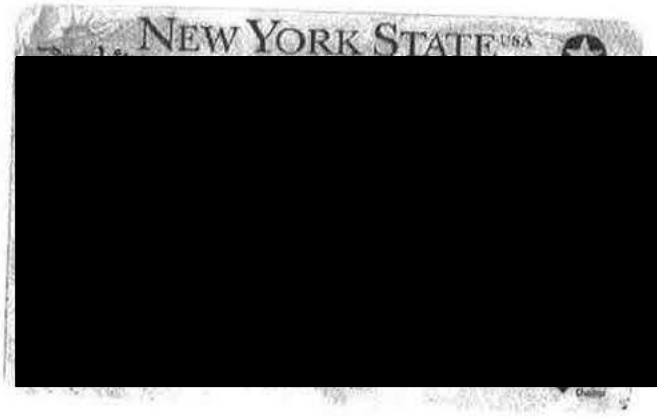
Get Travel History

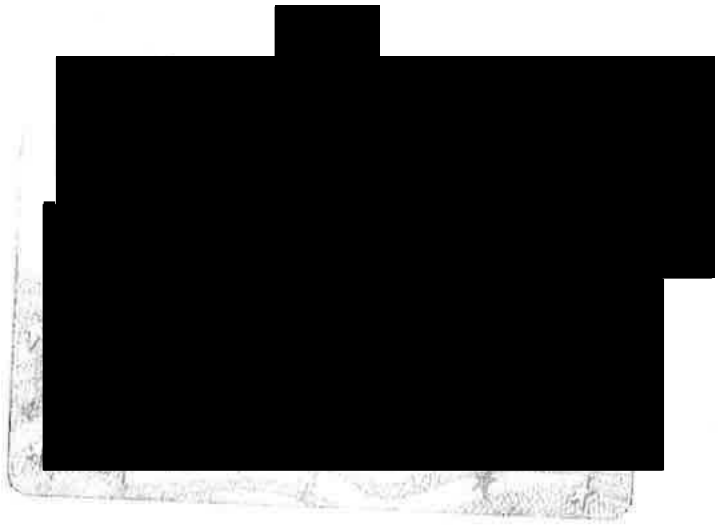
- Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).
- If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.
- Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

OMB No. 1651-0111
Expiration Date: 12/31/2019

For inquiries or questions regarding your I-94, please click here

Accessibility | Privacy Policy


NEW YORK STATE USA



# The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC HEALTH
REGISTRY OF VITAL RECORDS AND STATISTICS

## CERTIFICATE OF MARRIAGE

(State file number) CAMBRIDGE
(City or town making return)
Registered No. 688
Intention No. 701

1 Place of Marriage
City or Town Boston
(Do not enter name of village or section of city or town)

2 Date of Marriage August 10, 2019
(Month) (Day) (Year)

[redacted]

SOLEMNIZER

AUG 16 2019

CERTIFIED COPY

Paula M Crane

Interim City Clerk

**UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES**

| | |
|---|---|
| **IN THE MATTER OF:** [redacted] | **DECLARATION IN SUPPORT OF APPLICATION FOR ASYLUM** |

## DECLARATION OF J[redacted]

I, J[redacted] hereby declare as follows:

1. My name is J[redacted] I was born on [redacted] 1993. I am a citizen of Lebanon, which is where I grew up. I most recently entered the United States with a student visa on July 28, 2019, and [redacted] I am submitting this affidavit in support of the asylum application of my husband [redacted]

2. I first met [redacted] in August 2018 during a summer visit to Lebanon, and we started dating shortly afterwards. In March 2019, [redacted] nd I got engaged, and in August 2019 we were married in Boston.

3. Being gay is against the law in Lebanon, and Lebanese culture as a whole is extremely homophobic. Gay men are often called "loute," which translates to faggot. The police conduct raids where they target gay men. I was nearly caught up in a raid like that. In addition to arrests, the Lebanese police harm gay men in many ways, including with beatings and making them undergo violent anal 'examinations' where objects like an egg are forced up the anus. And, because the police are opposed to homosexuality, they do not protect gay men from the homophobic violence and mistreatment committed by many others in Lebanon. Religion is central to life and politics in Lebanon, and powerful religious groups, such as Hezbollah, call for gay men's deaths.

4. Growing up as a closeted gay man in Lebanon was extremely difficult for [redacted] He was forced to hide who he truly was, including from those closest to him, in order to survive. I personally relate to his struggles because I also was harmed terribly because of my sexuality. The abuse I suffered included being assaulted, threatened, and psychologically manipulated by my family and others in my community. It got so bad that I attempted suicide. Like [redacted] I fought my sexuality, suppressed my identity, and tried to turn myself straight. I tried to start relationships with girls, and for some time planned to become a priest.

5. After I graduated from college. I spent time abroad for graduate school and internships. From around 2015 until 2018, I gradually began to explore my sexuality, partially through the use of cellphone dating apps. That was how I first met [redacted]

**Meeting [redacted]**

6. Around early August, 2018, I had returned to Lebanon for a short stay. I was spending time with [redacted] one of my few friends from childhood. Many years prior, I had asked [redacted] to be my girlfriend in one of my attempts to mask my true sexuality. She was one of the very few people I could confide in about my identity and life experience.

7. After I told her about gay dating apps, [redacted] asked me to show her one. I pulled out my phone and found the icon for Tinder, a dating app that I had hidden in layers of folders. I had not opened the app while I'd been in Lebanon. I knew that if I did not open the app, my profile would not show up for any men in the country. But [redacted] grabbed my phone and pressed on the app. I freaked out, because I knew it could be dangerous if anyone saw my profile. I quickly closed the app and deleted it.

8. That brief moment that Tinder was open on my phone was enough for my profile to pop up on [redacted] Tinder app. [redacted] must have seen the portion of my Tinder profile that linked to Instagram, a separate photo-sharing app, where he sent me a message: 'hi beautiful.' I gave it little thought because I was not considering having a fling in Lebanon. I knew that meeting a man one-on-one in Lebanon, even for something as small as getting coffee, would raise suspicions that we were gay. I thought it would be a bad idea to initiate a relationship.

9. But even as I ignored F[redacted] he kept on texting me. Every day he would text me good morning and then good night. And he kept asking to meet up, which I ignored or declined. But one day I was at the beach after lunch and the few friends I had asked to come hang out (who were all female) were too busy to join me. Bored, I finally thought of F[redacted] I texted him that I would be at the beach for a bit longer, so he should come if he wanted to meet, or else just forget about it. F[redacted] came as fast as he could.

10. To be honest, I was not immediately taken with [redacted] and I almost left, but decided to linger to watch the sunset. We talked a bit more and I began to enjoy a great conversation. We shared lots of common interests, had similar education and career goals, and I thought our personalities were very compatible. As the beach started to empty, I worried being seen alone with another guy, so we kept talking but stayed on separate benches. Then we jumped in a public pool but stayed on opposite sides. On our drive home, I told F[redacted] to drop me off at the far end of the street, away from where I lived.

11. We continued texting and talking a lot. [redacted] invited me to an outdoor jazz concert. We planned to bring our other friends to cover up that it was a date. But F[redacted] got cold feet. Upset, I told F[redacted] that we wouldn't work if I[redacted] was so uncomfortable. I didn't expect any drastic action, as we were still in Lebanon, but I felt I couldn't date someone who was himself still ingrained with the Lebanese mentality about his own sexuality. F[redacted] texted me that he changed his mind—he wanted to meet me at the concert.

12. I brought a female friend along as cover. Around sunset, [redacted] grabbed my hand and held it, but I pulled away because it was such a risky thing to do in public. Later that night, we went off together in the dark in search of privacy. Finally, after finding a spot along the shoreline where we thought we could hide, we hugged each other and kissed. [redacted] wanted to start a relationship, and I agreed.

13. We met frequently during the short period before [redacted] left for the U.S. for his fellowship. One day we got ice cream with a female friend; the next we went to a cafe but sat apart from each other. We glanced at each other while sending online messages, remaining alert as to people around us. The last night before [redacted] left, I came to pick him up at a spot quite far away from his house. We drove around many parking lots until we found one deserted enough to stop and talk about our plans to keep dating in the U.S. We promised to visit each other on weekends. Although it was scary, we kissed, and said goodbye.

14. I still had a week in Lebanon after [redacted] left. We would speak on Facetime. I would have to find safe places to call him, usually from the bathroom or my room with the door locked. One day I slipped up, talking to [redacted] in Arabic in our yard. My mother heard the conversation and realized that I was romantically involved with another man. She started yelling and crying, saying that she had raised a decent human being but look what had happened. If I had to do these terrible, unnatural things, she said, then I should be smart and stay away from Lebanon. The day of my return flight to the U.S., as I headed for the departure gate, my mother, whispering, told me not to come back to Lebanon. I have not been back since.

**Growing Close to [redacted] in the United States & Marriage**

15. After I returned to the U.S., around late [redacted] 2018, I continued to see [redacted] very frequently. He would travel to Boston on weekends or I would travel to New York. During its early period, our relationship faced significant difficulties. [redacted] was slow to embrace being in a fully open relationship with me. I think he was experiencing some culture shock and I could tell he was still dealing with internalized homophobia. Supporting him as he sorted through his own pain and trauma, step-by-step, was causing me to relive my own. But in the end I felt my connection to [redacted] was worth it. He is someone with whom I can have deep conversations—someone who shares my values and goals. I've never felt anything like it before.

16. As the months progressed, I could tell that [redacted] was coming to fully accept his sexuality, his identity, and our relationship. We started to seriously discuss marriage and purchased rings. Relationships between Lebanese people tend to get more serious more quickly than those of Americans or Europeans, and [redacted] and I were both interested in finding something that would last. Then, in March 2019 we became engaged—although not ideal circumstances. I had planned to propose to [redacted] at a spa, but came down instead with a flu that brought on five days of high fever and required a trip to the ER. After I returned home, my fever persisted, but [redacted] stayed and took care of me. One morning, I waited for him to leave the bed, then rolled out to grab the ring, and fell on the floor. When [redacted] worriedly picked me

up, I proposed to him. He said yes. Then he pulled out his ring and tried to hand it to me casually. Not so fast, I said; he would have to do it properly. From the bed, I made him kneel down and propose to me three times before I said yes. I wanted him to be very sure of what he was doing.

17. Around [redacted] 2019, my mother came to Boston to see me. She told me she wanted to hear nothing about my gay life, because she didn't want my image to change in her mind. So before she arrived, I threw away or hid things like our photos, [redacted] toothbrush, and his towel [redacted] had to avoid our apartment, or hide in a roommate's room, while my mother was around. She eventually had to meet him when I lost my driver's license and [redacted] opped off my extra, pre-RealID license. When [redacted] arrived, my mother shook his hand without saying a word. She did not speak to him for the entire ride back. A few days later, I brought my mother to Logan Airport for her flight home to Lebanon. My mother told me she couldn't support my life choices. She said her opinions about the "loutes" hadn't changed. She asked me not to talk to her about being gay, I asked her if she would want to know If I got married. She replied firmly that she did not. She told me not to get married, and not to let anyone know if I did. Before she left, my mother urged me again to stay away from Lebanon. Her voice was calm and detached. As she disappeared past the security check, I started weeping. That night, I cried to [redacted] as he tried to comfort me. I told him I didn't want to live in fear again.

18 [redacted] and I chose [redacted] 2019 as our wedding date in order to commemorate the first time we met in Lebanon. My best friend in the U.S., [redacted] narried us on Boston's waterfront. Except [redacted] we didn't invite anyone else to the wedding. We haven't posted any of our photos on social media either. Even though we've both had to keep our marriage hidden from many of those closest to us, I still consider it the happiest day of my life.

**Conclusion**

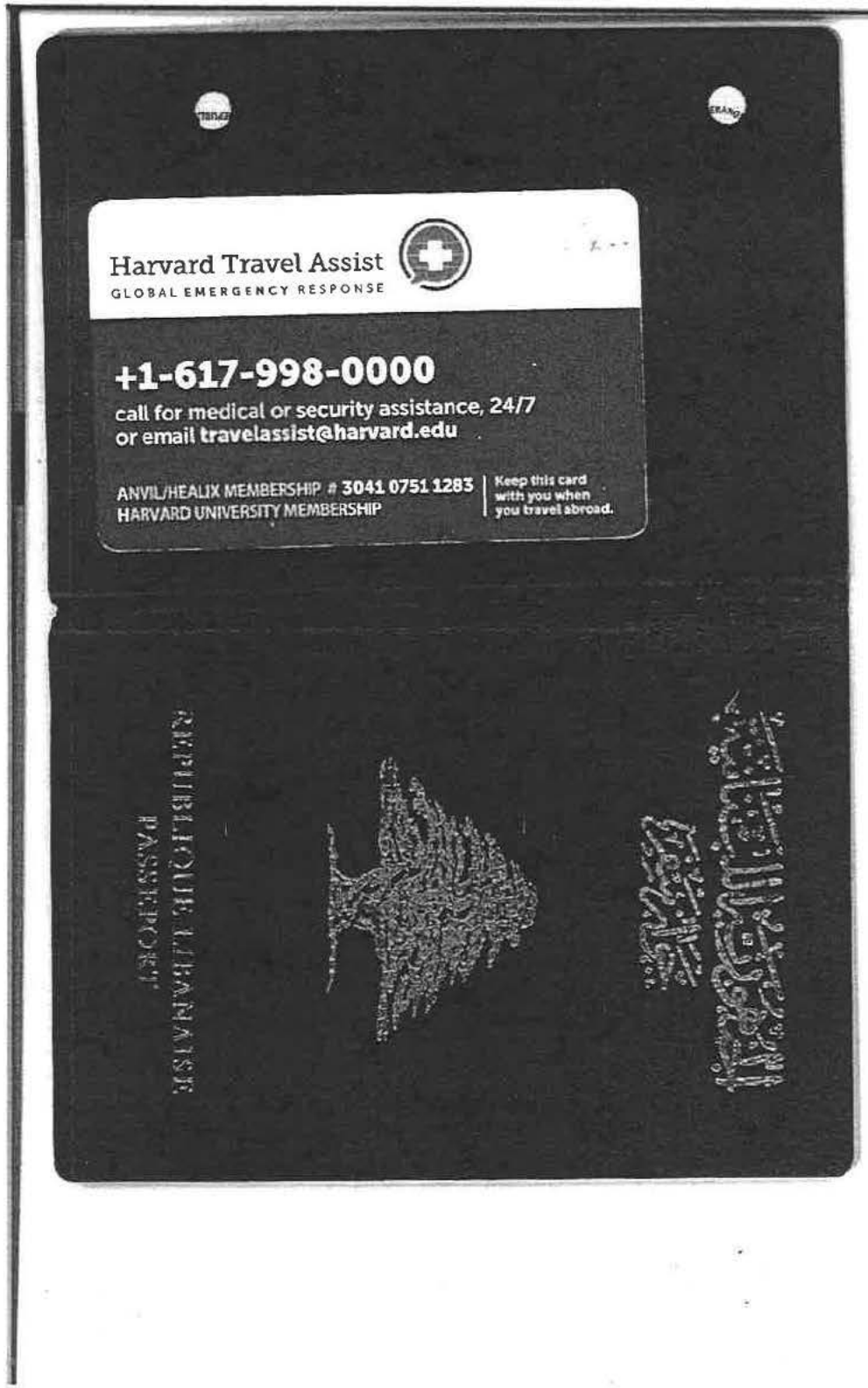
19. For years, [redacted] was forced to completely suppress his true self from the world. In the course of my relationship, I learned about and even saw first-hand, the pain and damage it caused him. But I also know that our relationship has changed [redacted] and made him stronger. It's been beautiful to see him truly accept himself for the amazing person he is. But he would never be able to embrace that identity that back in Lebanon, because so many in society, and especially those in power, hate gay people, attack and harm us, and deny our right to even exist. Neither I nor [redacted] can return to Lebanon. Our lives would be at the hands of the police or religious parties, all of which can, and do, kill, torture and ostracize gay men without facing any repercussions. Lebanon is a tiny country, and anyone who wanted to find us easily could, especially the police which has national communication networks. There is no way we could live there as openly gay men or continue the relationship and marriage that has meant so much to both of us. I respectfully ask that you grant his application for asylum

SUBSCRIBED AND SWORN UNDER THE PAINS AND PENALTIES OF PERJURY:

[redacted] [redacted]

[redacted] 2019

Date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AMERICA

الجمهوريّة اللبنانيّة

باسم

رئيس الجمهوريّة اللبنانيّة

إنّ مدير عام الأمن العام

يأمل من السلطات المختصّة تسهيل مرور

صاحب هذا الجواز ومنحه المساعدة والحماية القانونيّة عند اللزوم.

**RÉPUBLIQUE LIBANAISE**

Au nom du

**Président de la République Libanaise**

Le Directeur Général de la Sûreté Générale prie les autorités compétentes de bien vouloir accorder libre passage au titulaire de ce passeport et en cas de besoin, de lui accorder toute aide et protection légitimes.

**REPUBLIC OF LEBANON**

On behalf of

**The President of the Republic of Lebanon**

The General Director of the General Security hereby requests competent authorities to permit the bearer to pass without any delay or hindrance and in case of need to provide all lawful aid and protection.

[redacted]

[redacted]

3 إذا كان صاحب الجواز مصحوباً بمرافقين (أنظر صفحة ٤٧) 3 If the bearer is accompanied by children (see page 47)

يمنع تدوين المهنة إلا من قبل الأمن العام

المهنة .....

Profession : .....

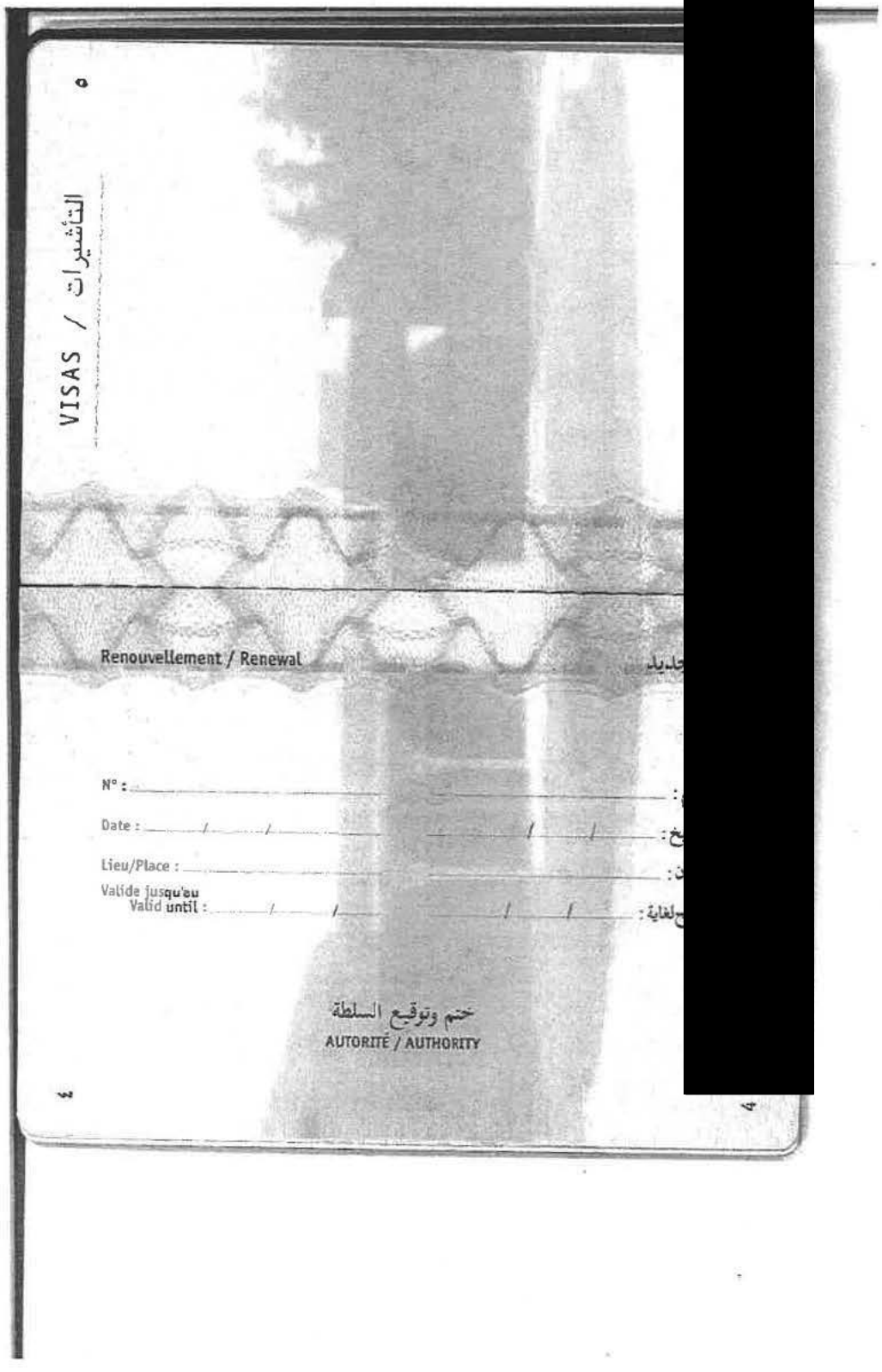
Profession / المهنة

توقيع صاحب الجواز
Signature du titulaire
Signature of bearer

ملاحظة هامة : يجب أن يكون التوقيع عائداً لصاحب الجواز شخصياً تحت طائلة الملاحقة القانونية.

REPUBLIQUE LIBANAISE الجمهورية اللبنانية REPUBLIC OF LEBANON

[redacted]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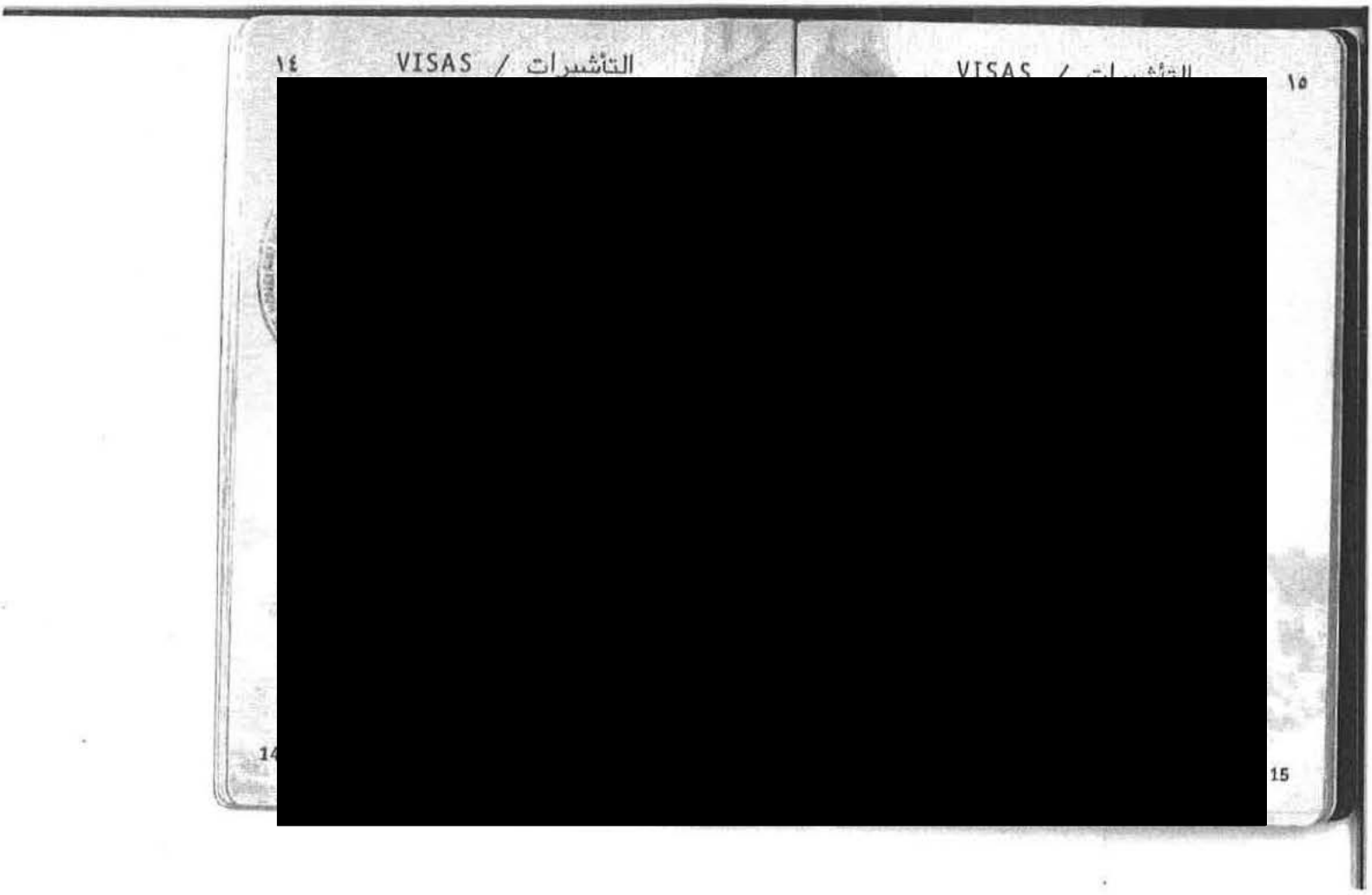
VISAS / التأشيرات
Renouvellement / Renewal
جديد
N° :
Date : / /
Lieu/Place :
Valide jusqu'au
Valid until : / /
ختم وتوقيع السلطة
AUTORITÉ / AUTHORITY
٤

[redacted]


١٤ VISAS / التأشيرات
١٥
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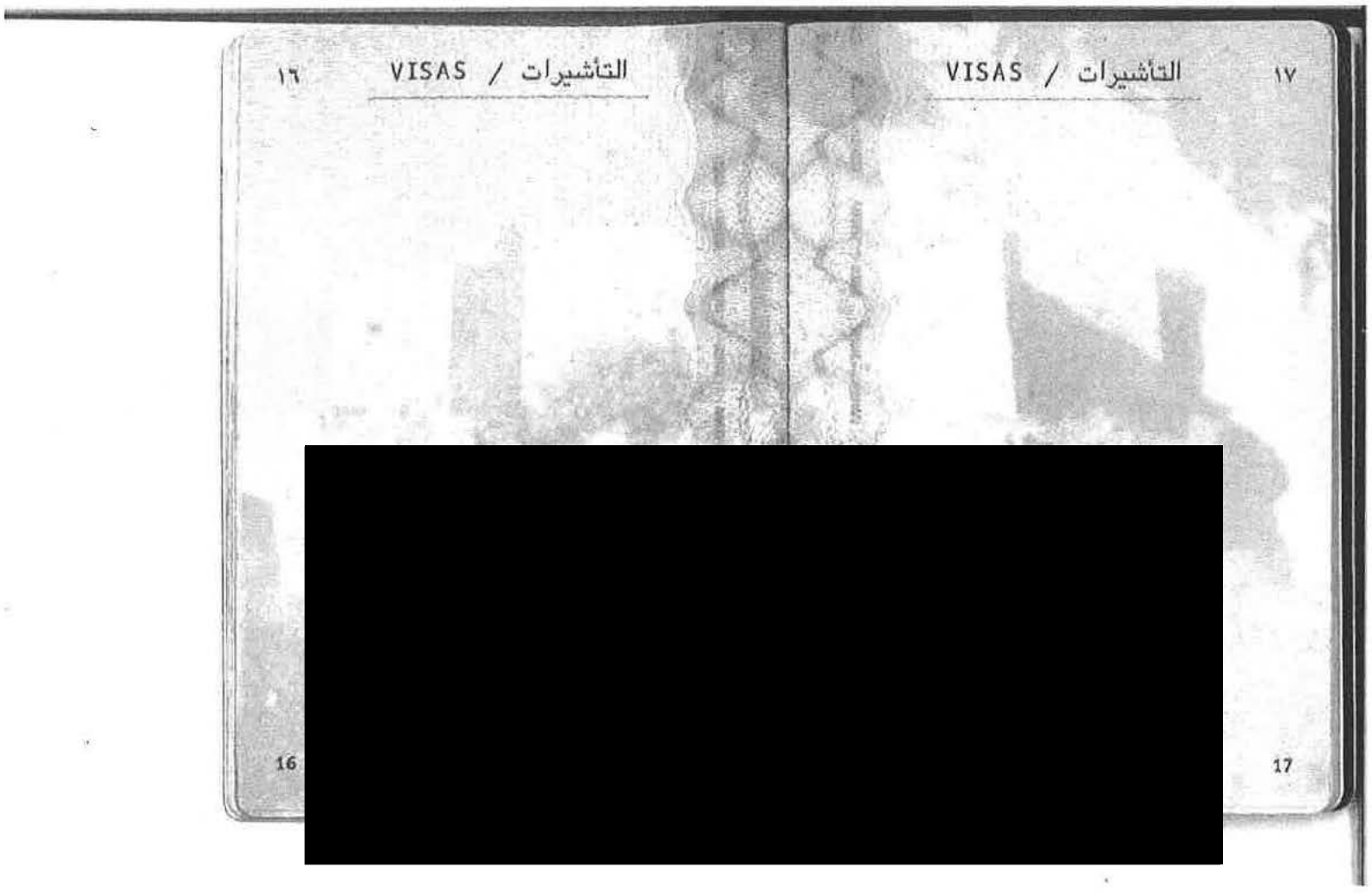
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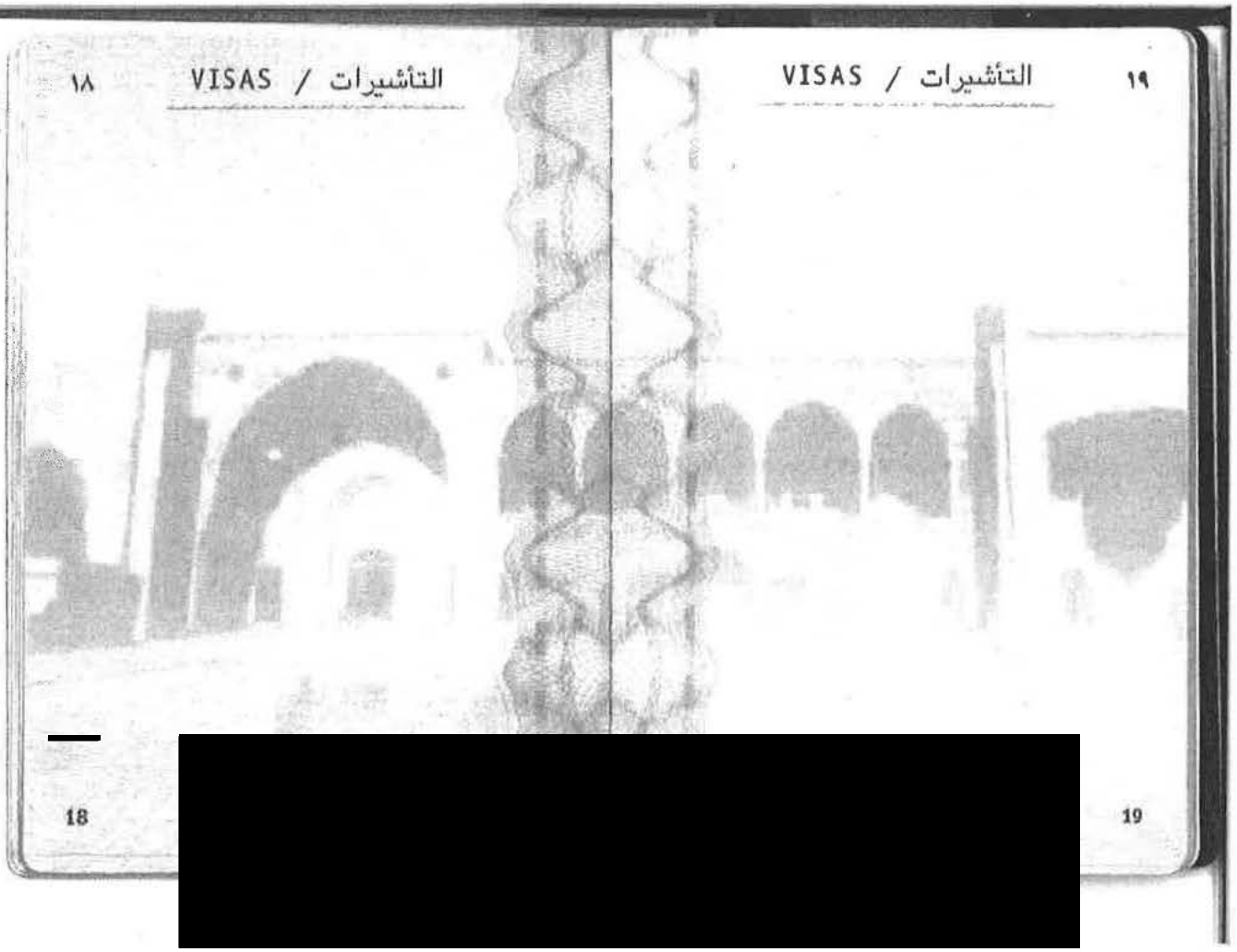

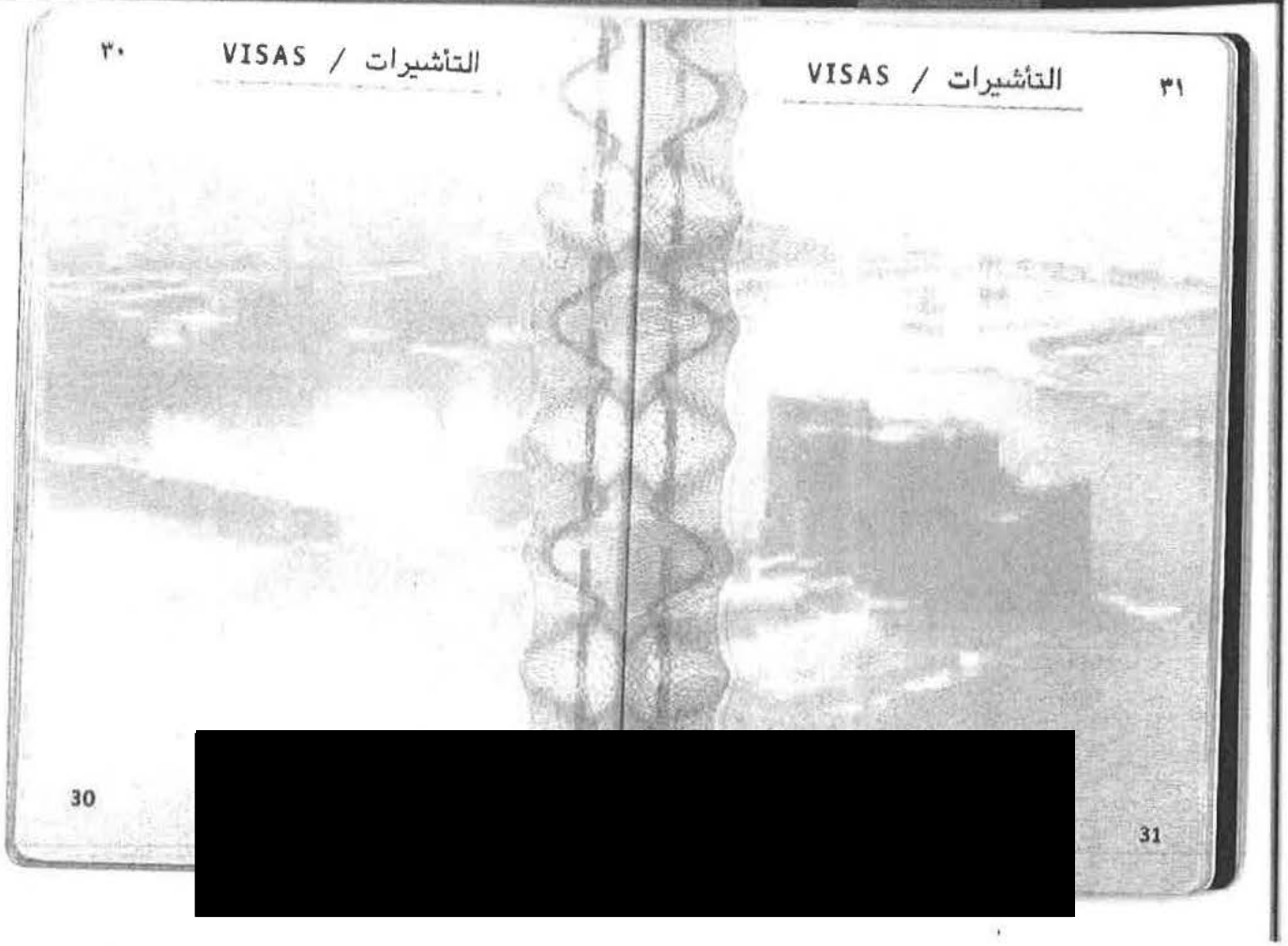
٣٠ التأشيرات / VISAS
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٣١ التأشيرات / VISAS
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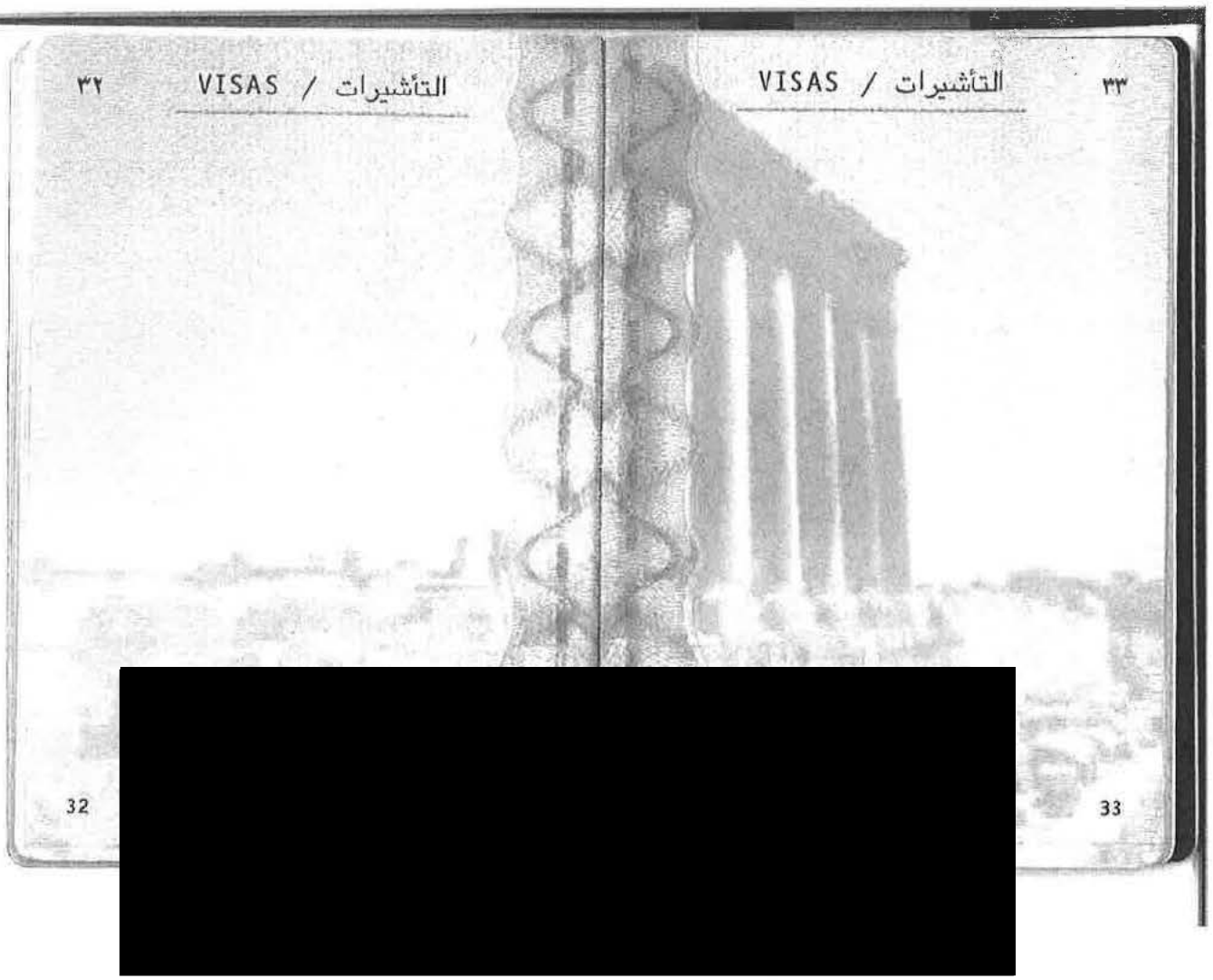
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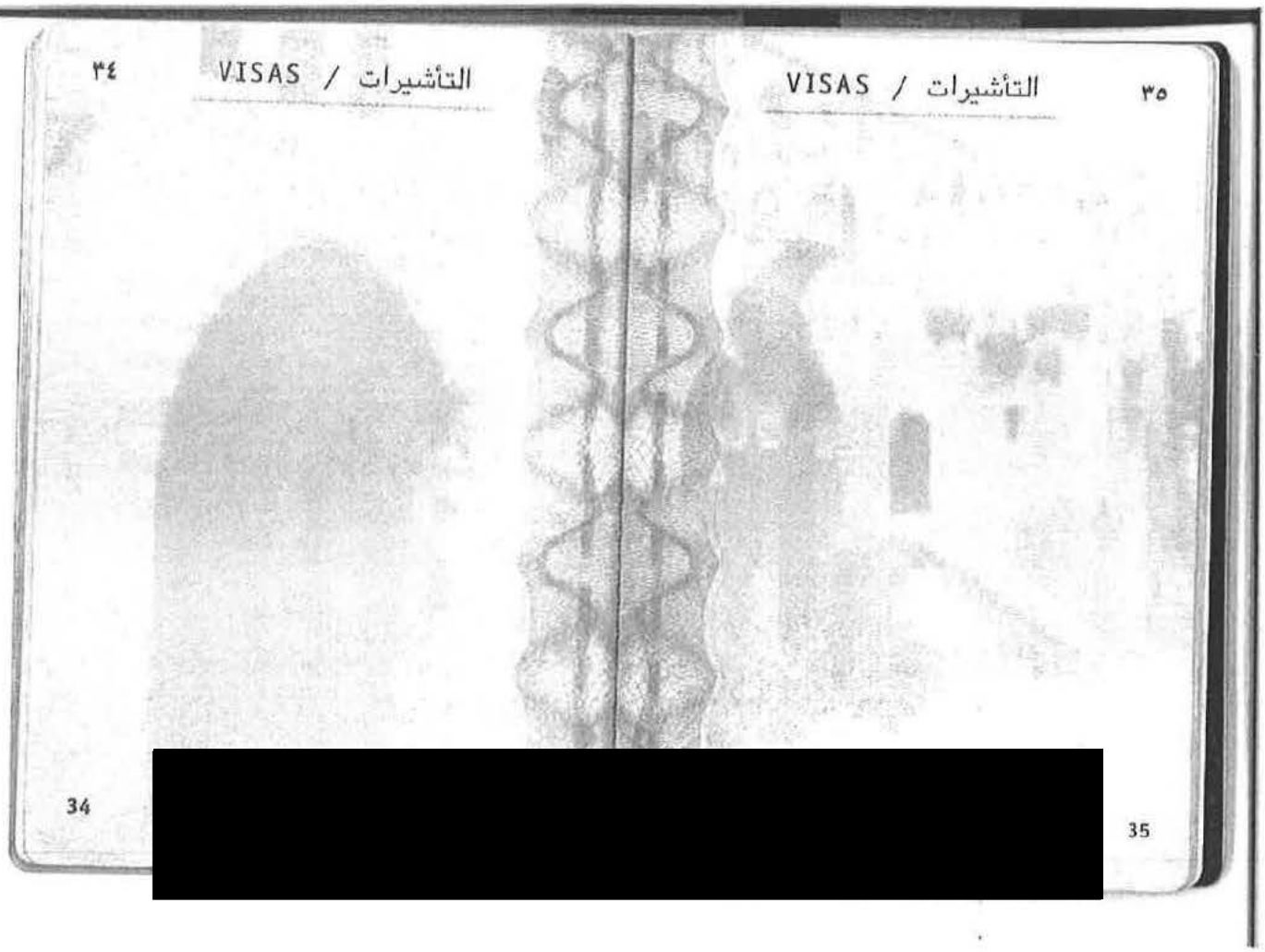
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التأشيرات / VISAS
٣٥
التأشيرات / VISAS
34
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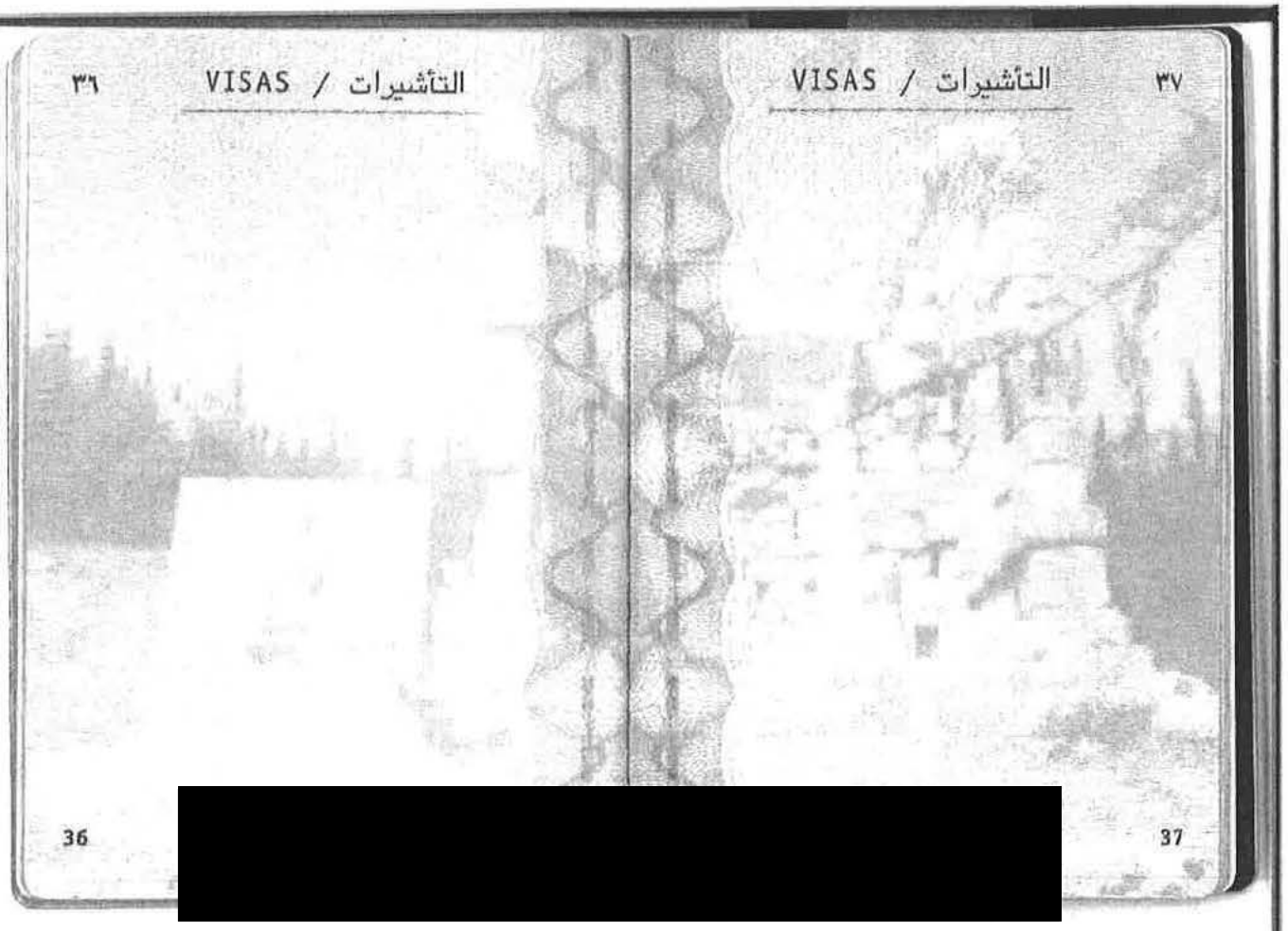
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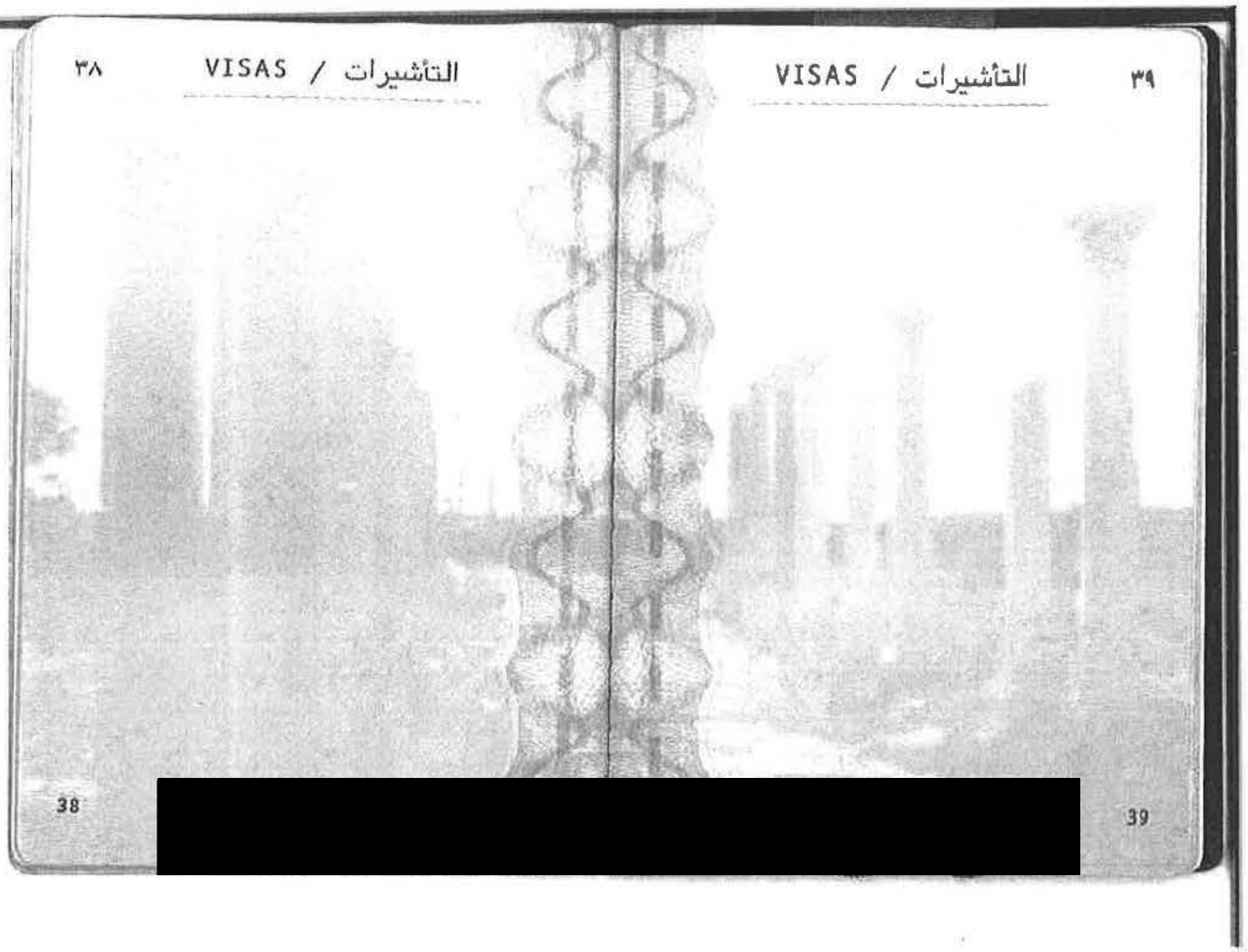
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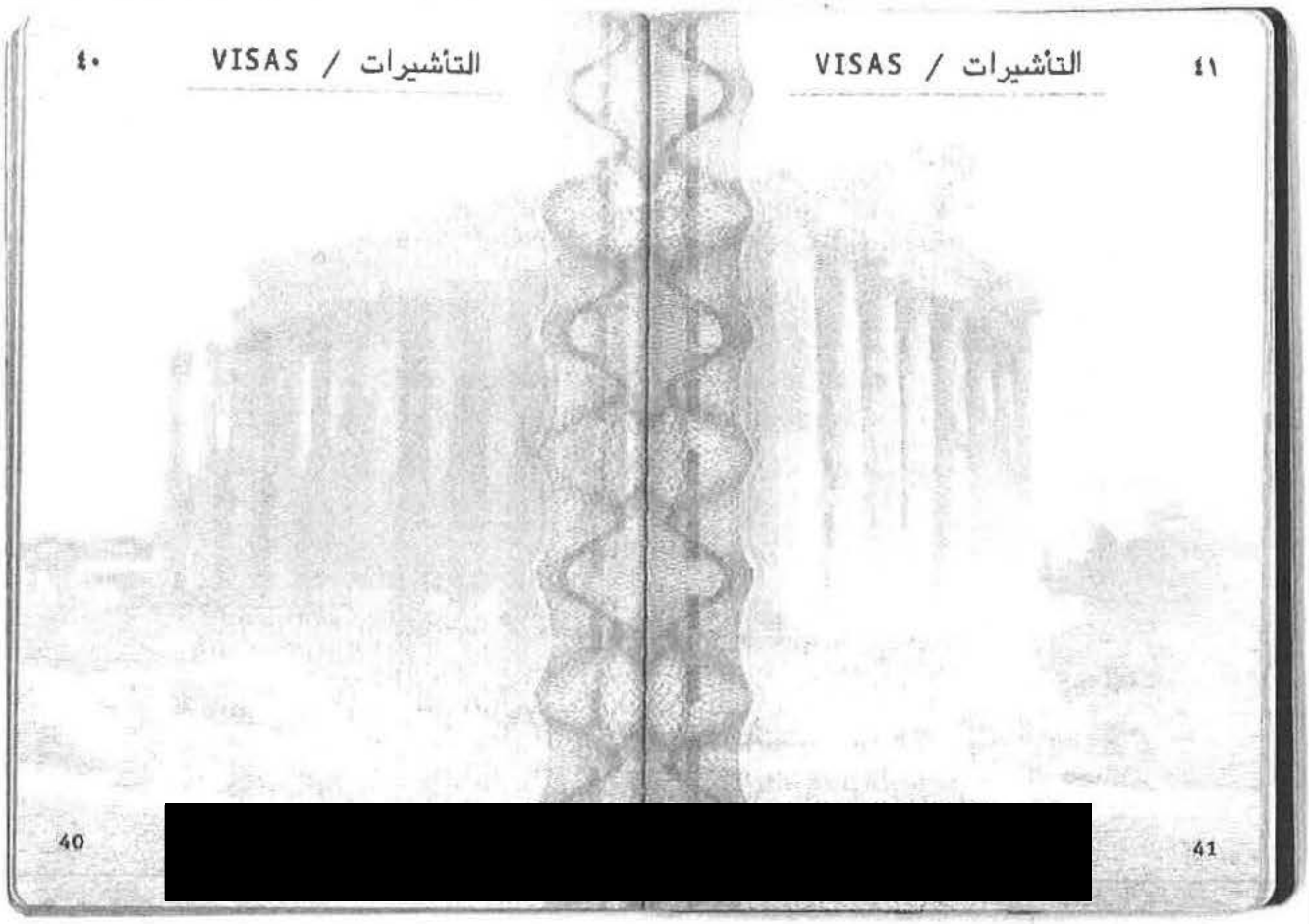
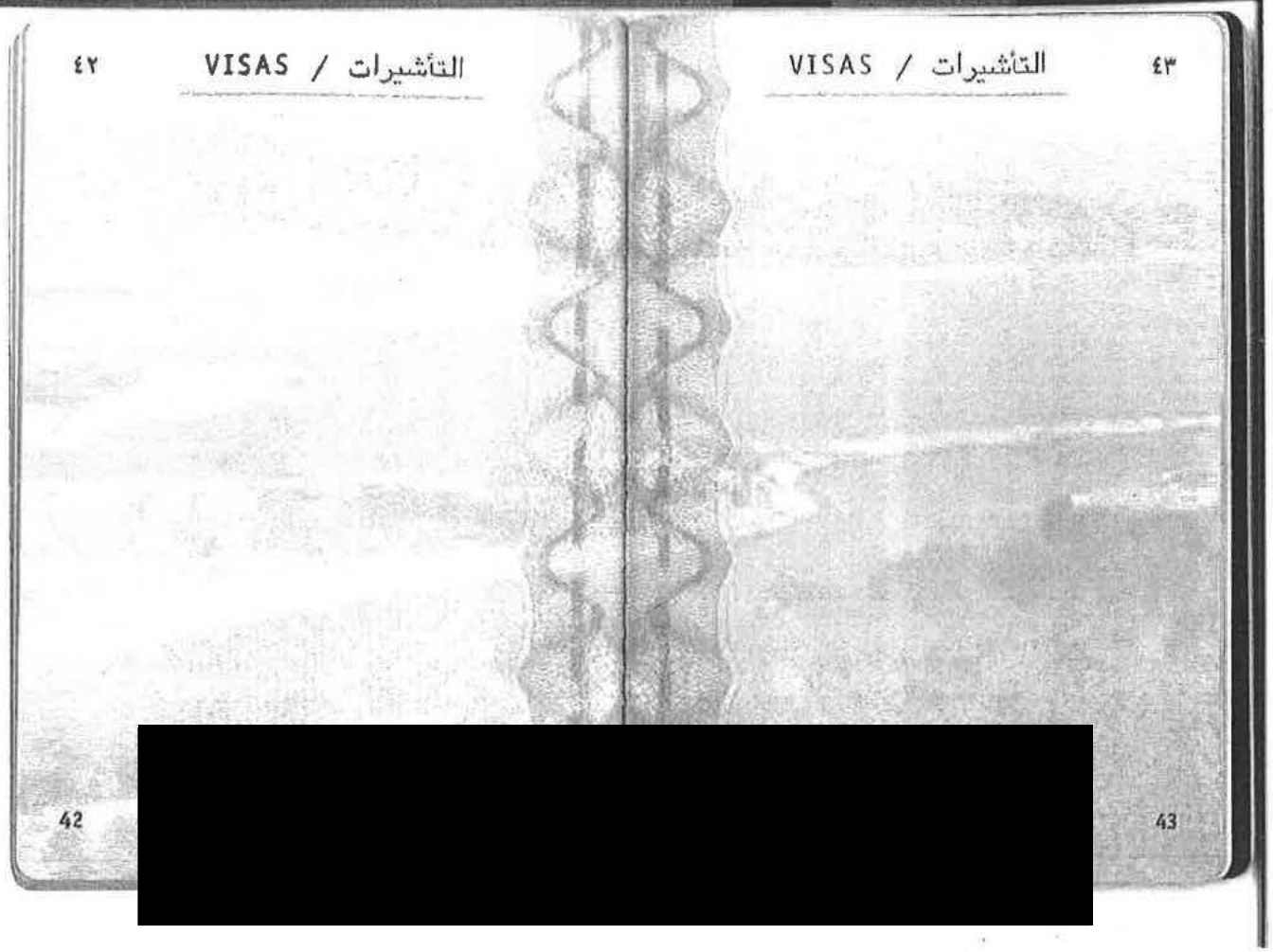
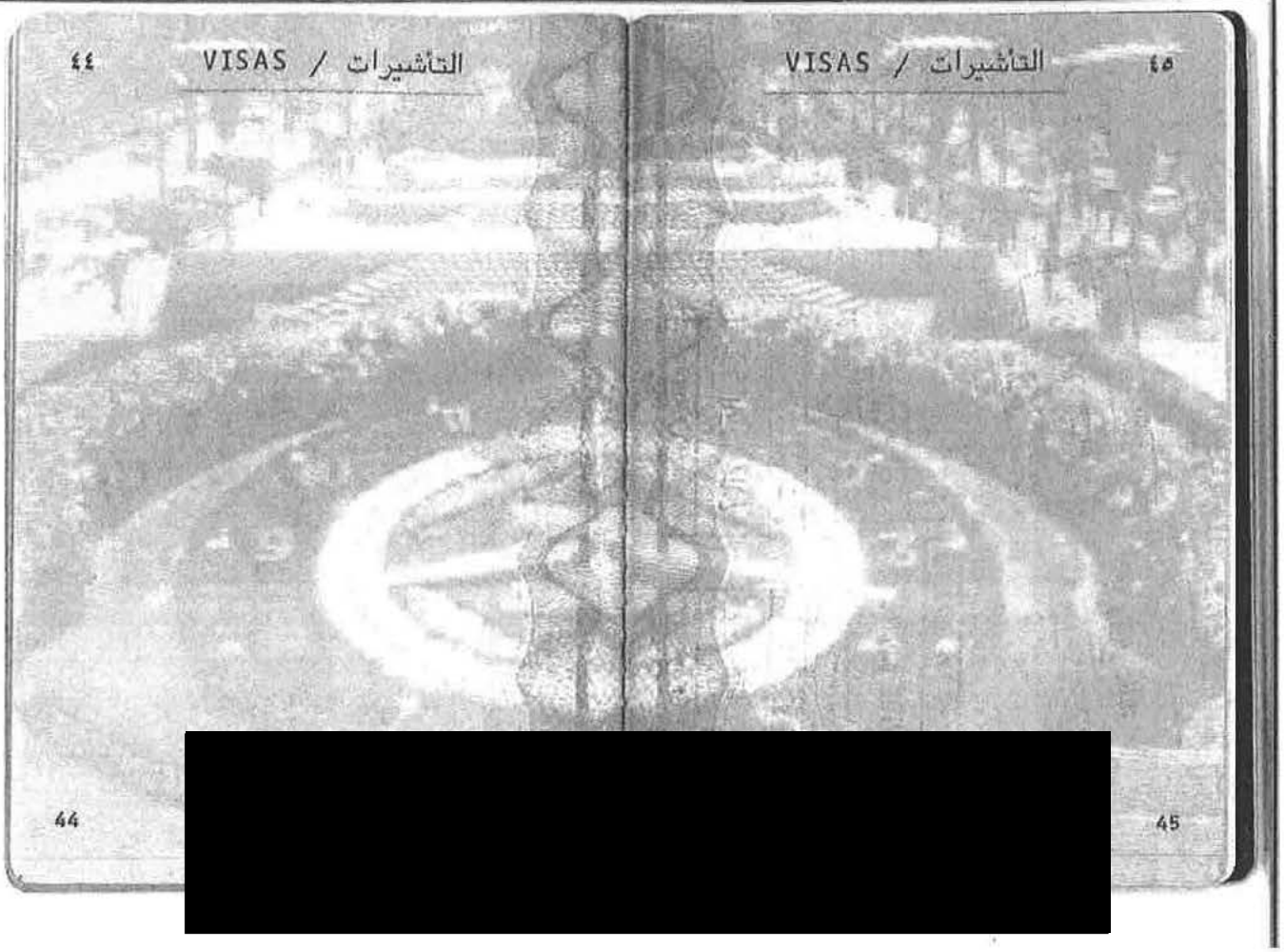
٣٩ التأشيرات / VISAS
38
39






٤٤ التأشيرات / VISAS
٤٥ التأشيرات / VISAS
44
45

الجمهورية اللبنانية REPUBLIQUE LIBANAISE REPUBLIC OF LEBANON

INSTRUCTIONS IMPORTANTES

1 - Le passeport est un document délivré par les autorités Libanaises à leurs ressortissants désirant quitter le territoire libanais ou y retourner. Il constitue une preuve de leur identité par-devant les autorités compétentes.
2 - Le passeport est délivré et renouvelé au Liban par la Direction Générale de la Sûreté Générale et, à l'étranger, par les représentants officiels du Liban.
3 - Il est interdit d'avoir plus d'un passeport Libanais. Il doit être signé par son titulaire et ne peut être prêté.
4 - Il est interdit d'y effectuer des grattages, corrections, ratures, surcharges et adjonctions de mentions ou de feuillets supplémentaires. Toute rectification non effectuée par l'autorité compétente, entraîne la nullité du titre, sans préjudice de poursuites judiciaires.
5 - En cas de perte de ce passeport, il est nécessaire d'en informer le poste le plus proche, de la sûreté générale ou des forces de sécurité intérieure, la mission diplomatique ou consulaire à l'étranger. Il ne sera délivré un autre passeport qu'après exécution des mesures légales nécessaires.
6 - Les enfants ayant 15 ans révolus doivent être munis d'un passeport individuel.
7 - Il est interdit aux mineurs d'utiliser le passeport familial lorsqu'ils voyagent seuls.

IMPORTANT INSTRUCTIONS

1 - The passport is a document delivered by the Lebanese authorities to their citizens wishing to leave or to return to the Lebanese territory. It constitutes a proof of their identity towards the competent authorities.
2 - The passport is delivered and renewed in Lebanon by the General Directorate of the General Security, and abroad by the official representatives of Lebanon.
3 - It is prohibited to the Lebanese to use more than one Lebanese passport. Its bearer has to sign it, to keep it and not to give it to others.
4 - It is prohibited to make erasures, scratching outs, corrections, interlineations and adjunctions of mentions or of additional sheets. Any rectification non-executed by the competent authority leads to the nullity of the title, without prejudice to judicial prosecutions.
5 - In case of loss of this passport, it is necessary to inform the nearest general security office or interior security forces, or the diplomatic or consular mission abroad. Another passport is only delivered after execution of the necessary legal measures.
6 - The children having completed their fifteen years must be bearers of an individual passport.
7 - It is [redacted] alone.

Ce p[redacted]



## تعليمات هامّة

١ - جواز السفر وثيقة شخصيّة تعطيها السلطات اللبنانيّة لرعاياها الراغبين في مغادرة الأراضي اللبنانيّة أو العودة إليها إثباتاً لهويتهم تجاه السلطات المختصّة.

٢ - تصدر المديريّة العامة للأمن العام جواز السفر داخل لبنان وتجدده عند الحاجة، امّا في الخارج فيصدر عن البعثات اللبنانيّة المختصّة.

٣ - يُحظّر على اللبناني إستعمال أكثر من جواز سفر لبناني واحد، وعلى صاحبه توقيعه والاحتفاظ به وعدم إعطائه للغير.

٤ - يُحظّر إجراء أي حكّ أو تغيير أو تصحيح أو إضافة أوراق أخرى على الجواز. وكل تعديل لا تجريه السلطة المختصّة يعرّض جواز السفر للإبطال، بالإضافة إلى الملاحقة القانونيّة.

٥ - في حال فقدان جواز السفر يجب إعلام أقرب مركز للأمن العام أو لقوى الأمن الداخلي. أمّا في الخارج فيتمّ إعلام أقرب بعثة دبلوماسيّة. لا يمنح جواز سفر بديل إلاّ بعد إتخاذ التدابير القانونيّة اللازمة.

٦ - إنّ الأولاد الذين أتمّوا الخامسة عشرة يجب أن يستحصلوا على جوازات سفر شخصيّة.

٧ - لا يمكن للقاصرين أن يستعملوا جواز السفر العائلي عندما يسافرون

[redacted]

U.S. Customs and Border Protection
Securing America's Borders

## Most Recent I-94

**Admission (I-94) Record Number :** [redacted]
**Most Recent Date of Entry: 2018 August 21**
**Class of Admission : F1**
**Admit Until Date : D/S**
**Details provided on the I-94 Information form:**

**Last/Surname :** [redacted]
**First (Given) Name :** J[redacted]
**Birth Date :** [redacted]
**Passport Number :** [redacted]
**Country of Issuance :** Lebanon

Get Travel History

▶ Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).

▶ If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.

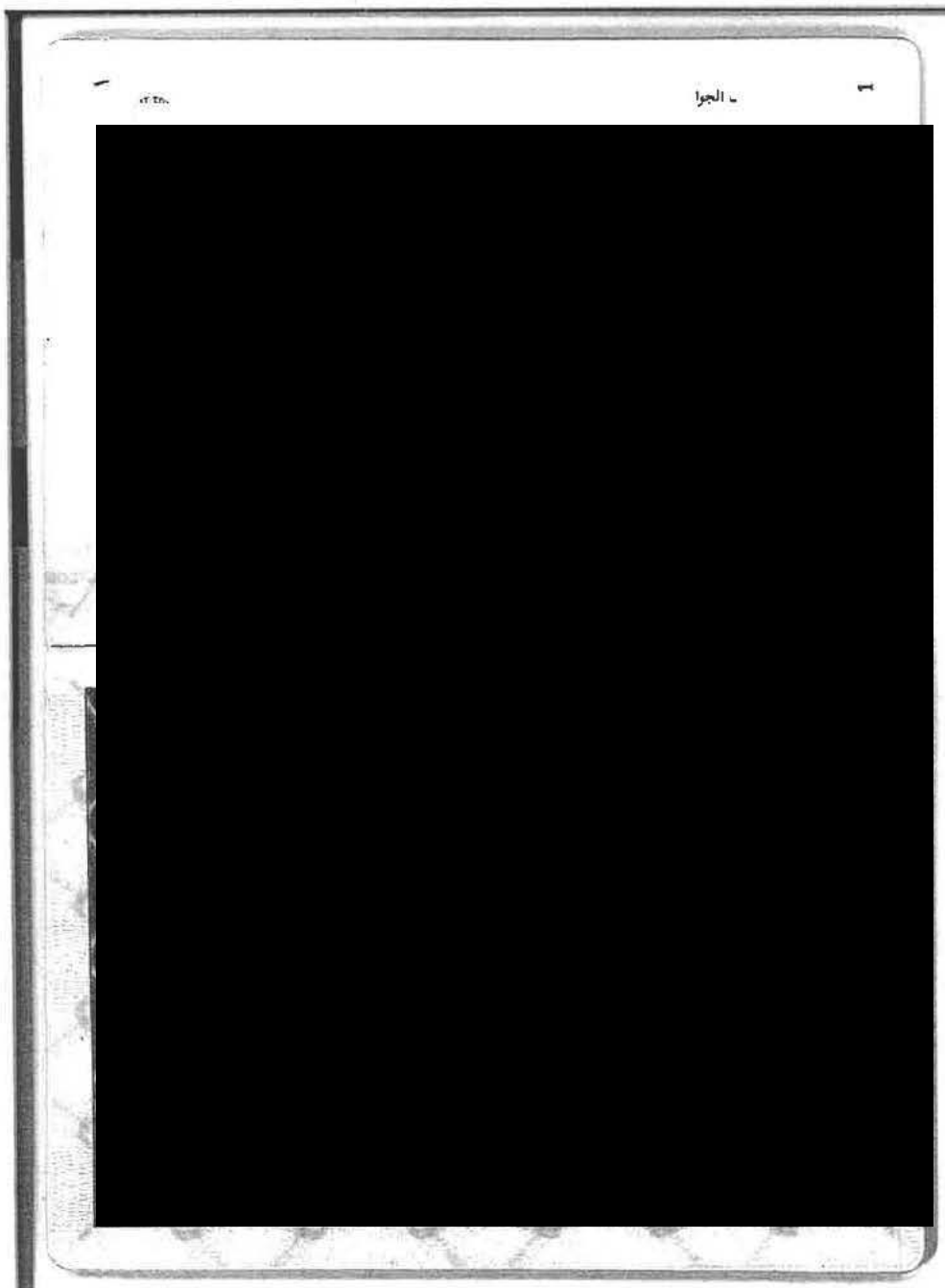
▶ Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

OMB No. 1651-0111
Expiration Date: 12/31/2019

For inquiries or questions regarding your I-94, please click here

Accessibility | Privacy Policy

[redacted]



3— Si le titulaire est accompagné d'enfant(s) (voir page 47)
If the bearer is accompanied by children (see page 47)

٣ إذا كان صاحب الجواز مصحوباً بمرافقين (أنظر صفحة ٤٧)

يمتنع تدوين المهنة إلا من قبل الأمن العام

المهنة: .....

Profession : .....

Profession / المهنة

[redacted]

ANNULÉ

توقيع صاحب الجواز
Signature du titulaire
Signature of bearer

ملاحظة هامة : يجب أن يكون التوقيع عائدا لصاحب الجواز شخصيا تحت طائلة الملاحقة القانونية

REPUBLIQUE LIBANAISE الجمهورية اللبنانية REPUBLIC OF LEBANON

[redacted]

2627885<<OLBN9308031M1409116264925[redacted]<<<<<<40

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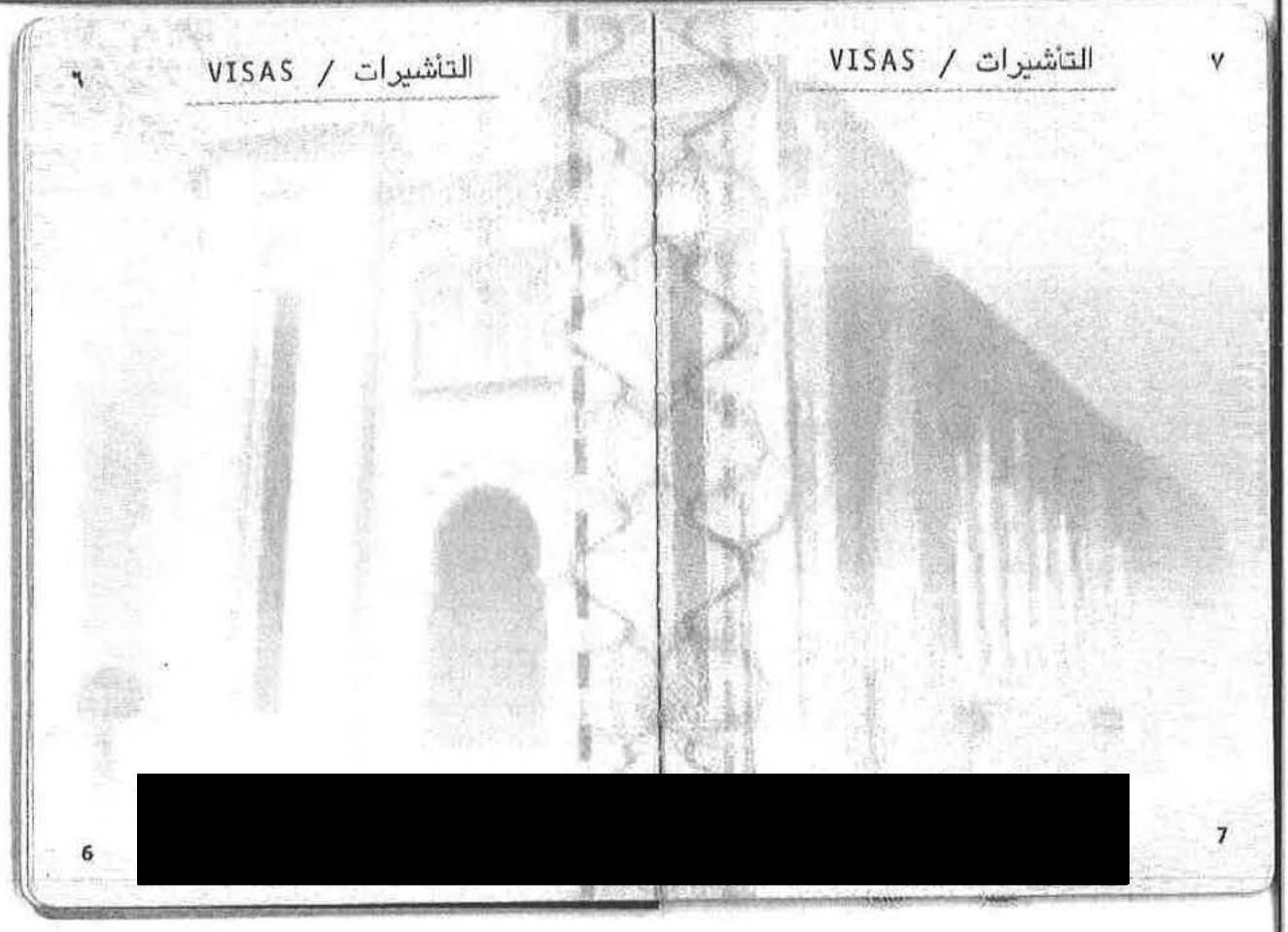
4

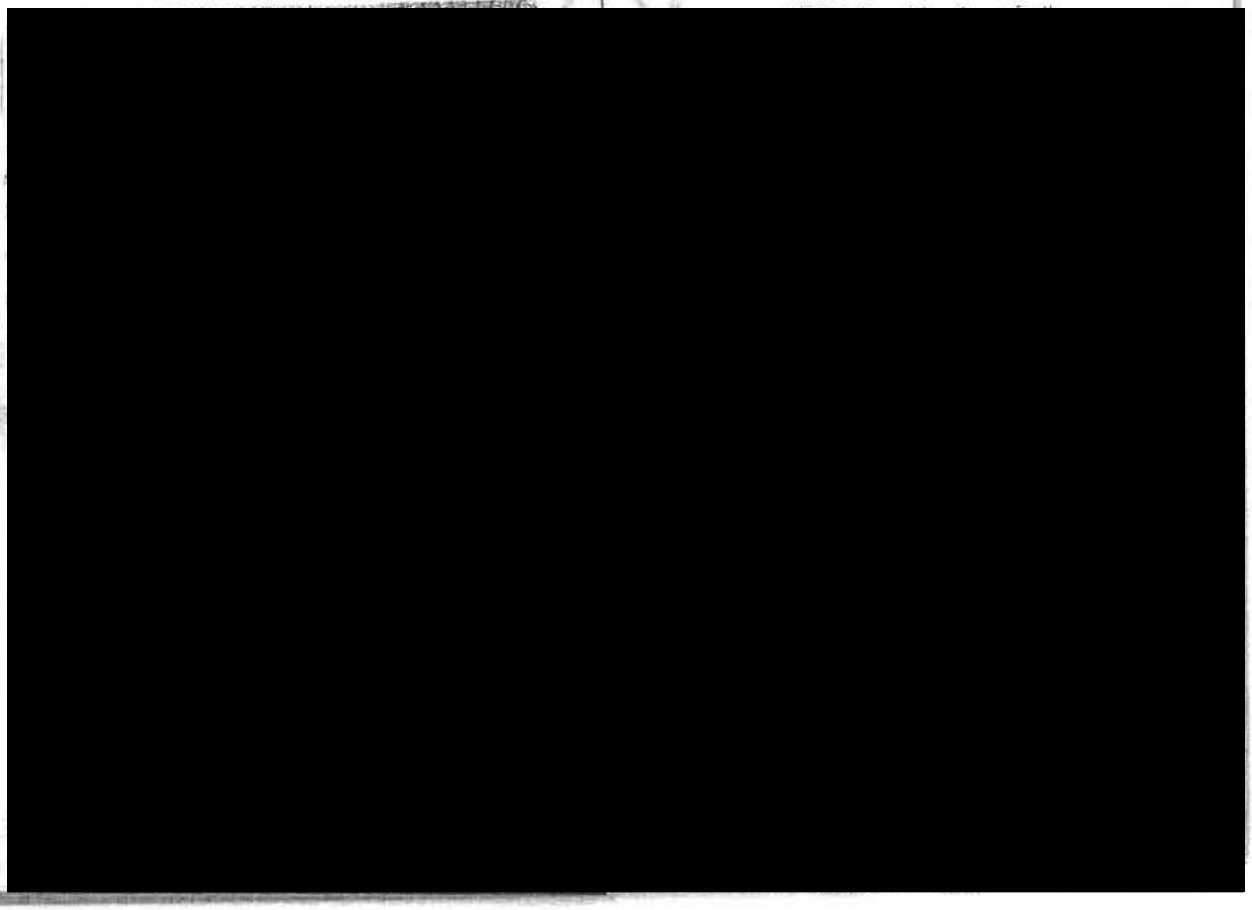
Renouvellement/ Renewal

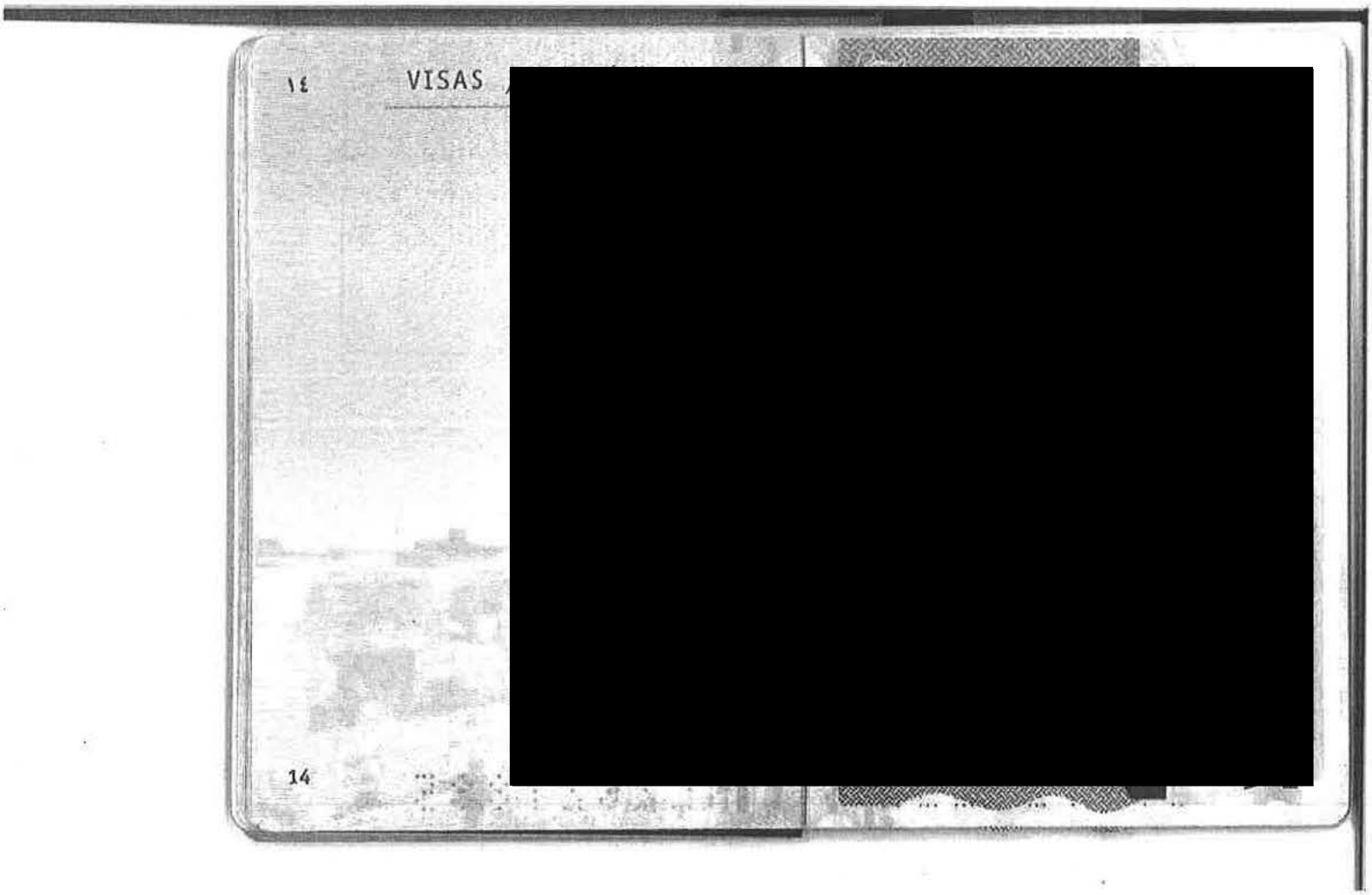
تجديد

٥ التأشيرات / VISAS

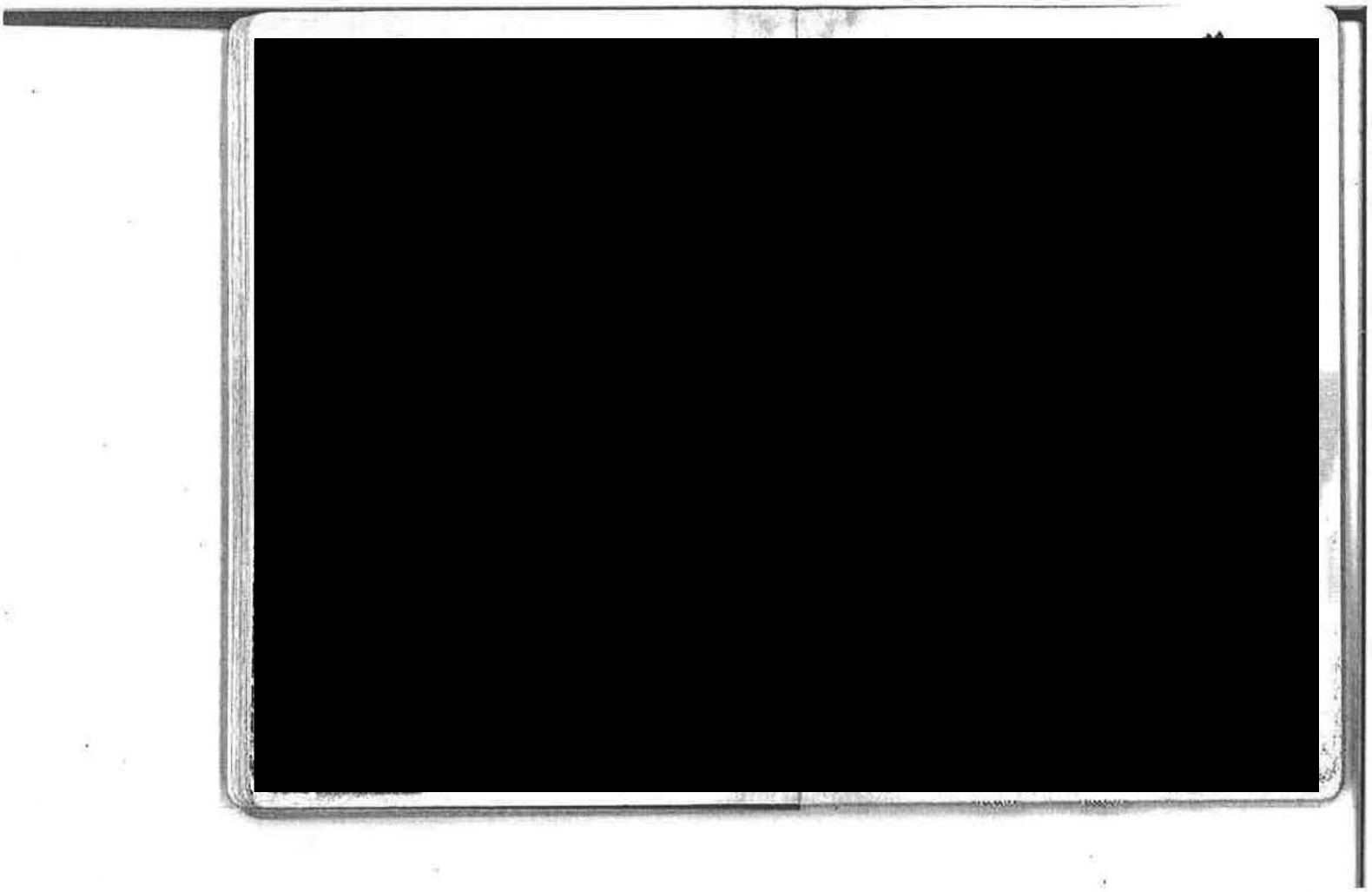

٦
التأشيرات / VISAS
٧
التأشيرات / VISAS
6
7

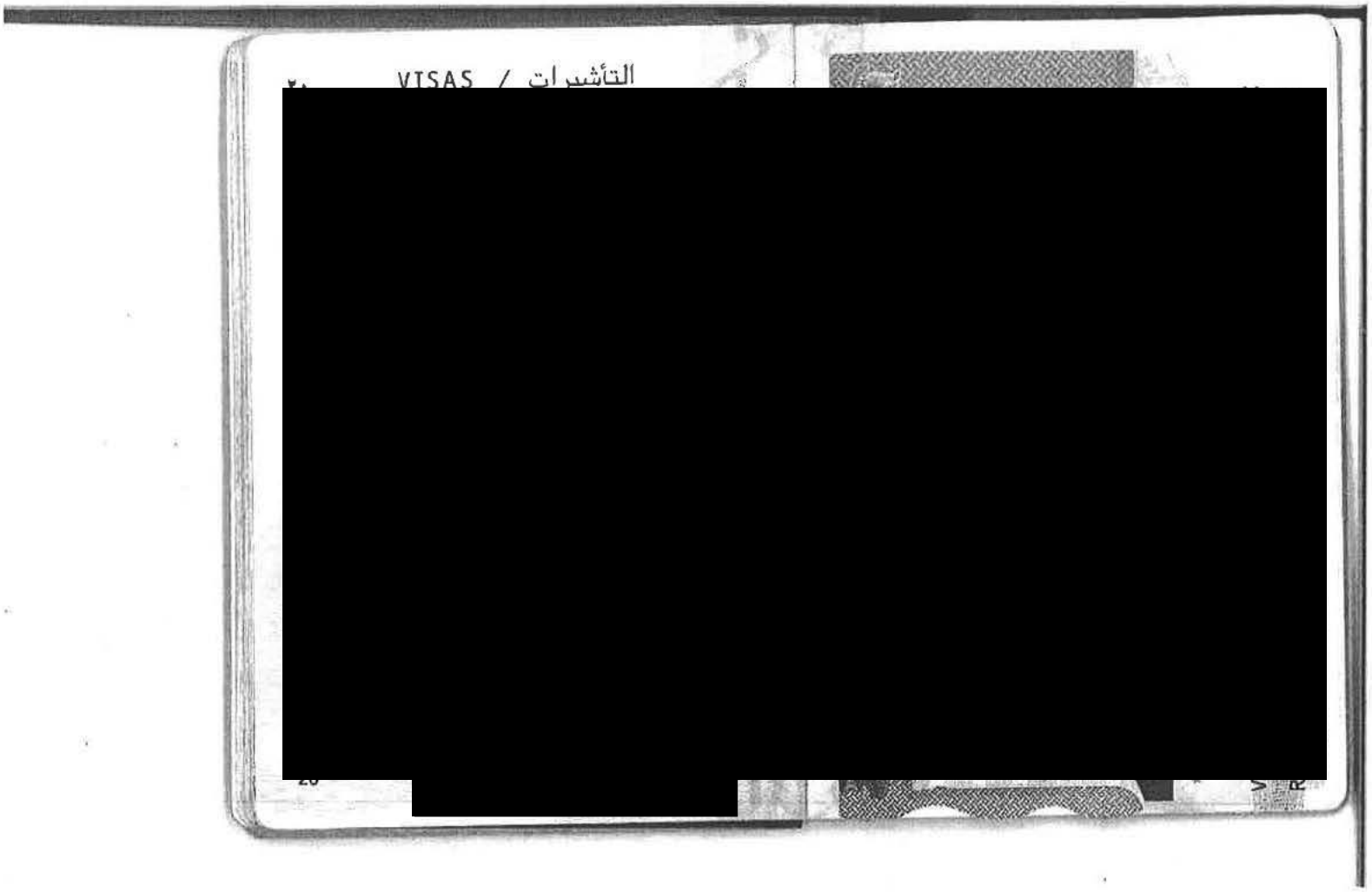
٧
VISAS / التأشيرات
٨
VISA
UNITED STATES
OF AMERICA
Issuing Post Name
Control Number

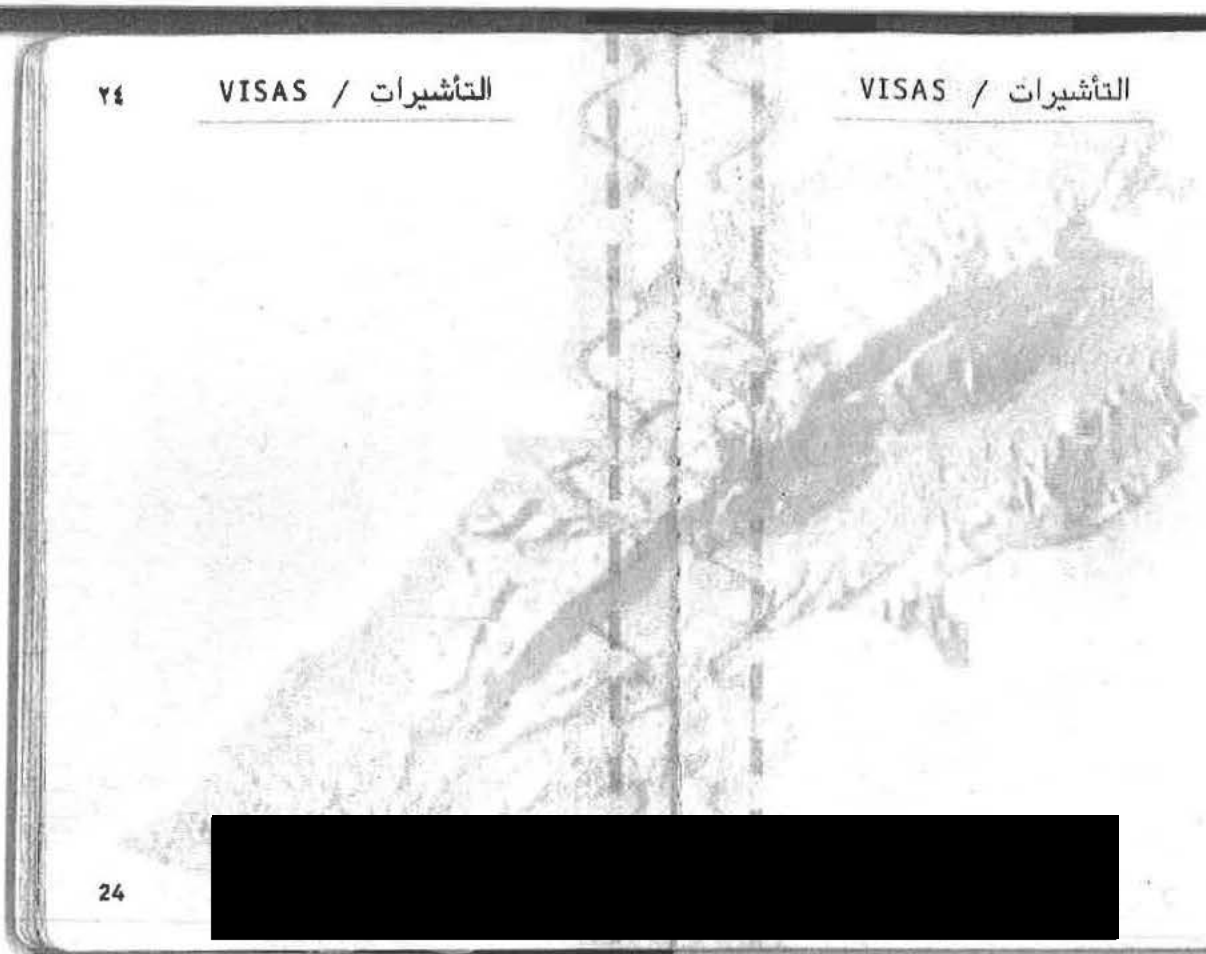


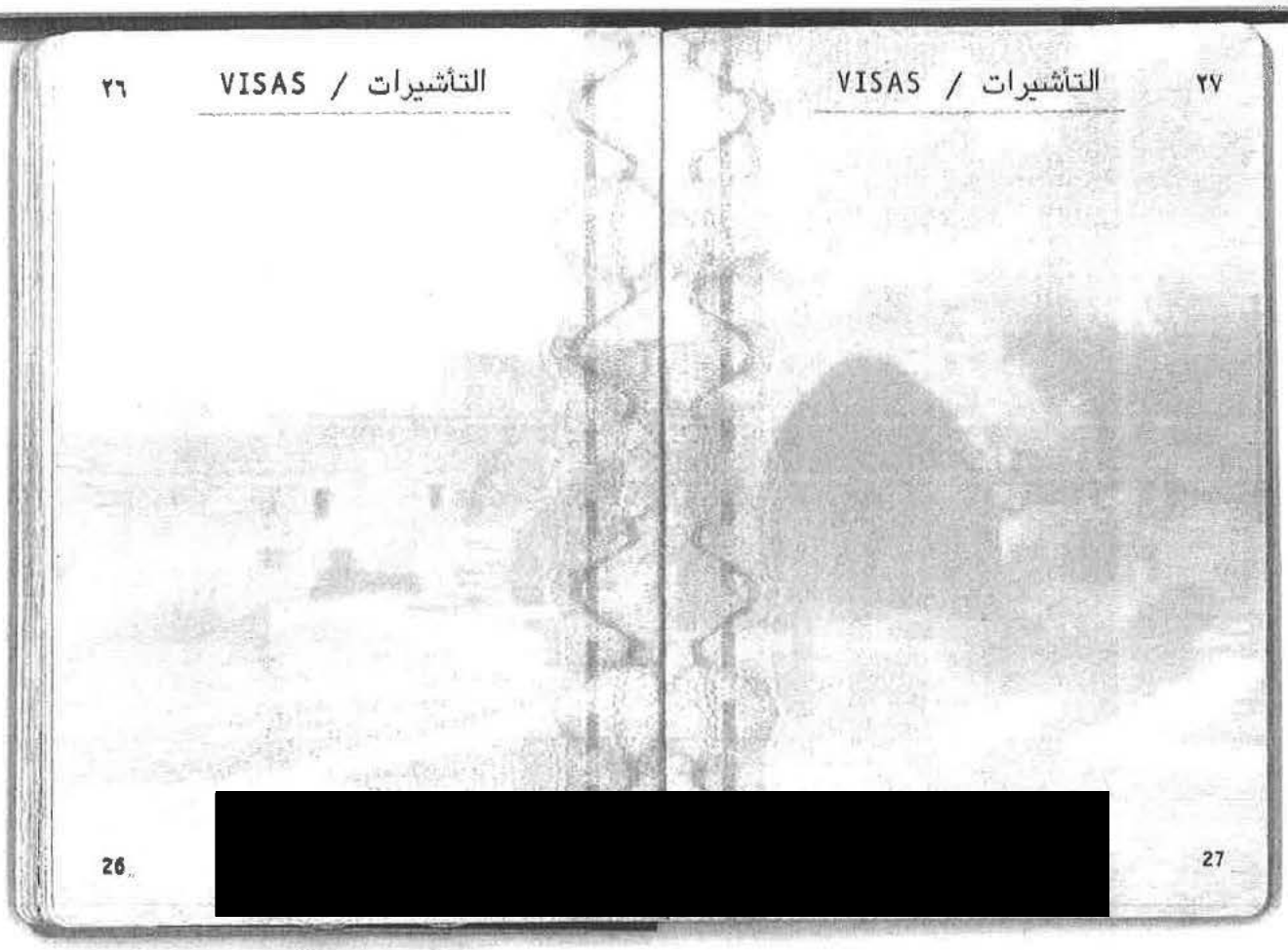

١٤ VISAS
14

١٦ التأشيرات / VISAS
١٧ التأشيرات / VISAS
16
17




التأشيرات / VISAS

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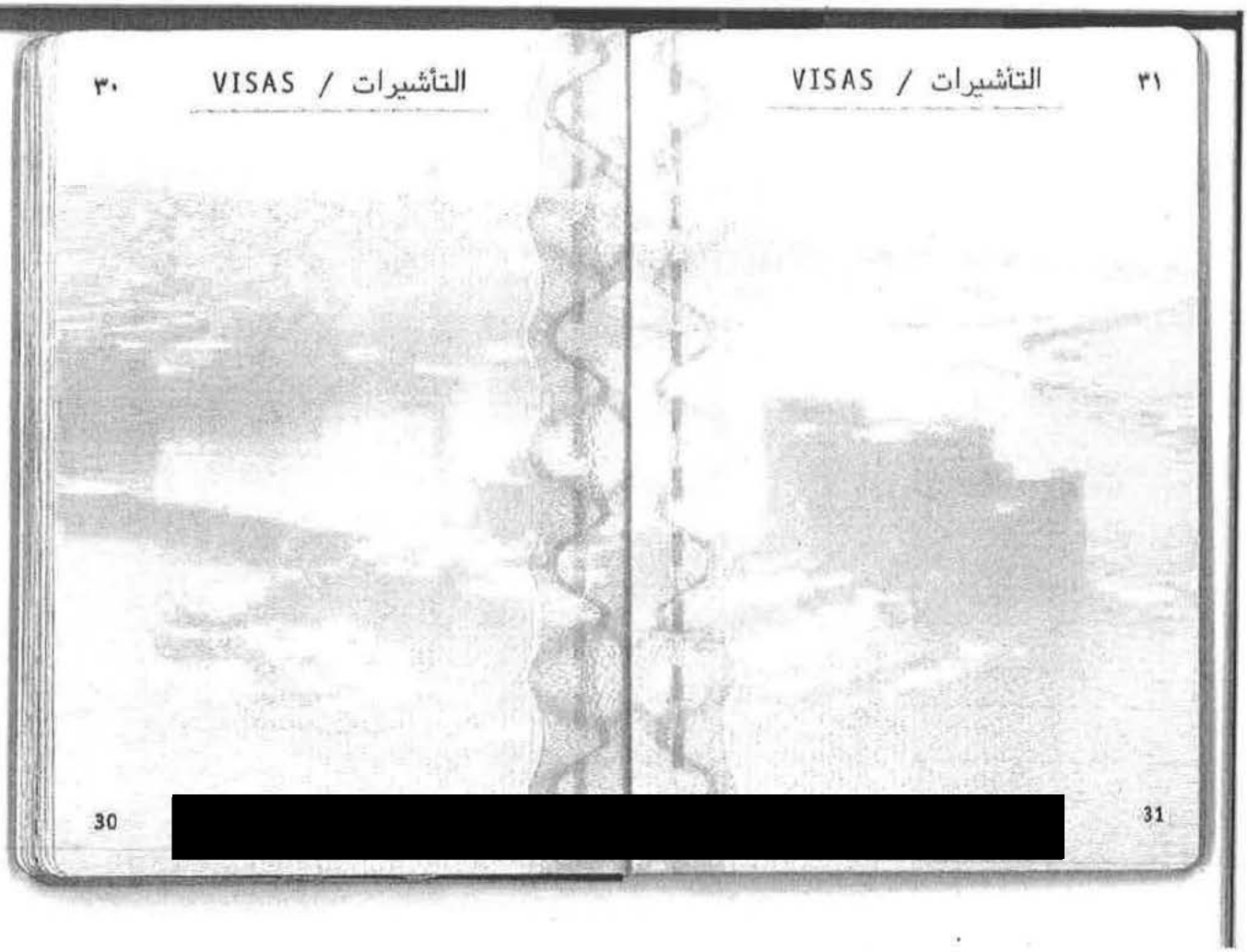
٢٧ التأشيرات / VISAS
26
27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٣١ التأشيرات / VISAS
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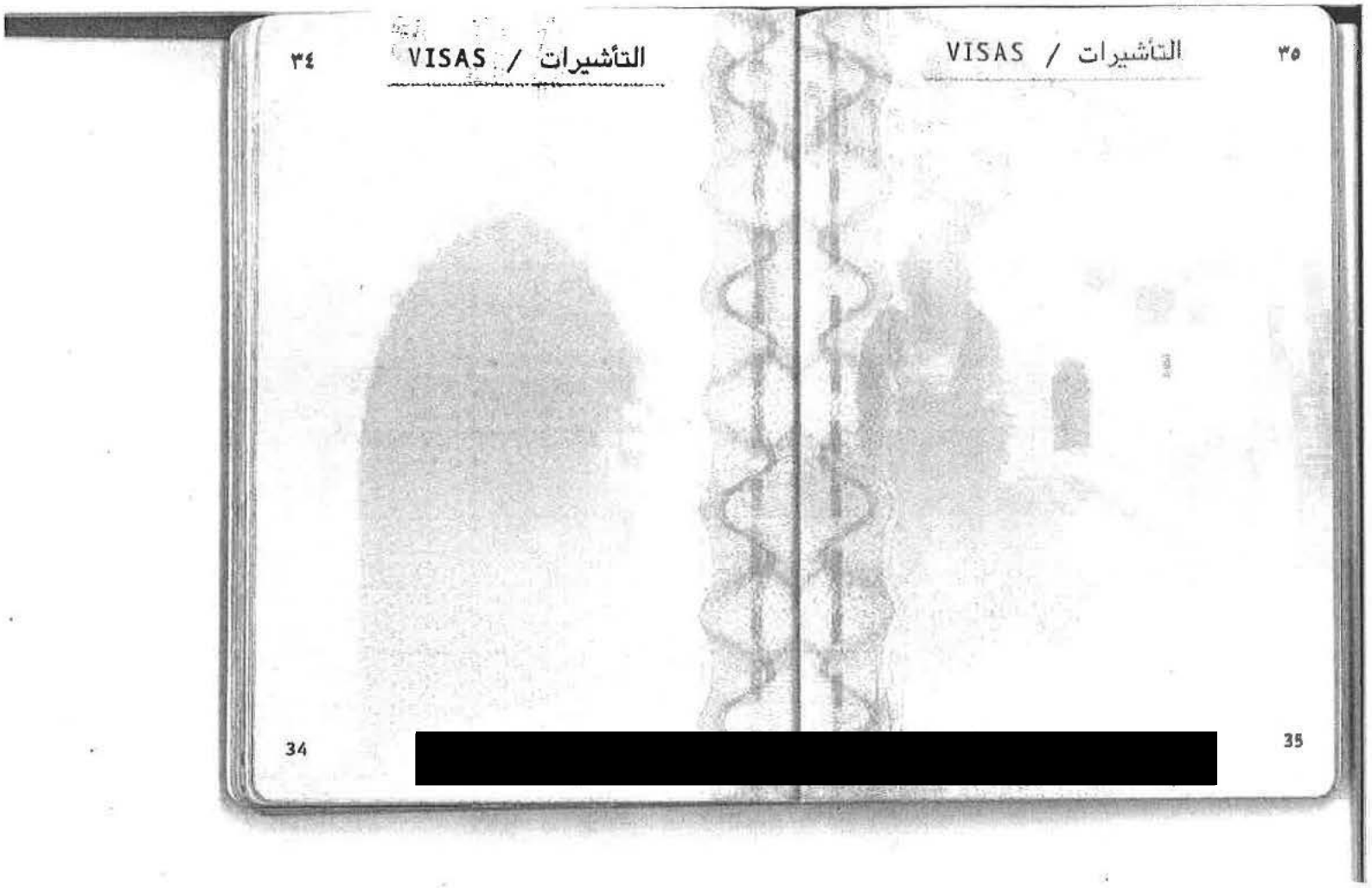
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التأشيرات / VISAS
٣٥
التأشيرات / VISAS
34
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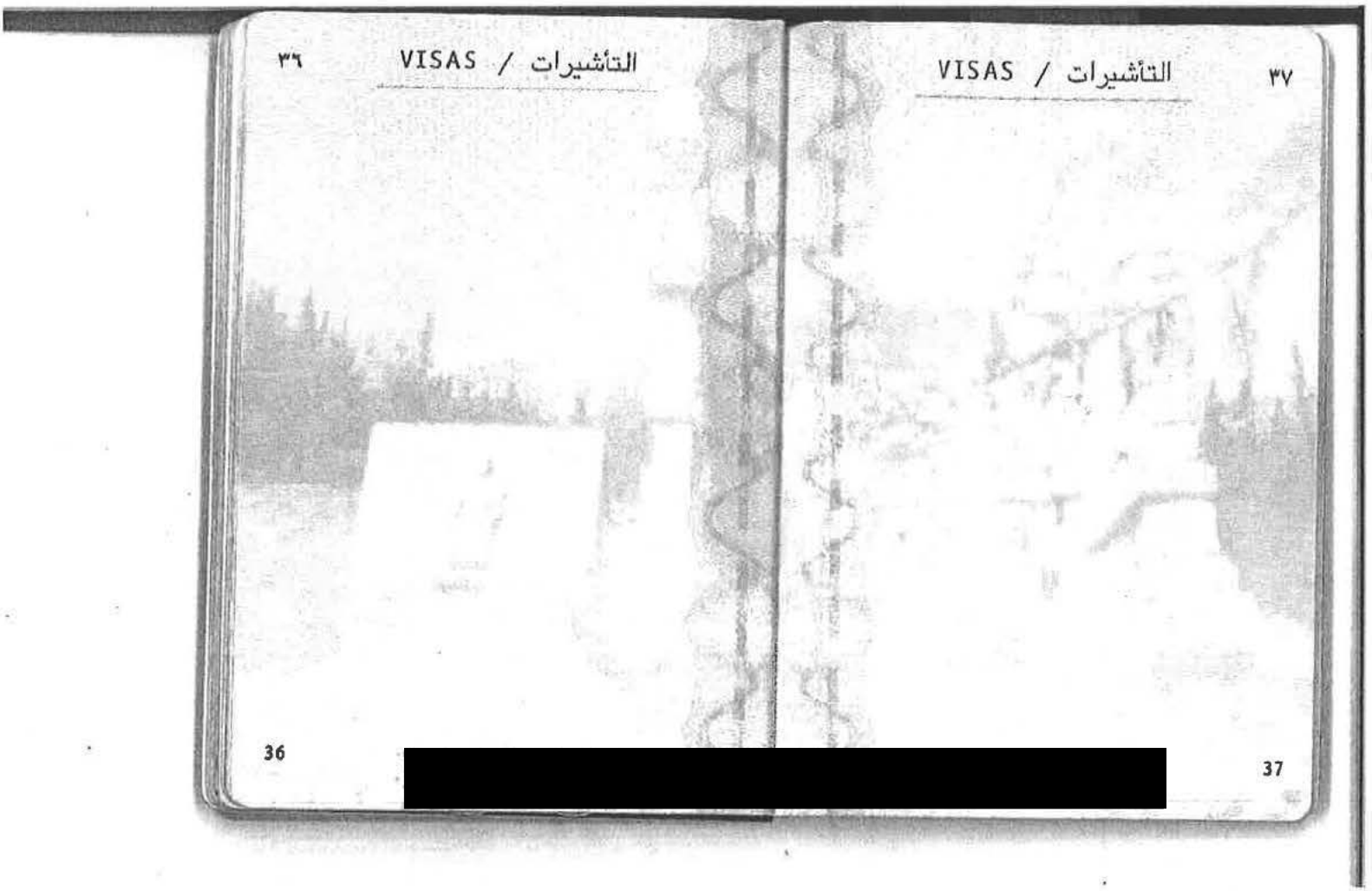
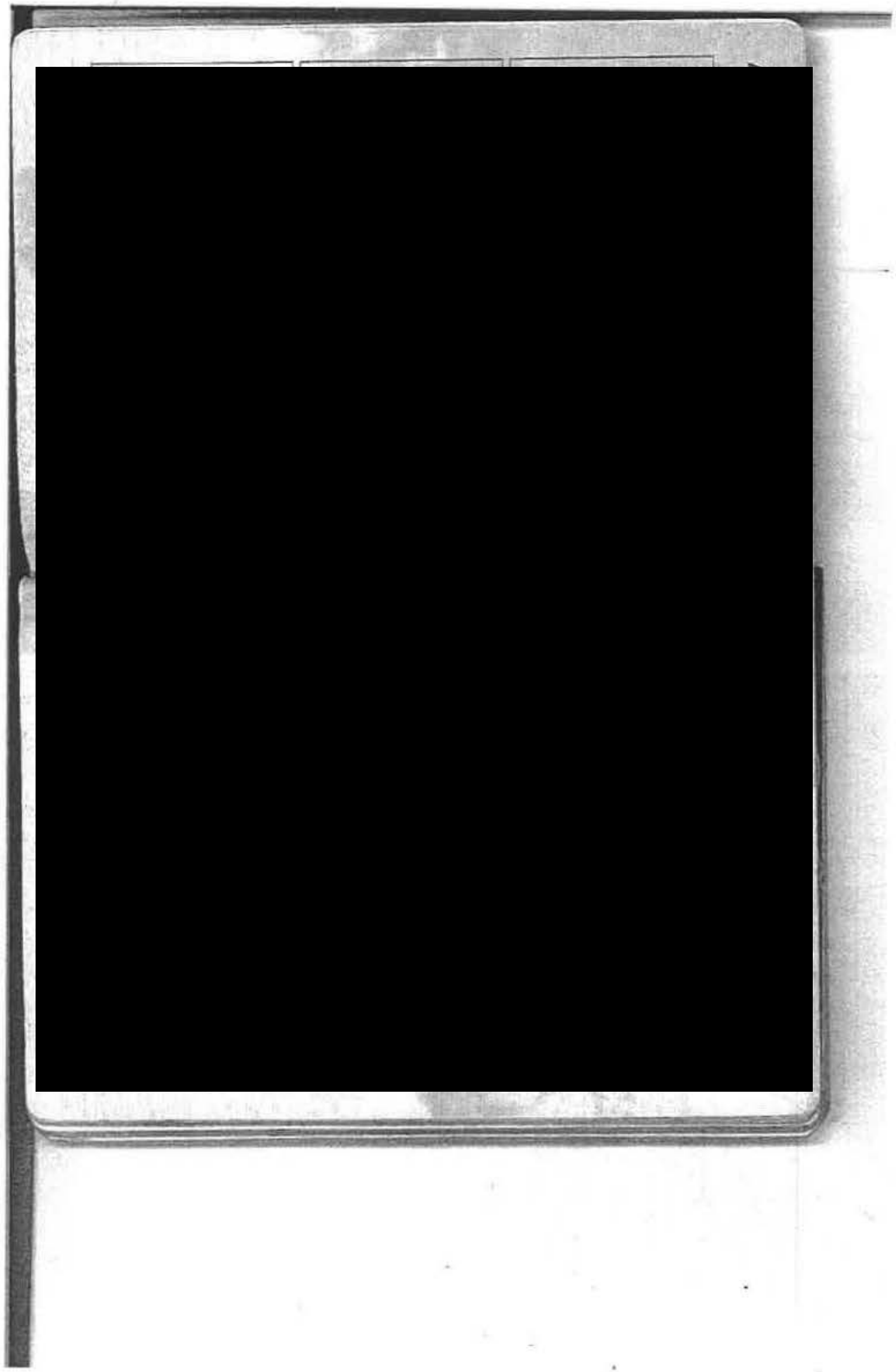
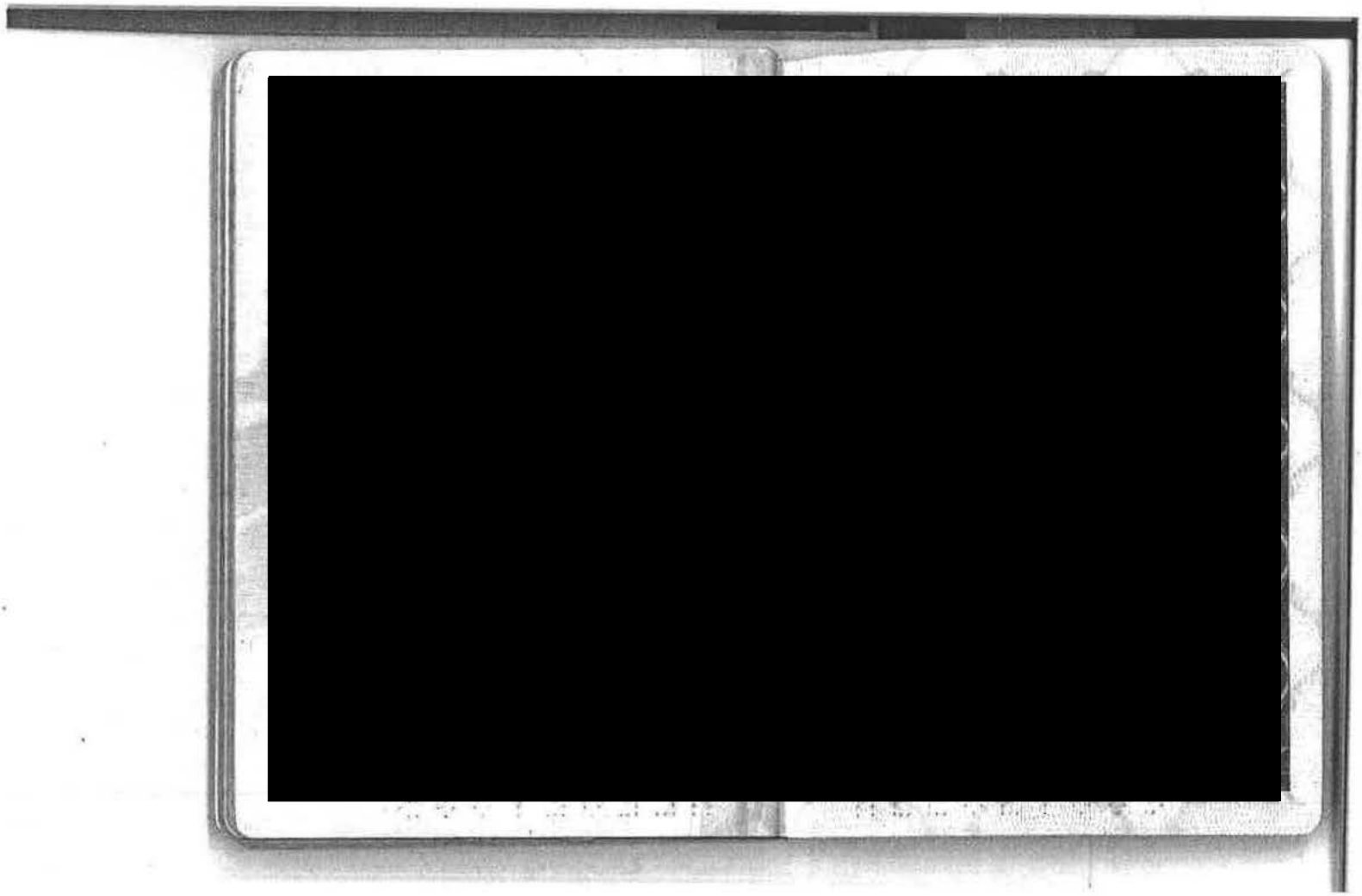

٣٦ التأشيرات / VISAS
36
٣٧ التأشيرات / VISAS
37

[redacted]

[redacted]





[Stamps]
The Lebanese Republic
Ministry of interior
Directorate general of civil status

Civil affairs officer
[Signature]
Wadih rahal

[redacted]

Birth Certificate

[redacted]

## CERTIFICATE OF TRANSLATION

**I, Maya Kazamel, am competent to translate from Arabic to English and certify that this translation is true and accurate.**

Maya

**(Signature of translator)**

**Maya Kazamel**
**(Typed/printed name of translator)**

**6 Everett Street, WCC 3103 Cambridge, MA 02138**
**(A**[redacted]

**(Telephone Number of Translator)**

**Signed this** 6 **day of** December, 2019

Department of Homeland Security
U.S. Citizenship and Immigration Services

# Form I-797C, Notice of Action

**THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.**

| ASC Appointment Notice | APPLICATION/PETITION/REQUEST NUMBER [redacted] | NOTICE DATE 08/19/2019 |
|---|---|---|
| CASE TYPE<br>1589 - APPLICATION FOR ASYLUM AND FOR WITHHOLDING OF REMOVAL | ACCOUNT NUMBER | USCIS A# [redacted] CODE 3 |

[redacted]
c/o JASON CORRAL
HIRC HARVARD RPERESENTATION INITIATIVE
6 EVERETT STREET STE 3118
CAMBRIDGE MA 02138

To process your application, petition, or request, the U. S. Citizenship & Immigration Services (USCIS) must capture your biometrics.
**PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER (ASC) AT THE DATE AND TIME SPECIFIED.**

**APPLICATION SUPPORT CENTER**
USCIS BOSTON
7F Everett Street
Revere MA 02151

**PLEASE READ THIS ENTIRE NOTICE CAREFULLY.**
**DATE AND TIME OF APPOINTMENT**
09/04/2019
03:00PM

**WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:**

1. **THIS APPOINTMENT NOTICE,** and
2. **PHOTO IDENTIFICATION** (e.g. passport, valid driver's license, national ID, military ID, State-issued photo ID, or USCIS-issued photo ID). If you do not have photo identification, please expect a delay.

Customers may not use cameras and recording capable devices (including cell phones) at an ASC. Cell phones should be silenced while in the waiting area and any conversations should be kept to a low level so as not to disrupt others. Customers must completely turn off all phones during biometrics processing.

**NOTE:** USCIS may use your fingerprints to check the criminal history records of the FBI. You may obtain a copy of your own FBI identification record using the procedures outlined within Title 28 C.F.R Section 16.32. The procedures to change, correct, or update your FBI identification record are outlined within Title 28 C.F.R. Section 16.34. Your fingerprints and photograph may also be used in an Employment Authorization Document (EAD) if you apply for, and are eligible to receive, an EAD.

**NOTE:** If USCIS ASC is **closed** due to inclement weather or for other unforeseeable circumstances, USCIS will **automatically reschedule** your appointment for the next available appointment date and mail you a notice with the new date and time.

**WARNING:** Failure to appear at this biometrics appointment, without good cause, may affect your eligibility for employment authorization. It may also result in dismissal of your asylum application or referral of your asylum application to an immigration judge if you are not currently in removal proceedings. If you are an applicant or eligible dependent in removal proceedings, failure to provide DHS with biometrics as required, except for good cause, may result in a delay in deciding your application or in your application being deemed abandoned and dismissed by the immigration judge.

**CHANGE OF ADDRESS:** You must notify USCIS of any change of address within 10 days. Please see the USCIS website at www.uscis.gov/addresschange for instructions to change your address online or to mail a completed Form AR-11, *Alien's Change of Address Card,* to USCIS. This form is also available at any U.S. Post Office or any USCIS office. If you are in removal proceedings, you must also notify the Immigration Court within five working days of any change of address or telephone number by filing a completed Form EOIR-33, *Alien's Change of Address Form/Immigration Court,* in accordance with accompanying instructions, available at www.justice.gov/eoir/form-eoir-33-eoir-immigration-court-listing.

**WARNING:** You must update your mailing address with USCIS, and, if applicable, EOIR. Failure to do so may result in dismissal of your asylum application, referral of your asylum application to an Immigration Judge, or if you are already in removal proceedings, an entry of a removal order in your absence if you fail to appear at a hearing before an immigration judge.

**REQUEST FOR RESCHEDULING**

☐ **Please reschedule my appointment.** Make a copy of this notice for your records, then mail the original with your request to the Biometrics Processing Unit (BPU), Alexandria ASC, Suite 100, 8850 Richmond Hwy, Alexandria, VA 22309-1586. Once USCIS receives your request, you will be sent a new ASC appointment notice.

APPLICATION NUMBER
[redacted]

If you have any questions regarding this notice, please call 1-800-375-5283.
If you have any questions about your application, please contact the Asylum Office or Immigration Court with jurisdiction over your case.

**WARNING:** *Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics worksheet should accompany you. If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with taking your biometrics.*

If you are visiting a field office and need directions, including public transportation directions, please see **www.uscis.gov/fieldoffices** for more information.

## Notice for People with Disabilities

To request a disability accommodation:

- Go to uscis.gov/accommodations to make your request online, or
- Call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833) for help in English or Spanish. Asylum and NACARA 203 applicants must call to make their request.

If you need a sign language interpreter, make your request as soon as you receive your appointment notice. The more advance notice we have of your accommodation request, the better prepared we can be and less likely we will need to reschedule your appointment. For more information about accommodations, visit uscis.gov/accommodationsinfo.

**Declaration in Support of Application for Asylum, Withholding of Removal and Protection under the Convention against Torture of [redacted]**

I, Dr. GHASSAN MOUSSAWI, Ph.D., declare as follows:

1. I am submitting this declaration in support of the Application for Asylum, Withholding of Removal and Protection under the Convention Against Torture of [redacted]

2. I am Assistant Professor of Gender & Women's Studies and of Sociology at the University of Illinois at Urbana Champaign. I have been at the University of Illinois since August 2016. I also serve at the University of Illinois as Affiliate Professor of Global Studies, Center for South Asian and Middle Eastern Studies, Women and Gender in Global Perspectives, and the Unit for Criticism and Interpretive Theory. I hold a Ph.D. in Sociology from Rutgers University- New Brunswick in 2016, as well as Masters Degrees in Sociology from Rutgers University (2011) and the American University of Beirut (2008), specializing in Gender and Sexuality studies in Lebanon.

3. In short, my opinion as an expert in the area of gender, sexuality, and LGBTQ studies in Lebanon, is that if [redacted] were forced to return to Lebanon, he would be at a high risk of future harm by the state (particularly the police), religious institutions (including the Maronite church), and his family. LGBTQ individuals in Lebanon are frequently subject to violence and threats from state and religious organizations that denounce homosexuality, and from their own families due to perceived violations of dominant sexual and gender norms. In particular, it will be impossible for [redacted] and [redacted] to live as a married couple anywhere in Lebanon. Of course, the same-sex marriage between [redacted] will not be recognized, and any attempt to continue their relationship as is will expose both men to severe danger.

4. Lebanon is a small and densely populated country. At just 4,036 square miles, Lebanon is the smallest recognized sovereign state on the mainland Asian continent and the entire country is smaller than the state of Connecticut. It is unlikely Mr. [redacted] would be able to evade anyone targeting him. With respect to attacks and other mistreatment of LGBTQ individuals, Christian-populated areas in Lebanon share the same conditions as Muslim-populated areas, and police raids targeting LGBTQ people occur in both Christian and Muslim neighborhoods. Lebanese law enforcement, including the National Police & Security Force (ISF), is well-connected and police use internal resources to share LGBTQ related incidents or suspicions among each other and across the country.

**Background and Qualifications**

5. I have been conducting research related to the treatment of lesbian, gay, bisexual, transgendered, and queer (LGBTQ) persons in Lebanon for over ten years. These research periods include 24 years of residence in the country between 1985 and 2009, as well as multiple shorter stays. I conducted research on gay men in Lebanon for a period of 14 months in 2007 and 2008. After I moved to the US for my PhD studies, I continued

to visit Lebanon two to three times a year from 2009 to 2014, and in that period, I conducted research for around 15 months. I have published numerous articles in scholarly publications on subjects including sociological studies of gender and sexuality in Lebanon and the struggles of LGBTQ persons in organizing to change the Lebanese Penal Code that criminalizes homosexuality and homosexual acts.

6. Funds for my sociological and ethnographic investigations and research projects have come from Rutgers University, the Woodrow Wilson Foundation, and the University of Illinois.

7. In my scholarship, I seek to understand the sexual cultures and treatment of sexually marginalized peoples in Lebanon, including LGBTQ persons, men who have sex with men, and Lebanese masculinities. I also study the violence and other inequalities that LGBTQ population(s) in Lebanon face, and the ways in which the law and the State polices and punishes such individuals. Additionally, I have studied the negative Lebanese media depictions of "gay men" and their effect on the social and political climate.

8. In my 2016 dissertation and forthcoming book (published by Temple University Press in July 2020), *Disruptive Situations: Fractal Orientalism and Queer Strategies in Beirut*, I explore the effects of political turmoil and conflict on the experiences of LGBTQ individuals in post-war Beirut. In my book, I draw on more than twenty interviews with LGBTQ-identified individuals in Beirut and extensive ethnographies of LGBTQ lives from the years 2008-09 and 2011-16. I contextualize my research with content analyses of over twenty journalistic articles, Lebanese LGBTQ organizations' official websites, blogs, newsletters, and speeches. My dissertation was awarded the national 2014 Woodrow Wilson Dissertation Fellowship in Women's Studies.

9. Over the past decade, I have delivered presentations on issues related to sexuality in Lebanon to audiences at a number of institutions, including the University of Chicago, Northwestern University, the University of Cincinnati, Rutgers University, and the American University of Beirut. I also served as a trainer for LGBTQ activists and community members at the Coalition of Sexual and Bodily Rights in Muslim Societies' 6th Sexuality Institute in Kathmandu, Nepal. In this conference, I gained more knowledge about the violence enacted on LGBTQ people in a number of Muslim majority countries, including Lebanon. Alongside LGBTQ activists from the region, I conducted workshops on the state of gender and sexual variants individuals in Lebanon and Muslim-majority countries and the conflation of gender and sexual non-normativity.

10. I have and continue to present portions of my research at national and international conferences and have taken on a leadership role organizing and chairing several panels at these meetings, including the American Sociological Association, American Studies Association, the Eastern Sociological Society, and other conferences. At these meetings, I have organized panels on sexuality, violence, and state policing in the global south. I was also invited by the Eastern Sociological Association to present my research on how the State controls people's sexualities, especially in relation to LGBTQ people in Lebanon. From 2019-22, I serve as a council member to the Sexualities section of the American

Sociological Association, a section devoted to the study of sexuality, LGBTQ issues and lives, both in the US and globally.

11. My training and research have necessitated that I acquire a deep familiarity with both the historical and current political and economic conditions in Lebanon and treatment of its LGBTQ population. I have maintained continuous and reliable connections with the individuals and groups I met during my research trips to keep current on the contemporary political and social climate for the LGBTQ communities. I keep up-to-date-with Lebanese newspapers and other media to follow the effects of the criminalization of homosexuality and to document occurrences of violent acts and detentions toward LGBTQ-identified persons.

12. My knowledge of Lebanese culture, politics, and civic affairs extends across the territory through residence and travel, primary research, intensive knowledge of academic and policy-related literature on the region, and through interviews with numerous LGBTQ activists, artists, writers, academics, and cultural critics in my areas of study.

**State persecution of LBGTQ people in Lebanon & absence of protection and safety**

13. In what follows, I describe the lack of legal protections in Lebanon for sexual minorities, including gay men like [redacted] who are frequently targeted for serious harm, including by the security apparatus itself.

14. Lebanon does not have any protections for sexual minorities. In fact, Article 534 of Lebanon's Penal Code explicitly outlaws "sexual acts that are contrary to nature."[1] This law has been and is still used as a proxy for policing same-sex acts. The primary population targeted for arrest and/or brutality under the auspices of this provision are gay men or men who have sex with men. By using the Article 534 "selectively and in combination with other criminal charges" the state can maintain homosexuality's status as a taboo topic and "encourage[e] the idea that gay and lesbian people are generally dissolute."[2]

15. Police forces regularly assault and harass LGBTQ individuals who embody marginalized genders and class positions. Arrests, crackdowns and, most recently "anal probings," against LGBTQ individuals in Lebanon are very common.[3] The police in Lebanon regularly exercise their right to stop two people in a car and inquire about their conduct. If they suspect they are gay men, they can take them to the police station. In an interview with a gay Lebanese man in his early twenties (for my MA thesis), the interviewee recounted how he was merely sitting in a car with another man when the police approached them, took their IDs, and proceeded to one of the two men's house to search

[1] Republic of Lebanon 1943, Article 534.
[2] Whitaker, Brian. 2006. *Unspeakable love: Gay and Lesbian Life in the Middle East*. London: Saqi Books.
[3] Makarem, Ghassan. "The story of Helem." *JMEWS: Journal of Middle East Women's Studies* 7.3 (2011): 98-112.

his personal belongings for proof of homosexuality. All of these events happened while physically and verbally assaulting the man in front of his family members.[4]

16. On July 28, 2012, the Lebanese Internal Security forces raided a porn cinema in the district of Burj Hammoud in Beirut, arresting 36 men accused of engaging in what they termed "indecent and immoral acts."[5] This raid was directly linked[6] to the airing of a Lebanon MTV station talk show. A few days before the arrests, the host had outed the cinemas exposing what he referred to as the "deviance" and homosexuality that occurs there. The arrested men were taken to the infamous Hobeich police station and were subjected to painful anal insertions and probes to "prove" their engagement in homosexual activities.[7]

17. These "tests of shame," as local activists have called them, were performed by forensic doctors. While an initial partial ban on anal testing was officially issued, multiple reports demonstrate that anal testing continues to take place.[8]

18. Likewise, LBGTQ individuals in Lebanon live in fear of raids against bars, clubs, and NGOs. In August 2014, the Internal Security Forces Morals Protection Bureau conducted a raid on a Turkish bathhouse in Beirut, resulting in the arrest of 27 Syrians. The individuals were charged for homosexuality under the penal code. According to a report co-produced with Helem (the Arab world's first visible LGBT advocacy group), the stated reason for the raid was the suspected "presence of homosexual individuals."[9] Just a few days later, the police raided a second bathhouse in a Christian suburb of Beirut, believing it to be popular with gay people, and arrested all the staff.

19. Even as same-sex behavior is an illegal act in Lebanon punishable up to one-year in prison, in recent years, some media sources have focused reporting on the existence of underground gay and lesbians events and clubs in Beirut.[10] However, as I show extensively in my academic articles and forthcoming book, such spaces, to the extent they exist, can only be reasonably described as safe or open to white tourists with

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[4] *See* Moussawi, Ghassan Ali. *On the shaming of gender compulsory heterosexuality and the construction of non-heterosexual masculinities in Beirut.* Diss. 2008: 86-88.

[5] Al-Akhbar (2012), "Lebanese authorities arrest two men for 'sodomy'" (Aug. 17, 2012), *available at* http://english.al-akhbar.com/content/lebanese-authorities-arrest-two-mensodomy.

[6] NOW, "Gay crackdown ignites outrage," (Jan. 8, 2012), *available at* *http://now.mmedia.me/lb/en/reportsfeatures/gay_crackdown_ignites_outrage.*

[7] Gay Star News, "Lebanon police conduct anal probes on 36 men from gay porn cinema," (July 31, 2012), *available at* https://www.gaystarnews.com/article/lebanon-police-conduct-anal-probes-36-men-gay-porn-cinema310712/.

[8] *See* Lebanese Medical Association for Sexual Health, "Putting an end to anal testing in Lebanon – The role of LebMASH," (Aug. 29, 2018), *available at* https://www.lebmash.org/putting-an-end-to-anal-testing-in-lebanon-2012-2014-the-role-of-lebmash/; *see also* Legal Agenda Report, *available at* https://www.legal-agenda.com/article.php?id=788&folder=articles&lang=ar.

[9] *See* Al-Monitor, "The fight goes on for Lebanon's LGBT community," (June 15, 2015), *available at* http://www.al-monitor.com/pulse/en/originals/2015/06/lebanon-lgbt-gay-rights-article-534-helem-legal-agenda.html.

[10] Moussawi, Ghassan. "Queering Beirut, the 'Paris of the Middle East': fractal Orientalism and essentialized masculinities in contemporary gay travelogues." *Gender, Place & Culture* 20.7 (2013): 858-875.

protections from other states, such as the US.[11] Euro-American publications routinely ignore the critical and multiple (often violent, classist, and racist) exclusions in the country. These journalistic accounts have "outed" these spaces and increased their visibility by revealing their names and locations, which has made them even less safe for local LGBT people.

20. In addition to raids, LGBTQ individuals are vulnerable to police violence via their family members, employers, or other individuals in their community. For instance, in November 2018, a Syrian gay man in his twenties who worked as a tattoo artist was arrested for allegedly being HIV-positive and threatening the safety of his clients.[12] The man was imprisoned at a police station for a several days and was repeatedly humiliated by police officers, including by their demand he dance for them. Later, it was revealed that the man was not HIV-positive, but rather had conflicts with his Lebanese boss, who reported false accounts so to ruin the victim's career and life.

21. The incident above displays the misinformation and myths surrounding the transmission of HIV/AIDS, and the disproportionate impact that such moral panic has upon LGBTQ individuals. The police's actions not only breached health confidentiality, but also contradicted the Lebanese Ministry of Health's statement that "an HIV positive person's practicing of their job does not threaten public health." Despite the existence of laws that protect health confidentiality in theory, sexually marginalized individuals in Lebanon in reality lack any such protections.

**Opposition and violence against LGBTQ persons by conservative religious groups and institutions in Lebanon**

22. All major religious groups and institutions in Lebanon denounce homosexuality. In fact, the rejection of homosexuality is one of the few issues that both Christian and Muslim religious leaders agree on. Specifically, both Muslim and Christian clerics have denounced any attempt of decriminalizing homosexuality, on the basis that homosexuality is deviant, unnatural, and destroys the family unit. In addition, such religious leaders are outspoken in condemning homosexuality through TV outlets and social media.

23. Christian clerics often talk about conversion therapy as the right method to curb what they see as "a cancer in society." For instance, a Christian church in Lebanon's second city, Tripoli, recently arranged a conference to discuss ways to covert homosexuals to "normative sexual behavior."[13] Both Muslim and Christian leaders incite violence against LGBTQ community and have called their religious supporters to take action on the streets against any LGBTQ event in the country. Municipality officials, such as that of

[11] *See generally* Moussawi, Ghassan. "Queer exceptionalism and exclusion: Cosmopolitanism and inequalities in 'gay-friendly'Beirut." *The Sociological Review* 66.1 (2018): 174-190.

[12] *See* The A Project (public Facebook post), *available at* https://www.facebook.com/theaprojectleb/posts/1269638419856289

[13] *See* Washington Post, "In Lebanon, gay activism is fueling a new conversation about democracy and civil rights," (May 20, 2017), *available at* https://www.washingtonpost.com/news/democracy-post/wp/2017/05/20/in-lebanon-gay-activism-is-fueling-a-new-conversation-about-democracy-and-civil-rights/.

the Christian Dekwaneh neighborhood in Beirut, have also incited violence against the presence of LGBTQ individuals and spaces, and routinely coordinate with police and security forces to schedule and execute raids on gay spaces.[14]

24. In September 2018, the Lebanese General Security, an intelligence branch of Lebanese security forces and the agency that oversees the entry and exit of foreigners into the country, ordered a hotel to shut down a conference planned on LGBT people, with officers taking down details on all conference participants at the hotel registry. This action followed public statements from the Muslim Scholars Association, accusing the conference organizers of promoting homosexuality.[15] The Association called for the organizers' arrest on the grounds of "incitement to immorality."[16] In response to a letter by Human Rights Watch, the Director of General Security Forces cited the "morals" exception to Article 21 of the International Covenant on Civil and Political Rights (ICCPR), regarding the right of peaceful assembly. He claimed that the event is not "consistent with the moral standards of the particular society," Lebanon.[17] Later in December, the Director declined the request of Human Rights Watch to have a formal meeting to discuss these developments.

25. Most recently, in September 2019, the opening concert of Beirut gay pride week was cancelled under pressure from religious institutions.[18] The first gay pride event in Beirut was held in 2017, but consisted mostly of conferences and workshops. This year's opening concert was scheduled to be held in one of Beirut's well-known venues. Religious institutions demanded the cancellation of the concert by linking it to the promotion of "debauchery," "immorality," and "devil-worshipping." When the management of the theatre that had been due to host the opening party received anonymous threats, the entire schedule of events was suspended. The previous year's opening edition was also suspended after one of the organizers was arrested.

26. Likewise, in July 2019, a major music festival cancelled a concert by Mashrou' Leila, which is a well-known band and whose lead singer is gay. Church leaders called for the cancellation of the concert, accusing the group of blasphemy. The concert was cancelled "to prevent bloodshed."[19] There were also multiple threats on social media online, with groups and users posting threats that they would violently stop the concert. Importantly, the above incidents have amplified an increasing concern that the rights & security

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[14] *See, e.g.*, Ya Libnan News, "Mayor of Dekwaneh forces gay residents to strip naked and be photographed," (Apr. 24, 2013), *available at* http://yalibnan.com/2013/04/24/mayor-of-dekwaneh-forces-gay-residents-to-strip-naked-and-be-photographed.

[15] *See* Washington Post, *supra* note 18.

[16] *See* Human Rights Watch, "Lebanon: Security forces try to close LGBT conference. Organizers questioned, activists put at risk," (Oct. 4, 2018), *available* at https://www.hrw.org/news/2018/10/04/lebanon-security-forces-try-close-lgbt-conference#.

[17] Letter to the Director of the Human Rights Watch Beirut Office, Nov. 26, 2018, *available at* https://www.hrw.org/sites/default/files/supporting_resources/20181126_gs_response_renedwa_en.pdf.

[18] *See* BBC News, "Beirut Pride: Organisers say clerics forced cancellation of opening concert," (Sept. 26, 2019), *available at https://www.bbc.com/news/world-middle-east-49838193.*

[19] *See* Associated Press, "Lebanon festival drops popular band after Christian pressure," (July 30, 2019), *available at https://apnews.com/364683898d3e4febb33ba8f4f28efe3b.*

situation for LGBTQ individuals in Lebanon has in fact deteriorated in recent years, which has been commented upon by international human rights organizations.

**Social stigma and acceptance of violence against LGBTQ persons in Lebanon**

27. Homosexuality is overwhelmingly disapproved of in Lebanon. According to a recent study by the Arab Barometer research network, only 6% of the population in Lebanon believed that gay relations should be accepted.[20] While all gender non-conforming individuals in Lebanon face widespread social stigma, gay men are among the most stigmatized group of individuals. This is because masculinity and manhood are highly regarded and often idealized by society. In Beirut, men perceived as effeminate are especially targeted for homophobic violence and other acts, including in order to protect and reinforce the phallic image of the potent male."[21]

28. For gay men, maintaining a masculine appearance and demeanor is considered essential for their safety, since acting in any gender non-conforming way will frequently trigger openly homophobic responses.[22] In my interviews with gay men in Lebanon, many responded that they try not to associate with feminine men in fear of suspicions, harassment, and potential harm. Others repeated that, "in Lebanon if you are gay, you are no longer a man… You are not considered a man even if you are very masculine as long as you are gay."

29. In addition to the state, institutions such as the family and religious groups, including the Maronite Church as well as both Shiite and Sunni Muslim leadership have been key actors in enforcing the ideal of heterosexuality. In particular, the family plays a central role in enforcing heterosexuality in Lebanon through enforcing ideals of gender conformity and the inevitability of heterosexual marriage.[23] Filial piety and family honor (as well as the dread or anxiety inherent in any outward behavior perceived as departure from such sentiments) remain the key source of cultural self-worth and dignity.

30. As homosexuality is intertwined the concept of being "less of a man," gay men are perceived as bringing shame to their families. This in turn often results in physical and emotional violence, threats. Given how Fadi [redacted] comes from a deeply religious family and his parents have an active presence in the Maronite Church, in my opinion it is highly likely that, if he were to live as openly gay, he would face similar forms of harm.

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[20] *See* Jerusalem Post, "Only 5% of Palestinians and 6% of Lebanese accept gay relationships," (July 1, 2019), *available at* https://www.jpost.com/Middle-East/Only-5-percent-of-Palestinians-and-6-percent-of-Lebanese-accept-gay-relationships-594179.

[21] *Id.* at 3.

[22] *See* Merabet, Sofian. 2004. "Disavowed Homosexualities in Beirut". *Middle East Report*. 23: Spring 2004 (documenting homophobic incidents that targeted effeminate men).

[23] *See generally* Moussawi, Ghassan Ali. *On the shaming of gender compulsory heterosexuality and the construction of non-heterosexual masculinities in Beirut*. Diss. 2008: 86-88.

**Repression of LBGT rights activism in Lebanon**

31. Following the assassination of ex-Prime minister Rafik Harriri in 2005, anti-Syrian Lebanese groups took to the streets in what came to be known as the "Cedar Revolution."[24] This uprising, which called for the end of Syrian occupation of Lebanon, was regarded as a potential turning point in recent Lebanese history, most notably with regards to possibilities for a new Lebanese democracy, political reform and expanding civil liberties.

32. However, in the years following, that initial impression has been reconceived as a false perception. Talking about LGBTQ rights and the possibilities for more civil liberties, former LGBT activist, Ghassan Makarem argues: "the withdrawal of the Syrian army and the promise of democratic reform gave the false impression to many that some freedoms can be gained. But, not unlike other U.S.-sponsored revolutions, the Cedar Revolution consolidated a new sectarian leadership and led to…increased police repression."[25]

33. As stated by Makarem, the beliefs and promises of a new beginning and possibilities of the expansion of civil rights were countered by the stark reality of more state led oppression targeting already marginalized groups in Lebanon, most notably LGBTQ people. In recent years, Lebanon has seen an increasing crackdown on LGBTQ spaces, communities, and activism. Specifically, there has been a major backlash by powerful political factions in Lebanon in response to groups such as Helem.

34. In Lebanon, as well as the Arab world in general, homosexuality is not only seen as perverse or as a symptom of mental illness, but it has also been entangled in international politics. Specifically, homosexuality has often been used as an example of Western imperialism that attempts to destroy the "traditional Arab morality."[26] Public denunciations have been not only made by Muslim religious clerics, but also by numerous Christian clerics, most notably the Lebanese Patriarch of the Maronite Church.

**There is no place in Lebanon where LGBTQ individuals like Mr. [redacted] would be safe from acts of homophobic violence, including by the police**

35. Lebanon is a small and densely populated country. At just 4,036 square miles, Lebanon is the smallest recognized sovereign state on the mainland Asian continent and the entire country is smaller than the state of Connecticut. There is therefore no place to hide from homophobic groups, including the police. Even Beirut is a very small city with just 2 million people, including its suburbs. Lebanon therefore lacks any "ghetto" or safe space for LBTQ individuals in an urban center.[27]

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[24] *See generally* Michael Young, The Ghosts of Martyrs Square: An Eyewitness Account of Lebanon's Life Struggle (2011).
[25] Makarem, Ghassan. "The story of Helem." *JMEWS: Journal of Middle East Women's Studies* 7.3 (2011): 106.
[26] *See generally* Whitaker, *supra* note 2.
[27] *See* Wittman, Carl. 1992. "A Gay Manifesto." *Out of the Closets: Voices of Gay Liberation.* Eds. K. Jay and A. Young (eds.). New York: New York University Press: 330-341.

36. There is no location or community that is safe for openly gay people in Lebanon, irrespective of its religious valence, as discussed both Christian and Muslim religious communities direct violence and homophobia towards gay men. For instance, in 2013, Lebanese Internal Security forces performed a raid and eventually closed the gay club Ghost in the Dekwaneh neighborhood, a predominately Christian neighborhood, in East Beirut. During the raid, the police detained, humiliated, and verbally and physically abused several gay and transgender individuals.

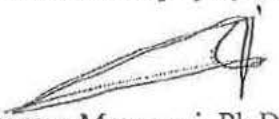
37. LGBTQ people in Lebanon do not feel they can rely on the state, or on police, for protection. Indeed, the security apparatus has been among the worst offenders of assaults, bodily violations, and repression of (especially) gay men. Furthermore, police are linked to law enforcement officials, municipalities, and mayors of cities across the country and easily use their internal resources to report LGBTQ related incidents or suspects to each other. For instance, "a senior vice squad office stated in a magazine interview that police keep records of individuals who are believed to be gay or lesbian."[28] Lebanese authorities have also used the internet as a means to target non-heterosexuals.[29]

**Conclusion**

38. My opinion is based on my experience as a sociologist who has spent more than ten years studying sexuality and the experience of LBGTQ individuals in Lebanon, and my deep familiarity with the situation in the country. I do not want to minimize the genealogy and presence of gender queer and sexual presence in Lebanon, but much of the LGBT identity and presence must exist underground, significantly due to the threat of violence, humiliation, or arrest.

39. Based on my understanding of the case in the facts presented to me, I believe that if [redacted] were to return to Lebanon and attempt to live an uncloseted life, he will likely experience societal violence due to his sexuality, marriage, and belief in gay rights, as well as more specific and targeted harm from family members and religious groups, and state prosecution for charges including unnatural sexual acts and blasphemy.

I declare under perjury of law that the forgoing is true and correct.



Ghassan Moussawi, Ph.D.
December 8, 2019

[28] *See* Whitaker, *supra* note 2, at 137.
[29] *See id.*

# Ghassan Moussawi

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## ACADEMIC APPOINTMENTS

*University of Illinois at Urbana-Champaign*

August 2018- Assistant Professor, Departments of Gender & Women's Studies and Sociology
Affiliate Faculty, Unit for Criticism and Interpretive Theory

August 2016-2018 Assistant Professor, Department of Sociology
Affiliate Faculty, Gender & Women's Studies, Unit for Criticism and Interpretive Theory

## EDUCATION

**Ph.D., Sociology** 2016
Rutgers University, New Brunswick

**M.A., Sociology** 2011
Rutgers University, New Brunswick

**M.A., Sociology** 2008
American University of Beirut, Beirut, Lebanon

**B.A., Sociology and Anthropology** 2006
American University of Beirut, Beirut, Lebanon
Minor in English Literature
Graduated with Distinction

## RESEARCH INTERESTS

Racialized Sexualities; Sex and Gender; Queer Theory; Queer of Color Critique; Feminist Theory and Methods; Qualitative and Interpretive Methods; Global and Transnational Sociology; Social Movements.

## PUBLICATIONS

**Book**

2020 *Disruptive Situations: Fractal Orientalism and Queer Strategies in Beirut,* Philadelphia: Temple University Press.

**Peer-Reviewed Journal Articles**

2018 Moussawi, Ghassan. "Queer Exceptionalism and Exclusion: Cosmopolitanism and Inequalities in 'Gay Friendly' Beirut," *The Sociological Review* 66 (1): 174-190.

❖ ***Honorable Mention for Best Faculty Research, Institute for Illinois Program for Research in the Humanities, University of Illinois***

2015 Moussawi, Ghassan. "(Un)critically Queer Organizing: Towards a More Complex Analysis of LGBTQ Organizing in Lebanon," *Sexualities* 18(5-6): 593-617.

2013 Moussawi, Ghassan. "Queering Beirut, the Paris of the Middle East: Fractal Orientalism and Essentialized Masculinities in Gay Travelogues," *Gender, Place and Culture: A Journal of Feminist Geography* 20 (7): 858-875.

❖ ***Matilda White Riley Award for the Most Outstanding Published Article, Department of Sociology, Rutgers University***

**Book Chapters**

2011 Moussawi, Ghassan. "Not 'Straight' but Still a 'Man': Negotiating Non-Heterosexual Masculinities in Beirut," in *Introducing the New Sexuality Studies* (2nd edition), Seidman, S, Meeks, C and Fischer, N (eds). Routledge: UK: 159-165.

**Reprint:** 2016. *Introducing the New Sexuality Studies* (3rd edition), edited by Steven Seidman and Nancy Fischer. Routledge: UK: 152-159.

**Invited Book Review**

2018 **Moussawi, Ghassan** and Khalil, Heba, review essay of *Sexual States: Governance and the Struggle over the Antisodomy Law in India*, by Jyoti Puri. *Gender & Society*, 32 (6): 917-919.

## ACADEMIC FELLOWSHIPS, AWARDS AND GRANTS

2019-20 Faculty Fellow, Institute for Illinois Program for Research in the Humanities, University of Illinois

2018 The Funding Initiative for Multiracial Democracy, grant for book manuscript workshop, University of Illinois, Urbana-Champaign ($3,827)

2018-19 Humanities Release Time, University of Illinois, Urbana-Champaign ($12,000)

2015 Teaching Assistant Professional Development Fund, School of Arts and Sciences, Rutgers University

2014 Woodrow Wilson Dissertation Fellowship in Women's Studies ($5,000)

2013-14 Graduate Fellowship at the Institute for Research on Women, Rutgers University

2013 Research and Travel Grant, Sociology Department, Rutgers University

2012 Research and Travel Grant, Sociology Department, Rutgers University

2011-14 Teaching Assistantship, Sociology Department, Rutgers University

2009- 11 Excellence Fellowship for Graduate Studies, Rutgers University

## TEACHING AWARDS AND HONORS

2019 Gender and Women's Studies Outstanding Faculty Award, University of Illinois-Urbana Champaign

2018 Faculty Partner in Excellence Award, LGBT Resource Center, University of Illinois-Urbana Champaign

2017 Teachers Ranked as Excellent, University of Illinois (Fall 2016, Spring 2017, Fall 2017, Spring 2018-rated as outstanding, Spring 2019- rated as outstanding)

2015 Award for Distinguished Contributions to Undergraduate Education, School of Arts and Sciences, Rutgers University

2014 Harry C. Bredemeier Prize for Excellence in Undergraduate Teaching, Department of Sociology, Rutgers University

2012-14 Teaching Honor Roll, Department of Sociology, Rutgers University

- Race Relations (Spring 2014, Spring 2012)
- Sexuality and Society (Fall 2013)
- Sociology of Gender (Spring 2013, Fall 2012)

## INVITED TALKS AND GUEST LECTURES

2019 "Fractically Speaking: Disruptive Situations and Queer Strategies in Post-war Beirut," SPAN annual workshop on "Sexual ReVisions: Sexualities through a transnational lens," Northwestern University, May 10

2019 "'While the World is Beiruting Again': Beirut as Queer Exception," Presidential Panel on "The Making of the Gay-Friendly Sexual State," at the Eastern Sociological Society, Boston, March 16

2018 "Queer Theory" Modern Critical Theory Lecture Series, Unit for Criticism and Interpretive Theory, University of Illinois, November 13

2018 Keynote speaker, Panel on "The Past, Present, and Future of Sexualities Studies," Sexualities, Race, & Empire: Resistance in An Uncertain Time, Philadelphia, August 9-10

2017 "Queering Sexual Capitalisms," The Center for the Study of Gender and Sexuality, University of Chicago, November 2-3

2017 "Queer Exceptionalism and Exclusion in Beirut," Guest Lecturer in "Gender, Sexuality, and Migration" Course at American University, D.C. Dr. Salvador Vidal-Ortiz, October 1

2017 "'Because Lebanon is Not Kandahar': Queer Cosmopolitanism and Exclusion in 'Gay Friendly' Beirut," TAFT Research Center, University of Cincinnati, Cincinnati, Ohio, September 29

2017 "The Limits of Queer Publics and Solidarity," Queer Publics Now, University of Illinois-Urbana Champaign, February 23

2013 Trainer at the Coalition of Sexual and Bodily Rights in Muslim Societies' 6th *Sexuality Institute,* Kathmandu, Nepal

2011 "Lebanese Masculinities," Nasawiya, Lebanese Feminist Collective, Beirut, Lebanon

2010 "Desire and Orientalism in the Representations of Queer Beirut," Race, Ethnicity and Gender in Postcolonial Germany class, at Geissen University, Geissen, Germany

**CONFERENCE PRESENTATIONS**

2019 "A Queer Sociology: On Power, Race, and Decentering Whiteness" with Salvador Vidal-Ortiz (American University), American Studies Association, Honolulu, November 8

2019 Author Meets Critic Panel, for *Sexual States*: *Governance and the Struggle over the Anti-Sodomy Law in India,* by Jyoti Puri, American Sociological Association, New York City, August 9

2019 Discussant and Co-organizer for Panel "Queering Race, Racing Queerness," Eastern Sociological Society, Boston, March 15

2018 "Always Visible: transformative intersectionality and queer visibilities," Panel on Intersectionality and Empire, American Sociological Association, Philadelphia, August 11-14

2018 "Materializing transnationalism and evidencing empire in the Queer of Color Critique" with Salvador Vidal-Ortiz (American University), Race, Sex, Power Conference, Chicago, April 6, 2018

2017 Chair and discussant "Queer of Color Critique in Transnational Dialogue," American Studies Association, Chicago, November 9-12

2017 "Queer Exceptionalism and Exclusion: Cosmopolitanism and Inequality in 'Gay Friendly' Beirut," Panel on Sexualities and Intersectionalities, American Sociological Association, Montreal, Canada, August 12-15

2010 "Queering the Paris of the Middle East: or the Promise of a Queer

Beirut," Desiring Just Economies, Just Economies of Desire, the Institute for Cultural Inquiry, Berlin, Germany, June 24-26

2009 "Representations, Perceptions and Constructions of Non-Heterosexual Masculinities in Beirut," Marginalization and Mobilization of Youth in the Near East, Center for Behavioral Research at the American University of Beirut, Beirut, Lebanon, May 30-31

## INVITED ON-CAMPUS PRESENTATIONS (SAMPLE)

2018 Presented Cathy Cohen in "12 Women Who Changed the World," International Women's Day Event, Women and Gender in Global Perspectives, University of Illinois

2015 "Politics of Visibility and Queer Organizing in Beirut," Culture & Structure: How Place, Space and Time Matter Panel, Sociology Department, Rutgers University

2013 "Sexual Revolutions and 'Modernity,'" in Sex, Love, and Intimacy class, Sociology Department, Rutgers University

2012 "Panel on Publication," Graduate Students Professionalization Workshop, Sociology Department, Rutgers University

2010 "Queer Beirut and the Representations of Tourist Masculinities," Critical Sexualities class, Anthropology Department, Rutgers University

2010 "Gay Tourism and Representations of Queer Beirut," in Sex, Globalization and Families class, Anthropology Department, Rutgers University

## TEACHING EXPERIENCE

**University of Illinois-Urbana Champaign**
Sexuality and Society (Spring 2017, Spring 2018)
Race and Ethnicity (Fall 2016, Fall 2017, Spring 2018, Spring 2019)
Sociology, Queer Theory, and Transnational Sexualities (Fall 2016) *Graduate Independent Study*
Gender and Sexuality- Graduate Seminar (Fall 2017)
Queer Theory and Methods- Graduate Seminar (Spring 2019, Spring 2020)
Sexualities (Spring 2020)

**Rutgers University**
Sexuality and Society (Fall 2013)
Sociology of Gender (Fall 2011, Fall 2012, Spring 2013)
Feminist Optics: Gender and Visual Optics (Fall 2014, Spring 2015)
Race Relations (Spring 2012, Spring 2014)
Expository Writing (Fall 2015)

**American University of Beirut**
Freshman Sociology (Fall 2008, Spring 2009)

Sexuality and Society (Fall 2007) teaching assistant for Steven Seidman
City and Society (Spring 2008) teaching assistant for Steven Seidman

## PROFESSIONAL EXPERIENCE

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| 2014-15 | Learning Community Coordinator, at the Institute for Research on Women (IRW), at Rutgers University- New Brunswick |

## SERVICE

**American Sociological Association**

| | |
|---|---|
| 2020 | Sexuality Regular Session Organizer, Annual Meeting San Francisco (invited by ASA program committee) |
| 2019-20 | Chair, ASA Sexualities, Graduate Student Paper Award |
| 2019-20 | Committee Member, ASA, Sexualities Nominations Committee |
| 2019-20 | Committee Member, ASA Global and Transnational Sociology Nominations Committee |
| 2019-22 | Council Member of the Sexualities Section (elected) |
| 2019 | Co-organizer with Héctor Carrilo, and Presider, "Transnationalizing Gender and Sexuality Studies: Beyond the Global and Local," ASA, New York City |
| 2019 | Presider, Stonewall At/After 50, Presidential Panel, ASA, New York City |
| 2019 | Co-organizer, Equity and Inclusion for Transnational Scholars and Scholarship in our Sections, ASA, and the Discipline |
| 2018-19 | Committee Member, ASA Sexualities Program Committee |
| 2018-19 | Committee Member, ASA Sex & Gender Nominations Committee |
| 2017-18 | Committee Member, ASA Sexualities, 2018 Distinguished Book Award |
| 2016-17 | Co-chair of Committee on Advancing Trans Studies in Sociology |

**Editorial Experience**

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| 2020-22 | Editorial Board, *Gender & Society* |
| 2019- | Editorial Board, *The Sociological Review* |
| 2018- | Editorial Board, *Critical Ethnic Studies* |

**University of Illinois-Urbana Champaign**

*Department of Gender and Women's Studies*

| | |
|---|---|
| 2019-20 | Search Committee Member, Assistant Professor of Latinx Studies |
| 2018- | Curriculum Committee |
| 2018 | Facilitated Queer Studies Reading Group meeting with Dr. Marlon Bailey |

*Department of Sociology*

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|---|---|
| 2019-20 | Graduate Studies Committee |
| 2019 | Chair, Race and Ethnicity Qualifying Exam Committee |
| 2019 | Search Committee Member and Diversity Advocate, Visiting Assistant Professor (Health) |
| 2019 | Search Committee Member and Diversity Advocate, Visiting Assistant Professor (Criminology, Law & Society) |
| 2018-19 | Graduate Admissions Committee Member |
| 2018-19 | Capricious Grading Committee |
| 2018-19 | Search Committee Member and Diversity Advocate, Visiting Assistant Professor |

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| 2018 | Search Committee Member and Diversity Advocate, Sociology Academic Advisor position |
| 2018 | Chair, Transnational Gender and Sexuality Qualifying Exam Committee |
| 2017-18 | Curriculum Committee |
| 2017 | Organized visit, talk, and graduate student workshop for Dr. Jyoti Puri (Simmons University), October 21 |
| 2017 | Organized visit, talk, and graduate student workshop for Dr. Ashley Currier (University of Cincinnati, March 10 |
| 2017 | Social Movements Qualifying Examination Committee |
| 2017 | Chair, Transnational Gender and Sexuality Qualifying Exam Committee |
| 2017 | Race and Ethnicity Qualifying Examination Committee |
| 2016 | Race, Gender, & Class Qualifying Examination Committee |
| 2016 | Speaker, AKD Undergraduate Sociology Honor Society Meeting |
| 2016-18 | Graduate Studies Committee |
| 2016-18 | Grievance Committee |
| 2016-17 | Colloquium Committee |

*Global Studies*

| | |
|---|---|
| 2018 | Search Committee Member and Diversity Advocate, Global Studies Lecturer in Global Health |
| 2017-current | Faculty Advisory Committee-Global Studies |

*Unit for Criticism and Interpretive Theory*

| | |
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| 2019-21 | Advisory Board |

*Center for South Asian and Middle Eastern Studies*

| | |
|---|---|
| 2018 | Organized visit, talk, and graduate student workshop for Dr. Vrushali Patil (Florida International University), March 6 |

**Manuscripts Reviewed**

*Gender, Place and Culture*
*Sexualities*
*Journal of Homosexuality*
*The Sociological Review*
*Social Forces*
*Sociological Quarterly*
*Kohl: Journal for Body and Gender Research*
*The Rutgers Journal of Sociology*

## PROFESSIONAL MEMBERSHIPS

American Sociological Association
Sociologists for Women in Society
American Studies Association
International Sociological Association
Eastern Sociological Association

## LANGUAGES

Fluent in English, Arabic (native language), Good in French

## REFERENCES

Available Upon Request.

# LEBANON 2018 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Lebanon is a parliamentary republic based on the 1943 National Pact, which apportions governmental authority among a Maronite Christian president, a Shia speaker of the Chamber of Deputies (parliament), and a Sunni prime minister. In 2016 parliament elected Michel Aoun to the presidency, ending more than two years of political deadlock. Following the June 2017 passage of the country's new electoral law, the government held parliamentary elections in May after parliament extended its legal term three times between 2013 and 2017. The elections were peaceful and considered generally fair and free from regional influence. President Michel Aoun directed Prime Minister Designate Saad Hariri to form a government. At year's end, the process for forming a government was still underway.

Civilian authorities maintained control over the armed forces and other security forces, although Palestinian security and militia forces, the designated foreign terrorist organization (FTO) Hizballah, and other extremist elements operated outside the direction or control of government officials.

The Syrian conflict affected the country economically and socially. It generated an influx of more than one million refugees and strained the country's already weak infrastructure and ability to deliver social services.

Human rights issues included arbitrary or unlawful killings by nonstate actors; allegations of torture by security forces; excessive periods of pretrial detention; undue and increasing restrictions on freedoms of speech and press, including laws criminalizing libel and a number of forms of political expression; official corruption; criminalization of lesbian, gay, bisexual, transgender, and intersex (LGBTI) status or conduct; and forced or compulsory child labor.

Although the legal structure provides for prosecution and punishment of officials who committed human rights abuses, enforcement remained a problem, and government officials enjoyed a measure of impunity for human rights abuses.

## Section 1. Respect for the Integrity of the Person, Including Freedom from:

### a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

Despite public assurances that it would do so, the Lebanese Armed Forces (LAF) has not released a public report on its June 2017 antiterrorism operation in the vicinity of Aarsal. During the operation, the LAF--in search of suspected ISIS and Fatah al-Sham terrorists who had seized the area in 2014--detained more than 350 Syrian men after five terrorists detonated suicide bombs, killing a young girl and wounding seven soldiers. Four of the detainees died in custody. The LAF concluded its investigation in July 2017, and LAF leadership publically conceded the detainees experienced "some mistreatment," but the LAF maintained they died of natural causes. Family members of three of the men released photographs of their bodies returned by the LAF, which they alleged showed signs of torture.

Closing arguments in the principal case, concerning the 2005 attack that killed former prime minister Rafik Hariri and 22 other individuals, took place in September at the Special Tribunal for Lebanon.

**b. Disappearance**

There were no confirmed reports of disappearances by or on behalf of government authorities.

**c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The penal code prohibits using acts of violence to obtain a confession or information about a crime, but the judiciary rarely investigated or prosecuted allegations of such acts. In September 2017 parliament approved a revised law against torture designed to align the country's antitorture legislation better with the UN Convention Against Torture. The law prohibits all forms of torture or cruel, inhuman, or degrading punishment. Some nongovernmental organizations (NGOs) alleged that security officials mistreated detainees.

Human rights organizations reported that incidents of abuse occurred in certain police stations. The government denied the systematic use of torture, although authorities acknowledged violent abuse sometimes occurred during preliminary investigations at police stations or military installations where officials interrogated suspects without an attorney present.

In a July 15 report released by the NGO Human Rights Watch (HRW), local actor Ziad Itani alleged that officers from the General Directorate of State Security (GDSS) detained him incommunicado for six days in November 2017 and subjected him to torture until he confessed to collaborating with an Israeli agent. According to the report, Itani claimed that GDSS officers held him in a room designed for torture in an unknown location where they repeatedly beat and kicked him, hung him in a stress position, and used electrical cables to beat him, including on his exposed genitals. GDSS officers also allegedly threatened Itani and his family with rape and physical violence. The report claimed that Itani reported the torture to the Military Court during his first hearing in December 2017, but the judge failed to investigate the allegations as required by law. On May 29, the presiding judge dismissed the case against Itani after concluding the evidence against him appeared to be fabricated. Authorities subsequently charged a high-ranking police official for conspiring to fabricate evidence against Itani. After his release Itani visited Prime Minister Hariri who declared his arrest was based on "wrong information." There were no reports that officials launched an investigation of the GDSS officers involved.

Although human rights and LGBTI organizations acknowledged some improvements in detainee treatment during the year, these organizations and former detainees continued to report that Internal Security Forces (ISF) officers mistreated drug users, persons involved in prostitution, and LGBTI individuals in custody, particularly through forced HIV testing, threats of prolonged detention, and threats to expose their status to family or friends.

One civilian employee of the UN Interim Force in Lebanon (UNIFIL) was accused of sexual exploitation in March 2017. The incident was alleged to have taken place in 2014 or 2015. According to the United Nations, the accused individual resigned after being placed on administrative leave without pay. An Office of Internal Oversight Services investigation substantiated the allegation in late 2017, and the United Nations placed a note of the outcome in the subject's Official Status File.

## Prison and Detention Center Conditions

Prison and detention center conditions were often overcrowded, and prisoners sometimes lacked access to basic sanitation. As was true for most buildings in the country, prison facilities were inadequately equipped for persons with disabilities.

Physical Conditions: As of October there were approximately 9,000 prisoners and detainees, including pretrial detainees and remanded prisoners, in facilities built to hold 3,500 inmates. Roumieh Prison, with a designed capacity of 1,500, held approximately 3,250 persons. Authorities often held pretrial detainees together with convicted prisoners. ISF statistics indicated that the prisons incarcerated more than 1,000 minors and approximately 300 women. The ISF incarcerated women at four dedicated women's prisons (Baabda, Beirut, Zahle, and Tripoli).

Conditions in overcrowded prisons were poor. According to a government official, most prisons lacked adequate sanitation, ventilation, and lighting, and authorities did not regulate temperatures consistently. Prisoners lacked consistent access to potable water. Roumieh prisoners often slept 10 in a room originally built to accommodate two prisoners. Although better medical equipment and training were available at Roumieh, basic medical care suffered from inadequate staffing, poor working conditions, and extremely overcrowded medical facilities. Some NGOs complained of authorities' negligence and failure to provide appropriate medical care to prisoners, which may have contributed to some deaths. The ISF reported that none died of police abuse, and there were no cases of rape in prisons during the year. During the year 12 prisoners died of natural causes and one prisoner died of a drug overdose.

There were reports that some prison officials engaged in sexual exploitation of female prisoners in which authorities exchanged favorable treatment such as improved handling of cases, improved cell conditions, or small luxuries like cigarettes or additional food to women willing to have sex with officials.

Administration: The ISF's Committee to Monitor Against the Use of Torture and Other Inhuman Practices in Prisons and Detention Centers conducted 110 prison visits as of October. Parliament's Human Rights Committee was responsible for monitoring the Ministry of Defense detention center. The minister of interior assigned a general-rank official as the commander of the inspection unit and a major-rank official as the commander of the human rights unit. The minister instructed the units to investigate every complaint. After completing an investigation, authorities transferred the case to the inspector general for action in the case of a disciplinary act or to a military investigative judge for additional investigation. If investigators found physical abuse, the military investigator assigned a medical team to confirm the abuse and the judge ruled at the conclusion of the review. As of October there were no complaints reported to the ISF committee. According to the ISF Human Rights Unit, in the course of its own

investigations, the ISF took disciplinary action against officers it found responsible for abuse or mistreatment, including dismissals, but it did not publicize this action.

During the year authorities arrested an ISF prison officer on charges of sexual abuse against an inmate. The case was ongoing as of October.

Families of prisoners normally contacted the Ministry of Interior to report complaints, although prison directors could also initiate investigations. According to a government official, prison directors often protected officers under investigation. Prisoners and detainees also have the ability to report abuse directly to the ISF Human Rights Unit.

Independent Monitoring: The government permitted independent monitoring of prison and detention conditions by local and international human rights groups and the International Committee of the Red Cross (ICRC), and such monitoring took place. The ICRC regularly visited 23 prisons and detention centers.

Nongovernmental entities, such as the FTO Hizballah and Palestinian nonstate militias, also reportedly operated unofficial detention facilities. On August 19, local media published leaked photos purportedly showing entrances to several secret, Hizballah-run prisons in Beirut's southern suburbs where Hizballah allegedly held, interrogated, and tortured detainees.

Improvements: ISF training and corrections staff continued to institutionalize best practices to protect human rights through developing and implementing standard operating procedures, and modifying hiring practices and training programs to improve professionalization among new officers.

On June 25, the country's State Prosecutor ordered judges to cease prosecution of drug users before providing them the opportunity to participate in a treatment program; NGOs and international organizations cited the prosecution of drug users as a factor contributing to extended pretrial detention and overcrowding in prisons and detention centers.

### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of arrest or detention in court, and the government generally observed these requirements. The law requires judicial warrants before arrests except in cases of active pursuit. Nonetheless, NGOs and

civil society groups alleged some incidents of the government arbitrarily arresting and detaining individuals, particularly refugees and migrant workers. Typically, these detentions were for short periods and related to administrative questions associated with the residency or work status of these populations, often lasting between several hours to one or more days.

**Role of the Police and Security Apparatus**

Civilian authorities maintained effective control over the ISF and the Directorate of General Security (DGS), and the government has effective mechanisms to investigate and punish abuse. The ISF, under the Ministry of Interior, is responsible for law enforcement, while the DGS, also under the Ministry of Interior, is responsible for border control. The LAF, under the Ministry of Defense, is responsible for external security but authorized to arrest and detain suspects on national security grounds; it also arrested alleged drug traffickers. The GDSS, reporting to the prime minister through the Higher Defense Council, is responsible for investigating espionage and other national security issues.

Each security apparatus has its own internal mechanisms to investigate cases of abuse and misconduct. The ISF code of conduct defines the obligations of ISF members and the legal and ethical standards by which they must abide in performing their duties. NGOs and human rights advocates alleged that officers in various security forces enjoyed a degree of implicit impunity for violations, particularly because the Military Court typically hears cases against them. NGOs argued this practice contradicts the antitorture law. Some agencies, however, stated they took steps to increase accountability. For example, according to government officials and legal advocacy organizations, the ISF Inspector General investigated officials suspected of official wrongdoing, subjecting them to arrest and disciplinary measures ranging from suspensions and reassignments to criminal prosecution, although it has not made case details public.

The Ministry of Interior has a human rights unit to enhance and raise awareness about human right issues within the ISF, train police officers on human right standards, and monitor and improve prison conditions. The Ministry staffed the department with four officers, including the department's head, and 15 noncommissioned officers. The department and its leadership maintained high standards of professionalism.

The ISF administers a complaint mechanism allowing citizens to track complaints and receive notification of investigation results. Citizens may file formal

complaints against any ISF officer in person at a police station, through a lawyer, by mail, or online through the ISF website. At the time an individual files a complaint, the filer receives a tracking number that may be used to check the status of the complaint throughout the investigation. The complaint mechanism provides the ISF the ability to notify those filing complaints of the results of its investigation.

The ISF human rights unit continued its collaboration with NGOs, civil society, and other stakeholders to improve and advise on human rights procedures and policies and to increase accountability.

The LAF has a human rights unit that engaged in human rights training through various international organizations. The unit worked to assure that the LAF operated in accordance with major international human rights conventions and coordinated human rights training in LAF training academies. The LAF human rights unit also worked with international NGOs to coordinate human rights training and policies, and it requested the creation of legal advisor positions to embed with LAF combat units and advise commanders on human rights and international law during operations. The unit also has responsibility for coordinating the LAF's efforts to combat trafficking in persons.

During the year 60 LAF officers participated in intensive human rights-focused training. The LAF Directorate of Humanitarian Law and Human Rights produced a card with applicable human rights and law of armed conflict guidance, requiring soldiers to carry it to strengthen compliance with LAF human rights policies and procedures.

UN Security Resolutions 425 and 426 established UNIFIL in 1978 to confirm the Israeli withdrawal from the southern region of the country, restore peace and security, and assist the government in restoring its authority over its territory. UN Security Resolution 1701 stated UNIFIL was to monitor cessation of hostilities between Israel and Hizballah after their 2006 war, accompany the LAF in deploying to the South Litani Sector, assist in providing humanitarian access to civilians, or the safe return of displaced, as well as assist the government in securing its borders.

Despite the presence of Lebanese and UN security forces, Hizballah retained significant influence over parts of the country. Neither the LAF nor the ISF controlled or attempted to control the interiors of 11 of 12 Palestinian camps in the country. The LAF, however, maintained positions around the camps and

monitored movements into and out of them (except Nahr el-Bared camp). Joint committees of armed Palestinian factions provided collectively for their internal security, and there was coordination with the government and the LAF.

**Arrest Procedures and Treatment of Detainees**

The law generally requires a warrant for arrest and provides the right to a medical examination and referral to a prosecutor within 48 hours of arrest. The law requires that officials promptly inform individuals of the charges against them, and authorities generally adhered to this requirement. If authorities hold a detainee longer than 48 hours without formal charges, the arrest is considered arbitrary, and authorities must release the detainee or request a formal extension. The code of criminal procedures provides that a person may be held in police custody for investigation for 48 hours, unless the investigation requires additional time, in which case the period of custody may be renewed for another 48 hours.

The law requires authorities to inform detainees of the charges filed against them. A suspect caught in the act of committing a crime must be referred to an examining judge, who decides whether to issue an indictment or order the release of the suspect. By law bail is available in all cases regardless of the charges, although the amounts required may be prohibitively high.

The code of criminal procedures states that from the moment of arrest a suspect or the subject of a complaint has the right to contact a member of his family, his employer, an advocate of his choosing, an acquaintance, or an interpreter, and undergo a medical examination on the approval of the general prosecutor. It does not, however, mention whether a lawyer may attend preliminary questioning with the judicial police. In practical terms the lawyer may not attend the preliminary questioning with judicial police. Under the framework of the law, it is possible to hold a suspect at a police station for hours before allowing the individual to exercise the right to contact an attorney. If the suspect lacks the resources to obtain legal counsel, authorities must provide free legal aid. The law does not require the judicial police to inform an individual who lacks legal counsel that one may be assigned through the Bar Association, whether in Beirut or Tripoli.

The law does not require authorities to inform individuals they have the right to remain silent. Many provisions of the law simply state that if the individuals being questioned refuse to make a statement or remain silent, this should be recorded and that the detainees may not be "coerced to speak or to undergo questioning, on pain of nullity of their statements."

The law excludes from this protection suspects accused of homicide, drug crimes, endangerment of state security, violent crimes, crimes involving terrorism, and those with a previous criminal conviction.

Authorities may prosecute officials responsible for prolonged arrest on charges of depriving personal freedom, but they have rarely filed charges.

Authorities failed to observe many provisions of the law, and government security forces, as well as extralegal armed groups such as Hizballah, continued the practice of extrajudicial arrest and detention, including incommunicado detention. Additionally, the law permits military intelligence personnel to make arrests without warrants in cases involving military personnel or involving civilians suspected of espionage, treason, weapons possession, or terrorism.

Arbitrary Arrest: According to local NGOs, cases of arbitrary detention occurred, but most victims chose not to report violations against them to the authorities. NGOs reported that most cases involved vulnerable groups such as refugees, drug users, LGBTI individuals, and migrant workers. Civil society groups reported authorities frequently detained foreign nationals arbitrarily.

Pretrial Detention: The law states the period of detention for a misdemeanor may not exceed two months. Officials may extend this period by a maximum of two additional months. The initial period of custody may not exceed six months for a felony, but the detention may be renewed. Due to judicial backlogs, pretrial detention periods for felonies may last for months or years.

Pretrial detention periods were often lengthy due to delays in due process. The ISF did not report the number of prisoners in pretrial detention. As of October there were approximately 9,000 detainees, between sentenced offenders and those awaiting trial. In August 2017 the ISF reported more than 4,000 pretrial detainees. The Office of the UN High Commissioner for Human Rights expressed concern about arbitrary pretrial detention without access to legal representation. Some pretrial detention periods equaled or exceeded the maximum sentence for the alleged crime. According to a study by the Lebanese Center for Human Rights, detainees spent one year on average in pretrial detention prior to sentencing. Individuals accused of murder spent on average 3.5 years in pretrial detention. Some Lebanese Sunni militants, detained after returning from fighting in Syria, have remained in pretrial detention for more than five years.

### e. Denial of Fair Public Trial

Although the constitution provides for an independent judiciary, authorities subjected the judiciary to political pressure, particularly in the appointment of key prosecutors and investigating magistrates. Persons involved in routine civil and criminal proceedings sometimes solicited the assistance of prominent individuals to influence the outcome of their cases.

### Trial Procedures

The constitution and the law provide for the right to a fair and public trial, and an independent judiciary generally sought to enforce this right.

Defendants are presumed innocent until proven guilty and have the right to be promptly informed of the charges against them. Trials are generally public, but judges have the discretion to order a closed court session. Defendants have the right to be present at trial, to consult with an attorney in a timely manner, and to question witnesses against them. Defendants may present witnesses and evidence. Defendants have the right to free interpretation; however, interpreters were rarely available. Defendants have the right not to be compelled to testify or confess guilt; they have the right of appeal.

The Military Court has a permanent tribunal and a cassation tribunal. The latter, composed of civilian judges, hears appeals from the former. The Military Court has jurisdiction over cases involving the military and police, as well as those involving civilians accused of espionage, treason, weapons possession, and draft evasion. It also may try civilians on security charges or for violations of the military code of justice, which also applies to civilians. Defendants on trial under the military tribunal have the same procedural rights as defendants in ordinary courts. While civilian courts may try military personnel, the Military Court often hears these cases, including for charges unrelated to official military duty. Human rights activists raised concerns that such proceedings created the potential for impunity. Although the military and civilian courts follow the same appellate procedures, human rights groups expressed concerns that Military Court proceedings were opaque, lacked sufficient due process assurances, and afforded inadequate review of court decisions.

Governance and justice in the Palestinian camps varied greatly, with most camps under the control of joint Palestinian security forces representing multiple factions, while local militia strongmen heavily influenced others. Essentially, Palestinian

groups in refugee camps operated an autonomous system of justice mostly invisible to outsiders and beyond the control of the state. For example, local popular committees in the camps attempted to resolve disputes through informal mediation methods but occasionally transferred those accused of more serious offenses (for example, murder and terrorism) to state authorities for trial.

**Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

**Civil Judicial Procedures and Remedies**

There is an independent judiciary in civil matters, but plaintiffs seldom submitted civil lawsuits seeking damages for government human rights violations to it. During the year there were no examples of a civil court awarding a person compensation for such violations. There is no regional mechanism to appeal adverse domestic human rights decisions. The country has reservations on individual complaints under any human rights treaty, body, or special procedure. Appeals to international human rights bodies are accessible only after exhausting all domestic remedies.

**f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, but authorities interfered with the privacy of persons regarded as enemies of the government. There were reports that security services monitored private email and other digital correspondence. On January 8, the Electronic Frontier Foundation and mobile security firm Lookout reported a spyware campaign operating from servers they identified as belonging to DGS. According to the report, since 2012 the campaign targeted the communications and activities of users in several countries, including Lebanese journalists and activists, by installing malware from fake versions of secure Android apps such as WhatsApp.

The law provides for the interception of telephone calls with prior authorization from the prime minister at the request of the minister of interior or minister of defense.

Militias and non-Lebanese forces operating outside the area of central government authority also frequently violated citizens' privacy rights. Various nonstate actors,

such as Hizballah, used informer networks, telephone, and electronic monitoring to obtain information regarding their perceived adversaries.

**Section 2. Respect for Civil Liberties, Including:**

**a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of expression, including for the press, and stipulates that restrictions may be imposed only under exceptional circumstances. The government generally respected this right, but there were some restrictions, particularly regarding political and social issues.

Freedom of Expression: Individuals were generally free to criticize the government and discuss matters of public interest; however, several legal restrictions limited this right. The law prohibits discussing the dignity of the president or insulting him or the president of a foreign country. The military code of justice prohibits insulting the armed forces, and the Military Court prosecuted civilians under this statute. For example, in January the Military Court sentenced journalist and researcher Hanin Ghaddar in her absence to four months in prison for allegedly insulting the armed forces in remarks she gave at a 2014 conference in Washington, D. C. The court dismissed the charges on appeal in April. Authorities heard these cases in both civil and military courts; they generally carried sentences of between one and three years in prison, although typically they resulted in fines.

Press and Media Freedom: The 1962 Publications Law regulated print media. The law holds journalists responsible for erroneous or false news; threats or blackmail; insult, defamation, and contempt; causing prejudice to the president's dignity; insulting the president or the president of a foreign country; instigation to commit a crime through a publication; and sectarian provocation. The Publications Law contains detailed rules governing the activities of printing houses, press media, libraries, publishing houses, and distribution companies. It also establishes media institutions such as the Press Syndicate. The law provides rules and conditions for becoming a journalist and for obtaining licenses for new publications. It also prohibits the press from publishing blasphemous content of the country's officially recognized religions or content that may provoke sectarian feuds.

There was uncertainty regarding which legal framework is applicable to online news sites in the country. There are no specific laws regulating online speech. The penal code, however, contains a number of speech offenses. Several articles

in the penal code criminalize defamation of public officials, public entities, and individuals. Moreover, the military justice code prohibits defamation of the army. Accordingly, authorities may prosecute individuals, journalists, and bloggers for what they express online.

The law governing audiovisual media bans live broadcasts of unauthorized political gatherings and certain religious events and prohibits the broadcast of "any matter of commentary seeking to affect directly or indirectly the well-being of the nation's economy and finances, material that is propagandistic and promotional, or promotes a relationship with Israel." Media outlets must receive a license from the Council of Ministers, based on a recommendation by the minister of information, to broadcast direct and indirect political news and programs. The law prohibits broadcasting programs that seek to affect the general system, harm the state or its relations with Arab and other foreign countries, or have an effect on the well-being of such states. The law also prohibits the broadcast of programs that seek to harm public morals, ignite sectarian strife, or insult religious beliefs.

Violence and Harassment: Broadcast journalists continued to suffer from intimidation and harassment. Political friction and tension led some outlets to fear entering certain "politically classified" areas to report without removing brandings and logos that referenced the outlets. During the parliamentary elections, journalists could travel freely. Outlets that sought to report in areas under control of Hizballah must obtain special permission from Hizballah's media arm.

Authorities increased prosecutions of online, print, and television journalists for violations of the country's publications law; NGOs and media watchdogs claimed it was an effort to intimidate critics. Prosecutors referred these cases to criminal courts based on both private complaints and their own discretion. On January 25, the Public Prosecutor filed charges against the host of a popular satire program for featuring a joke about the Saudi Crown Prince. The case was pending in the Publications Court as of October. Cases typically remain open for long periods in the Publications Court, often for a year or more.

On July 16-17, a journalist received death threats for commentary in defense of activist Charbel Khoury, who police interrogated over a Facebook post allegedly insulting a popular Maronite Christian saint, following a complaint from lawyers affiliated with the Lebanese Forces party (Maronite). There was no evidence that authorities investigated these threats.

Censorship or Content Restrictions: The law permits, and authorities selectively used, prior censorship of pornographic material, political opinion, and religious material considered a threat to national security or offensive to the dignity of the head of state or foreign leaders. The DGS may review and censor all foreign newspapers, magazines, and books to determine admissibility into the country, but these reviews are mostly for explicit, pornographic content. Some journalists reported that political violence and extralegal intimidation led to self-censorship among journalists.

The law includes guidelines regarding materials deemed unsuitable for publication in a book, newspaper, or magazine. Any violation of the guidelines could result in the author's imprisonment or a fine.

Authors could publish books without prior permission from the DGS, but if the book contained material that violated the law, the DGS could legally confiscate the book and put the author on trial. In some cases authorities might deem the offending material a threat to national security. Authorities did not take such offenses to trial based on the publication law, but rather based on criminal law or other statutes. Publishing a book without prior approval that contained unauthorized material could put the author at risk of a prison sentence, fine, and confiscation of the published materials.

Authorities from any of the recognized religious groups could request the DGS to ban a book. The government could prosecute offending journalists and publications in the publications court. According to one NGO, as of December 2017 the government opened more than 30 cases in the publications court during the year, mainly from libel suits filed by politicians, political parties, and private citizens. Authorities also referred such cases to criminal courts, which according to NGOs and media watchdogs, is counter to Lebanese law. These include an August 8 libel case filed by Speaker of Parliament Nabih Berri against a deputy news editor and journalist at al-Jadeed television station over its August 5 reporting on corruption allegations within Berri's Amal movement.

Libel/Slander Laws: On July 24, protestors gathered in Samir Kassir Square in Beirut to protest the perceived abuse of libel and slander laws by authorities and political figures to silence critics. In most cases criminal courts heard libel and defamation complaints, which can carry sentences of one to three years, but typically resulted in fines or a promise to remove offending material from the internet. NGOs and activists reported increased prosecutions under such laws, and representatives of the foreign minister and president, among others, filed several

complaints against critics throughout the year. On June 20, a judge issued a four-month prison sentence in his absence against blogger and journalist Fidaa Itani for defaming government officials. The charges related to blog and Facebook posts Itani published between June and July 2017, which criticized the foreign minister, prime minister, and president.

Nongovernmental Impact: Radical Islamist groups sometimes sought to inhibit freedom of expression and the press through coercion and threats of violence.

**Internet Freedom**

The law does not restrict access to the internet. There was a general public perception, however, that the government monitored email and social media activity. The government reportedly censored some websites to block online gambling, pornography, religiously provocative material, extremist forums, and Israeli websites, but there were no verified reports the government systematically attempted to collect personally identifiable information via the internet.

Restrictions on freedom of speech concerning government officials applied to social media communications, which authorities considered a form of publication rather than private correspondence. Political activists and NGOs reported that political parties and their supporters engaged in intimidating individuals online and in person in response to online posts deemed critical of political leaders or religious figures.

The ISF's Cybercrime Unit and other state security agencies summoned journalists, bloggers, and activists to question them about social media and blog posts, especially when they criticized political figures or religious sects. According to an August 17 open letter from 15 local NGOs to the UN High Commissioner for Human Rights, since 2016 security services have questioned, and in some cases detained, 39 individuals--including a 15-year-old boy--over online posts criticizing the government or other officials. NGOs also noted that the number of summonses might be higher since many individuals chose not to discuss or report their cases. Authorities charged the majority of those summoned under libel and slander laws. NGOs and media watchdogs reported that the willingness of the government to prosecute such cases increased over the past year, particularly during the May elections, focusing heavily on those who criticized the foreign minister or president.

On July 19, the Cybercrime Unit interrogated online activist Charbel Khoury when one of his Facebook posts raised public controversy for allegedly mocking a popular Maronite Christian saint. The judge in the case ordered Khoury to pledge to abstain from his Facebook account for one month and not to criticize religions.

Internet access was available and widely used by the public. According to the International Telecommunication Union, 76 percent of the population used the internet in 2017.

**Academic Freedom and Cultural Events**

There were no government restrictions specific to academic freedom, but libel and slander laws apply.

The majority of private universities enjoyed freedom of expression, and students were free to hold student elections and organize cultural, social, and political activities.

During the year the government censored and barred the screening of at least one film. The DGS reviewed all films and plays, and there were complaints the DGS's decision-making process lacked transparency and the opinions of religious institutions and political groups influenced it. Cultural figures and those involved in the arts practiced self-censorship to avoid being detained or denied freedom of movement.

Following the 2017 ban on the film *Wonder Woman*, the group Campaign to Boycott Supporters of Israel successfully lobbied for the DGS to ban the release of the film *The Post* due to the film director's alleged financial support to Israel. The ban was issued on January 15. On January 17, the government overturned the ban following widespread public attention.

**b. Freedoms of Peaceful Assembly and Association**

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these freedoms.

**Freedom of Peaceful Assembly**

The constitution provides for the freedom of peaceful assembly with some conditions established by law. Organizers are required to obtain a permit from the Interior Ministry three days prior to any demonstration.

Security forces occasionally intervened to disperse demonstrations, usually when clashes broke out between opposing protesters.

**Freedom of Association**

The constitution provides for freedom of association with some conditions established by law, and the government generally respected the law.

No prior authorization is required to form an association, but organizers must notify the Ministry of Interior for it to obtain legal recognition, and the ministry must verify that the organization respects public order, public morals, and state security. The ministry sometimes imposed additional, inconsistent restrictions and requirements and withheld approval. In some cases the ministry sent notification of formation papers to the security forces to initiate inquiries about an organization's founding members. Organizations must invite ministry representatives to any general assembly where members vote on bylaws, amendments, or positions on the board of directors. The ministry must then validate the vote or election. Failure to do so may result in the dissolution of the organization by a decree issued by the Council of Ministers.

The cabinet must license all political parties (see section 3).

In areas under Hizballah's sway, independent NGOs faced harassment and intimidation, including social, political, and financial pressures. Hizballah reportedly paid youth who worked in "unacceptable" NGOs to leave the groups.

**c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

**d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights for citizens but placed extensive limitations on the rights of Palestinian refugees and Syrian,

Iraqi, and other refugee populations. Within families, men sometimes exercised considerable control over female relatives, restricting their activities outside the home or their contact with friends and relatives.

As of October the Office of the UN High Commissioner for Refugees (UNHCR) registered more than 976,000 Syrian refugees, almost 16,400 Iraqis, more than 1,700 Sudanese refugees, and refugees of other nationalities in the country. UNHCR estimated that another 300,000 Syrians were unregistered, a result of government policy banning new registrations. While the government has allowed no new UNHCR registrations of refugees, UN agencies reported that working relationships with government ministries were generally productive. Some elements of the government, most notably the Ministry of Foreign Affairs, have attacked UNHCR, other UN agencies, and some donor governments for purportedly discouraging refugee returns to Syria, including threatening to eject some of those countries' officials from Lebanon. The foreign minister for several months blocked renewal of legal residency for UNHCR staff, affecting the organization's ability to deliver humanitarian assistance.

The UN Relief and Works Agency (UNRWA) assisted Palestinian refugees registered in the country. Approximately 470,000 Palestinians were registered as refugees with UNRWA in Lebanon as of December 2017. As of October, UNRWA estimated the number of Palestinians residing in the country was between 260,000 and 280,000. UNRWA also provided services to Palestinian refugees from Syria (PRS). As of October, UNRWA reconfirmed more than 29,000 PRS individuals residing in the country.

Abuse of Migrants, Refugees, and Stateless Persons: The government lacked the capacity to provide adequate protection for refugees. Multiple NGOs and UN agencies shared reports of sexual harassment and exploitation of refugees by employers and landlords, including paying workers below the minimum wage, working excessive hours, debt bondage, and pressuring families into early marriage for their daughters. There were multiple reports of foreign migrant domestic workers (mainly from East Africa and Southeast Asia), tied to their employers through legal sponsorship, who faced physical and mental abuse, unsafe working conditions, and nonpayment of wages. According to NGOs who assisted migrant workers in reporting these abuses to authorities, security forces and judges did not always adequately investigate these crimes, particularly as many victims later refused to file complaints or retracted testimony due to fear of reprisals or deportation.

In one highly publicized example, a domestic worker advocacy group reported that an Ethiopian domestic worker badly injured herself after leaping from a balcony to escape a physically abusive sponsoring family. The worker alleged the family abused and beat her, but later retracted her statements in televised interviews with the family. Advocacy groups suspected the well connected family coerced her to recant. The family reportedly sought to suppress media reporting on the incident through Lebanon's libel and defamation laws.

In-country Movement: The government maintained security checkpoints, primarily in military and other restricted areas. Hizballah also maintained checkpoints in certain Shia-majority areas. Government forces were usually unable to enforce the law in the predominantly Hizballah-controlled southern suburbs of Beirut and did not typically enter Palestinian refugee camps. According to UNRWA Palestinian refugees registered with the Interior Ministry's Directorate of Political and Refugee Affairs could travel from one area of the country to another. The DGS, however, had to approve the transfer of registration of residence for refugees who resided in camps. UNRWA stated the DGS generally approved such transfers.

In an effort to address the low number of refugees obtaining and renewing legal residency, the government waived renewal fees for refugees registered with UNHCR, a change to be implemented by the DGS. While the government intended these policies to improve the ability of Syrian refugees to obtain and maintain legal residency, there has been little improvement in the percentage of refugees with legal status. According to the United Nations, only 27 percent of the refugee population held legal residency as of October.

Due to the slow implementation of a February 2017 residency fee waiver by the DGS and, in many cases, failure to obtain or keep a Lebanese sponsor, the majority of Syrian refugees were unable to renew their legal documents, which significantly affected their freedom of movement owing to the possibility of regular arrests at checkpoints, particularly for adult men. While authorities released most detainees within a few days, some of the refugees met by foreign diplomats said authorities required them to pay fines before releasing them. Obtaining and maintaining legal residency was also a challenge for Iraqi refugees and refugees of other nationalities. UNHCR reports that only 20 percent of Syrian refugees were legal residents. There is no official limitation of movement for PRS in the country; however, PRS without valid legal status faced limitations to their freedom of movement, mainly due to the fear and risk of arrest at checkpoints. UNRWA

reported anecdotal accounts of authorities detaining PRS without legal residency documents as well as issuing "departure orders" for those with expired visas.

Since 2014 authorities granted entry visas at the border for PRS only to persons with either a verified embassy appointment in the country or a flight ticket and visa to a third country. Authorities issue most of these individuals a 24-hour transit visa. Additionally, limited numbers of PRS secured a visa for Lebanon by obtaining prior approval from the DGS, which required a sponsor in the country and could not be processed at border posts. UNRWA estimated that only 12 percent of the PRS in the country arrived after 2016.

Compared to the policy applied to Syrian nationals, authorities applied tighter conditions to PRS (notwithstanding restrictions on Syrians announced in January 2015). For example, Syrian nationals, in principle, could enter with humanitarian visas, while this opportunity was not available to PRS. Consequently, some PRS sought to enter the country through irregular border crossings, placing them at additional risk of exploitation and abuse and creating an obstacle to later regularizing their legal status.

In July 2017 DGS issued a circular allowing the free, unlimited renewal of PRS residency for six months, with no fees for delays. It applied to PRS who entered the country legally or who regularized their status before September 2016, and granted temporary residency documents to PRS who turned 15 years old in the country, allowing them to use available documents more easily, for cases of children without passports or national identity cards. The circular, issued for residency renewal and not regularization, did not apply to PRS who entered the country through unofficial border crossings; authorities issued a departure order to PRS who entered the country through official border crossings, but who overstayed their temporary transit visa or failed to renew their visa.

In October 2017 the government waived the condition of valid residency for birth and marriage registration for PRS, expanding the application of a previous circular issued in September 2017 applicable to Syrians.

In principle, asylum seekers and refugees of nationalities other than Syrian, if arrested because of irregular entry or stay, were sentenced to one to three month's imprisonment and ordered to pay a fine. Some also received a deportation order, due to illegal entry.

According to UNHCR most non-Syrian asylum seekers arrested due to irregular entry or residency faced administrative detention without being sentenced by a court. The DGS held these individuals in a migrant retention facility where officials processed their immigration files before making administrative deportation decisions. Most cases resulted in deportation of the detainee, except for some instances where UNHCR secured their resettlement to a third country.

**Internally Displaced Persons (IDPs)**

Fighting in 2007 destroyed the Nahr el-Bared Palestinian refugee camp, displacing approximately 30,000 residents, of whom approximately 27,000 were registered Palestine refugees. Many of the displaced resided in areas adjacent to the camp or in other areas of the country where UNRWA services were available. As of July approximately 55 percent of displaced families returned to newly reconstructed apartments in Nahr el-Bared camp.

**Protection of Refugees**

Refoulement: The government consistently reaffirmed its commitment to the principle of nonrefoulement with respect to Syrians. The DGS coordinated with Syrian regime officials to facilitate the voluntary return of 4,800 refugees, as of October 1. UNHCR did not organize these returns but was present at departure points and, in interviews with refugees, found no evidence that returns were involuntary or coerced. Between July 2017 and June, DGS deported seven Iraqi refugees.

Access to Asylum: The law does not provide for the granting of asylum or refugee status. Nonetheless, the country hosted an estimated 1.5 million refugees.

Palestinian refugees were prohibited from accessing public health and education services or owning land; they were barred from employment in many fields, making refugees dependent upon UNRWA as the sole provider of education, health care, and social services. A 2010 law expanding employment rights and removing some restrictions on Palestinian refugees was not fully implemented, and Palestinians remained barred from working in most skilled professions, including almost all those that require membership in a professional association.

In 2017 the Ministry of Labor issued an administrative decree that allowed Syrian refugees with valid legal residency to work in construction, agriculture, and cleaning. The decree does not apply to PRS, and many, therefore, worked

unofficially, exposing them to discrimination and increased risk of abuse and exploitation. Large number of PRS families in the country relied heavily on UNRWA financial assistance.

As of June 30, there were more than 975,000 Syrian refugees registered with UNHCR. Since the government instructed UNHCR to stop registering Syrian refugees in early 2015, this total did not include Syrian refugees who arrived in the country after early 2015. There were no formal refugee camps in the country for Syrians. Most Syrian refugees resided in urban areas, many in unfinished, substandard, or nonresidential buildings. Approximately 19 percent lived in informal tented settlements, often adjacent to agricultural land, according to an October UN assessment. According to a UN study, the refugees borrowed to cover even their most basic needs, including rent, food, and health care, putting nearly 90 percent of them in debt.

In 2015 the government banned the entry of all Syrian refugees unless they qualified for undefined "humanitarian exceptions." During the year the government accepted Syrians seeking asylum only if they qualified under the "humanitarian exceptions" that the Ministry of Social Affairs reviewed on a case-by-case basis. These exceptions included unaccompanied and separated children, persons with disabilities, medical cases, and resettlement cases under extreme humanitarian criteria.

Legal status in Lebanon was critical for protection, as it allowed refugees to pass through checkpoints, including to and from camps, complete civil registration processes, and access and remain within the educational system.

In addition to more than 16,000 UNHCR-registered Iraqi refugees residing in the country, a limited number of additional Iraqis entered during the year to escape violence. As of June 30, UNHCR also registered more than 3,500 refugees or asylum seekers from Sudan and other countries.

Freedom of Movement: Authorities imposed curfews in a number of municipalities across the country, allegedly to improve security of all communities. Some international observers raised concerns that these measures may be discriminatory and excessive, since authorities usually enforced them only on Syrian refugees.

Municipalities and neighborhoods hosting Syrian refugee populations continued to impose movement restrictions through curfews, evictions, and threats of evictions.

As of July UNHCR confirmed the evictions of 336 households, comprising more than 1,500 refugees across the country. UNHCR only tracks "mass evictions" of five or more households; the overall number of refugees affected by eviction is higher. Furthermore, UN agencies reported that local municipal officials frequently used the threat of evictions to exert control over refugees or to appease host communities competing with refugees for jobs and other resources.

Police checkpoints and curfews imposed by municipalities restricted refugees' movement. For example, in Metn refugees were under curfew from 7:00 p.m. until 7:00 a.m. Cases of identity document confiscation and fines for breaking curfews continued, although observers reported no violent incidents. UNHCR staff reported these restrictions on movement increasingly forced families to send children and young women, who authorities are less likely to stop, to perform family errands.

Employment: Authorities continued requiring Syrian refugees who wished to obtain residency permits to pledge to abide by the country's laws, under which Syrians may work only in agriculture, construction, and cleaning.

The law allows a special account to provide end-of-service indemnities or severance pay to Palestinian refugees who retired or resigned. These benefits were available only to Palestinians working in the legal labor market. Palestinians did not benefit from national sickness and maternity funds or the family allowances fund. UNRWA continued to bear the cost of any medical, maternity, or family health-care expenses (excluding worker's compensation).

Palestinian refugees received partial access to the benefits of the National Social Security Fund. They may not, however, work in at least 36 professions including medicine, law, and engineering and face informal restrictions on work in other industries. According to UN agencies, government officials, and Palestinian advocacy groups, Palestinian refugees consistently reported discrimination in hiring due to bureaucracy and stigma. Lack of written contracts, lack of employment benefits, and insecure job tenure contributed to unstable working conditions.

Access to Basic Services: The government did not consider local integration of any refugees a viable solution.

The law considers UNRWA-registered Palestinian refugees to be foreigners. UNRWA has the sole mandate to provide health, education, social services, and

emergency assistance to registered Palestinian refugees residing in the country. The amount of land allocated to the 12 official Palestinian refugee camps in the country had changed only marginally since 1948, despite a fourfold increase in the population. Consequently, most Palestinian refugees lived in overpopulated camps, some of which past conflicts heavily damaged. In accordance with agreements with the government, Palestine Liberation Organization security committees provided security for refugees in the camps, with the exception of the Nahr el-Bared camp.

A comprehensive, multi-year plan to rebuild the Nahr el-Bared camp in eight stages began in 2008 and was in process at year's end. In April UNRWA revised the overall estimated cost of the completing Nahr el Bared camp from LL 521 billion ($345 million) to LL 497 billion ($329 million). Remaining reconstruction was not fully funded, and a shortfall of LL 135 billion ($90 million) remained. On April 25, the prime minister appealed to the international community at the Brussels II Syria Conference to fund shortfall for reconstructing the camp, reconfirming this project as a priority for the country. Of the 27,000 Palestinians originally displaced following the camp's destruction, UNRWA expected that approximately 21,000 would return.

A 2001 amendment to a 1969 decree barring persons explicitly excluded from resettling in the country from owning land and property was designed to exclude Palestinians from purchasing or inheriting property. Palestinians who owned and registered property prior to the 2001 law entering into force could bequeath it to their heirs, but individuals who were in the process of purchasing property in installments were unable to register the property.

Palestinian refugees residing in the country could not obtain citizenship and were not citizens of any other country. Palestinian refugee women married to Lebanese citizens were able to obtain citizenship after one year of marriage. According to the country's nationality law, the father transmits citizenship to children. Palestinian refugees, including children, had limited social and civil rights and no access to public health, education, or other social services. Children of Palestinian refugees faced discrimination in birth registration, and many had to leave school at an early age to earn an income.

Palestinian refugees who fled Syria to Lebanon since 2011 received limited basic support from UNRWA, including food aid, cash assistance, and winter assistance, such as cash to purchase fuel for heating. Authorities permitted children of PRS to enroll in UNRWA schools and access UNRWA health clinics.

The Ministry of Education and Higher Education facilitated the enrollment of more than 213,000 non-Lebanese students, predominantly Syrian refugees, in public schools (basic education from kindergarten to grade nine) in the 2017-18 academic year. Authorities estimated that there were almost 338,000 registered Syrians of school age (three to 14 years old) in the country. Donor funding to UN agencies covered school-related expenses, such as school fees, books, and uniforms. Syrian refugees had access to many government and private health centers and local clinics for primary care services, and UN agencies and NGOs funded the majority of associated costs with international donor support. Syrian refugees had access to a limited number of UNHCR-contracted hospitals for lifesaving and obstetric care.

Iraqi refugees had access to both the public and private education systems. UNHCR verification exercises confirmed that authorities enrolled more than 600 Iraqi children in formal public schools for the 2017-18 school year. Iraqi refugees also had access to the primary health-care system. UNHCR, through NGOs, provided secondary health care with donor support.

**Stateless Persons**

Citizenship is derived exclusively from the father, resulting in statelessness for children of a citizen mother and a noncitizen father when registration under the father's nationality is not possible. This discrimination in the nationality law particularly affected Palestinians and, increasingly, Syrians from female-headed households. Additionally, some children born to Lebanese fathers did not have their births registered due to administrative obstacles or a lack of understanding of the regulations. The problem was compounded since nonnational status was a hereditary circumstance that stateless persons passed to their children. There were no official statistics on the size of the stateless population.

Approximately 3-5,000 Palestinians were not registered with UNRWA or the government. These persons are Palestinians who began to arrive in the country during the 1960s and do not hold any formal valid identification documentation. The government does not recognize them as they do not hold valid legal status in the country. Without documentation and legal status, nonregistered Palestinians faced restrictions on movement, risked arrest or detention, and encountered obstacles completing civil registration procedures; all of which limited access to public services and formal employment.

Undocumented Palestinians, not registered in other fields, were not necessarily eligible for the full range of services provided by UNRWA. Nonetheless, in most cases, UNRWA provided primary health care, education, and vocational training services to undocumented Palestinians. The majority of undocumented Palestinians were men, many of them married to UNRWA-registered refugees or Lebanese citizen women, who could not transmit refugee status or citizenship to their husbands or children.

The Directorate of Political and Refugee Affairs is responsible for late registration of children of Palestinian refugees. According to the law, birth registration of children older than one year previously required a court procedure, a proof of marriage, an investigation by the DGS, and a DNA test. A March 2 decree issued by the Ministry of Interior facilitated the required documentation for birth registration of PRS and Syrian children more than one year old and born in the country between 2011 and February. In such cases authorities no longer required the court procedure and DNA tests to register these children; however, proof of marriage is still mandatory. This decree does not apply to the registration of Palestinian refugee children more than one year old.

Approximately 1,000 to 1,500 of an estimated 100,000 Kurds living in the country lacked citizenship, despite decades of family presence in the country. Most were descendants of migrants and refugees who left Turkey and Syria during World War I, but authorities denied them citizenship to preserve the country's sectarian balance. The government issued a naturalization decree in 1994, but high costs and other obstacles prevented many individuals from acquiring official status. Some individuals who received official status had their citizenship revoked in 2011 due to a presidential decree. Others held an "ID under consideration" document without a date or place of birth.

Stateless persons lacked official identity documents that would permit them to travel abroad and could face difficulties traveling internally, including detention for not carrying identity documents. They had limited access to the regular employment market and no access to many professions. Additionally, they could not access public schools or public health-care facilities, register marriages or births, and own or inherit property.

**Section 3. Freedom to Participate in the Political Process**

Although the law provides citizens the ability to choose their government in free and fair periodic elections conducted by secret ballot and based on universal and

equal suffrage, lack of government control over parts of the country, defects in the electoral process, previous prolonged extensions of parliament's mandate, and corruption in public office restricted this ability.

**Elections and Political Participation**

Recent Elections: Michel Aoun was elected President of the Republic in October 2016, ending two and a half years of political stalemate. Following the 2017 passage of a new electoral law, the government held its first parliamentary election since 2009 on May 6. Observers concluded that the election was generally free and fair.

For the first time, voters used preprinted ballots, which reduced opportunities for fraud.

Monitors observed that family members or other acquaintances "helped" elderly or disabled voters cast their ballots, often standing with them in the private voting booth. The new electoral law allowed citizens living outside Lebanon to vote from abroad in several countries.

NGOs and observers raised concerns about vote buying and bribes, particularly with respect to media broadcasting. Representatives of nontraditional parties or alliances--many belonging to "civil society" lists--alleged that election authorities did not always enforce laws meant to limit campaign expenses, and there was a public perception that some candidates paid for their positions on party lists or used patronage networks to provide voters with incentives, including cash or promises of employment. Prior to the elections, there were some reports of limited, sporadic violence between candidate supporters. Security services responded quickly to these incidents.

Political Parties and Political Participation: All major political parties and numerous smaller ones were almost exclusively based on confessional affiliation, and parliamentary seats were allotted on a sectarian basis.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate; however, there were significant cultural barriers to women's participation in politics. Prior to 2004 no woman held a cabinet position, and there were only four female ministers subsequently. During the year one woman served in the cabinet. Only six of 128 members of parliament were women, and most were close relatives of

previous male members. Female leadership of political parties was limited, although three parties introduced voluntary quotas for their membership and one party (Lebanese Forces) appointed a woman as its secretary general in 2016, the first woman ever to hold the post in a major Lebanese political party. In September 2017 parliament approved a law that allows women to run in municipal elections in their native towns instead of the municipality of their spouses.

Minorities participated in politics. Regardless of the number of its adherents, authorities allocated every government-recognized religion, except Coptic Christianity, Ismaili Islam, and Judaism, at least one seat in parliament. Voters elected three parliamentarians representing minorities (one Syriac Orthodox Christian and two Alawites) in this year's elections. None of the minority parliamentarians were women. These groups also held high positions in government and the LAF.

Since refugees are not citizens, they have no political rights. An estimated 17 Palestinian factions operated in the country, generally organized around prominent individuals. Most Palestinians lived in refugee camps that one or more factions controlled. Palestinian refugee leaders were not elected, but there were popular committees that met regularly with UNRWA and visitors.

**Section 4. Corruption and Lack of Transparency in Government**

Although the law provides criminal penalties for official corruption, the government did not implement the law effectively, and officials reportedly engaged in corrupt practices with impunity and on a wide scale. Government security officials, agencies, and police were subjected to laws against bribery and extortion. The lack of strong enforcement limited the law's effectiveness.

The Central Inspection Board (CIB), an oversight body within the Office of the Prime Minister, is responsible for monitoring administrative departments, including procurement and financial actions, and remained mostly independent of political interference. While the CIB may inspect working level employees at the municipal level, executive authorities in local government were not subjected to CIB inspection. The Social Security Fund and the Council for Development and Reconstruction, public entities that managed large funding flows, were outside CIB jurisdiction.

Corruption: Observers widely considered government control of corruption to be poor. There was limited parliamentary or auditing authority oversight of revenue collection and expenditures.

Types of corruption generally encountered included systemic patronage; judicial failures, especially in investigations of official wrongdoing; and bribery at multiple levels within the national and municipal governments. Corruption led to diversion of resources intended for other objectives. In one example during the year, a local mayor intentionally delayed a fully funded development project benefitting vulnerable Lebanese, demanding personal compensation in exchange for approving the project.

Financial Disclosure: The law requires the president of the republic, the president of the Chamber of Deputies, the president of the Council of Ministers, as well as ministers, members of parliament, and judges to disclose their financial assets in a sealed envelope deposited at the Constitutional Council, but the government does not make the information available to the public. They must also do the same when they leave office. Heads of municipalities disclose their financial assets in a sealed envelope at the Ministry of Interior, and civil servants deposit their sealed envelopes at the Civil Servants Council, but the information is also not available to the public. If a case is brought to the State Council for noncompliance, the State Council will take judiciary administrative sanctions consisting of terminating the tenure of the incumbent.

## Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were responsive in some instances to these groups' views; however, there was limited accountability for human rights violations.

Government Human Rights Bodies: Parliament's Committee on Human Rights struggled to advance legislative proposals to make legal changes to guide ministries in protecting specific human rights or, for example, improving prison conditions. The State Ministry for Human Rights supported human rights legislation and engaged with NGOs and international organizations, but lack of an official budget or staff limited it.

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

### Women

Rape and Domestic Violence: The law criminalizes rape and the use of threats or violence to claim a "marital right to intercourse." While the government effectively enforced the law, its interpretation by religious courts precluded full implementation of civil law in all provinces. The minimum prison sentence for a person convicted of rape is five years, or seven years for raping a minor. In August 2017 parliament repealed the article of the penal code that freed rapists from prosecution and nullified their convictions if they married their victims.

The law criminalizes domestic violence, but it does not specifically provide protection for women. Despite a law that sets a maximum sentence of 10 years in prison for battery, some religious courts may legally require a battered wife to return to her home despite physical abuse. Foreign domestic workers, usually women, often suffered from mistreatment, abuse, and in some cases rape or conditions akin to slavery. Some police, especially in rural areas, treated domestic violence as a social, rather than criminal, matter.

NGOs and activists criticized the domestic violence law, claiming that it does not sufficiently protect victims or punish abusers, whom they alleged often received disproportionately light sentences. On January 29, activists gathered in downtown Beirut to protest perceived inaction by the judiciary and security forces to respond to such cases after at least eight women died in domestic violence incidents through January. Examples included a woman whose husband shot her outside their home in front of neighbors following a dispute. On April 25, a judge issued an indictment and called for the death penalty for the husband who had fled to Syria but subsequently returned and surrendered to investigators. The case was ongoing as of October.

Police and judicial officials worked to improve their management of domestic violence cases, but they noted that social and religious pressures--especially in more conservative communities--led to underreporting of cases, while some victims sought arbitration through religious courts or between families rather than through the justice system.

The government provided legal assistance to domestic violence victims who could not afford it, and police response to complaints submitted by battered or abused women improved. During the year ISF and judicial officials received training on

best practices for vulnerable female detainees, including victims of domestic violence and sexual exploitation. NGOs that provided services to such victims reported increased access to potential victims in ISF and DGS custody. In February the ISF began alerting its human rights unit to all cases involving victims of domestic violence and other vulnerable groups, so officers could track the cases and provide for proper conduct.

The Women's Affairs Division in the Ministry of Social Affairs and several NGOs continued projects to address sexual or gender-based violence, such as providing counseling and shelter for victims and training ISF personnel to combat violence in prisons.

Sexual Harassment: The law prohibits sexual harassment, but authorities did not enforce the law effectively, and it remained a widespread problem. According to the UN Population Fund, the labor law does not explicitly prohibit sexual harassment in the workplace; it merely gives an employee the right to resign without prior notice in the event that the employer or representative committed an indecent offense towards the employee or a family member. There are, however, no legal consequences for the perpetrator.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Women suffered discrimination under the law and in practice. In matters of child custody, inheritance, and divorce, personal status laws provide unequal treatment across the various confessional court systems but generally discriminate against women. For example, Sunni civil courts applied an inheritance law that provides a son twice the inheritance of a daughter. Religious law on child custody matters favors the father in most instances. Nationality law also discriminates against women, who may not confer citizenship to their spouses and children, although widows may confer citizenship to their minor children. On August 29, however, the Ministry of Interior issued a circular allowing a divorced woman to include the names of her children on her civil record.

By law women may own property, but they often ceded control of it to male relatives due to cultural reasons and family pressure.

The law does not distinguish between women and men in employment and provides for equal pay for men and women.

## Children

Birth Registration: Citizenship is derived exclusively from the father, which may result in statelessness for children of a citizen mother and noncitizen father who may not transmit his own citizenship (see section 2.d.). If a child's birth is not registered within the first year, the process for legitimizing the birth is long and costly, often deterring families from registration. In September 2017 the General Directorate of Personal Status issued a memorandum to facilitate marriage and birth registration procedures of Syrian nationals, which removed some difficult-to-fulfill requirements for Syrian parents. Syrian refugees no longer needed legal residency to register the birth of their child. Subsequently, authorities waived several requirements for late birth registration.

Some refugee children and the children of foreign domestic workers also faced obstacles to equal treatment under the law. NGOs reported discrimination against them, although some could attend public school.

Religious courts legally handled personal status for civil matters, applied religious laws of the various confessions, and occasionally interfered in family matters such as child custody in the case of divorce. Refugee birth registrations require families to register birth certificates with Lebanese ministries, which remained inaccessible because the ministries require proof of legal residence and legal marriage.

Education: Education for citizens is free and compulsory through the primary phase; however, authorities required modest school fees from parents that acted as a barrier to poorer families. Noncitizen children, including those born of noncitizen fathers and citizen mothers and refugees, lacked this right. The Ministry of Education and Higher Education directed that non-Lebanese students could not out number Lebanese in any given classroom during the regular school shift, which sometimes limited enrollment. The ministry, however, opened a second shift at 350 public schools specifically for Syrian refugee children.

Child Abuse: The country lacked a comprehensive child protection law; however, a law on the "Protection of at-Risk Children or Children Violating the Law," provided some protection to children who were victims of violence.

As of September 30, the child protection NGO Himaya reported assisting more than 1,300 cases of psychological, physical, sexual abuse as well as exploitation and neglect. The Ministry of Social Affairs had a hotline to report cases of child abuse. In a typical example, representatives of a local shelter for abused women

and children described a case of a father who sexually and physically abused a child in the shelter's care. According to the organization, the father escaped punishment through religious courts, as many families chose to handle such cases through these courts rather than the national justice system.

UN agencies and NGOs reported that Syrian refugee children were vulnerable to child labor and exploitation.

Early and Forced Marriage: There is no legal minimum age for marriage, and the government does not perform civil marriages. Instead, religious courts set the marriage age based on confessionally determined personal status law, and minimum ages for marriage differ accordingly. UN agencies, NGOs, and government officials noted higher rates of early marriage among the Syrian refugee population. They partially attributed this circumstance to social and economic pressure on families with limited resources.

Sexual Exploitation of Children: The penal code prohibits and punishes commercial sexual exploitation, child pornography, and forced prostitution. The minimum age for consensual sex is 18, and statutory rape penalties include hard labor for a minimum of five years and a minimum of seven years' imprisonment if the victim is younger than 15 years old. The government generally enforced the law.

ISF, DGS, and judicial officials improved enforcement of the country's antitrafficking law, which prohibits the sexual exploitation of children. NGOs provided training throughout the year to increase police and judicial officials' sensitivity to the issue and reported increased numbers of potential victims that authorities referred to NGO-run shelters and victim protection programs.

Displaced Children: Some refugee children lived and worked on the street. Given the poor economic environment, limited freedom of movement, and little opportunity for livelihoods for adults, many Syrian refugee families relied on children to earn money for the family. Refugee children were at greater risk of exploitation and child labor, since they had greater freedom of movement compared to their parents, who often lacked residency permits.

The Ministry of Education and Higher Education facilitated enrollment of almost 217,000 non-Lebanese children in the 2017-18 academic year. The government and some NGOs offered a number of informal education programs to eligible students.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html.

## Anti-Semitism

At year's end there were approximately 100 Jews living in the country and 6,000 registered Jewish voters who lived abroad but had the right to vote in parliamentary elections.

The Jewish Community Council reported that between May and June vandals destroyed tombs and gravestones in the Jewish cemetery in Sidon, attempting to rob graves that they believed contained gold. Rooms, shops, and a gas station were built on the land of the Jewish cemetery in Tripoli, and a lawsuit was filed in 2011. While the suit was still pending, authorities took no action by year's end.

## Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

## Persons with Disabilities

According to the law, persons with disabilities have the right to employment, education, health services, accessibility, and the right to vote; however, there was no evidence the government effectively enforced the law. Although prohibited by law, discrimination against persons with disabilities continued.

Employment law defines a "disability" as a physical, sight, hearing, or mental disability. The law mandates access to buildings by persons with disabilities, but the government failed to amend building codes. The law does not mandate access to information nor accommodations for communication for persons with disabilities.

The law stipulates that persons with disabilities fill at least 3 percent of all government and private sector positions, provided such persons fulfill the qualifications for the position. There was no evidence indicating the government

enforced the law. Employers are legally exempt from penalties if they provide evidence no otherwise qualified person with disabilities applied for employment within three months of advertisement.

The Ministry of Social Affairs and the National Council of Disabled are responsible for protecting the rights of persons with disabilities. According to the president of the Arab Organization of Disabled People, little progress had occurred since parliament passed the law on disabilities in 2000. Resource limitations restricted the ability of the government to investigate adequately abuses against persons with disabilities.

The Ministry of Education and Higher Education stipulates that for new school building construction "schools should include all necessary facilities in order to receive the physically challenged." Nonetheless, the public school system was ill equipped to accommodate students with disabilities.

Depending on the type and nature of the disability, children with a disability may attend mainstream school. Due to a lack of awareness or knowledge, school staff often did not identify a specific disability in children and could not adequately advise parents. In such cases children often repeated classes or dropped out of school. According to a March HRW report, children with disabilities lacked access to education as both public and private schools often improperly refused to admit them or charged additional fees, citing a lack of appropriate facilities or staff. In May the Ministry of Education and Higher Education launched a donor-supported inclusive education program to address these issues.

In the May parliamentary elections, access for persons with disabilities and older persons was a significant issue. ISF officers and poll workers helped, and at times carried, some voters with disabilities into the polling stations, which were ill equipped to accommodate persons with disabilities.

**National/Racial/Ethnic Minorities**

Lebanese of African descent attributed discrimination to the color of their skin and claimed harassment by police, who periodically demanded to see their papers. Foreign Arab, African, and Asian students, professionals, and tourists reported being denied access to bars, clubs, restaurants, and private beaches.

Syrian workers, usually employed as manual laborers and construction workers, continued to suffer discrimination, as they did following the 2005 withdrawal of

Syrian occupation forces from the country. Many municipalities enforced a curfew on Syrians' movements in their neighborhoods in an effort to control security.

**Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits sexual relations "contradicting the laws of nature" and effectively criminalizes consensual, same-sex sexual conduct among consenting adults. The law was occasionally enforced, and it carries a penalty of up to one year in prison, although there were no successful prosecutions under the provision during the year. Some government and judicial officials, along with NGOs and legal experts questioned whether the law actually criminalized same-sex sexual conduct. There are no provisions of law providing antidiscrimination protections to LGBTI persons based on their sexual orientation, gender identity or expression, or sex characteristics.

On July 12, a district appeals court ruled that same-sex relationships between adults could be considered neither "unnatural," nor illegal. The case related to nine allegedly gay and transgender persons arrested in Beirut in 2015. The decision followed four similar rulings from lower courts.

Official and societal discrimination against LGBTI persons persisted.

Observers received reports from LGBTI refugees of physical abuse by local gangs, which the victims did not report to the ISF. Observers referred victims to UNHCR-sponsored protective services.

Most reports of abuse came from transgender women. An Arab Foundation for Freedoms and Equality and Marsa project highlighted employment discrimination faced by transgender women due to the inconsistency between official documentation and gender self-presentation.

During the year government agents interfered with or restricted events focused on LGBTI rights. On May 14, a general prosecutor ordered the ISF to arrest and detain "Beirut Pride" organizer Hadi Damien on charges of obscenity relating to Beirut Pride events that highlighted and supported the LGBTI community. Authorities released Damien when he pledged to cancel the week's remaining events rather than face charges of "incitement to immorality" and "breach of public morality." Security services nevertheless allowed some LGBTI-focused events, panels, and forums facilitated by other organizations to continue.

The government did not collect information on official or private discrimination in employment, occupation, housing, statelessness, or lack of access to education or health care based on sexual orientation or gender identity. Individuals who faced problems were reluctant to report incidents due to fear of additional discrimination. There were no government efforts to address potential discrimination.

### HIV and AIDS Social Stigma

HIV/AIDS is stigmatized due to sensitivities about extramarital relations. Few who contracted the disease did so in the course of homosexual relations, which are also taboo. The main challenge facing AIDS patients, in addition to stigma and discrimination, was that many were unable to pay for regular follow-up tests that the Ministry of Public Health does not cover. The law requires the government to offer treatment to all residents who are AIDS patients rather than deporting foreigners who carry the disease.

## Section 7. Worker Rights

### a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of private-sector workers to form and join trade unions, bargain collectively, and strike but places a number of restrictions on these rights. The Ministry of Labor must approve the formation of unions, and it controlled the conduct of all trade union elections, including election dates, procedures, and ratification of results. The law permits the administrative dissolution of trade unions and bars trade unions from political activity. Unions have the right to strike after providing advance notice to and receiving approval from the Ministry of Interior. Organizers of a strike (at least three of whom must be identified by name) must notify the ministry of the number of participants in advance and the intended location of the strike, and 5 percent of a union's members must take responsibility for maintaining order during the strike.

There are significant restrictions on the right to strike. The labor law excludes public-sector employees, domestic workers, and agricultural workers. Therefore, they have neither the right to strike nor to join and establish unions. The law prohibits public-sector employees from any kind of union activity, including striking, organizing collective petitions, or joining professional organizations. Despite this prohibition public-sector employees succeeded in forming leagues of public school teachers and civil servants that created the Union of Coordination

Committees (UCC), which along with private school teachers, demanded better pay and working conditions.

The law protects the right of workers to bargain collectively, but a minimum of 60 percent of workers must agree on the goals beforehand. Two-thirds of union members at a general assembly must ratify collective bargaining agreements. Collective agreements for the Port of Beirut and the American University of Beirut Medical Center employees have been renewed, as well as for the Hotel Dieu de France hospital.

The law prohibits antiunion discrimination. Under the law when employers misuse or abuse their right to terminate a union member's contract, including for union activity, the worker is entitled to compensation and legal indemnity and may institute proceedings before a conciliation board. The board adjudicates the case, after which an employer may be compelled to reinstate the worker, although this protection was available only to the elected members of a union's board. Anecdotal evidence showed widespread antiunion discrimination, although this issue did not receive significant media coverage. The most flagrant abuses occurred in banking, private schools, retail businesses, daily and occasional workers, and the civil service. The government and ruling political parties interfered in the elections of the teachers and civil servants' leagues, succeeding in removing an active UCC leadership that aimed to transform itself into a genuine trade union structure. The International Labor Organization (ILO) reported that private schools fired approximately 500 teachers to pressure their union to back off demands for higher pay under a new salary scale. The founding members of the domestic workers' union were under scrutiny within the country. For example, the DGS detained Sujana Rana and deported her in 2016. The government continued its restriction against the unionization of domestic workers; however, it generally did not interfere with a June 24 demonstration of domestic workers and supporting organizations in Beirut demanding reform of laws covering the rights of domestic workers.

By law foreigners with legal resident status may join trade unions. The migrant law permits migrant workers to join existing unions (regardless of nationality and reciprocity agreements) but denies them the right to form their own unions. They do not enjoy full membership as they may neither vote in trade union elections nor run for union office. Certain sectors of migrant workers, such as migrant domestic workers, challenged the binding laws supported by some unions by forming their own autonomous structures that acted as unions, although the Ministry of Labor had not approved them.

Palestinian refugees generally may organize their own unions on an individual basis. Because of restrictions on their right to work, few refugees participated actively in trade unions. While some unions required citizenship, others were open to foreign nationals whose home countries had reciprocity agreements with Lebanon.

The government's enforcement of applicable laws was weak, including with regard to prohibitions on antiunion discrimination.

Freedom of association and the right to collective bargaining were not always respected. The government and other political actors interfered with the functioning of worker organizations, particularly the main federation, the General Confederation of Lebanese Workers (CGTL). The CGTL is the only national confederation recognized by the government, although several unions boycotted and unofficially or officially broke from the CGTL and no longer recognized it as an independent and nonpartisan representative of workers. The National Federation of Workers and Employees in Lebanon emerged as another alternative to represent the independent trade union movement. Since 2012 the UCC played a major role in pushing the government to pass a promised revised salary scale, largely overshadowing the CGTL. In July 2017 parliament passed the salary scale law for public-sector employees. The UCC's prominence declined considerably following the election of a new board in 2015, while the CGTL was increasingly active following the election of a new board in March 2017. Antiunion discrimination and other instances of employer interference in union functions occurred. Some employers fired workers in the process of forming a union before the union could be formally established and published in the official gazette.

There was no progress on enacting a draft labor law, under discussion since 2008.

There was widespread anecdotal evidence of arbitrary dismissals of Lebanese, and their replacement by non-Lebanese, across economic and productive sectors. This action was mainly in the form of Syrian refugees allegedly replacing Lebanese in some sectors. There were no official statistics to quantify the scale of these dismissals.

### b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, but there is no legislative provision that provides criminal penalties for the exaction of forced labor. The government

did not effectively enforce the law, although the government made some efforts to prevent or eliminate it. The law does not criminally prohibit debt bondage.

Children, foreign workers employed as domestic workers, and other foreign workers sometimes worked under forced labor conditions. The law provides protection for domestic workers against forced labor, but domestic work is excluded from protections under the labor law and vulnerable to exploitation. In violation of the law, employment agencies and employers routinely withheld foreign workers' passports, especially in the case of domestic workers, sometimes for years. According to NGOs assisting migrant workers, some employers withheld salaries for the duration of the contract, which was usually two years.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

**c. Prohibition of Child Labor and Minimum Age for Employment**

Child labor occurred, including in its worst forms. While up-to-date statistics on child labor were unavailable, anecdotal evidence suggested the number of child workers rose during the year and that more children worked in the informal sector, as well as commercial sexual exploitation, as UNHCR noted.

The minimum age for employment is 14, and the law prescribes the occupations that are legal for juveniles, defined as children between ages 14 and 18. The law requires juveniles to undergo a medical exam by a doctor certified by the Ministry of Public Health to assure they are physically fit for the type of work employers ask them to perform. The law prohibits employment of juveniles for more than seven hours per day or from working between 7 p.m. and 7 a.m., and it requires one hour of rest for work lasting more than four hours. The law, updated by a decree on the Worst Forms of Child Labor, prohibits specific types of labor for juveniles, including informal "street labor." It also lists types of labor that, by their nature or the circumstances in which they are carried out, are likely to harm the health, safety, or morals of children younger than 16, as well as types of labor that are allowed for children older than 16, provided they are offered full protection and adequate training.

Overall, the government did not enforce child labor laws effectively, in part due to inadequate resources. The penal code calls for penalties for those who violate laws on the worst forms of child labor ranging from a fine of LL 250,500 ($167) and one to three months' imprisonment up to the closure of the offending

establishment. Advocacy groups did not consider these punishments sufficient deterrents.

Child labor, including among refugee children, was predominantly concentrated in the informal sector, including in small family enterprises, mechanical workshops, carpentry, construction, manufacturing, industrial sites, welding, agriculture (including in the production of tobacco), and fisheries. According to the ILO, child labor rates have at least doubled since the Syrian refugee influx. The ILO reported that instances of child labor strongly correlate with a Syrian refugee presence. The ILO equally highlighted that the majority of Syrian children involved in the worst forms of child labor--especially forced labor--worked primarily in agriculture in the Bekaa and Akkar regions and on the streets of major urban areas (Beirut and Tripoli). Anecdotal evidence also indicated that child labor was prevalent within Palestinian refugee camps.

The Ministry of Labor is responsible for enforcing child labor requirements through its Child Labor Unit. Additionally, the law charges the Ministry of Justice, the ISF, and the Higher Council for Childhood (HCC) with enforcing laws related to child trafficking, including commercial sexual exploitation of children and the use of children in illicit activities. The HCC is also responsible for referring children held in protective custody to appropriate NGOs to find safe living arrangements. The Ministry of Labor employed approximately 90 inspectors and assistant inspectors, as well as administrators and technicians. This team conducts all inspections of potential labor violations for the ministry, including for child labor issues whenever a specific complaint is reported or found in the course of their other inspections.

The government made efforts to prevent child labor and remove children from such labor during the year. The Ministry of Labor's Child Labor Unit acts as the government's focal point for child labor issues, and it oversees and implements the ministry's national strategy to tackle child labor. The National Steering Committee on Child Labor is the main interministerial body coordinating on child labor across the government. In collaboration with the ILO, the ministry established three new coordinating committees against child labor in 2016, in Beirut's southern suburbs, Mount Lebanon, and in the Bekaa region.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings.

### d. Discrimination with Respect to Employment and Occupation

The law provides for equality among all citizens and prohibits discrimination based on race, gender, disability, language, or social status. The law does not specifically provide for protection against discrimination based on sexual orientation, gender identity, HIV status, or other communicable diseases.

Although the government generally respected these provisions, they were not enforced in some areas, especially in economic matters, and aspects of the law and traditional beliefs discriminated against women. Discrimination in employment and occupation occurred with respect to women, persons with disabilities, foreign domestic workers, and LGBTI and HIV-positive persons (see section 6).

The law does not distinguish between women and men in employment, and it provides for equal pay for men and women. On wage equality for similar work, the report also indicates a considerable difference between wages for women and men in the workplace.

Although prohibited by law, discrimination against persons with disabilities continued. Employment law defines a "disability" as a physical, sight, hearing, or mental disability. The law stipulates that persons with disabilities fill at least 3 percent of all government and private sector positions, provided such persons fulfill the qualifications for the position; however, no evidence indicated that the government enforced the law.

Migrant workers and domestic workers faced employment hurdles that amounted to discrimination (see section 7.e.).

### e. Acceptable Conditions of Work

The legal minimum wage was last raised in 2012. There was no official minimum wage for domestic workers. Observers concluded that the minimum wage is lower than unofficial estimates of the poverty income level. Official contracts stipulated a wage ranging from LL 225,000 to LL 450,000 ($150 to $300) per month for domestic workers, depending on the nationality of the worker. A unified standard contract, which was registered with the DGS for the worker to obtain residency, granted migrant domestic workers some labor protections. The standard contract covered uniform terms and conditions of employment, but not wages.

The law prescribes a standard 48-hour workweek with a weekly rest period that must not be less than 36 consecutive hours. The law stipulates 48 hours work as the maximum per week in most corporations except agricultural enterprises. The law permits a 12-hour day under certain conditions, including a stipulation that overtime pay is 50 percent higher than pay for normal hours. The law does not set limits on compulsory overtime. The law includes specific occupational health and safety regulations and requires employers to take adequate precautions for employee safety.

Domestic workers are not covered under the labor law or other laws related to acceptable conditions of work. Such laws also do not apply to those involved in work within the context of a family, day laborers, temporary workers in the public sector, or workers in the agricultural sector.

The Ministry of Labor is responsible for enforcing regulations related to acceptable conditions of work but did so unevenly. The ministry employed approximately 90 enforcement officials composed of both inspectors and assistant inspectors, as well as administrators and technicians, who handled all inspections of potential labor violations. The number of inspectors, available resources, and legal provisions were not sufficient to deter violations, nor was there political will for proper inspections in other cases. Interference with inspectors affected the quality of inspections and issuance of fines for violators was common. The law stipulates that workers may remove themselves from situations that endanger their health or safety without jeopardy to their employment, although government officials did not protect employees who exercised this right.

Workers in the industrial sector worked an average of 35 hours per week, while workers in other sectors worked an average of 32 hours per week. Some private-sector employers failed to provide employees with family and transportation allowances as stipulated under the law and did not register them with the National Social Security Fund (NSSF).

Some companies did not respect legal provisions governing occupational health and safety in specific sectors, such as the construction industry. Workers could report violations to the CGTL, Ministry of Labor, NSSF, or through their respective unions. In most cases they preferred to remain silent due to fear of dismissal.

Violations of wage, overtime, and occupational health and safety standards were most common in the construction industry and among migrant workers, particularly with foreign domestic workers.

Foreign migrant workers arrived in the country through local recruitment agencies and source-country recruitment agencies. Although the law requires recruitment agencies to have a license from the Ministry of Labor, the government did not adequately monitor their activities. A sponsorship system tied foreign workers' legal residency to a specific employer, making it difficult for foreign workers to change employers. If employment was terminated, a worker lost residency. This circumstance made many foreign migrant workers reluctant to file complaints to avoid losing their legal status.

Some employers mistreated, abused, and raped foreign domestic workers, who were mostly of Asian and African origin. Domestic workers often worked long hours and, in many cases, did not receive vacations or holidays. Victims of abuse may file civil suits or seek other legal action, often with the assistance of NGOs, but most victims, counseled by their embassies or consulates, settled for an administrative solution that usually included monetary compensation and repatriation. In a typical example, one victim explained that, when she escaped from an employer who was withholding her wages, an NGO helped her file charges against her employer. Authorities reached an administrative settlement with her employer to pay back wages and finance return to her home country, but did not seek criminal prosecution of her employer.

Authorities did not prosecute perpetrators of abuses against foreign domestic workers for a number of reasons, including the victims' refusal to press charges and lack of evidence. Authorities settled an unknown number of other cases of nonpayment of wages through negotiation. According to source-country embassies and consulates, many workers did not report violations of their labor contracts until after they returned to their home countries, since they preferred not to stay in the country for a lengthy judicial process.

While licensed businesses and factories strove to meet international standards for working conditions with respect to occupational safety and health, conditions in informal factories and businesses were poorly regulated and often did not meet these standards. The Ministry of Industry is responsible for enforcing regulations to improve safety in the workplace. The regulations require industries to have three types of insurance (fire, third party, and workers' policies) and to implement proper safety measures. The ministry has the authority to revoke a company's

license if its inspectors find a company noncompliant, but there was no evidence this occurred.

The law requires businesses to adhere to safety standards, but authorities poorly enforced the law, and it did not explicitly permit workers to remove themselves from dangerous conditions without jeopardy to their continued employment. Workers may ask to change their job or be removed from an unsafe job without being affected, as per the labor code. The government only weakly implemented the law due to lack of governance, the weak role of the trade union movement, corruption, and lack of trade union rights.

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# Fifteen years of LGBTI community activism in Lebanon: A story of existence and oppression

By **Sahar Mandour, chercheuse sur le Liban à Amnesty International**
17 May 2019, 10:20 UTC

Sahar Mandour, Amnesty International's researcher on Lebanon

The sun was shining above the groups demonstrating against the US-British military campaign against Iraq in 2003 in Beirut. We were a group of eager youths, university student activists meeting in front of the United Nations Economic and Social Commission for West Asia (ESCWA) building in the city centre. We stood at a corner, trying to avoid a crowd calling for the victory of the Iraqi dictator Saddam Hussein and another crowd cheering for a holy war in which Islam would defeat Christianity.

Suddenly, we saw a group of young people appear from afar, heading towards us calmly and organically. They raised a rainbow flag. It was one of the first times (if not the very first time) that the rainbow flag was raised in a public and activist context in Beirut. As it was a banner produced by the American gay rights movement in the 1970s, the crowd in the Beiruti square at that time did not understand what it meant, which helped to ensure the protection and safety of its bearers. They arrived, stood next to us, and together we chanted "no to war - no to dictatorships."

For years, this scene remained in my mind. The flag was not raised to demand personal freedoms alone; it was being raised to fight against all types of injustice.

The very next year, the first LGB rganization in Lebanon was establishe lelem. It was officially registered at the Ministry of Interior in September 2004. Since then, almost 15 years ago, 17th May in Lebanon has not been just any other day.

It is the International Day Against Homophobia, Transphobia and Biphobia (IDAHOTB), a day on which LGBTI organizations are keen to hold activities that bring LGBTI individuals and their allies together, celebrate them, and confirm their existence and rights.

However, in the past two years, state security authorities have intensified their crackdown on this day by cancelling activities on various pretexts, the main one being "to ensure the protection of the audience as radical religious groups have threatened to attack if the event goes ahead." The security authorities have chosen to support opposing groups that threaten violence by clamping down on the freedom of expression of groups wishing to mark this day in a peaceful manner. Instead of holding those making threats accountable, security forces have taken the threat as a given and imposed the ban.

Nonetheless, the crackdown did not start in recent years. The growing visibility of activist work has come with increased vulnerability to crackdown. Activists and organisations working on LGBTI rights claim that there has barely been a day in these past 15 years where there hasn't been a raid, or a violation of the fundamental rights of individuals through arrests, sanctions, and a limiting of the rights to privacy, protection against torture and degrading treatment.

Before the start of local LGBTI activism, hostility against homosexuality was wellestablished - mainly fueled by moral, socio-cultural and religious justifications. The media talked "about" LGBTI individuals but never talked "to" them. Before the rise of social media, if an LGBTI individual was invited to speak on television, their voice would be altered and their face hidden because of the risk of them being attacked if their identity was revealed.

Helem came about as the result of a local build-up of activism, most of which was taking place clandestinely, in closed chatrooms and semi-private spaces to which new individuals would only be welcome when accredited by two existing members. These chatrooms and spaces allowed people to come together to listen to each other's stories, discuss ideas about how to change their situation, and find support in friends in an otherwise hostile environment.

At the time, the main demand was the repeal of Article 534 of the Lebanese Penal Code which penalizes "any sexual relations that contradict the laws of nature" with a prison sentence of between one month and one year and a fine of between 200,000 and one million Lebanese pounds (133USD - 663USD). This Article, alongside other laws that criminalize sex work, drug use and trafficking, rendered LGBTI individuals vulnerable, not only within their families and society writ large, but also by the state.

Slowly, LGBTI activism in Lebanon began to widen. The activists began to gain more experience, engage in more meaningful discussions, and they started forming organisations. Despite differences and contradictions amongst each other - not always helpful to advocating on LGBTI issues – this year, IDAHOTB saw the formation of coalition of a group of organisations entitled the "Lebanese coalition of LGBTIQ rights."

The media landscape started to shift too: LGBTI individuals started occupying a space in public discussions that had been going on about them for decades but in which they had no part thus far. They built alliances with

journalists, who helped them bre religious, social and political barriers, a shifting the way they were being represented in mainstream media. They became increasingly integrated within the broader civil society, in coordination or through alliances with organizations working on freedom of expression, women's rights, right to health, or other rights-related issues.

Over time, the public in general appears to have become used to the existence of LGBTI individuals amongst them, but that is not to say that they have become more accepting or even ready to endorse or support their struggle for their rights.

The very first demand that LGBTI activists had raised was protection. To this day, this demand remains unfulfilled, but is no longer the main and only call. The legal fight for LGBTI rights has been bringing lawyers to police stations and courts when needed, advancing principled arguments and obtaining judgments that are setting a precedent for others to build on. It has brought judges to deliver brave and solid judgments that refuse to criminalize the right to privacy. These rulings are few – perhaps less than a dozen - but they are prominent. They refer to Lebanon's international binding agreements to refute the crime of homosexuality and thus reject the prescribed penalties. They also rely on internationally-approved medical references to refute that same-sex conduct "goes against nature," rendering thus Article 534 inapplicable.

These breakthroughs illustrate how the past 15 years of sustained and brave work has carved out a space for LGBTI activism within the wider activist community.

Today, the LGBTI people in Lebanon stand somewhere in the middle - their very existence is no longer being criminalized, but they still don't enjoy the freedom to exercise their rights. There is no doubt continued hostility towards any person identifying as or perceived to be LGBTI; for instance, there are social media pages that call for transwomen to be prosecuted and calling on the state to arrest them, torture them and simply remove them from public view; television programmes continue to discriminate against LGBTI individuals, and with every show that addresses this issue, a myriad of phone calls and contacts by individuals and organization are made to try and ensure that LGBTI people aren't harmed in the process; security authorities continue to arrest activists and hamper the work of organizations and individuals.

In 2018, Helem stated that there had been an increase in the number of arrests under Article 534 - not the other way around. This organization alone monitored 35 arrests and trials, and more specifically, of 27 trans women and eight gay men, five of whom were in the military. Most of them were subjected to violations, ranging from insults to threats, to severe beatings and harassment. Anal exams, which the doctors' syndicate came out publicly against, is still banned at police stations in Beirut but individuals continue to be subjected to those exams outside of Beirut, not to mention that the threat of this exam is used to obtain so-called "confessions." Police patrols still arrest people arbitrarily on the basis of suspicion of same-sex conduct when they see individuals of the same sex walking together in the street. The courts still try them on the basis of "confessions" obtained either through intimidation or false promises.

In addition to this, in the past two years, organizations have been ordered to cancel their IDAHOTB activities. Last year, activists were banned from entering Lebanon. Films or scenes promoting homosexuality or presenting a homosexual person in a positive manner are censored and not given permission for public screenings.

The road ahead is long; but the s ,ps taken thus far are important. Mentalit. change, laws are not static... The demands will continue, as LGBTI individuals are residents and citizens of this country. In 2003, they raised their flag for Iraq; since then they have raised it repeatedly to protect the right to freedom of expression, criminalize violence against women, demand justice for migrant workers, and to protest against the garbage mismanagement crisis... The wider society will one day raise the pride flag to support their rights, just as LGBTI individuals have supported the various and many causes raised by other segments of society.

Topics

LEBANON LGBTI RIGHTS

# HUMAN RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA

REVIEW OF 2018

AMNESTY

**Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all.**

**Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.**

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***Cover photo:***
*Palestinians run for cover from tear gas during clashes with Israeli security forces near the border fence between Israel and the Gaza Strip, east of Jabalia, on 14 May 2018, as Palestinians protest over the inauguration of the US embassy following its controversial move to Jerusalem.*
*© Mohammed Abed / AFP / Getty Images*

AMNESTY

# HUMAN RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA

REVIEW OF 2018

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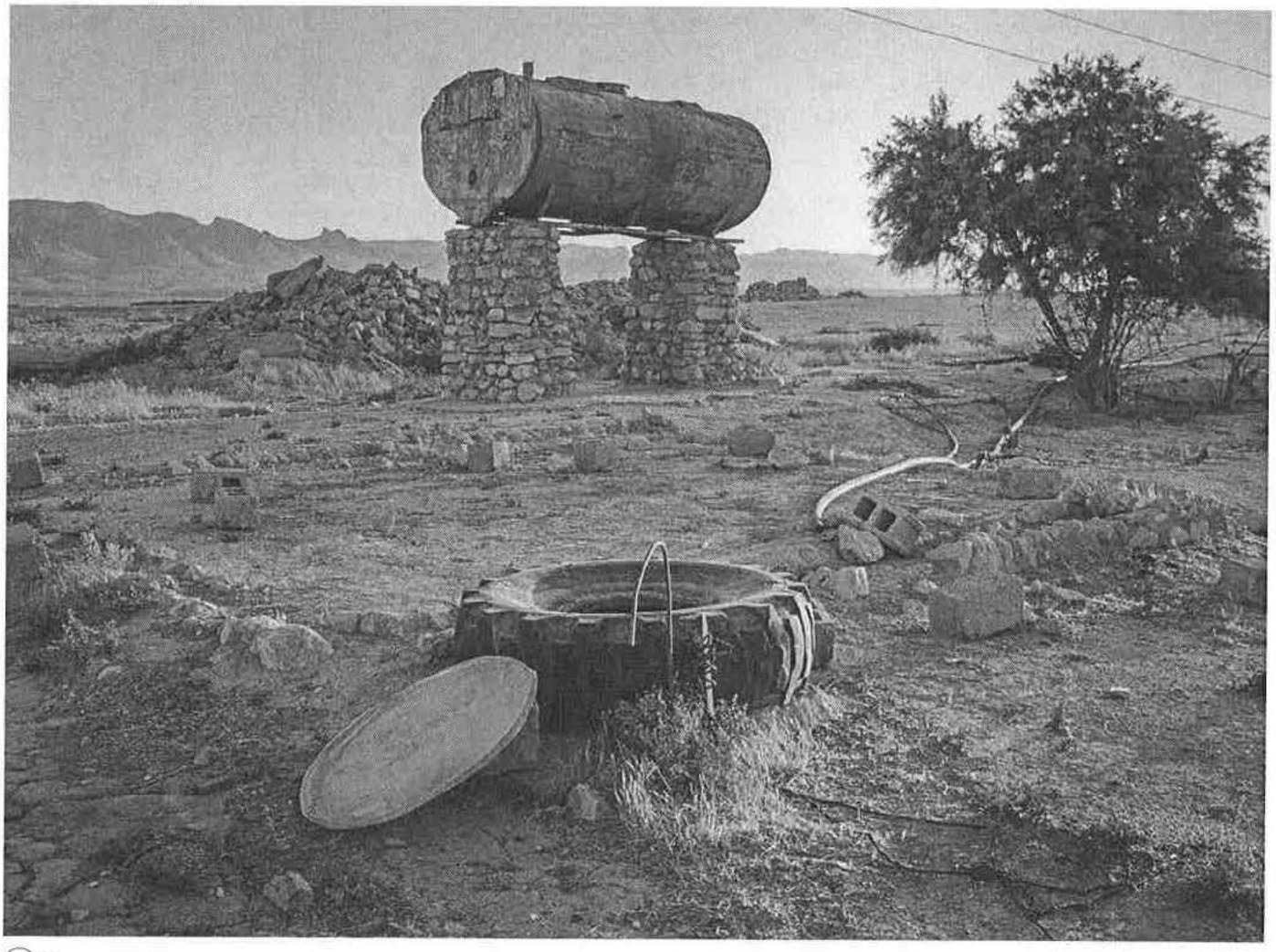
# REGIONAL OVERVIEW

**The killing of Palestinian protesters by Israeli forces in Gaza and the murder of journalist Jamal Khashoggi in a Saudi Arabian consulate glaringly illustrated the unaccountability of Middle Eastern and North African states that resorted to lethal and other violence to repress dissent.**

The crackdown on civil society actors and political opponents increased significantly in Egypt, Iran and Saudi Arabia. In all, dozens of women human rights defenders there were targeted for advocating women's rights or protesting against violence against women or sexual harassment. Across the region, authorities used arbitrary detention, excessive force against protesters and administrative measures to restrict civil society. Despite the repression, 2018, like 2017, saw limited positive developments at a legislative and institutional level with respect to women's rights and violence against women. Developments in Lebanon and Tunisia raised faint hopes of the beginnings of change in the general situation in which same-sex sexual relations are criminalized across the region; however, authorities in these and other countries arrested and prosecuted people for their real or perceived sexual orientation. Armed hostilities in both Iraq and Syria decreased. As a result, fewer civilians were killed, but many continued to suffer the impact of serious violations, including war crimes, committed by all parties to the conflicts in Libya, Syria and Yemen particularly, as well as the devastating humanitarian situations that arose from or were exacerbated by their actions. Significant developments aimed at addressing past violations occurred in Lebanon and Tunisia. Ethnic and religious minorities faced persecution by states and armed groups in countries including Algeria, Egypt, Iran, Iraq and Saudi Arabia.



*An empty water tank and a sabotaged irrigation well on an abandoned farm near Sinune, north of Sinjar mountain, Iraq, September 2018. A farmer from a neighbouring farm told Amnesty International that only five of the 10 families who used to live in the village before it was taken over by the Islamic State armed group had returned.*
*© Alice Martins*

There were some positive developments at a legislative level in Morocco, Qatar and the United Arab Emirates (UAE) with respect to migrant and/or domestic workers, but workers in these and other countries continued to face exploitation and abuse and sub-Saharan migrants, as well as refugees and asylum-seekers, were subjected to a widespread crackdown in Maghreb countries. Restrictions on access to water for drinking and other household use in marginalized communities in Iran, Iraq and Tunisia raised concerns about discrimination and fuelled protests. Across the region, government measures in the name of security led to arbitrary detention and unfair trials, torture and other ill-treatment, denaturalization and border control orders, as well as, in Egypt, the use of banned weapons and extrajudicial executions. There were some limited positive developments with respect to the death penalty, but high numbers of individuals continued to be executed in Egypt, Iran, Iraq and Saudi Arabia, many after being sentenced to death in unfair trials. The political crisis in the Gulf that started in 2017 continued to impact the human rights of thousands of individuals living across the region, separating families and disrupting education.

# REPRESSION OF DISSENT

## LETHAL AND OTHER VIOLENCE

Two heavily mediatized events – the killing of scores of Palestinian protesters by Israeli forces in the Gaza Strip and the murder of journalist Jamal Khashoggi in the Saudi Arabian consulate in Istanbul, Turkey, on 2 October – glaringly illustrated the unaccountability of Middle Eastern and North African states that resorted to lethal and other violence to repress dissent. According to a local human rights organization, at least 180 were killed, among them 35 children, in the Gaza protests, which started in March and called for the right to return of refugees to land from which they were displaced 70 years earlier, and an end to the Israeli blockade of the Gaza Strip. Both events led to scrutiny and pressure for accountability, but not concrete action towards it. In the first case, the UN Human Rights Council established a commission of inquiry to look into the killings, many of which were unlawful, and other abuses, but the Israeli authorities characteristically refused to co-operate and past practice indicated that any domestic investigations would be deeply flawed and fail to deliver justice. In the second, senior officials in the governments of Saudi Arabia's Western allies questioned the evolving official narrative about the killing and made statements to emphasize the importance of accountability. However, they failed to respond positively to civil society calls for a UN investigation, which, given the allegation that the kingdom's crown prince was involved in the crime and the subservience of its judiciary to the palace, would have been the only process capable of exposing the truth about who ordered the murder.

In Syria, the government disclosed the death of some of those subjected to enforced disappearance in previous years by updating civil status records, but failed to provide the families with remains. Tens of thousands of people, including peaceful activists and government opponents, humanitarian workers, lawyers and journalists remained disappeared.

Elsewhere, states used excessive force to repress demonstrations. In Iran, where tens of thousands of men and women took to the streets throughout the year to protest against poverty, corruption, repression and authoritarianism, security forces beat unarmed protesters and used live ammunition, tear gas and water cannons against them, causing deaths and injuries. In Iraq, security forces in Basra killed over a dozen protesters and injured hundreds of others when they fired live ammunition and tear gas to disperse a series of protests demanding employment opportunities and better public services. In the West Bank and Gaza Strip, Palestinian security forces beat demonstrators peacefully protesting against the actions of their respective authorities.

## ARBITRARY DETENTION

The crackdown on civil society actors and political opponents increased significantly in three of the region's most powerful states: Egypt, Iran and Saudi Arabia. Arbitrary detention of activists and government critics had a chilling effect on freedom of expression across the region. Authorities often used counter-terrorism and security-related laws, including cyber-crimes legislation, to justify arrests and bring prosecutions.

In Iran, the authorities arbitrarily detained thousands of individuals, subjecting hundreds to unfair trials, lengthy prison sentences, torture and other ill-treatment. They detained, prosecuted or continued to imprison at least 112 women human rights defenders, some in reprisal for their work, some for peacefully protesting against the abusive, discriminatory and degrading practice of forced *hijab* (veiling) by taking off their headscarves in public.

*A woman stands atop a raised structure in the city of Karaj, Alborz province, and places her headscarf at the end of a stick in one of the peaceful protests against forced hijab (veiling) in Iran in 2018.*
*© White Wednesdays Campaign*

In Egypt, the authorities arbitrarily arrested at least 113 people solely for peacefully expressing critical opinions, including many senior political figures who had publicly criticized the president or attempted to run against him in the presidential elections. They arrested over 30 human rights defenders, in some cases subjecting them to enforced disappearance for periods of up to 30 days. Two women were arrested and convicted by courts after they spoke out against sexual harassment in Egypt on their Facebook accounts.

In Saudi Arabia, the authorities harassed, arrested and prosecuted government critics, academics, clerics and human rights defenders. In May, they launched a wave of arrests that included at least eight women human rights defenders who had campaigned against the ban on women driving and the male guardianship system. By the end of the year, virtually all Saudi Arabian human rights defenders were in detention or serving prison terms, or had been forced to flee the country.

In the Maghreb, the Algerian, Moroccan and Tunisian authorities all used penal code provisions to detain, prosecute and, in some cases, imprison journalists. In the Gulf, authorities in Bahrain and the UAE kept high-profile human rights defenders in jail on speech-related charges, while in Kuwait and Oman, government critics and protesters were arrested arbitrarily and, in some cases, prosecuted. Iraqi, Jordanian, Lebanese and Palestinian authorities also arbitrarily detained activists and others for voicing criticism of them or peacefully taking part in demonstrations. Israeli authorities used such measures to target activists, including human rights defenders, who criticized Israel's continuing occupation of the West Bank and Gaza Strip.

### MUZZLING OF MEDIA AND ASSOCIATIONS

New legislation threatening freedoms of expression, association or peaceful assembly came into effect in some countries. The Egyptian president ratified two laws muzzling independent media by giving the state almost total control over print, online and broadcast media. The Palestinian president issued decrees that restricted freedom of expression and peaceful assembly, and limited the ability of civil society organizations to operate freely. The new penal code in Oman criminalized forms of association "aimed at combating the political, economic, social or security principles of the state".

Authorities banned demonstrations and/or blocked the activities of civil society or political associations in North Africa, particularly in Algeria, Egypt and Morocco, and the Gulf, particularly in Bahrain and Saudi Arabia. In some countries, such as Iran, Iraq and Jordan, they blocked social media or disrupted access to the internet.

## WOMEN'S RIGHTS

Dozens of women human rights defenders were targeted for advocating for women's rights or protesting against violence against women or sexual harassment, particularly in Egypt, Iran and Saudi Arabia. However, 2018, like 2017, saw limited positive developments at a legislative and institutional level with respect to women's rights and violence against women. While these were not sea changes, they were a tribute to years of struggle by the women's rights movement.

### LEGISLATIVE CHANGES

In the Maghreb, laws that included provisions combating violence against women came into effect. The Palestinian authorities repealed a provision that had allowed individuals suspected of rape to avoid prosecution and imprisonment if they married their victims. Similar welcome measures had been taken in Jordan, Lebanon and Tunisia in 2017. In Jordan, following a long-standing campaign by Jordanian women's rights organizations, the government opened a shelter for women at risk of family violence in the name of "honour".

Saudi Arabia lifted its ban on women driving. The step was a testament to the bravery of women human rights defenders who, for decades, drew international media attention to the prohibition and faced state persecution, including, in a development of bitter irony, before and after the ban was lifted in 2018. The government announced that women did not need the permission of a male guardian to start their own business, but it was unclear whether the reform was implemented in practice. In general, women were still required to have permission from a male guardian to enrol in higher education, seek employment, travel or marry.

Jordan and Qatar both adopted measures that allowed the children of female nationals married to foreign fathers to acquire permanent residency, but left them still unable to acquire citizenship.

### ENTRENCHED DISCRIMINATION

Entrenched discrimination against women in law and in practice, notably in matters of marriage and divorce, inheritance and child custody, remained a major issue in the region. Women and girls also remained inadequately protected against sexual and other gender-based violence. Their situation in conflict zones were of particular concern. In Libya, authorities failed to protect women from gender-based violence at the hands of militias and armed groups; this and smear campaigns on social media forced many women to withdraw from the public space altogether. In Yemen, the protracted conflict exacerbated discrimination against women and girls and left them with less protection from sexual and other violence, including forced marriage.

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX (LGBTI) PEOPLE

### DEVELOPMENTS IN LEBANON AND TUNISIA

Developments in two countries raised faint hopes of the beginnings of change in the general situation in which same-sex sexual relations are criminalized

across the region. In Lebanon, a district court of appeal ruled that same-sex consensual sex was not a criminal offence. In Tunisia, a draft law that included the decriminalization of same-sex sexual relations was submitted to the parliament.

## STATE PERSECUTION

However, governments in these and other countries continued to heavily limit the enjoyment of the rights of LGBTI people in law and practice. In Lebanon, according to reports, police harassed and abused LGBTI people, especially in refugee and migrant communities, sometimes making use of a penal code provision that criminalizes "sexual intercourse contrary to nature". In Tunisia, according to a local non-governmental organization (NGO), police arrested at least 115 individuals in relation to their perceived sexual orientation or gender identity, 38 of whom were later convicted of charges related to engaging in consensual same-sex sexual relations. They also subjected men accused of such relations to forced anal examinations, in violation of the prohibition of torture and other ill-treatment.

In Egypt, the authorities detained at least 13 men for "public indecency" or "habitual debauchery" on the basis of their real or perceived sexual orientation and gender identity. Palestinian security forces in the West Bank arbitrarily arrested and ill-treated five LGBTI activists, according to a local NGO.

In Oman, same-sex sexual relations continued to be criminalized under the new penal code issued in 2018.

# ARMED CONFLICT

## ARMED HOSTILITIES

In Libya, Syria and Yemen, the conflicts' multiple actors continued to commit war crimes and other serious violations of international humanitarian law. Military forces with air power carried out indiscriminate air strikes and direct attacks on civilian homes, hospitals and medical facilities, sometimes using internationally banned cluster munitions. They included: in Libya, the self-proclaimed Libyan National Army; in Syria, Syrian government forces, with the support of Russia, on the one hand, and US-led coalition forces, on the other; and, in Yemen, Saudi Arabia-led coalition forces. Armed groups arbitrarily carried out indiscriminate attacks that killed civilians, such as by shelling residential neighbourhoods, and abducted and detained scores of civilians, subjecting some to torture and other ill-treatment. They included: in Libya, a wide range of competing militias, whose clashes resulted in hundreds of civilian casualties; in Syria, armed opposition groups, some receiving Turkish military support; and in Yemen, Huthi and allied forces, and UAE-backed Yemeni forces.

In Syria, government forces continued sieges that deprived hundreds of thousands of access to medical care, other basic goods and services and humanitarian assistance. In Yemen, the Saudi Arabia-led coalition continued to impose excessive restrictions on the entry of essential goods and aid, while the Huthi authorities obstructed aid movement within the country, deepening the humanitarian crisis. The UN reported in June that around half the population, 14 million people, were at imminent risk of famine; cholera affected the entire country.

↑

*Destroyed buildings in the city of Raqqa, Syria, 15 February 2018. © Amnesty International*

## INTERNALLY DISPLACED PEOPLE

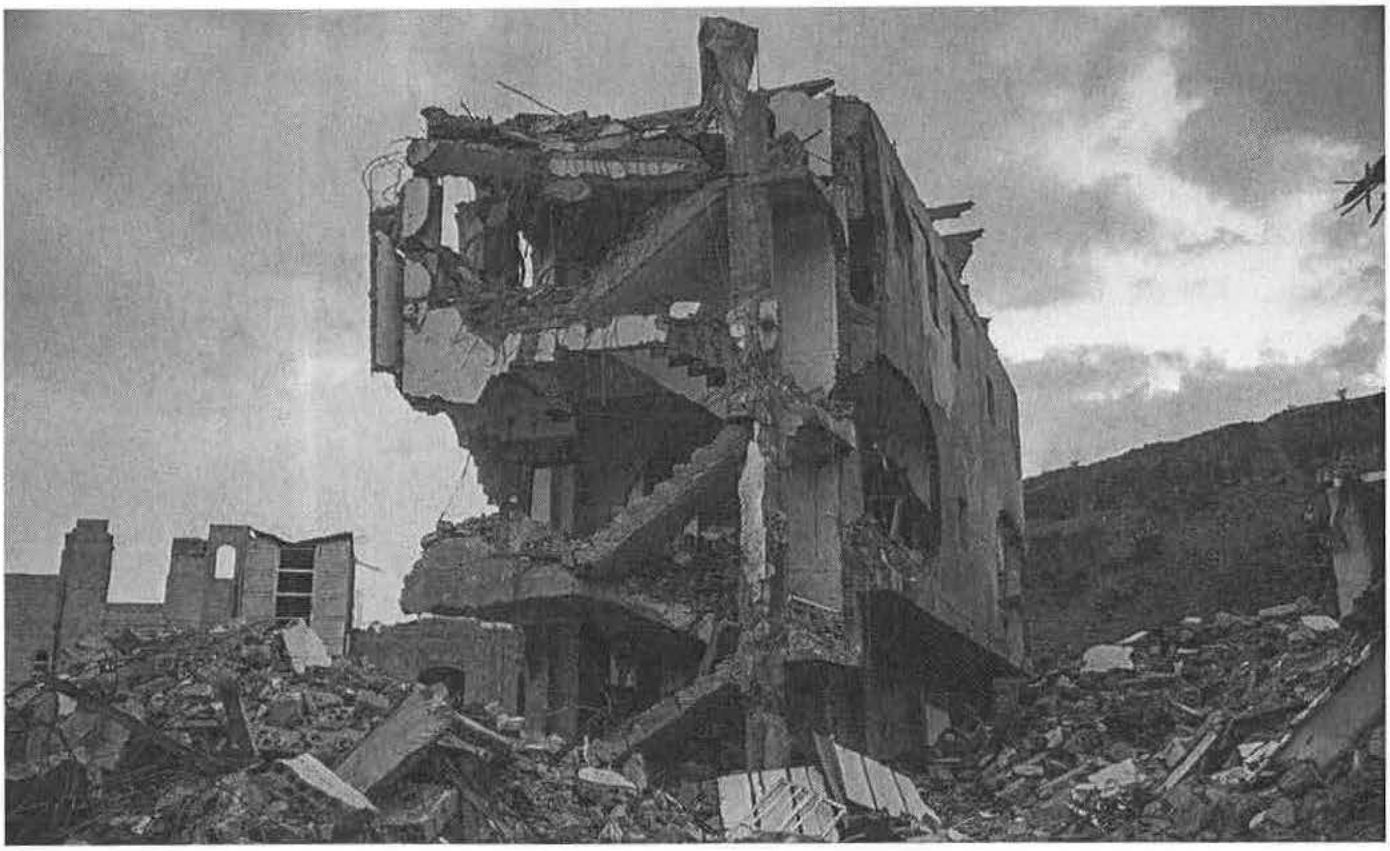
In Iraq, almost 2 million people remained displaced. Families with perceived ties to the armed group calling itself Islamic State (IS) were regularly prevented from returning to their homes or places of origin as a result of threats from neighbours, tribal and local authorities, and Iraqi forces. Those who managed to return said they were subjected to forced displacement and other abuses. Families, particularly those headed by women, were stigmatized and collectively punished for having perceived links with IS owing to factors outside their control. In IDP camps, many were denied access to food, water and health care. Women with perceived IS ties were subjected to sexual violence, primarily by armed actors affiliated with military and security forces in the camps.

In Libya, thousands of Libyan families remained internally displaced. Tawerghan families internally displaced since 2011 attempted to return to the town of Tawergha following an official decree, but were blocked by armed groups. A camp housing over 500 Tawerghan families was attacked by a militia, resulting in the forced eviction of around 1,900 internally displaced people.

In Syria, by the end of the year, 6.6 million people had been internally displaced since the start of the crisis in 2011. Thousands lived in makeshift camps that did not provide an adequate standard of living. Women whose husbands or fathers had been killed or gone missing during the conflict faced serious obstacles in claiming their property as the deeds were often in the name of their male relatives. Meanwhile, a new law threatened the rights of people who lived in certain informal settlements.

## REFUGEES

There were a couple of minor positive developments relating to Syrian refugees in Lebanon, where a government measure facilitated birth registration for them, and Jordan, where an official campaign was launched to rectify the status of those living informally in urban areas. However, these were vastly overshadowed by the precarious nature in which the over 5 million refugees and asylum-seekers from Syria found themselves. Lebanon, Jordan and Turkey, the countries hosting most of the refugees, continued to block the entry of new refugees. The authorities in Lebanon and Turkey said that over 300,000 refugees returned to Syria. The dire humanitarian conditions in neighbouring countries – exacerbated by the lack of humanitarian aid, the inability of refugees to find jobs, and administrative and financial obstacles to obtain or renew residency permits – pushed refugees to return. The number of resettlement places and other safe and legal routes for refugees offered by Western and other states fell far below the needs identified by UNHCR, the UN refugee agency.



*A residential building in the Faj Attan district of the Yemeni capital, Sana'a, on 21 September 2017. It was destroyed by an air strike that was carried out by the Saudi Arabia-led coalition on 25 August 2017, killing 16 civilians and injured 17 more. © Rawan Shaif*

## ACCOUNTABILITY AND TRANSITIONAL JUSTICE

### DEVELOPMENTS IN LEBANON AND TUNISIA

Significant developments aimed at addressing past violations occurred in Lebanon and Tunisia. The Lebanese parliament passed a law creating a national commission to investigate the whereabouts of thousands of persons who went missing or were forcibly disappeared during the 1975-1990 armed conflict in Lebanon. Associations of families of the victims concerned, along with partner organizations, had campaigned for such a development for over three decades. Tunisia witnessed the passing of a key milestone in its transitional justice process. Its Truth and Dignity Commission finalized its work investigating past human rights violations despite an attempt by the parliament to end its work prematurely. Its final report identified individuals responsible for grave human rights violations and the reasons underlying grave violations and presented recommendations to ensure their non-recurrence. It referred 72 cases to trial before 13 specialized criminal chambers. These included cases of enforced disappearance, death under torture and killings of peaceful protesters.

### GENERALIZED IMPUNITY

However, there was generalized impunity across the region for both past and ongoing violations. To take one glaring example that Amnesty International highlighted through its work, 2018 marked the 30th anniversary of the enforced disappearance and secret execution of thousands of imprisoned political dissidents in Iran. Despite the fact that these acts amounted to ongoing crimes against humanity, those responsible had evaded justice and in some cases had held or continued to hold powerful positions in Iran's government and judiciary.

## MINORITIES

### STATE PERSECUTION

There was continuing state persecution against ethnic and religious minorities in the region. In Iran, hundreds of Azerbaijani Turks and Ahwazi Arabs, including minority rights activists, were arrested and detained in connection with peaceful cultural gatherings and protests. In Saudi Arabia, the public prosecution repeatedly called for the execution of several Shi'a activists on charges related to the peaceful exercise of their rights to freedom of expression, association and assembly. In Algeria, authorities harassed members of the minority Ahmadi religious movement, subjecting dozens of them to trial or investigation, and ordered the closure of at least eight churches or other places of Christian worship. In Egypt, the government continued to restrict the right of Christians to worship in law and practice. It granted full registration to only 588 out of almost 3,730 churches and associated buildings that had applied for it under a new law that required approvals from several state bodies, including security services.

### LEGISLATIVE CHANGES

Israel passed a new law that described the Israeli state as being only for the Jewish people, confirming the status of the almost one fifth of the population who are Palestinian citizens of Israel as second-class citizens.

### ARMED GROUP ATTACKS

Among many other abuses, IS claimed responsibility for suicide bombings and other deadly attacks targeting Shi'a Muslims in Iraq, a majority there but a minority in the region, and Coptic Christians in Egypt, leading to the deaths and injury of dozens of civilians.

*Yazidis fleeing Mount Sinjar, Iraq, in August 2014, in the wake of attacks by the Islamic State armed group. The overwhelming majority of Yazidis remained displaced in 2018. © Amnesty International*

## LABOUR AND MIGRATION

### MIGRANT LABOUR AND DOMESTIC WORKERS

There were some positive developments at a legislative level in Morocco, Qatar and the UAE with respect to migrant labour and/or domestic workers, but migrant workers continued to face exploitation in these and other countries, including Bahrain, Jordan, Kuwait, Lebanon, Oman and Saudi Arabia, in large part due to *kafala* (sponsorship) systems, which limited their ability to escape abusive working conditions.

In Morocco, the parliament passed a new law on domestic workers, entitling domestic workers to written contracts, maximum working hours, guaranteed days off, paid vacations and a specified minimum wage. Despite these gains, the new law still offered less protection to domestic workers than the Moroccan Labour Code, which does not refer to domestic workers.

In Qatar, a new law partially removed the exit permit requirement, allowing the vast majority of migrant workers covered by the Labour Law to leave the country without seeking their employers' permission. However, the law retained some exceptions, including the ability of employers to request exit permits for up to 5% of their workforce. Exit permits were still required for employees who fell outside the remit of the Labour Law, including over 174,000 domestic workers in Qatar and all those working in government entities.

In the UAE, the authorities introduced several labour reforms likely to be of particular benefit to migrant workers, including a decision to allow some workers to work for multiple employers, tighter regulation of recruitment processes for domestic workers and a new low-cost insurance policy that protected private sector employees' workplace benefits in the event of job loss, redundancy or an employer's bankruptcy.

### TRANSIT MIGRANTS

In the Maghreb, sub-Saharan migrants, as well as refugees and asylum-seekers, faced a crackdown. In Algeria, the authorities subjected thousands to arbitrary detention, forcible transfer to the far south of Algeria and expulsion to neighbouring countries. Over 12,000 nationals of Niger and more than 600 nationals from other sub-Saharan African countries, including regular migrants, refugees and asylum-seekers, were summarily expelled to neighbouring Niger, according to international organizations monitoring the situation. In Morocco, thousands of sub-Saharan migrants, including children and pregnant women, were unlawfully arrested and transported to remote areas in the south of the country or close to the Algerian border.

The situation for refugees, asylum-seekers and migrants in Libya remained bleak. The authorities continued to unlawfully detain refugees, asylum-seekers and migrants, mainly those intercepted at sea, in centres that, while official, were largely controlled by militias. Refugees, asylum-seekers and migrants were kept in appalling conditions, subjected to forced labour, torture and other ill-treatment, and verbal abuse by guards, often to extract money from their families in exchange for their release. Women in particular were subjected to rape.

### WORKERS' RIGHTS

The right to work and organize in trade unions was undermined in a number of countries. In Iran, thousands of workers staged peaceful demonstrations and strikes in protest at unpaid wages, poor working conditions and other grievances. Authorities arrested hundreds of peaceful protesters and strikers, sentencing many to prison terms and flogging. Bans on independent trade unions persisted. In Egypt, the authorities forcibly dispersed strikes and held trade unionists in prolonged pre-trial detention. They also removed the names of hundreds of outspoken, independent candidates from ballot papers for elections for leadership roles in independent and state labour unions.

## HEALTH, WATER, SANITATION AND HOUSING

### WATER

Restrictions on access to water for drinking and other household use in marginalized communities in Iran, Iraq and Tunisia raised concerns about discrimination and fuelled protests. In Iran, thousands of people in Khuzestan province, populated mostly by Iran's Ahwazi Arab minority, demonstrated against water shortages and poor quality water, including untreated water that had led to around 350 people contracting intestinal infections. In Iraq, tens of thousands of residents in the southern governorate of Basra were reported to have been poisoned and hospitalized by polluted drinking water, fuelling ongoing protests against government corruption and mismanagement of the neglected south. In Tunisia, water shortages and inadequate water distribution resulted in repeated water cuts in several regions, prompting protests.

### OCCUPATION AND BLOCKADE

Israel's illegal air, land and sea blockade of the Gaza Strip entered its 11th year, restricting the movement of people and goods into and out of the area, and collectively punishing Gaza's 2 million residents. Throughout much of the year, the Gaza Strip suffered fuel shortages that resulted in a maximum of four hours of electricity per day. Israel reduced to a record low the number of medical permits issued to Gazan residents to allow them to enter Israel and the West Bank for treatment. Denial of medical permits led to the deaths of at least eight Palestinians, according to a local NGO. The situation was exacerbated by punitive measures imposed by the West Bank-based Palestinian authorities, which decreased electricity and water subsidies in Gaza and restricted the entry of medicine.

Meanwhile, Israel demolished 148 Palestinian properties in the West Bank, including East Jerusalem, 139 for

lack of permits and nine for punitive reasons, according to a local NGO; 425 people, including 191 children, were left homeless as a result. The Israeli Supreme Court approved the demolition of Khan al-Ahmar village and forcible transfer of its residents to make way for illegal Jewish settlements. The village was home to 180 members of the Bedouin community and a school that educated 170 children in the area.

## COUNTER-TERROR AND SECURITY

Government measures in the name of security led to gross human rights violations across the region.

### COUNTER-TERRORISM OPERATIONS IN EGYPT

In Egypt, the Ministry of the Interior said that more than 164 people were shot dead in exchanges of fire with security forces during the year. Neither prosecutors nor other authorities investigated these incidents or allegations that many of the victims were unarmed and in police custody before being shot. Videos emerged that revealed the Egyptian air force's use of cluster munitions, banned under international law, in the military campaign in Sinai.

### ARBITRARY DETENTION, TORTURE AND OTHER ILL-TREATMENT AND UNFAIR TRIALS

Arbitrary detention and prosecutions after unfair trials were frequently recorded in security cases. Bahrain saw its first military trial of civilians under its new system of military jurisdiction over national security cases. In Egypt, courts issued death sentences and lengthy prison sentences after unfair mass trials and military trials. In Iraq, thousands of men and boys who were arbitrarily arrested and forcibly disappeared by central Iraqi and Kurdish forces while fleeing IS-held areas between 2014 and 2018 remained missing. Israeli authorities placed in detention or continued to detain thousands of Palestinians from the Occupied Palestinian Territories in prisons in Israel in violation of international humanitarian law. According to a local NGO, Israel held 480 Palestinians as administrative detainees at the end of the year. Torture and other ill-treatment of detainees held on grounds of security by forces in these and other countries were commonly reported.

### DENATURALIZATION AND BORDER CONTROL ORDERS

Bahrain imposed denaturalization as a criminal penalty against those convicted in national security cases, stripping around 300 individuals of their nationality in 2018. In Tunisia, the authorities used border control orders to restrict the right to freedom of movement of thousands of individuals. Such measures were often imposed in a discriminatory manner based on appearance, religious practices or previous criminal convictions and without providing the reason or obtaining a court order.

## DEATH PENALTY

There were some limited positive developments with respect to the death penalty in both law and practice. However, high numbers of individuals continued to be executed in Egypt, Iran, Iraq and Saudi Arabia, many after being sentenced to death in unfair trials.

The State of Palestine acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; it was the first state in the region to do so. However, no action was taken to translate this commitment into practice.

A new law in Saudi Arabia stipulated a maximum prison sentence of 10 years for juvenile offenders in cases where they might otherwise be sentenced to death; however, it excluded crimes punishable by death under Shari'a (Islamic law). At least four juvenile offenders remained at risk of execution at the end of the year.

In Iran, the number of drug-related executions dropped following amendments to the anti-narcotics law. However, courts continued to impose death sentences, as well as other cruel punishments such as flogging, amputation and blinding, and numerous executions were carried out after unfair trials, some in public. A number of juvenile offenders were executed.

Bahrain and Kuwait did not carry out executions in 2018, having resumed them in 2017 after hiatuses of several years. Nonetheless, like all other states in the region except for Israel, they continued to hand down death sentences.

*Migrants arriving in Agadez, Niger, after a long journey in crowded open trucks, on 30 June 2018. The Algerian authorities summarily expelled thousands of nationals of Niger in 2018. © Francesco Bellina*

# ALGERIA

People's Democratic Republic of Algeria
Head of state: **Abdelaziz Bouteflika**
Head of government: **Ahmed Ouyahia**

The authorities unduly restricted the rights to freedom of expression, peaceful assembly and association, including by arbitrarily arresting and detaining journalists and activists using harsh Penal Code provisions. Authorities maintained a de facto ban on protests in the capital, Algiers, and sometimes used excessive force to disperse peaceful demonstrations across the country. The authorities kept many associations in legal limbo. Judicial authorities harassed members of the minority Ahmadi religious movement because of their beliefs. A new law on health took effect, guaranteeing access to health care for all citizens; the grounds for legal abortion were not extended, however. The authorities continued a discriminatory crackdown on sub-Saharan migrants, refugees and asylum-seekers, subjecting several thousand to arbitrary arrest, detention and expulsion. Impunity for past abuses remained widespread. Death sentences were handed down; there were no executions.

## BACKGROUND

Speculation continued over whether President Abdelaziz Bouteflika, who had not made a public speech since 2012 owing to ill health, would run for a fifth presidential term in 2019.

In July, the UN Human Rights Committee, which monitors state parties' compliance with the International Covenant on Civil and Political Rights, reviewed Algeria's record.

In October, political tensions increased after the governing coalition elected a new parliamentary speaker; supporters of the ousted speaker called the move illegal. Throughout the year, peaceful protesters expressed socioeconomic grievances.

## FREEDOM OF EXPRESSION

The authorities continued to use Penal Code provisions to stifle freedom of

expression. At least seven journalists and six activists were arrested and detained under such provisions. In some cases, they were tried, convicted and even sentenced to prison terms.

Between 31 May and 1 June, journalists Khelaf Benhadda, Said Boudour and Adlène Mellah and whistle-blower Noureddine Tounsi were arrested for "insulting institutions" and "undermining national unity" after they covered a corruption scandal in the city of Oran. All were released without charge on 4 June.

On 6 June, the court of appeal in the city of Relizane upheld a two-year prison sentence against activist Abdallah Benaoum on charges related to "exploiting the wounds of the national tragedy", referring to the internal conflict which had engulfed Algeria in the 1990s, after he published Facebook posts critical of the government.

On 21 June, an appeal court in Bejaia confirmed the conviction of activist and blogger Merzoug Touati in relation to peaceful online posts but reduced his prison sentence from 10 to seven years. In 2017 he had used social media to call for Bejaia residents to protest against a new finance law and to broadcast an interview he had conducted with an Israeli government spokesperson who disputed accusations by the Algerian authorities that the Israeli authorities were involved in protests in Algeria. Algerian authorities said Merzoug Touati had "encouraged civil unrest".

On 7 August, a court in the city of Ghardaia sentenced blogger Salim Yezza to a suspended one-year prison term for a Facebook post that accused the authorities of practising discrimination against the Mozabites, an Amazigh ethnic minority.

Journalists - Merouane Boudiab and Abdou Semmar were detained for more than 15 days in October and November on charges that included defamation after publishing, among other things, allegations that the governor of Algiers acted improperly in the context of a housing construction project. They were released on 8 November, but the case remained open.

On 11 November, journalist Said Chitour was sentenced to 16 months' imprisonment (as well as a one-year suspended prison term) following a one-day trial in which he was convicted of espionage for selling classified documents to foreign diplomats. He was released the same day, having already spent 16 months in detention. The conviction relied mainly on evidence that he had produced reports on political and human rights issues in Algeria and provided them to foreign embassies.

On 25 December, the director of online newspapers *Algeria Direct and Dzair Press*, Adlène Mellah, was sentenced to one year in prison and a fine of 100,000 dinars (around US$840) for "incitement to an unarmed gathering" and civil "rebellion". The police had arrested him on 9 December in Algiers, where he was taking part in a protest in support of a jailed Algerian singer.

## FREEDOM OF ASSEMBLY

Authorities maintained a de facto ban on protests in Algiers under an unpublished decree from 2001. Security forces arbitrarily dispersed some gatherings on the grounds that they were unauthorized. An assembly organized to mark the 30th anniversary of anti-establishment riots in October 1988 was authorized but heavily monitored.

Between January and April, law-enforcement officials in Algiers dispersed a number of peaceful demonstrations by trainee doctors protesting about their working conditions, sometimes using excessive force. On 3 January, security officials forcibly entered a hospital in Algiers and used electroshock devices and batons to prevent thousands of medical staff from leaving the hospital to march, injuring at least two dozen of them. Protests on 19 March and 24 April were also forcibly dispersed, with police on the second occasion forcing dozens of people onto buses and then dumping them far from Algiers, including in the town of Lakhdaria, more than 70km away.

In July, security forces in the city of Ouergla forcibly dispersed a protest against unemployment.

In September, authorities prevented supporters of Mouwatana, a political group opposed to a fifth presidential term for President Bouteflika, from peacefully gathering in the cities of Constantine and Bejaia. Authorities in Bejaia detained at least three of the group's founding members for several hours before releasing them without charge.

## FREEDOM OF ASSOCIATION

The authorities kept many associations, including Amnesty International Algeria, in legal limbo by failing to respond to registration applications submitted as required by the highly restrictive Associations Law.

On 27 February, without warning, security forces sealed the offices of two local NGOs – Algerian Women Claiming their Rights and the Feminist Association for the Development of the Person and the Exercise of Citizenship. The authorities claimed the NGOs were not legally registered but lifted the bans on their activities in March.

In July, local authorities in Oran banned the seventh meeting of the Migration Platform, a group of 15 national NGOs, on the grounds that they did not have "prior authorization for a public meeting". In November, local authorities in Bejaia banned without providing justification a public event organized by the Algerian League for the Defence of Human Rights to commemorate the 70th anniversary of the UN's adoption of the Universal Declaration of Human Rights.

## FREEDOM OF RELIGION AND BELIEF

Judicial authorities harassed members of the minority Ahmadi religious movement because of their beliefs, subjecting dozens of them to trial or investigation, as well as confiscating the passports of some of them. In August, Mohamed Fali, the then president of Algeria's Ahmadi community, was detained in Annaba for several hours. Kamel Tihmamine, an Ahmadi, continued to be held under house arrest on charges of collecting donations without a licence, "denigrating

Islamic dogma" and membership of an unauthorized association. He was still awaiting trial at the end of the year.

During the year, local authorities in several regions ordered the closure of at least eight churches or other places of Christian worship, seven of them Protestant, saying that they did not comply with a 2006 decree on "non-Muslim cults" and security standards. In June, local authorities allowed two Protestant churches in the Oran region to reopen after they had sealed them in February.

## MIGRANTS, REFUGEES AND ASSYLUM-SEEKERS

The authorities continued a crackdown on sub-Saharan migrants that began in August 2017, subjecting several thousand of them to arbitrary arrest, detention, forcible transfer to the far south of Algeria and expulsion to neighbouring countries. In April, security forces hit migrants with batons and kicked them during raids and mass arrests in the city of Oran.

During the year, over 12,000 nationals of Niger and more than 600 nationals from other sub-Saharan African countries, including regular migrants, refugees and asylum-seekers, were summarily expelled to neighbouring Niger, according to international organizations monitoring the situation. In parallel, the authorities forcibly transported over 11,000 nationals of sub-Saharan African countries to the border with Niger and left them there and took similar action against more than 3,000 others whom they left at the border with Mali. In some cases, the security forces compelled migrants at gunpoint to walk through the desert to cross the borders.

According to UNHCR in Algeria, on 26 December, the Algerian authorities deported at least 100 Syrian, Yemeni and Palestinian nationals to the border with Niger and left them stranded in the desert. These included several registered refugees and asylum-seekers who had previously been detained in Tamanrasset.

In April, the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families reviewed Algeria's second report on this issue and expressed concerns regarding the collective expulsion to Niger of regular and irregular migrant workers, as well as refugees and asylum-seekers, who were often abandoned in the desert. The committee stated that those expelled were at high risk of violence, including sexual violence and exploitation.

In its concluding observations, the committee recommended that the Algerian government develop a comprehensive strategy for labour migration and allow migrant workers, including those in an irregular situation, to access justice, police services, health care, education, social security and housing without fear of being arrested, detained or deported by the authorities.

The authorities continued to convict Algerians attempting to reach Europe through locations other than official border exit posts for the crime of "unlawfully exiting the country", imposing on them suspended sentences of to up to six months in prison, as well as fines.

## WOMEN'S RIGHTS

In August, a new law on health took effect, guaranteeing equal access to health care for all citizens, introducing measures to protect women from violence and improving provisions for maternal health. The grounds for legal abortion were not extended, however "Therapeutic interruption of pregnancy" remained authorized only on the grounds of threats to the life of a pregnant woman or girl, or serious threats to their "psychological and mental health". Abortion in all other circumstances was still criminalized, with punishment of up to five years' imprisonment for doctors and two years for women and girls.

Women were discriminated against in law and practice. The Family Code continued to discriminate against women in matters of marriage, divorce, child custody and guardianship, and inheritance.

The Penal Code continued to prohibit rape without defining it or explicitly recognizing marital rape as a crime.

## IMPUNITY FOR PAST ABUSES

The authorities took no steps to counter the overwhelming impunity that existed for grave human rights abuses and possible crimes against humanity, including unlawful killings, enforced disappearances, rape and other forms of torture, committed by security forces and armed groups in the 1990s during Algeria's internal conflict.

## DEATH PENALTY

Courts continued to hand down death sentences. No executions had been carried out since 1993.

*A Bahraini woman walks past images of political prisoners plastered on a wall in Sanabis, Bahrain, as she makes her way to attend events for the Shi'a religious occasion of Ashoura on 22 October 2015. Arabic graffiti reads "we will not forget you" (top) and "many prisoners are not with us... may God free them" (bottom).*
*© Hasan Jamali / AP / REX / Shutterstock*

# BAHRAIN

Kingdom of Bahrain
Head of state: **Hamad bin Isa Al Khalifa**
Head of government: **Khalifa bin Salman al-Khalifa**

Suppression of freedom of expression on political issues remained widespread, with many high-profile dissidents imprisoned on speech-related charges. Public protests remained officially banned in the capital. The government further curbed the right to freedom of association by making legislative amendments that had a de facto discriminatory impact on Shi'a groups. The authorities continued to impose denaturalization as a criminal penalty against those convicted in national security cases, stripping roughly 300 individuals of their nationality. Bahrain's first military trial of civilians since 2011 was accompanied by reports of torture or other ill-treatment of the defendants that were never adequately investigated. Bahraini prisons continued to be characterized by arbitrary punitive action, degrading treatment of prisoners, and withholding and/or unjustifiable delay of medical care. Women faced discrimination in law and in practice. Migrant workers faced exploitation. Bahrain continued to issue death sentences in 2018, though no executions were reported. The country remained closed to independent outside observers.

## BACKGROUND

Bahrain held elections for the lower, non-appointed house of its National Assembly, the Council of Deputies, in November. With all opposition political societies previously dissolved and their membership banned from fielding candidates, no opposition political figures were able to run.

Bahrain remained a part of the Saudi Arabia-led coalition engaged in the armed conflict in Yemen and the Gulf regional crisis in which Bahrain, Saudi Arabia and the United Arab Emirates (UAE) severed relations with Qatar in 2017.

## FREEDOM OF EXPRESSION

Suppression of freedom of expression on political issues remained widespread, with many high-profile dissidents imprisoned on speech-related charges. Most human rights defenders in Bahrain had been jailed, silenced or forced to move abroad since 2016.

Human rights defender and prisoner of conscience Nabeel Rajab continued serving multiple prison sentences based on his exercise of freedom of expression, while new speech-based charges and convictions continued to be added against him. In January Bahrain's highest judicial authority, the Court of Cassation, upheld his conviction for criticizing the authorities in a television interview for refusing to allow journalists and human rights groups into the country. In February a criminal court sentenced him to five years in prison for commenting on Twitter on the war in Yemen and ill-treatment in a Bahraini prison. This conviction was upheld on appeal in June and by the Court of Cassation on 31 December.

Ali Salman, the leader of Bahrain's largest opposition political society, al-Wefaq, remained imprisoned on speech-related charges throughout 2018, and faced spurious new charges of "spying" related to telephone conversations he had with senior Qatari officials during the country's 2011 uprising. Though he was acquitted of the spying charges in June, an appeals court overturned that verdict in November, sentencing him to life.

## FREEDOM OF ASSOCIATION AND ASSEMBLY

Public protests remained officially banned in the capital, Manama, while the government took several steps to further legally curb the right to freedom of association. In June Bahrain amended its Law on Associations to bar members of political opposition groups from participation on the boards of civil society organizations. In the same month the government also revised the Law on the Exercise of Political Rights in order to ban "active leaders and members of dissolved political associations" from running for office, thus preventing the major religious and secular political opposition groups in Bahrain from standing for election to public office. Both laws had a de facto discriminatory effect by further excluding the civic leadership of Shi'a groups – which are more heavily represented in the political opposition than Sunnis – from participation in governance and civic life.

## REVOCATION OF NATIONALITY AND STATELESSNESS

Bahrain continued to create a stateless population within its borders by imposing denaturalization as a criminal penalty against those convicted in national security cases. Amnesty International tallied around 300 individuals stripped of their nationality in 2018, bringing the total figure since 2012 up to over 800. The Bahraini government expelled four of these ex-citizens in January, and a significant number emigrated, mainly to Iran, Iraq and Europe; those who remained within Bahrain lived as conditional residents, facing socioeconomic marginalization. Non-nationals were not automatically eligible for government benefits provided to most of the native population such as housing subsidies and were unlikely to be hired within the public sector, which makes up a disproportionately large share of the labour market.

## UNFAIR TRIALS

There continued to be credible reports in 2018 of coercion, including torture or other ill-treatment, being commonly used, especially in national security cases, in order to extract "confessions", which were then allowed to be used in court to convict defendants. In January a military court convicted civilians, including individuals who had been subject to enforced disappearance. It was the first military trial of civilians since 2011 and the first under Bahrain's new system of military jurisdiction over national security cases.

Trials of excessive numbers of defendants in the same cases continued in civilian courts, including a mass trial in June in which 115 defendants were stripped of their Bahraini nationality.

## TORTURE AND OTHER ILL-TREATMENT

Bahrain's first military trial of civilians since 2011 was accompanied by reports of torture or other ill-treatment of the defendants that were never adequately investigated. The National Institution for Human Rights, in a retrospective review based largely on the accounts of Bahraini authorities, discounted the claims of torture, although the evidence it reviewed was consistent with the possibility of torture or other ill-treatment.

Bahraini prisons continued to be characterized by arbitrary punitive action, degrading treatment of prisoners, and withholding and/or unjustifiable delay of medical care. Prisoners with extremely grave conditions such as cancer and multiple sclerosis faced unaccountable delays in receiving their medication, and requests for surgery needed to alleviate chronic pain – in some cases allegedly due to injuries sustained at the hands of security forces or prison guards – were rarely granted. In an egregious case, Ahmed Merza Ismaeel, the brother-in-law of Shi'a political leader Sheikh Ali Salman, continued to be deprived of medication to manage his sickle-cell anaemia – an extremely painful blood disease – and had been in need of a cholecystectomy (surgery to remove the gall bladder) since summer 2016. The Ministry of Interior Ombudsman's office proved unresponsive or ineffective in addressing complaints of medical neglect in most of the cases Amnesty International documented.

The authorities subjected Nabeel Rajab and a group of 11 other prisoners of conscience held in Jaw prison to various forms of harassment and degradation. In the most serious form of mistreatment, the prison administration continued to refuse members of the group access to proper medical care unless they submitted to shackling. Though distribution of medication would not require prisoners to leave their cells, the prison administration refused to give prisoner of conscience Hassan Mshaima all of his medications unless he submitted to shackled trips to the prison infirmary. As a result, he had to be hospitalized for diabetic hyperglycaemia in January.

In September, guards under the commanding officer at Isa Town Women's Rehabilitation and Reform Centre physically assaulted prisoner of conscience Hajer Mansoor Hasan, Najah Ahmed Yusuf and Medina Ali Ahmed when they tried to join in Shi'a religious rites on the Muslim holy day of Ashoura

with other prisoners. Immediately after, new restrictions were imposed on all prisoners at Isa Town, including 23-hour lockup. The timing and the lack of any apparent administrative or security imperative indicated that the measures were purely punitive in nature. The National Institution for Human Rights justified the incident as "reasonable use of force... to guarantee the safety of the inmate[s]" and found no fault with respect to the prison's lockup policy or other restrictive measures.

## WOMEN'S RIGHTS

Women faced discrimination in law and in practice. Transmission of nationality continued to be restricted to Bahraini fathers, so that Bahraini women who had children by men of other nationalities could not pass on their Bahraini citizenship.

## MIGRANT WORKERS

Migrant workers continued to face labour exploitation. Hundreds of workers took part in protests in June requesting their unpaid wages. The government did not respond to Amnesty International's requests for information regarding the situation of workers at the engineering company Mercury MENA, which operated in several Arab Gulf states and had left many of its workers unpaid for over a year.

## DEATH PENALTY

Bahrain continued to issue death sentences in 2018, though no executions were reported. In positive developments on individual cases, the judiciary announced that it would review the death sentences previously issued against Mohamed Ramadan Husain and Husain Ali Mohamed in light of new evidence found by the Office of Public Prosecution's Special Investigation Unit, and the king commuted several death sentences handed down against civilians under military jurisdiction to life imprisonment.

## ACCESS

Bahrain remained closed to independent outside observers in 2018. Amnesty International continued not to be granted access by the government. Multiple UN human rights bodies were also unable to visit the country. The UN Working Group on Arbitrary Detention reiterated its standing request made in January 2017 for a country visit. The Working Group on Enforced Disappearances issued its third reminder about a visit request that had been pending since 2015. The UN Special Rapporteurs on torture and on freedom of assembly and association had had requests to visit pending since 2011; the Special Rapporteur on torture had sent multiple follow-up requests to no avail.

*Members of Egypt's banned Muslim Brotherhood are seen inside a glass dock during their trial in the capital, Cairo, on 28 July 2018. An Egyptian criminal court referred 75 death sentences, including of Muslim Brotherhood leaders, to the country's grand mufti for consultation on the same day. © Khaled Desouki / AFP / Getty Images*

# EGYPT

Arab Republic of Egypt
Head of state: **Abdel Fattah al-Sisi**
Head of government: **Moustafa Madbouly (replaced Sherif Ismail in June)**

The scope of Egypt's human rights crisis expanded, as the authorities arrested opponents, critics, satirists, current and former human rights and labour rights activists, journalists, presidential candidates and sexual harassment survivors. The authorities used prolonged pre-trial detention to imprison opponents, and restricted and harassed civil society organizations and staff. The authorities used solitary confinement that amounted to torture and other ill-treatment and enforced disappearance against hundreds of people with impunity, and failed to investigate cases of extrajudicial executions. Civilian and military courts issued mass verdicts after unfair trials and sentenced hundreds of people to death. The authorities prosecuted two women who spoke out against sexual harassment, while discriminating against women in law and practice. People were arrested on the basis of their real or perceived sexual orientation. The authorities prevented Christians from freely practising their beliefs and failed to hold to account those responsible for sectarian violence. The armed forces used US-imported banned cluster bombs in an ongoing military operation in Sinai.

## BACKGROUND

President Abdel Fattah al-Sisi won a second presidential term, with 97% of the valid votes. The authorities implemented new cuts to energy and electricity subsidies and raised the prices of publicly administered services, including water, fuel and transport, leading to sporadic small protests that police repressed. President al-Sisi renewed the state of emergency every three months.

On 9 February, the military launched operation "Sinai 2018" against militants in North Sinai. Linked to the operation, the authorities introduced restrictions on movement and closed fuel stations, suspended schools and banned some commercial activities, including fishing.

A new law approved in July allowed the president to identify senior leaders of the armed forces whom he wished to shield from prosecution for any action committed between 3 July 2013 and 10 January 2016. The period covers 14 August 2013, when the security forces

and army killed up to 1,000 people in a single day during the dispersal of Rabaa al-Adawiya and Nahda square sit-ins.

## FREEDOM OF EXPRESSION AND ASSEMBLY

In January, the authorities intensified the crackdown on dissent they started in December 2017 in the run-up to the presidential elections, arbitrarily arresting at least 113 people solely for peacefully expressing critical opinions. The crackdown targeted a broad range of independent voices, including political and media critics, and satirists.

Among those arrested were many senior political figures who had publicly criticized the president or attempted to run against him in the presidential elections. Sami Anan, the military's former chief of staff, was arrested in January after he announced his candidacy. Abdelmonim Aboulfotoh, founder of the Misr Al-Qawia political party, was arrested in February in relation to media interviews he had given. In April, a military court sentenced Hisham Genina, Egypt's former top auditor, to five years in prison after he criticized the president in a media interview. In October, a court upheld a suspended three-month prison sentence for "public indecency" against former presidential candidate Khalid Ali, thereby disqualifying him from running for office again.

President al-Sisi ratified two laws that muzzled independent media. The laws gave the state almost total control over print, online and broadcast media. They also allowed prosecutors to use vague charges to prosecute media entities and individuals with over 5,000 followers on social media, and give police and investigative authorities the power to monitor and block websites containing material they deemed harmful to national security.

The police responded harshly to people protesting peacefully against austerity measures. In May, security forces arrested at least 35 people on charges of "participating in unauthorized protests" and "membership in a terrorist group" for protesting against the rise in ticket prices for the Cairo metro. The authorities ordered their release on probation, which required their incarceration in a police station for 12 hours every day.

## FREEDOM OF ASSOCIATION AND HUMAN RIGHTS DEFENDERS

The authorities continued to harass and restrict the work of civil society organizations and their staff. Investigative judges conducting a criminal investigation into the work and funding of Egyptian civil society organizations in relation to Case 173 of 2011, banned human rights lawyer Khalid Ali from travel in October. This brought the total number of NGO workers banned from travelling to 30. The judges also summoned six directors and staff members of civil society organizations for interrogation and later ordered their release on bail.

In April, the Court of Cassation overturned the 2013 convictions of 43 staff of US and German NGOs in the first part of Case 173 regarding foreign funding of NGOs, and ordered a retrial. In December, the Cairo Criminal Court acquitted all 43 defendants.

The authorities also began implementing the repressive 2017 NGO law against new organizations attempting to register or amend their by-laws, without having issued executive regulations. In November, the government announced that it would form a committee to amend the law.

Human rights defenders continued to face reprisals for their work. In March, the authorities arrested human rights lawyers Ezzat Ghoniem and Azzoz Mahgoub for their role in supporting the families of forcibly disappeared individuals and detained them on unfounded charges. After a court ordered their release in September, they were forcibly disappeared by security forces and their whereabouts remained unknown at the end of the year.

In October, the authorities arrested at least 31 human rights defenders and lawyers, including Hoda Abdelmoniem and Mohamed Abu Horira, former spokesperson for the Egyptian Coordination for Rights and Freedoms, and held them incommunicado for 21 days, prompting the organization to suspend its activities. On 21 November, Hoda Abdelmoniem appeared at the office of the public prosecution for questioning but was subsequently returned to incommunicado detention at an undisclosed location.

In May, labour and human rights lawyer Haytham Mohamdeen was arrested and accused of participating in a protest against the metro price rises, even though he did not participate in the protest. He was released on 30 October on probation, under which he had to spend 12 hours every week detained in a police station.

## UNFAIR TRIALS AND ARBITRARY DETENTION

The authorities used prolonged pre-trial detention to imprison opponents and activists. Prosecutors and judges used vague and unfounded charges to arbitrarily detain critics, with regular renewals of detention and without referral to trial, based only on National Security Agency investigations. Among those detained were blogger Wael Abbas and satirist Shady Abu Zied, held in pre-trial detention since May on charges of "membership in a banned group" and "disseminating false information". Wael Abbas was released on probation on 11 December, requiring him to report to a nearby police station for four hours twice a week.

Courts continued to issue verdicts after unfair mass trials. In September, the Cairo Criminal Court issued its verdict in the grossly unfair mass trial of 739 people for participating in the sit-in at Cairo's Rabaa al-Adawiya Square on 14 August 2013, during which the security forces and army shot dead more than 900 protesters. The court sentenced 75 people to death, 47 to 25 years in prison, and 612 to prison sentences ranging from five to 15 years, including 22 children. Among them was photojournalist Mahmoud Abu Zied "Shawkan", who was sentenced to five years in prison after he had already spent over five years in pre-trial detention merely for taking photos of the Rabaa

sit-in dispersal. Of the group, 346 had spent five years in pre-trial detention and remained in prison at the end of 2018. The court also ordered the defendants to pay collectively the total amount of damages and imprisoned them for six more months for failure to pay.

## ENFORCED DISAPPEARANCES AND EXTRAJUDICIAL EXECUTIONS

The authorities continued to use enforced disappearances against critics and human rights lawyers and defenders, for periods of up to 30 days. According to the Egyptian Commission for Rights and Freedoms, security forces subjected at least 82 people to enforced disappearance between January and August. Islam Khalil, a former victim of enforced disappearance and torture and other ill-treatment, was forcibly disappeared for 20 days between 10 March and 1 April and then charged with fabricated offences.

The Ministry of the Interior said that more than 164 people were shot dead in exchanges of fire with security forces during the year. Neither prosecutors nor other authorities investigated these incidents or allegations that many of the victims were unarmed and in police custody before being shot. In May, a video was published online showing military officers extrajudicially executing an unarmed child in Sinai; Amnesty International verified it as genuine.

## TORTURE AND OTHER ILL-TREATMENT

The authorities continued to use torture and other ill-treatment in places of detention, and subjected prisoners to prolonged and indefinite solitary confinement for periods ranging between three weeks and over four years. In some cases, prison authorities detained prisoners in small cells that lacked proper lighting, ventilation or beds, forcing inmates to sleep on the ground, and prohibited prisoners from using toilets when they needed them. They also provided insufficient food. Such treatment amounted to torture in at least six cases. In one case, the authorities detained a 12-year-old child, Abdallah Boumidan, in solitary confinement for more than six months.

The authorities denied prisoners access to adequate medical care. They prevented human rights defender Hanan Badr el-Din, co-founder of the Families of the Disappeared League, who has a genetic disorder that causes fever and painful inflammation of the abdomen, lungs and joints, from regularly accessing the health care she needed and only occasionally allowed her family to bring in the necessary medication.

## DEATH PENALTY

Courts continued to hand down death sentences after unfair mass trials and military trials.

In September, the Cairo Criminal Court sentenced 75 men to death after a grossly unfair trial. The same month, the Court of Cassation upheld death sentences against 20 men, including one aged 78. In both cases, the court did not prove the individual criminal responsibility of those convicted, and lawyers reported that the court did not allow many of their witnesses to appear or accept evidence they tried to submit.

In March, the Military High Court upheld death sentences against Ahmed Amin Ghazali and Abdul Basir Abdul Rauf, even though the conviction relied on "confessions" extracted under torture while they were held incommunicado. In December, the Supreme Military Court of Appeals formally accepted their appeal, overturning their death sentences and ordering a retrial.

Tens of people convicted by both civilian and military courts were executed.

## WOMEN'S RIGHTS

Sexual harassment remained widespread and the authorities took limited steps to hold those responsible to account. The process for officially reporting sexual harassment remained extremely strenuous for women survivors. State institutions, including prosecutors and police stations, failed to respect the privacy of survivors, a shortcoming that had led in the past to reprisals against survivors. In a rare case, in September, a court sentenced a man to two years in prison for sexually harassing two women.

The authorities arrested two women, Mouna al-Mazbouh and Amal Fathy, after they spoke out against sexual harassment in Egypt on their Facebook accounts. In September, Amal Fathy, a human rights defender, was sentenced to two years in prison. On 30 December, an Egyptian court rejected her appeal and upheld the two-year prison sentence against her. She also faced separate charges of "membership in a terrorist group" in a second case under which she was held in pre-trial detention until her provisional release on probation on 27 December. In July, a court sentenced Lebanese tourist Mouna al-Mazbouh to eight years in prison; this was reduced on appeal in September to a suspended one-year sentence and she was released later that month.

## FREEDOM OF RELIGION AND BELIEF

The government continued to restrict the right of Christians to worship in law and practice, and failed to bring those responsible for sectarian violence against Christians to justice. The authorities granted full registration to only 588 out of almost 3,730 churches and associated buildings that had applied for it under the new Law on the Construction and Reparation of Churches, which required approvals from several state bodies, including security services.

The authorities also closed at least four churches, in some instances after they were attacked by locals and in others based on allegations that they were unlicensed or in violation of their original designation, despite having applied for registration. This practice is in violation of the Law on the Construction and Reparation of Churches, which states that the authorities must not close down churches that have applied for registration.

In February, a court sentenced 19 Muslim men to a one-year suspended prison sentence and fined a Christian man for "building an unlicensed church" after several men attacked the church

in December 2017 in a village in Giza governorate. An appeals court later struck down the conviction of the Christian man.

In April, after several men burned down the houses of Christians in a village in Beni Souef governorate and attempted to attack a church there, security forces arrested 20 Christian men and accused them of assault and "incitement to violence", but later released them.

In August, security forces arrested five Christian men in a village in Aswan and accused them of "holding religious rituals in an unlicensed building" – a church awaiting registration – after several men surrounded the church to protest against the prayers being held there. The authorities released the attackers and the five men after agreeing to an informal settlement.

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX (LGBTI) PEOPLE

The authorities arrested and prosecuted LGBTI individuals on the basis of their real or perceived sexual orientation and gender identity.

In February, the authorities arrested two men and accused them of "public indecency". The prosecution ordered their release after charging them with organizing a party without a licence. Also in February, nine men were arrested and detained for "habitual debauchery" under under the Law on the Combating of Prostitution. In April, police arrested two men for "public indecency" and detained them, before bringing them before prosecutors. The case had not been referred to trial by the end of 2018.

## REFUGEES' AND MIGRANTS' RIGHTS

Security forces deported at least one asylum-seeker to a country where his life or safety were at risk, in violation of the principle of *non-refoulement*. Military judges prosecuted Egyptians and foreign nationals leaving or entering Egypt by land outside official crossings; these areas are considered military zones. Those convicted tended to be sentenced to terms of imprisonment, which were suspended in the case of Egyptians.

In October, security agencies arrested a Sudanese critic and held him incommunicado for three days. They then deported him to Sudan, where he was at risk of torture and other ill-treatment and faced several charges that could carry the death penalty. In January, the head of the Southern Military Region ratified a one-year suspended prison sentence issued by a military court against 13 Syrians. The authorities released 11 of the men but deported the other two to Sudan.

## LABOUR RIGHTS

The authorities forcibly dispersed strikes and held trade unionists in prolonged pre-trial detention. They also removed the names of hundreds of outspoken, independent candidates from ballot papers for elections for leadership roles in independent and state labour unions in June, which led to unrepresentative unions controlled by pro-government figures.

In April, security forces arrested five men and one woman for participating in a peaceful strike in Cairo over the refusal of their employers to pay annual bonuses. The prosecutor ordered their release. In October, the authorities arrested two members of the nursing trade union, a man and a woman, for "disseminating false news" and "membership in a banned group". They were both released by the end of the year, but one of them was referred to trial in November.

## MILITARY OPERATION IN SINAI: HUMAN RIGHTS VIOLATIONS

The authorities enforced a strict media blackout on the military campaign in Sinai. The military stated on several occasions that it had used air strikes to kill individuals identified as militants, instead of attempting to apprehend them and bring them to justice.

In February, the military shared two videos on its social media accounts in relation to a military operation in North Sinai. The first showed US-made CBU-87 Combined Effects Weapons, a type of cluster bomb, being loaded onto fighter jets set to be deployed to North Sinai. The second, released 12 days later, showed an unexploded US-made Mk 118 cluster munition, which could only have been dropped by the Egyptian air force. Cluster munitions are banned under international law.

In October, the military killed four men at a checkpoint as they were leaving their workplace. The military did not announce an investigation into the incident.

The authorities continued to harass and threaten journalists covering the military operation in North Sinai. In May, a military court sentenced journalist and researcher Ismail el-Iskandrani to 10 years' imprisonment for his work on the operation. In September, police raided and burned down the family home of a journalist in Arish known for covering the events in Sinai for an opposition news channel based in Turkey. Police had previously raided his house and asked his family about his whereabouts.

*Demonstration in support of protesting steel workers by their families in the city of Ahvaz, Iran, in December 2018. The placards read: "We are the children of workers. We stand alongside them." © Iranian Labour News Agency*

# IRAN

Islamic Republic of Iran
Head of state: **Sayed Ali Khamenei**
Head of government: **Hassan Rouhani**

The human rights situation in Iran severely deteriorated. The authorities suppressed the rights to freedom of expression, association and peaceful assembly, as well as freedom of religion and belief, and imprisoned hundreds of people who voiced dissent. Trials were systematically unfair. Torture and other ill-treatment were widespread and committed with impunity. Floggings, amputations and other cruel, inhuman and degrading punishments were carried out. The authorities sanctioned pervasive discrimination and violence based on gender, political opinion, religious belief, ethnicity, sexual orientation, gender identity, and disability.

Executions took place, sometimes in public, and thousands remained on death row. They included people who were under the age of 18 at the time of the crime.

## BACKGROUND

In March, the UN Human Rights Council renewed the mandate of the UN Special Rapporteur on the situation of human rights in Iran.

In August, the UN Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights criticized the reimposition of sanctions against Iran after the United States' unilateral withdrawal from the nuclear deal, stating that international sanctions must be lawful, proportional and must not harm the human rights of ordinary citizens. He said: "These unjust and harmful sanctions are destroying the economy and currency of Iran, driving millions of people into poverty" and will "likely lead to silent deaths in hospitals as medicines run out".

Clashes continued to take place along Iran's borders, during which armed groups killed dozens of border guards.

Iran conducted military operations in support of government forces in the armed conflict in Syria, from where it also launched rockets against Israel.

## FREEDOMS OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The authorities intensified their crackdown on the rights to freedom of expression, association and peaceful assembly, jailing hundreds of people on spurious national security charges. Among those targeted were peaceful political dissidents, journalists, online media workers, students, filmmakers, musicians and writers, as well as human rights defenders including lawyers, women's rights activists, minority rights activists, trade unionists, environmental activists, anti-death penalty campaigners, and those seeking truth, justice and reparation for the mass executions and enforced disappearances of the 1980s.

## EXCESSIVE USE OF FORCE

Tens of thousands of men and women took to the streets throughout the year to protest against poverty, corruption, repression and authoritarianism.

Two major nationwide protests took place in January and July/August. Security forces violently dispersed the protests, beating unarmed protesters and using live ammunition, tear gas and water cannons against them, causing deaths and injuries.

In January, around 5,000 protesters were arrested. The judiciary spokesman said 25 protesters were killed but that "the weapons used and responsible [for the deaths] did not belong to the security forces". In July/August, over 100 protesters were arrested. At least one protester was killed. No officials were held accountable.

In June, security forces in Khuzestan province unnecessarily used tear gas against protesters in Ahvaz and other cities who were demonstrating against water shortages and poor water quality. The interior minister denied reports that a male protester was killed.

## ARBITRARY ARRESTS AND DETENTIONS

Authorities arbitrarily arrested and detained thousands of individuals. Most were denied access to an independent lawyer of their choosing. Hundreds of them faced unfair trials, lengthy prison sentences, torture and other ill-treatment.

Dozens of environmental activists were arrested throughout the year. Four were charged with "corruption on earth", which carries the death penalty.

Hundreds of people were arrested at private mixed-gender parties. Some were subjected to flogging sentences.

In May, 17-year-old Maedeh Hojabri was briefly detained for posting on her Instagram account videos of herself dancing. Her forced "confession" was broadcast on state television.

Human rights defenders and lawyers continued to face arbitrary arrest, detention and prosecution in reprisal for their work. Prominent human rights lawyer Nasrin Sotoudeh and her husband, Reza Khandan, were arrested and faced charges in connection with their support of women protesting against forced *hijab* (veiling). Other lawyers arrested and/or prosecuted included Amir Salar Davoudi, Arash Keykhosravi, Ghassem Sholeh-Sa'di, Farokh Forouzan, Mohammad Najafi, Mostafa Daneshjoo, Mostafa Tork Hamadani, Payam Derafshan and Zeynab Taheri.

Authorities arrested and detained, prosecuted or continued to imprison at least 112 women human rights defenders.

In June, the head of the judiciary implemented the Note to Article 48 of the Code of Criminal Procedure, which denies individuals facing some charges, including those related to national security, the right to access a lawyer of their own choosing during the investigation stage and forces them to choose from a short list of lawyers approved by the head of the judiciary.

## CRACKDOWN ON MEDIA

Censorship of all forms of media and jamming of foreign satellite television channels continued.

Some journalists and online media workers were arbitrary arrested and detained; several were prosecuted and received prison and/or flogging sentences. The Association of Journalists remained suspended.

Administrators of the popular mobile messaging application Telegram were given harsh prison sentences. In April, Telegram was banned, although millions of Iranians continued to use it through circumvention tools.

Facebook, Twitter and YouTube remained blocked.

## HOUSE ARRESTS OF OPPOSITION LEADERS

In August, the Supreme Leader rejected the president's proposal to release opposition leaders Mehdi Karroubi and Mir Hossein Mousavi and the latter's wife, Zahra Rahnavard, from house arrest, where they have remained without charge or trial since 2011.

## TORTURE AND OTHER ILL-TREATMENT

Torture and other ill-treatment, including prolonged solitary confinement, remained systematic, especially during interrogations. Authorities failed to investigate allegations of torture or exclude "confessions" obtained under torture as evidence against suspects.

At least nine people died in custody under suspicious circumstances following their arrests in connection with the protests in late 2017 and early 2018. Officials claimed some had committed suicide, claims which were disputed by their families. After reporting torture marks on some victims' bodies, lawyer Mohammad Najafi was arrested; he was later sentenced to a total of 14 years in prison and 74 lashes for charges including "disturbing public order".

In February, Canadian Iranian academic and environmental activist Kavous Seyed Emami died in Evin prison following his arbitrary arrest two weeks earlier. Authorities claimed he committed suicide and refused to release his body unless his family agreed to an immediate burial without an independent autopsy.

Prisoners held for politically motivated reasons were denied adequate medical care, often as punishment; in some cases, this amounted to torture. Human rights defender Arash Sadeghi developed cancer in prison. Authorities tortured him by deliberately depriving him of specialist medical care.

Prisoners endured cruel and inhuman conditions of detention, including overcrowding, inadequate food, insufficient beds, poor ventilation and insect infestations.

## CRUEL, INHUMAN OR DEGRADING PUNISHMENT

Judicial authorities continued to impose and carry out, including in public, cruel and inhuman punishments amounting to torture.

Scores of individuals faced flogging sentences for theft and assault as well as for acts that, under international human rights law, must not be criminalized. Such acts included attending peaceful protests and cultural gatherings, having extra-marital relationships and attending mixed-gender parties.

In April, three minority rights activists from the Azerbaijani Turkic ethnic minority were sentenced to four months' imprisonment and 40 lashes for "disrupting public order" by participating in a peaceful cultural gathering.

In July, a man known as M.R. was tied to a tree in Razavi Khorasan province and flogged 80 times. He had been convicted a decade earlier of consuming alcohol when he was 14 or 15 years old.

The Supreme Court imposed and upheld amputation sentences. In January, authorities amputated the hand of a man, referred to as A.Kh., in Mashhad, Razavi Khorasan province, reportedly for stealing livestock and other valuables.

The authorities continued to issue blinding sentences.

## FREEDOM OF RELIGION AND BELIEF

Freedom of religion and belief was systematically violated in law and practice. The authorities continued to impose, on people of all faiths and none, codes of public conduct rooted in a strict interpretation of Shi'a Islam. The right to change or renounce religious beliefs continued to be violated. While Amnesty International did not record any new cases in 2018, those who professed atheism remained at risk of arbitrary arrest and detention, torture and other ill-treatment and the death penalty for "apostasy".

Gonabadi Dervishes faced a vicious crackdown, particularly since February, when a peaceful protest was violently quashed. Hundreds were arrested and over 200 were sentenced after unfair trials to between four months and 26 years in prison, flogging, internal "exile", travel bans, and bans on membership of political and social groups. In February, 92-year-old Nour Ali Tabandeh, the spiritual leader of the Gonabadi Dervish religious minority, was put under house arrest.

Christians, including converts, continued to face harassment, arbitrary arrest and detention, and harsh prison sentences. Raids on house churches continued. Victor Bet-Tamraz and Shamiram Issavi, ethnic Assyrian Christians, and Amin Afshar-Naderi and Hadi Asgari, Christian converts, were sentenced to between five and 15 years in prison for peacefully practising their faith.

Widespread and systematic attacks continued against the Baha'i minority, including arbitrary arrests and imprisonment, forcible closure of businesses, confiscation of property, bans on employment in the public sector and denial of access to universities. Destruction and desecration of Baha'i cemeteries continued.

Other religious minorities not recognized under the Constitution, such as Yaresan (Ahl-e Haq), were also persecuted for practising their faith and faced systematic discrimination, including in education and employment.

Sunni Muslims continued to report discrimination, including exclusion from political office.

## DISCRIMINATION – WOMEN AND GIRLS

Women faced entrenched discrimination in family and criminal law, including in relation to divorce, employment, inheritance and political office. Iran's Civil Code continued to deny Iranian women married to non-Iranian men the right to pass their nationality to their children. Women had limited access to affordable, modern contraception.

A long-standing bill to protect women against violence remained stalled. The authorities continued to fail to criminalize gender-based violence, including domestic violence and marital rape. Acts of violence against women and girls, including domestic violence and early and forced marriage, were widespread.

According to official sources, between 21 March and 21 September, at least 366 girls aged below 15 and 29 girls aged below 10 were married. The parliament continued to debate a proposed amendment to Article 1041 of the Civil Code on the age of marriage. The amendment, which would ban marriage for girls under 13, was rejected by the parliament's judicial and legal committee in December but remains under parliamentary review. If approved, the legal age of marriage for girls would be raised from 13 to 16, although girls aged between 13 and 16 could still be married subject to approval both from a court and from state medical doctors who would determine whether the child in question was "physically capable" of consummating the marriage.

A bill aimed at giving some married women permission to travel abroad without spousal approval remained under review.

Dozens of women peacefully protesting against the abusive, discriminatory and degrading practice of forced *hijab* by taking off their headscarves in public were violently assaulted and arrested. Millions of others were routinely harassed and assaulted in public places by the "morality police" for failing to comply with Iran's strict Islamic dress code. Women were banned from singing and at times playing musical instruments in public. In January, popular singer Benyamin Bahadori refused to perform at a concert in Kerman after the Ministry of Culture and Islamic Guidance banned female members of his group from appearing on stage.

The authorities' ban on women entering football stadiums remained in place. Thirty-five women were briefly detained in March as they tried to enter a stadium to watch a local football match.

## DISCRIMINATION – ETHNIC MINORITIES

Ethnic minorities, including Ahwazi Arabs, Azerbaijani Turks, Baluchis, Kurds and Turkmen, continued to face entrenched discrimination, curtailing their access to education, employment and adequate housing. Continued economic neglect of regions with large minority populations exacerbated poverty and marginalization. The Persian language remained the sole medium of instruction in primary and secondary education.

Iran's border guards unlawfully shot and killed with impunity tens of Kurdish *kulbars*, porters carrying goods on their backs between Iran and Kurdistan Region of Iraq.

Members of minorities who spoke out against violations of their rights faced arbitrary arrest, torture and other ill-treatment, unfair trials and imprisonment.

Hundreds of Azerbaijani Turks, including minority rights activists, were violently arrested in connection with peaceful cultural gatherings.

The authorities continued their persecution of the Ahwazi Arab minority. In April, up to 400 Ahwazi Arabs were reportedly arrested in connection with protests that took place after state television broadcast a children's show that excluded Arabs from a map displaying the geographical locations of Iran's ethnic minorities. In October, following a deadly armed attack on a military parade in Ahvaz the previous month, during which at least 24 people, including spectators, were killed, authorities waged a sweeping crackdown against Ahwazi Arabs in Khuzestan province. Over 700 people, including minority rights activists, were arrested and detained incommunicado. Ahwazi Arab activists outside Iran reported that 22 were executed in secret.

## WORKERS' RIGHTS

Bans on independent trade unions persisted.

Thousands of workers staged peaceful demonstrations and strikes in protest at unpaid wages, poor working conditions and other grievances. Authorities arrested hundreds, sentencing many to prison terms and flogging.

In August, teacher Mohammad Habibi was sentenced to 10 and a half years in prison, 74 lashes, a two-year travel ban and a two-year ban on "membership in political and social parties, groups or collectives" for charges stemming from his peaceful trade union activities.

In September, six more teachers were sentenced to flogging and prison terms for taking part in a peaceful protest calling for higher wages. More than a dozen others were arrested when nationwide strikes took place in October and November.

In October, hundreds of striking truck drivers were arrested and threatened with the death penalty.

In November, dozens of striking workers from the Haft Tapeh Sugar Cane Company were arrested.

In December, dozens of steel workers in Ahvaz were violently arrested following weeks of strikes.

## DEATH PENALTY

Courts continued to imposed death sentences and executions were carried out after unfair trials, some in public.

There was a drop in the number of drug-related executions following amendments to the anti-narcotics law.

A number of individuals who were under 18 at the time of the crime of which they were convicted were executed and many others remained on death row.

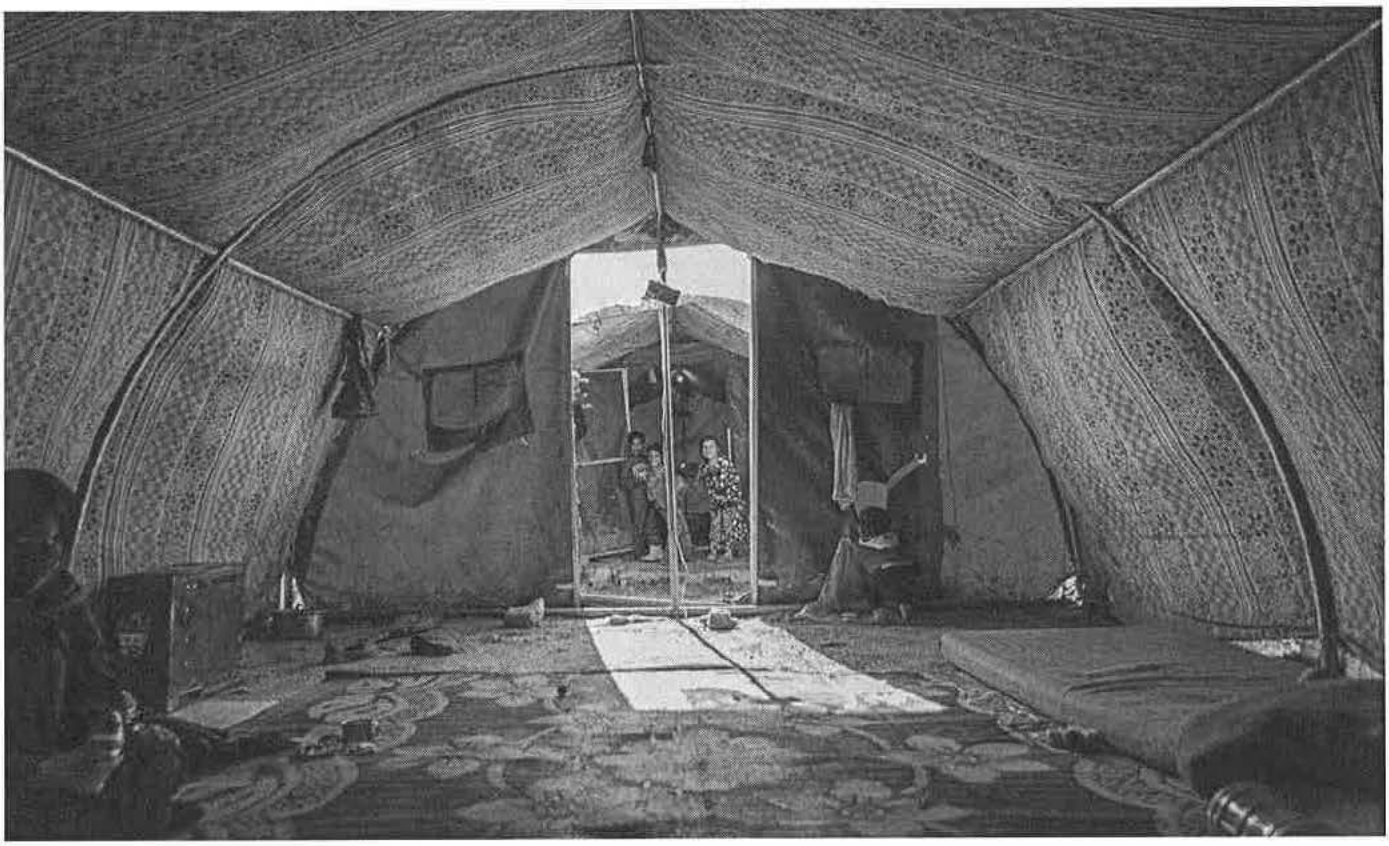
The Islamic Penal Code continued to provide for stoning as a method of execution.

The death penalty was maintained for some consensual same-sex sexual conduct, as well as for vaguely worded offences such as "insulting the Prophet", "enmity against God" and "spreading corruption on earth".

The authorities arrested individuals whom they described as "financially corrupt" and "saboteurs of the economy". Many were convicted before newly established special courts dealing with crimes involving financial corruption and sentenced to death, lengthy prison terms, and flogging. Defendants were denied access to lawyers of their own choosing, had no right to appeal against prison sentences, and were given only 10 days within which to appeal death sentences.

In June, Mohammad Salas, from the Gonabadi Dervish minority, was executed after an unfair trial for the murder of three police officers during a protest in February. The sole evidence was a "confession" he said he made under torture.

In September, Kurdish prisoners Zaniar Moradi, Loghman Moradi and Ramin Hossein Panahi were executed in Raja'i Shahr prison, Karaj, after unfair trials. All three were denied access to their lawyers after arrest and said they were tortured into making "confessions".



*Ayesha, a mother of six, sits inside a tent inside a camp for internally displaced persons in Hamam al-Alil, Iraq, on 17 March 2018. Originally from Hawija, a town that had been controlled by the Islamic State armed group (ISIS), Ayesha had moved to the camp six months earlier with her children and cousins. She told Amnesty International: "If we go back, they [the Iraqi authorities] have told us that they will kill our children because they are connected by blood to ISIS." © Amnesty International*

# IRAQ

Republic of Iraq
Head of state: **Barham Ahmed Salih (replaced Fuad Masum in October)**
Head of government: **Adil Abdul Mahdi (replaced Haider al-Abadi in October)**

Since Iraqi authorities declared the end of the military operations to retake control of areas from the armed group calling itself Islamic State (IS) in late 2017, during which thousands of men and boys were killed or went missing, many thousands of female-headed households across the country were left struggling to survive. Armed actors under the control of Iraqi authorities collectively punished families with perceived affiliation to IS, including by denying them access to humanitarian aid, refusing to issue them crucial documents, and restricting their freedom of movement. Women in families with perceived IS affiliation were also subjected to sexual violence, including rape. Torture in detention was endemic. Courts continued to sentence individuals convicted of terrorism-related offences to death, frequently after unfair trials that relied on torture-tainted evidence. Iraq continued to use the death penalty extensively. Protesters demanding access to jobs, basic services and medical care were shot, beaten, arrested and detained by security forces. IS carried out bomb attacks on the capital, Baghdad, and in several other governorates, often targeting civilians. IS fighters abducted dozens of civilians and members of the security forces and summarily killed them.

## BACKGROUND

Millions of internally displaced Iraqis returned to their areas of origin after the military operations to retake areas from IS ended in late 2017. However, hundreds of thousands remained displaced in camps and informal sites.

In May, Iraq held parliamentary elections, but the formation of the government stalled owing to electoral fraud allegations. Parliament consequently voted for a manual recount of all votes, but this resulted in no significant change to the result. On 2 October, Barham Ahmed Salih was elected as president. On 24 October, the new prime minister, Adel Abdul Mahdi, and 14 of the suggested 22 cabinet members were sworn in amidst disagreement among legislators.

Tens of thousands of residents in the southern governorate of Basra were reported to have been poisoned and hospitalized by polluted drinking water, fuelling ongoing protests against government corruption and mismanagement of the neglected south.

The UN estimated that 939 people were killed by "acts of terrorism, violence and armed conflict in Iraq" in 2018. At least four women, among them a human rights

activist, were shot dead in what appeared to be targeted killings. Iraqi authorities stated that an investigation into the deaths would be launched.

In late November 2018, severe storms and floods displaced tens of thousands of people, caused serious damage to infrastructure and impacted several camps of internally displaced peoples (IDPs) in Ninewa governorate, according to the UN.

Turkish air strikes and shelling continued in areas under Kurdistan Regional Government (KRG) control in north-east Iraq, reportedly resulting in civilian deaths.

## INTERNALLY DISPLACED PEOPLE

By November, humanitarian organizations had recorded that more than 4 million IDPs had returned to their areas of origin. The flow of returns slowed in the second half of the year and almost 2 million people remained displaced, the majority of whom were reported to be living outside formal camps. Secondary displacements and new arrivals to formal camps were also reported. People who remained displaced cited several reasons for not returning home, including damage and destruction to housing; lack of job opportunities, basic infrastructure and public services, including health care; and insecurity due to unexploded ordnance, improvised explosive devices (IEDs), arbitrary arrests, harassment and intimidation by armed people, and in some cases fears of a new insurgency by IS.

## COLLECTIVE PUNISHMENTS

The wave of enforced disappearances since 2014, and the deaths of many men during the military operations against IS in Iraq, left thousands of female-headed families struggling for survival. Families, particularly those headed by women, were stigmatized and collectively punished for being perceived to have links with IS owing to factors outside their control, such as being related, however distantly, to men involved with IS, or for fleeing from areas believed to be IS strongholds. In IDP camps, many were denied access to food, water and health care. They were also refused new or replacement identity cards and other civil documents, often meaning that they could not work, collect family pensions or send their children to school. In addition, their freedom of movement was severely restricted because of their lack of documentation or by camp authorities who prevented them from leaving camps, placing them in de facto detention.

Such families also faced verbal harassment, including sexual harassment and intimidation from people bearing arms, camp authorities and other camp residents. Women with perceived IS ties were subjected to sexual violence, including rape and sexual exploitation, primarily by armed actors affiliated with military and security forces in the camps.

## BLOCKS ON RETURNS AND SECONDARY DISPLACEMENT

Families with perceived ties to IS were regularly prevented from returning to their homes or places of origin as a result of threats from neighbours, tribal and local authorities, and Iraqi forces, including the Popular Mobilization Units (PMU) and Tribal Mobilization militias. Displaced families attempting to return to their home areas were turned back at checkpoints if they did not have the documentation deemed necessary or their relatives appeared on "wanted lists" of men affiliated with IS.

Those who managed to return to their areas of origin said they were subjected to forced displacement, evictions, arrests, looting of their homes, house demolitions, threats, sexual abuse and harassment, and discrimination. Some families witnessed security forces attacking and arresting families affiliated with IS and so returned to the camps.

## EXCESSIVE USE OF FORCE

Between July and September, security forces in Basra, including SWAT (Special Weapons and Tactics) forces, killed over a dozen protesters and injured hundreds of others when they used excessive force, including by firing live ammunition and tear gas, to disperse a series of protests demanding employment opportunities and better public services. Security forces chased protesters fleeing the scene and, according to witnesses, trapped and then beat them with metal rods and rifle butts, and used electroshock devices against some of them. They also assaulted or detained journalists covering protests, at times on the pretext that they had filmed security measures being taken around government buildings or had blocked roads.

In apparent retaliation against these deaths, protesters set light to government buildings and buildings affiliated with political parties and factions of the PMU. Activists present at one such incident on 6 September said that at least one of three protesters killed was shot by an armed guard of a political party building that was being attacked by other protesters.

Similar protests broke out in the capital, Baghdad, and in other governorates. In Baghdad, security forces arbitrarily arrested and detained protesters. They beat and used electroshock devices against detained protesters, interrogated them and forced them to sign papers without disclosing their contents, before releasing them.

Then Prime Minister Haider al-Abadi ordered an investigation into the violence during the Basra protests. Subsequently, the authorities dismissed and replaced a number of security and local government officials.

Amidst the protests in September, the authorities severely restricted access to the internet, including social media platforms. Peaceful protesters in southern Iraq and Baghdad believed the authorities deliberately disabled internet access before security forces fired at them, as they were unable to share images and videos depicting the abuses.

## KURDISTAN REGION OF IRAQ

Kurdish security forces and armed individuals in civilian clothes violently dispersed peaceful protests in Erbil and Dohuk in March. Teachers, health workers and other public sector workers, as well as activists took to the streets across the Kurdistan Region of Iraq to protest against austerity measures and delays in payment of and cuts to salaries of state employees. Scores of

protesters and several journalists were detained and said they were tortured or otherwise ill-treated and forced to sign pledges that they would not take part in demonstrations again.

KRG officials stated that the arrested protesters were charged with inciting violence and then transferred to court. They added that the protesters had not been granted a permit to stage the protests and that members of political parties had incited violence.

## ABUSES BY ARMED GROUPS

IS killed and injured civilians throughout Iraq in suicide bombings and other deadly attacks that were indiscriminate or deliberately targeted civilians in crowded markets, residential areas and other public spaces. IS claimed bombings in Baghdad and other governorates, particularly Anbar, Diyala, Salah al-Din, Ninewa and Kirkuk. IS fighters were reported to have abducted and killed dozens of civilians and members of Iraqi security forces in rural areas. Fake checkpoints manned by IS fighters in attire similar to that worn by security forces were reported on highways linking various governorates to the capital. In late June, the bodies of six members of the security forces were found in Salah al-Din governorate. A video circulated earlier in the week had shown the six captured by IS and included threats to kill the men if Iraqi authorities did not release female prisoners suspected of having links to IS.

The UN stated that approximately 3,000 Yazidis were still missing as well as thousands of people from other religious minorities whom IS had also targeted. In November 2018, the UN Assistance Mission for Iraq and the Office of the UN High Commissioner Human Rights reported the discovery of over 200 mass graves in several governorates, adding that the graves contained individuals believed to have been killed for not conforming to IS rules.

## UNFAIR TRIALS

Iraq's criminal justice system remained critically flawed. Trials fell considerably short of international standards. Individuals held on suspicion of being affiliated with IS were denied the right to an adequate defence and often were compelled to "confess" under duress. Courts continued to admit torture-tainted evidence and convict individuals under the Anti-Terrorism Law, more often than not resulting in death sentences.

Security officers threatened and in some cases arrested lawyers in court who were seeking to defend IS suspects and families perceived to be affiliated with IS. According to reports, this deterred other lawyers from working with individuals suspected of affiliation with IS.

## ARBITRARY ARRESTS AND ENFORCED DISAPPEARANCES

Thousands of men and boys who were arbitrarily arrested and forcibly disappeared by central Iraqi and Kurdish forces while fleeing IS-held areas between 2014 and 2018 remained missing. Security forces, including the PMU, regularly arrested and forcibly disappeared men with perceived IS ties, at times directly from IDP camps. Iraqi and KRG authorities continued to operate overcrowded detention facilities, some of them secret. Released detainees and witnesses reported inhumane conditions.

## TORTURE AND OTHER ILL-TREATMENT

Those detained by central Iraqi and Kurdish forces were routinely tortured and subjected to other forms of ill-treatment during interrogation, often to extract "confessions". Former detainees reported witnessing other detainees die as a result of such abuse.

## DEATH PENALTY

Courts continued to hand down and uphold death sentences; scores of people were sentenced to death by hanging in 2018. Over two dozen women, particularly foreign nationals, were sentenced to death because a male relative, often their husband, was suspected of belonging to IS. A report by Associated Press said that Iraqi authorities had, since 2003, detained or imprisoned at least 19,000 people accused of links to IS or other terror-related offences, and had sentenced thousands of them to death.

The media office of then President Fuad Masum announced on several occasions that he had ratified "batches" of death sentences that had been upheld by courts.

Despite flagrant violations of due process, Iraq continued to carry out executions, sometimes of more than 10 individuals at a time. Executions were sometimes retaliatory and in response to public outrage after bombings and other deadly attacks, often claimed by IS. For example, on 28 June, then Prime Minister Haider al-Abadi called for the swift execution of convicted "terrorists" whose death sentences had been ratified. The call quickly followed the killing of six members of the security forces abducted by IS fighters (see above). The Ministry of Justice subsequently announced that 13 people had been executed.

## IMPUNITY AND LACK OF REMEDY

A report by the US authorities in June stated that US military actions had killed 499 civilians in Iraq, Syria, Afghanistan and Yemen in 2017, adding that hundreds of reports of civilian casualties from the same year were still to be assessed.

Yazidi women who had survived prolonged IS captivity and enslavement continued to lament the lack of an accessible and unified system of medical and psychosocial care. In August, Yazidi women who had recently escaped IS captivity in Syria and returned to Iraq told Amnesty International that they had struggled to pay for medical and psychological care and often felt let down by the international community.

A local NGO told Amnesty International that, since 2014, around 68 mass graves had been uncovered in Sinjar, north-western Iraq, that the bodies had still not been exhumed and that the sites were not being protected, despite Iraq's Law on Protection of Mass Graves.

A committee established by the prime minister's office in June 2016 to look into the abduction and forcible disappearance by PMU militias of 643 men and boys from Saqlawiya in Anbar governorate had still not publicly released any findings by the end of 2018.

*Palestinian Jihad Shawamrah stands on the ruins of his house, which he demolished in order not to face the prospect of Israeli settlers moving in, after he lost a land ownership case in Israeli courts, in the East Jerusalem neighbourhood of Beit Hanina, 19 July 2018. © Reuters/Ammar Awad*

# ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORIES

State of Israel
Head of state: **Rouven Rivlin**
Head of government: **Benjamin Netanyahu**

New legislation entrenched discrimination against non-Jewish citizens. Israeli forces killed more than 290 Palestinians, including over 50 children; many were unlawfully killed as they were shot while posing no imminent threat to life. Israel imposed an illegal blockade on the Gaza Strip for the 11th year in a row, subjecting approximately 2 million inhabitants to collective punishment and exacerbating a humanitarian crisis. Freedom of movement for Palestinians in the West Bank remained restricted through a system of military checkpoints and roadblocks. Israeli authorities unlawfully detained within Israel thousands of Palestinians from the Occupied Palestinian Territories (OPT), holding hundreds in administrative detention without charge or trial. Torture and other ill-treatment of detainees, including children, remained pervasive and was committed with impunity. Israel continued to demolish Palestinian homes and other structures in the West Bank and in Palestinian villages inside Israel, forcibly evicting residents. The Israeli justice system continued to fail to adequately ensure accountability and redress for victims of grave violations of international humanitarian and human rights law. The authorities continued to deny asylum-seekers access to a fair or prompt refugee status determination process; hundreds of African asylum-seekers were deported and thousands were threatened with deportation. Conscientious objectors to military service were imprisoned.

## BACKGROUND

The Israeli authorities continued to expand illegal settlements and related infrastructure in East Jerusalem and elsewhere in the occupied West Bank, including by legalizing outposts built without state authorization on private Palestinian land. They held local elections in October across Israel and in illegal settlements including in occupied East Jerusalem and the occupied Golan Heights.

Negotiations between Israeli and Palestinian authorities remained stalled. On 15 May, the USA moved its embassy from Tel Aviv to Jerusalem in violation of international law. Two police investigations recommended that Prime Minister Benjamin Netanyahu be indicted over corruption allegations. The attorney general had not yet ruled on the recommendations by the end of the year.

Waves of armed hostilities broke out between Israel and Palestinian armed groups in the Gaza Strip. Israeli forces launched dozens of air strikes on Gaza, killing 46 people. Palestinian armed groups launched hundreds of rockets into Israel, killing one Palestinian civilian. On 13 November 2018, after two days of intense hostilities by both sides, a ceasefire between Israel and Palestinian armed groups, brokered by Egypt, was announced. Individual Palestinians, most unaffiliated to armed groups, attacked Israelis in the West Bank and in Israel, killing at least 13. Attacks by settlers on Palestinians resulted in the death of a Palestinian woman.

Israel reportedly conducted scores of air strikes inside Syria.

## DISCRIMINATION

Israel continued to pass legislation that discriminates against non-Jewish citizens, particularly Palestinians. The Basic Law: Israel as the Nation-State of the Jewish People, passed in July, described the Israeli state as being only for the Jewish people, confirming the status of the almost one fifth of the population who are Palestinian citizens of Israel as second-class citizens.

## UNLAWFUL KILLINGS

Israeli military and security forces killed at least 195 Palestinians, including at least 41 children, in demonstrations in Gaza and the West Bank. Many were unlawfully killed as they were shot while posing no imminent threat to life.

Israeli forces killed scores of Palestinians in the Gaza Strip during sustained protests that started in March for the right to return of refugees to land from which they were displaced 70 years earlier, and against the Israeli blockade of the Gaza Strip. According to the Palestinian Centre for Human Rights, 180 were killed, among them 35 children, three paramedics and two journalists. While some protesters engaged in violence, including by burning tyres, unleashing incendiary kites and balloons towards Israel or throwing stones and Molotov cocktails in the direction of Israeli soldiers, social media videos, as well as eyewitness testimonies gathered by Amnesty International, Palestinian and Israeli human rights groups, show that Israeli soldiers shot and killed journalists, medical staff, bystanders and unarmed protesters who posed no threat to life; many were at distances of around 150-400m from the fence separating Gaza and Israel when they were shot. Some of these unlawful killings appeared to be wilful, which would constitute war crimes. Israeli forces also injured at least 13,458 Palestinians, many of them seriously, including more than 7,000 shot by live ammunition, according to the Palestinian Centre for Human Rights. In May, the UN Human Rights Council established a commission of inquiry into the killings and other abuses in the OPT since the protests began.

On 27 July, Majdi Ramzi al-Satri, 12, was killed after being shot in the head by a live bullet fired by Israeli security forces while standing 50m away from the fence, during his participation in a protest in Rafah.

Israeli air strikes and shelling killed at least 13 Palestinian civilians in the Gaza Strip not directly participating in hostilities. On 28 October, an Israeli drone missile killed three children, Khalid Bassam Abu Sa'ed, 14, Abdul Hamid Mohammed Abu Thaher, 14, and Mohammed Ibrahim al-Satri, 15, when they tried to cross the Gaza/Israel fence. For almost two hours ambulance crews were unable to enter the area due to shooting by Israeli forces from the other side of the fence.

## FREEDOM OF MOVEMENT AND RIGHTS TO HEALTH, WATER AND SANITATION

Israel's illegal air, land and sea blockade of the Gaza Strip entered its 11th year, restricting the movement of people and goods into and out of the area, and collectively punishing Gaza's 2 million residents. Israel increased the restrictions in July, saying this was in response to the launching of incendiary kites and balloons, rockets and mortars from Gaza into Israel. Several human rights organizations petitioned against these restrictions on the grounds that they constituted collective punishment prohibited under international humanitarian law. Israeli authorities lifted the additional restrictive measures on 20 October.

Throughout much of the year, the Gaza Strip suffered fuel shortages that resulted in a maximum of four hours of electricity per day. In October, the UN brokered a deal to allow Gaza's main electricity plant to be refuelled as part of a plan to increase electricity supply to eight hours per day. Electricity cuts worsened Gaza's water and sanitation crisis.

Israel reduced to a record low the number of medical permits issued to residents of the Gaza Strip to allow them to enter Israel and the West Bank for treatment. Denial of medical permits led to the deaths of at least eight Palestinians, according to the Al Mezan Center for Human Rights.

On 20 June, Masoud Abdul Hai Abu Saqer, 49, died at Erez checkpoint between Gaza and Israel, where he had presented himself for an interview with Israeli security services in the hope of being able to travel to an East Jerusalem hospital to obtain treatment for kidney cancer. Since he was diagnosed in December 2017 he had submitted four applications for a medical permit. The first three were rejected by the Israeli military. On the fourth occasion, he was summoned for an interview.

Almost 100 Israeli checkpoints and roadblocks continued to heavily restrict the movement of Palestinians in the West

Bank. Palestinians are denied access to tens of roads in the West Bank that are designated for the use of Israelis only.

## ARBITRARY ARRESTS AND DETENTIONS

Israeli authorities conducted hundreds of raids throughout the West Bank to arrest Palestinians without judicial orders detailing the reason for arrest. They placed in detention or continued to detain thousands of Palestinians from the OPT in prisons in Israel in violation of international humanitarian law. Israeli authorities used renewable administrative detention orders to hold Palestinians without charge or trial. Palestinian civilians were prosecuted in military courts that did not meet international standards of fair trial and more than 5,500 Palestinians, including 480 administrative detainees, were held in Israeli prisons at the end of the year, according to Palestinian human rights organization Addameer. Among those held were civil society leaders, NGO workers and journalists.

Khalida Jarrar, a member of the Palestinian Legislative Council and board member of the NGO Addameer, and Addameer staff member Ayman Nasser, remained held under administrative detention orders since their arrest in February 2017 and 17 September 2018 respectively.

## TORTURE AND OTHER ILL-TREATMENT

Israeli soldiers, police and Israel Security Agency (ISA) officers tortured and otherwise ill-treated Palestinian detainees, including children, with impunity, particularly during arrest and interrogation. Reported methods included beatings, slapping, painful shackling, sleep deprivation, use of stress positions and threats. Prolonged solitary confinement, sometimes for months, was commonly used as a punishment. Many families of Palestinian detainees and prisoners in Israel, particularly those in Gaza, were not permitted entry to Israel to visit their relatives.

Four Palestinians died in custody as a result of alleged torture or other ill-treatment by Israeli forces. One of them, Mohamed Khatib al-Rimawi, died from heart failure after Israeli forces beat him during a pre-dawn raid at his home in the West Bank village of Beit Rima on 18 September. Soldiers shackled him while unconscious before taking him away. An autopsy was conducted on 24 September in the presence of Israeli and Palestinian doctors. The Palestinian doctor's report noted that he had bruises on the torso, the right thigh and the back. It concluded that the fear and anxiety resulting from his arrest, coupled with a genetic condition of narrow arteries, led to a fatal restriction of blood flow to the heart. The Israeli military denied the beating and said the cause of death was still to be investigated.

Israel held 230 Palestinian children in prison, including 41 under the age of 16. According to Defense for Children International-Palestine, many children were beaten, threatened and intimidated after arrest, interrogated without their parents, and handed disproportionately harsh sentences. It added that children were tried in front of a military judge and placed with adults in the same prison facilities. Under international law, detention of children should be a measure of last resort and for the shortest appropriate time.

Some Palestinian prisoners were denied adequate medical care or received treatment in humiliating conditions. Raja'i Abdel-Qader, for example, received eight hours of continuous chemotherapy while his hands and feet were shackled.

## FREEDOMS OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The authorities used a range of measures, including detentions, movement restrictions, judicial harassment and incitement campaigns, both in Israel and the OPT, to target activists, including human rights defenders, who criticized Israel's continuing occupation of the West Bank and Gaza Strip.

Israel started implementing the 2017 amendment to the Entry into Israel Law, which banned entry into Israel or the OPT of anyone supporting or working for an organization that promotes a boycott of Israel or Israeli entities, including settlements. As a result, human rights defenders, lawyers, students and doctors were denied entry. Human Rights Watch staff member Omar Shakir had his work permit revoked on 9 May based on allegations that he supported such a boycott. He challenged the decision; the legal process was continuing at the end of the year.

On 25 May, the Ministry of Strategic Affairs published a report that listed European and Palestinian human rights organizations that allegedly support terrorism. The EU responded that Israel was spreading disinformation.

Israeli authorities continued to obstruct attempts to document human rights by denying human rights bodies entry to the OPT, including the UN Special Rapporteur on the human rights situation in the OPT.

Political leader Raja Eghbaria, a Palestinian citizen of Israel, was held first in detention for a month and then under house arrest without access to telephones or the internet, during his ongoing trial for Facebook posts that, according to the Israeli prosecution, contained incitement to terrorism. His lawyer argued that the posts, while praising Palestinians who were killed after shooting members of Israeli security forces, included no call to violence and that their meaning in Arabic had been altered by the state's Hebrew translation. Amnesty International agreed with this assessment.

## FORCIBLE TRANSFERS, FORCED EVICTIONS AND DEMOLITIONS

Israel demolished 148 Palestinian properties in the West Bank, including East Jerusalem, 139 for lack of permits and nine for punitive reasons, according to Israeli human rights organization B'Tselem; 425 people, including 191 children, were left homeless as a result. Punitive demolitions constitute collective punishment and are expressly prohibited under international law.

The Knesset (parliament) debated a bill that would raise the legal fees for contesting demolition orders in the West Bank, and prohibit non-profit organizations from submitting petitions against demolition orders if they were not directly affected by them.

In September, the Supreme Court approved the demolition of Khan al-Ahmar village and forcible transfer of its residents to make way for illegal Jewish settlements. The village was home to 180 members of the Bedouin community and a school that educated 170 children in the area. The Office of the Prosecutor of the International Criminal Court released a statement in October reminding Israel that extensive destruction of property without military necessity and population transfers in an occupied territory constitute war crimes under the Rome Statute.

On 9 August, an Israeli air strike targeted and destroyed the al-Mishal cultural centre in Gaza, in violation of international law, which prohibits the destruction of cultural buildings unless they are being used for military purposes.

The authorities also demolished Palestinian homes inside Israel that they said were built without permits, including in Palestinian towns and villages in the Triangle (a concentration of Palestinian communities adjacent to the north-west of the West Bank), the Galilee and "unrecognized" Bedouin villages in the Negev/Naqab region. In August, Israeli police forcibly demolished the Bedouin village of al-Araqib for the 132nd time.

## IMPUNITY

The authorities failed to adequately ensure accountability in the aftermath the 2014 Gaza-Israel conflict, during which Israeli forces killed some 1,460 Palestinian civilians, many in evidently unlawful attacks including war crimes. They had previously indicted only three soldiers for looting and obstructing an investigation. In August, the Military Attorney General closed the case relating to an attack on Rafah on 1-4 August 2014, when between 135 and 200 civilians were killed.

In May, the Supreme Court rejected a petition by Israeli human rights groups to order the army to stop using lethal force against demonstrators in the Gaza Strip.

## VIOLENCE AGAINST WOMEN AND GIRLS

Violence against women persisted in Israel. At least 20 women were killed as a result of gender-based violence, according to the group Women Against Violence. The group said the authorities prosecuted all cases involving the killing of Jewish women, but only half of those involving women who were Palestinian citizens of Israel. The group, along with other organizations and some legislators, criticized the lack of police action to bring perpetrators of such crimes to court, in particular with regard to so-called "honour killings".

## REFUGEES AND ASYLUM-SEEKERS

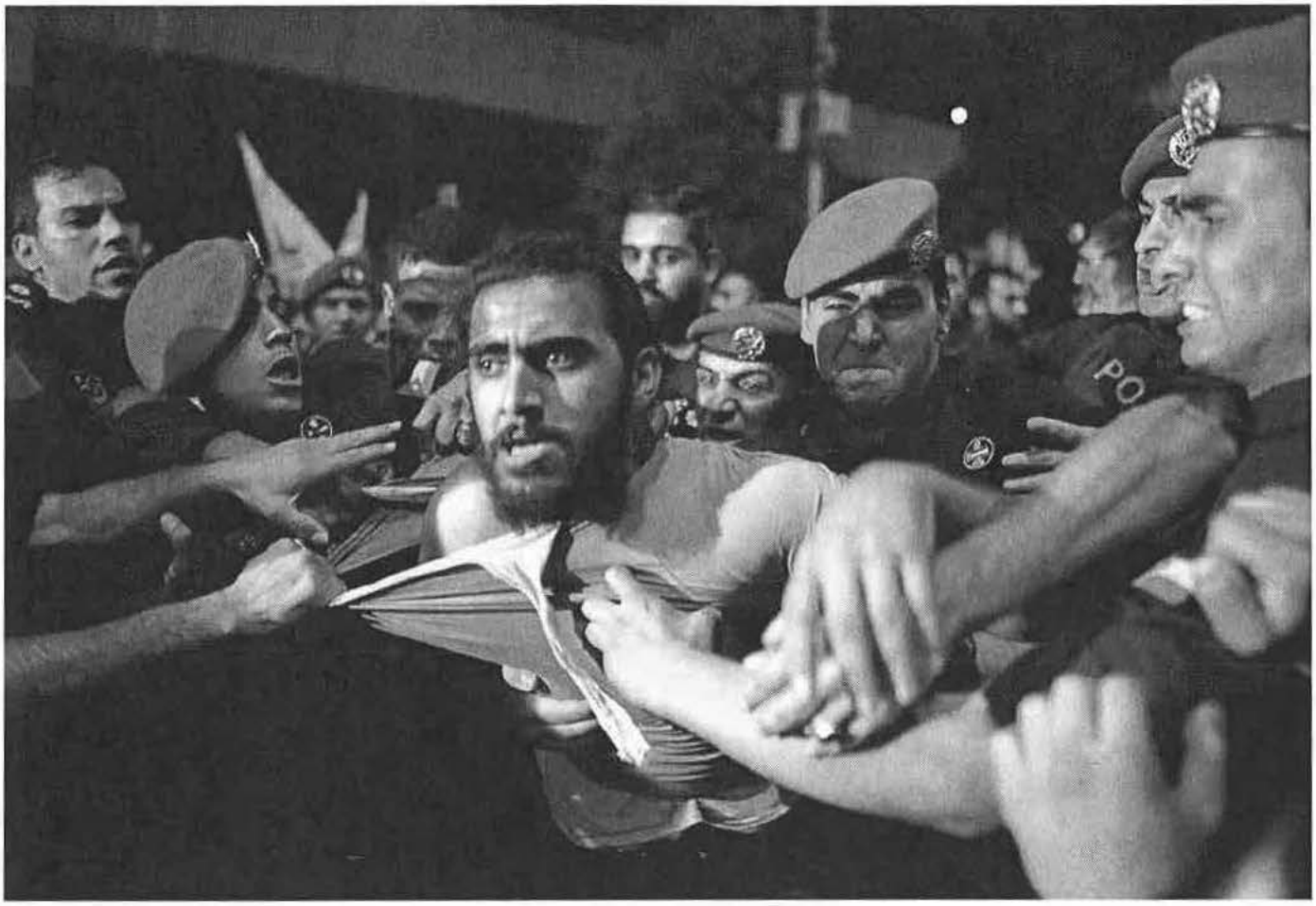
The authorities continued to deny asylum-seekers from Eritrea and Sudan access to a fair and prompt refugee status determination process. Some 6,530 asylum claims were closed or denied unlawfully in 2018, while some 15,000 were pending at the end of the year. Only 11 claimants from Eritrea or Sudan had been granted refugee status since 2008.

In January, Israel accelerated its deportations of Eritreans and Sudanese asylum-seekers. As a result, 668 were deported to Rwanda and Uganda or their countries of origin. Another 300 or so were detained in Saharonim prison for refusing to leave Israel; the practice ended in April, after the Supreme Court found the detentions unlawful.

As a result of a decision by the interior minister in May, about 300 Sudanese people were given temporary residency status in order to close pending appeals and avoid a Supreme Court ruling obliging Israel to grant refugee status to all Sudanese asylum-seekers.

## CONSCIENTIOUS OBJECTORS

At least six Israeli conscientious objectors to military service were imprisoned. One of them, Adam Rafaelov, was awaiting trial at the end of the year.



*Jordanian policemen try to detain a demonstrator during a protest near the prime minister's office in Amman, Jordan, on 6 June 2018. Prime Minister Hani Al-Mulki resigned on 4 June after a wave of anti-austerity protests by citizens suffering from high unemployment and repeated price hikes. © Ahmad Gharabli/AFP/Getty Images*

# JORDAN

Hashemite Kingdom of Jordan
Head of state: **King Abdullah II bin al-Hussein**
Head of government: **Omar Al-Razzaz (replaced Hani Al-Mulki in June)**

People were subjected to prolonged pre-trial detention, solitary confinement and torture and other ill-treatment. Freedom of expression was curtailed: journalists and activists critical of the government or King Abdullah were detained; access to the internet was restricted; and online content was censored. Proposed amendments to the cybercrime law that would further threaten freedom of expression stalled after demonstrations against the legislation. The authorities opened a shelter for women at risk of family violence in the name of "honour". However, women's rights continued to be restricted in law and practice, including in relation to abortion, guardianship, marriage and inheritance. The rights of migrant workers continued to be violated and insufficiently protected in law. Jordan continued to offer sanctuary to around 2.7 million refugees, though the rights of some of them were violated. Death sentences were passed; there were no executions.

## BACKGROUND

Jordan remained part of the US-led military coalition fighting in Iraq and Syria against the armed group calling itself Islamic State (see Iraq and Syria entries), and of the Saudi Arabia-led coalition engaged in the armed conflict in Yemen (see Yemen entry).

The UN Human Rights Council held the third Universal Periodic Review of Jordan on 8 November. Jordan accepted 131 recommendations, agreed to examine another 21 and rejected 74 others related to, among other issues, ratification of human rights treaties, abolition of the death penalty, "honour" killings, repeal of the Crime Prevention Law, nationality rights, prevention of torture in detention and protection of migrant workers.

On 30 May, trade unions called a strike to protest against amendments to the 2014 tax law presented by the government of Hani Al-Mulki and supported by the International Monetary Fund. The next day, the government raised fuel and electricity prices, triggering further protests. On 1 June, King Abdullah ordered a freeze on price

hikes, but protests continued. On 4 June, Al-Mulki resigned and the next day King Abdullah appointed Omar Al-Razzaz as prime minister. The protests ended after Al-Razzaz announced that the new government would withdraw the amendments. In September, the government presented an amended tax law; it exempted lower-paid individuals from filing tax returns, but still prompted strong public criticism.

## DETENTION

The General Intelligence Directorate (GID) continued to subject people to prolonged pre-trial detention, solitary confinement and torture and other ill-treatment, according to the National Centre for Human Rights (NHRC) and other organizations. Detainees held in GID prisons were not allowed unsupervised visits, even by lawyers.

Administrative governors continued to issue thousands of administrative detention orders under the 1954 Crime Prevention Law, which allows detention of up to one year without charge or trial or any means of legal remedy.

## FREEDOM OF EXPRESSION

The authorities continued to harass, intimidate, detain and imprison activists and journalists who voiced criticism of the government or King Abdullah. Several journalists were summoned for interrogation and detained for days without charges being brought against them. The authorities also enforced bans on the distribution of selected books for religious, moral and political reasons; restricted or disrupted access to the internet; and censored online content.

In September, the House of Representatives, the lower house of parliament, referred a number of draft amendments to the cybercrime law to its legal committee for review. They included provisions that threatened freedom of expression. One contained an overly broad definition of online "hate speech", which would criminalize statements that spread rumours against people with the aim of damaging their reputation in the absence of incitement to violence and carry harsh sanctions. In December, following demonstrations against the law, the government suspended the process to subject the amendments to further examination.

## WOMEN'S RIGHTS

Following a long-standing campaign by Jordanian women's rights organizations, including Mizan – Law Group for Human Rights, the Ministry of Social Development opened Amneh House shelter for women at risk of family violence in the name of "honour". By the end of the year, 16 women were living in the shelter. The shelter's regulations, published in May, guaranteed that no one could be held in the shelter against their will. Civil society organizations were still debating whether the shelter would end the long-standing practice of imprisoning women at risk in "protective custody" through the (mis)use of powers set out under the Crime Prevention Law of 1954.

While celebrated reforms had been made to the Penal Code in 2017, no further action was taken to modify discriminatory provisions. Articles 321 and 322 continued to criminalize abortion, even in cases of rape, and Article 282 criminalized adultery. As of 27 October 2018, seven women were in prison on adultery charges.

Some provisions of the Penal Code also contributed to other forms of discrimination against women in practice. According to the women's rights organization Sisterhood Is Global International (SIGI) – Jordan, a provision penalizing the failure to pay back contractual debts has led to the prosecution of women who were being pressured or deceived by family members to take loans. SIGI also reported that, among the 17 women on death row at the end of 2018, some had been sentenced for killing their abusive husband in self-defence.

The Personal Status Law continued to discriminate against women and girls, including in the areas of guardianship, marriage, divorce, common marital property and inheritance. In practice, guardianship established was interpreted widely to restrict women's autonomous decision-making on issues of marriage and residence until the age of 30. The police continued to act on demands by guardians to forcibly return women "absent" from their guardian's home.

In the context of poor enforcement of alimony payments following decisions of Shari'a courts, an alimony fund provided for in a 2010 amendment to the Personal Status Law became available in early 2018 and benefited at least 400 divorced women whose former husbands had not made maintenance payments.

## MIGRANTS' RIGHTS

While positive measures were adopted in 2017 to combat human trafficking and improve occupational safety, they remained insufficient to ensure the protection of migrant workers' rights. Migrant domestic workers continued to be inadequately protected from abuse by their employers and agents, and remained at risk of arbitrary detention by the state. According to activists with access to detention facilities, scores of women migrant domestic workers were administratively detained in 2018, mostly because they had been unable to pay visa overstay fees.

Non-Jordanian domestic workers who were not married reported giving birth at home to avoid losing custody of their children and faced barriers registering their children or travelling with them to their home countries. It is illegal in Jordan to give birth outside of wedlock and migrant women were less able than their Jordanian counterparts to access family or community support to circumvent legal threats.

## CHILDREN'S RIGHTS

In September, the government cancelled the requirement of five years' uninterrupted residence for women married to non-Jordanians as a condition

for their children to access certain rights and benefits, and took the positive step of accepting as official ID the card issued to these children by the Department of Civil Status and Passports. The rights and benefits were related to education, health care, employment, investment, property ownership and obtaining driving licences, in addition to permanent residence.

Citizenship laws continued to discriminate against children of Jordanian mothers and non-Jordanian fathers, who unlike children of Jordanian fathers married to non-Jordanians, were denied Jordanian citizenship.

## REFUGEES AND ASYLUM-SEEKERS

Jordan hosted over 670,000 Syrian refugees registered by UNHCR, the UN refugee agency, of whom some 125,000 lived in camps, in addition to over 13,000 Palestinian refugees from Syria and over 2 million long-term Palestinian refugees, among others.

Of 37,000 Syrian refugees in Azraq camp, nearly 9,500 remained in Village 5, an area fenced off from the rest of the camp. Most people in this area had been transferred there in 2016 on the basis that they would be screened and then relocated outside Village 5. Their status remained unclear. Unlike refugees in other parts of the camp, those in Village 5 were not allowed to leave the area, visit relatives in other parts of the camp, obtain temporary leave permits or access work outside the camp.

In March, the Ministry of Interior launched a campaign to rectify the status of Syrian refugees living informally in urban areas. The campaign targeted Syrians who had left refugee camps without permission to settle in host communities or who had arrived in Jordan across informal border crossings and not registered with UNHCR. The rectification allowed them to benefit from the protection and assistance provided by UNHCR and to receive a Ministry of Interior service card.

The NCHR stated in August that Syrian refugees had been facing an increasing risk of deportation since the beginning of 2017 and that authorities were returning refugees to Dara'a governorate despite the lack of infrastructure and security there.

## INTERNATIONAL JUSTICE

In September, Jordan appealed against the International Criminal Court (ICC) ruling that Jordan had failed to comply with its obligations as a state party to the Rome Statute of the ICC for not executing the court's request for the arrest and surrender of Sudanese President Omar Al-Bashir when he visited Jordan in 2017. The ICC had issued two arrest warrants for Al-Bashir on charges of genocide, war crimes and crimes against humanity in Darfur, Sudan.

## DEATH PENALTY

Courts continued to hand down death sentences; no executions were carried out.

*A Kuwaiti woman holds signs reading in Arabic "no to banning books" and "yes for freedom of mind, yes for freedom to read, and yes for freedom of thought", during a demonstration outside the National Assembly building in Kuwait City on 29 September 2018, in protest against the government's new censorship regulations on publications, which resulted in the banning of many books from entering the country. © Yasser Al-Zayyat/AFP/Getty Images*

# KUWAIT

State of Kuwait
Head of state: **Sabah al-Ahmad al-Jaber al-Sabah**
Head of government: **Jaber al-Mubarak al-Hamad al-Sabah**

The authorities continued to unduly restrict the rights to freedom of expression and peaceful assembly, including by prosecuting and imprisoning government critics under criminal defamation laws. Members of the Bidun minority continued to face discrimination and were denied the right to a nationality. Migrant workers remained inadequately protected against exploitation and abuse. Courts continued to hand down death sentences; no executions were reported.

## BACKGROUND

Kuwait led mediation efforts to resolve the Gulf crisis that erupted in June 2017, when Bahrain, Egypt, Saudi Arabia and the United Arab Emirates (UAE) severed relations with Qatar. Kuwait remained part of the Saudi Arabia-led coalition engaged in armed conflict in Yemen (see Yemen entry).

The government terminated the employment contracts of over 3,000 foreign employees in the public sector under a nationalization policy.

In September, the government established the National Committee on International Humanitarian Law; its purpose will be to review judicial verdicts and legislation relating to international humanitarian law in light of the Geneva Conventions.

## FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The rights to freedom of expression, association and peaceful assembly remained curtailed. The authorities prosecuted government critics under provisions of the Penal Code that criminalize speech deemed offensive to the emir or disparaging to neighbouring countries. In August, the government proposed a law that would punish with five years in prison anyone who defames or disparages the crown prince or his deputy.

Blogger and online activist Abdullah Saleh was sentenced in his absence to a total of 25 years' imprisonment in different cases simply for expressing views on social media deemed "insulting" to Bahrain, Saudi Arabia and the UAE. In February, the Court of Cassation upheld the prison sentences of 13 people for publicizing or reciting extracts of a speech by former opposition member of parliament Musallam al-Barrak, for which he was sentenced to two years in prison in 2015. In May, Hamad al-Naqi, who had received a 10-year prison sentence in 2012 for "insulting the Prophet Muhammad and the Sunni Muslim rulers of Saudi Arabia and Bahrain on social media", was pardoned and released after serving half his sentence.

In June, Kuwait's minister of social affairs dissolved the board of directors of the Kuwait Liberal Society for participating in a forum on free thought with a Dutch political party, joining the Arab Liberal Federation (a network of political parties) and fundraising during the month of Ramadan without prior official permission. A member of the Society was sentenced to six months in jail for a Twitter post.

In July, the Court of Cassation upheld the convictions of 16 opposition politicians, human rights defenders and peaceful demonstrators, including eight former or current members of parliament, on charges relating to their participation in a 2011 protest. The convictions were based on politically motivated charges after trials that violated international standards of fairness and contravened the rights to freedom of expression and peaceful assembly. Trial observer Pete Weatherby, who was part of a legal team monitoring the trial, was blocked from entering the country.

## DISCRIMINATION - BIDUN

In March, a law was passed that allows Bidun to join the military. Parliament also approved a draft law that would grant Kuwaiti citizenship to up to 4,000 Bidun, but it had not been enacted by the end of the year.

The authorities continued to withhold citizenship from more than 100,000 Bidun long-term residents of Kuwait, who remained stateless and unable to access a range of public services. In June, the minister of education rejected a parliamentary proposal to register children of Bidun at public schools. According to the ministry's regulations, registration is only allowed for Bidun children born of Kuwaiti mothers, and children and grandchildren of Bidun categorized as "martyrs" after being killed during the Iraqi invasion of 1990.

## DEPRIVATION OF NATIONALITY

In October, the Council of Ministers approved the reinstatement of Kuwaiti nationality for several individuals, including government critics, whose citizenship had been revoked several years earlier.

## MIGRANT WORKERS

Migrant workers continued to face exploitation and abuse under the *kafala* (sponsorship) system, which ties a worker's visa to their employer and prevents them from changing jobs without the employer's consent. Migrant domestic workers, mostly women, remained especially at risk and exposed to physical, sexual and psychological abuse by their employers.

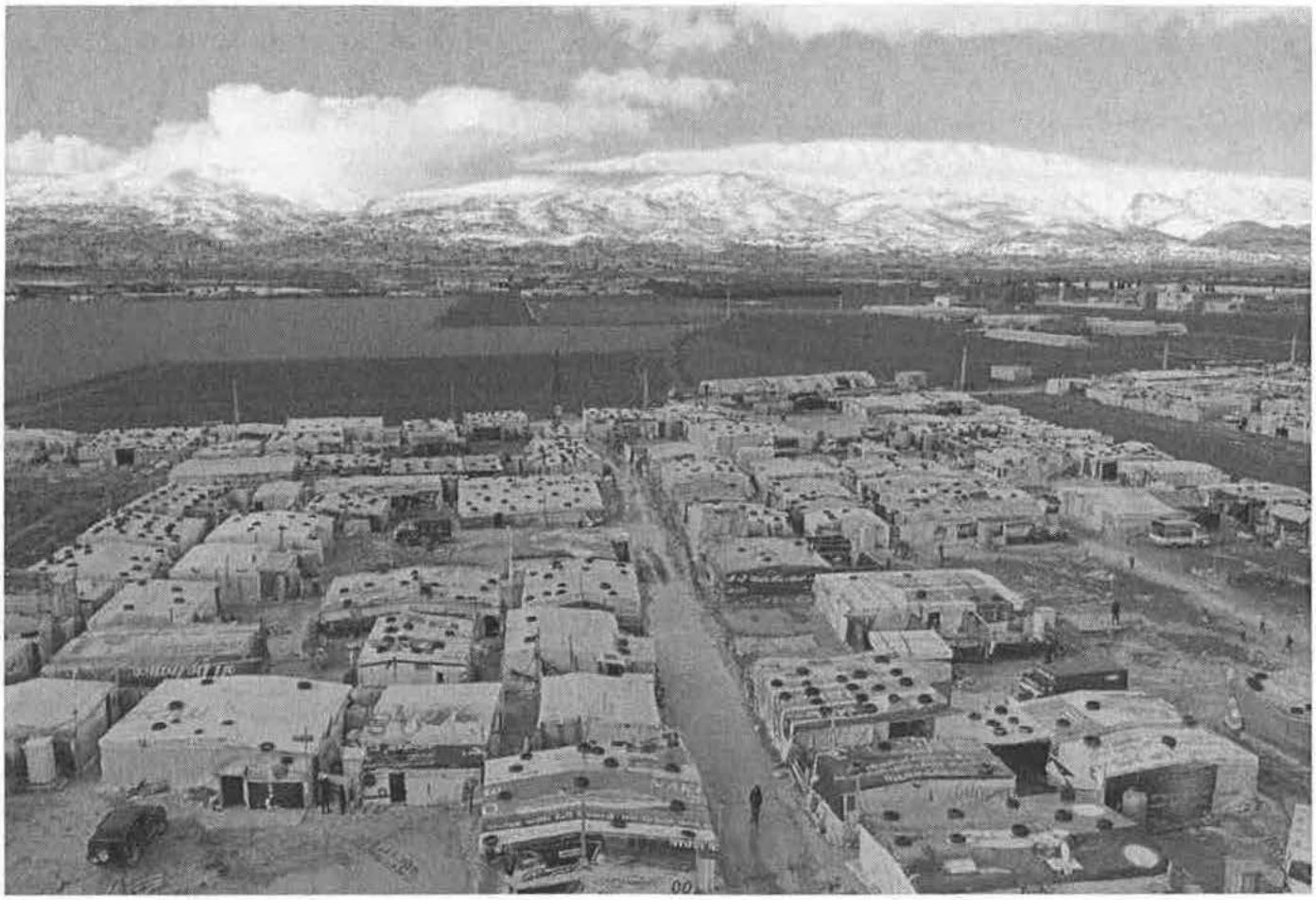
In February, the Philippines imposed a ban on the deployment of Filipino workers to Kuwait following the murder of a Filipina domestic worker by her employers. It also facilitated the voluntary repatriation of thousands of migrant workers. Following months of diplomatic crisis, the ban was lifted in May after Kuwait and the Philippines signed a bilateral agreement regulating some working conditions for domestic workers.

## WOMEN'S RIGHTS

Women continued to face discrimination in law and practice. In particular, the law accords women fewer rights than men in family matters such as divorce, child custody, inheritance, nationality rights and domestic violence.

## DEATH PENALTY

Courts continued to hand down death sentences for offences including murder and drug trafficking; no executions were reported.



*An aerial view shows an informal tent settlement housing Syrian refugees in the area of Delhamiyeh, in the central Bekaa Valley, Lebanon, on 17 January 2019. Aid organizations say they are doing their best to distribute emergency aid to the most vulnerable among the estimated 340,000 Syrian refugees living in Bekaa Valley.*
*© Joseph Eid/AFP/Getty Images*

# LEBANON

Lebanese Republic
Head of state: **Michel Aoun**
Head of government: **Saad Hariri**

Lebanon hosted 1.5 million refugees from Syria, but kept its border closed to people fleeing the ongoing conflict in neighbouring Syria. It also hosted tens of thousands of other refugees, most of them long-term Palestinian refugees who continued to face discriminatory laws that excluded them from accessing certain services and jobs. The penal code continued to discriminate against women in law and practice. Police harassed and abused lesbian, gay, bisexual, transgender and intersex (LGBTI) people, especially in refugee and migrant communities.

Peaceful activists and others were detained for social media posts that criticized political, religious or economic authorities. Death sentences were passed; there were no executions. A law was passed to create a national commission to investigate the whereabouts of thousands of persons who went missing or were forcibly disappeared during the 1975-1990 armed conflict in Lebanon.

## BACKGROUND

On 6 May, Lebanon held long-awaited parliamentary elections initially scheduled for 2013; a proportional representation system was applied for the first time. On 24 May, the new parliament named Saad Hariri to serve a third term as prime minister. He was not able to form a government before the year's end due to political feuds.

In April, a conference held in the French capital, Paris, to support Lebanon's development and reform pledged the country an aid package worth over US$11 billion, comprising US$10.2 billion in loans and US$860 million in grants.

In September, parliament held an exceptional session and passed 15 of 28 draft laws that had been put to vote. Most related to the aid package, but parliament also ratified the Arms Trade Treaty and approved a controversial waste management law despite serious concerns about its implications for people's health and the environment. Access to essential services, including electricity and water, remained severely curtailed across the country.

## REFUGEES AND ASYLUM-SEEKERS

Lebanon hosted 1.5 million Syrian refugees, including 950,334 registered with UNHCR, the UN refugee agency, according to update it issued on 30 November. A government decision of May 2015 continued to bar UNHCR from registering newly arrived refugees. Refugees continued to return to Syria throughout 2018 either spontaneously or in groups organized by the Lebanese General Security. UNHCR verified through interviews at its reception centres that, as of 30 November, 4,996 individuals had returned on their own to Syria in 2018, but acknowledged that this number did not reflect the total number of spontaneous returns. It said on 17 December that, so far that year, it had been present at over 70 group returns facilitated by the General Security, involving a total of 9,895 people.

In August, the government facilitated birth registration for Syrian refugees by waiving a requirement that children born in Lebanon between January 2011 and February 2018 had to be registered within a year of birth and that parents had to obtain court documents to register the children. The move was expected to enable more than 50,000 unregistered Syrian children to acquire the necessary documents.

Syrian refugees continued to face financial and administrative difficulties in obtaining or renewing residency permits, exposing them to a constant risk of arbitrary arrest, detention and forcible return to Syria. They also continued to face severe economic hardship.

In January, 15 Syrians – children, women and men – froze to death near the Masnaa border crossing in eastern Lebanon as they were attempting to enter the country irregularly.

Lebanon also hosted tens of thousands of other refugees, most of them long-term Palestinian refugees. Palestinian refugees remained subject to discriminatory laws that exclude them from owning or inheriting property, accessing public education and health services, and working in at least 36 professions. At least 3,000 Palestinian refugees who do not hold official identity documents faced further restrictions, denying them the right to register births, marriages and deaths.

## TORTURE AND OTHER ILL-TREATMENT

Since Lebanon passed an anti-torture law in September 2017, the National Human Rights Institute, which is mandated to oversee the law's implementation, among other tasks, remained inactive. The government failed to allocate it an independent budget or trigger the process for nominating the five members needed to form the National Preventive Mechanism against torture.

In March, a military court acquitted actor Ziad Itani of charges of spying for Israel, and released him. He had spent three and a half months in unlawful detention. The court also charged the former head of the Internal Security Forces' cyber-crimes bureau of fabricating evidence against the actor and falsely accusing him. Ziad Itani reported that he had been tortured in detention; he said that men in civilian clothes had beaten him, tied him in a stress position, hung him by his wrists, kicked him in the face, threatened to rape him, and threatened to hurt and prosecute his family. The authorities failed to investigate the allegations.

## WOMEN'S RIGHTS

Lebanese legislation, including the penal code and personal status codes, continued to discriminate against women.

Women's rights organizations reported that provisions of the penal code that criminalized adultery were discriminatory in practice, with more women being charged under the law than men. They also reported that the law was sometimes used by husbands and other male family members to seek revenge.

Reproductive health services specifically needed by women, such as those relating to abortion, were still criminalized. In practice, abortions were obtained generally through medication and in private clinics. However, the high cost of abortions and the lack of information about them remained barriers to women in vulnerable situations, particularly refugee and migrant women.

Civil society organizations reported that police continued to harass and detain sex workers, even though the selling of sex is not illegal. A health NGO, SIDC (Soins Infirmiers et Développement Communautaire), reported that, in a survey of 50 women engaging in transactional sex, 45 claimed discrimination or abuse in public health care settings and 10 reported that they had faced physical abuse in detention centres or police stations.

Women migrant workers continued to suffer discriminatory practices under the *kafala* (sponsorship) system restricting their rights to freedom of movement, education and health, including sexual and reproductive health.

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

According to reports, police continued to harass and abuse LGBTI people, especially in refugee and migrant communities, sometimes resorting to Article 534 of the penal code, which criminalizes "sexual intercourse contrary to nature".

In May, the Internal Security Forces (ISF) banned several activities organized by Beirut Pride to mark the International Day against Homophobia and Transphobia, and detained the organizer overnight. The ISF cited security concerns following threats by an Islamist group.

In October, the General Security (GS) attempted to shut down a conference of LGBTI activists from the Middle East and North Africa region, organized by the Arab Foundation for Freedom and Equality (AFE). After failing to make the AFE's executive director sign a pledge to cancel all conference activities, GS officers ordered the hotel to shut down the conference. The GS did not explain their concerns, although the action followed threats by an Islamist group.

In July, a district court of appeal ruled that same-sex consensual sex was not a criminal offence.

## FREEDOM OF EXPRESSION

Different security forces arrested and interrogated several human rights defenders, peaceful political activists

and other individuals for social media posts criticizing political, religious or economic authorities. Those targeted had their legal rights violated, including the right to a lawyer. In the course of the interrogations, security officers revealed that they had accessed some of their personal data, such as messages they had sent and received on messaging services and transcripts of phone calls they had made. Most were freed without charge after a short period of detention, but several of the activists arrested were blackmailed into signing pledges that they would refrain from certain activities as a precondition for their release.

## RIGHT TO HOUSING

In February, the Central Bank revealed that several banks had nearly exhausted their quota of stimulus funds allocated for the entire year. As a result, the subsidized loan programme was frozen and there were serious doubts about its future and that of the Public Corporation for Housing, the only official body managing the right to housing for middle- and low-income citizens.

In September, parliament approved an exceptional allocation of US$66 million to finance housing loans, and gave the government six months to draft a sustainable housing policy.

## ENFORCED DISAPPEARANCES AND ABDUCTIONS

In November, parliament passed a law creating a national commission to investigate the whereabouts of thousands of persons who went missing or were forcibly disappeared during the 1975-1990 armed conflict in Lebanon. Associations of families of the victims concerned, along with partner organizations, had campaigned for such a development for over three decades.

## INTERNATIONAL JUSTICE

In September, the closing arguments concluded in *Prosecutor v. Ayyash et al.*, the case relating to the 14 February 2005 attack which killed 22 individuals, including former Lebanese Prime Minister Rafik Hariri, and injured 226 others. At the end of the year, the judges had yet to issue their verdict.

## DEATH PENALTY

Courts continued to hand down death sentences; no executions were carried out.

*Libyan militiamen loyal to the Government of National Accord, Libya's internationally recognized government, keep watch from a position south of the Libyan capital, Tripoli, on 25 September 2018. © Mahmud Turkia / AFP / Getty Images*

# LIBYA

State of Libya
Head of state: **Fayez Serraj (disputed)**

Militias, armed groups and security forces continued to commit with impunity crimes under international law and gross human rights violations and abuses, including war crimes, throughout the year. Clashes between competing militias resulted in an increased number of civilian casualties. Thousands of people were held indefinitely without any judicial process following arbitrary arrest, including many detained since 2011. Torture and other ill-treatment were widespread in state prisons and detention centres controlled by militias and armed groups. Militias and armed groups contributed to the collapse of law enforcement and the judiciary by harassing judges and lawyers. They were also responsible for kidnappings for ransom, as well as arbitrary arrests and abductions of those identified as political opponents. Thousands of Libyan families remained internally displaced. Refugees, asylum-seekers and migrants suffered serious human rights violations and abuses, including rape and extortion, at the hands of state officials, militias and smugglers. The authorities failed to protect women from gender-based violence by militias and armed groups, and women activists were targeted with gender-based violence and smear campaigns. Courts handed down death sentences, but no executions were reported.

## BACKGROUND

The security situation remained volatile. Militias, armed groups and security forces affiliated to the internationally recognized Government of National Accord (GNA) in the west and the self-proclaimed Libyan National Army (LNA) in the east continued to operate outside the rule of law. The GNA, established under the 2015 UN-brokered Libyan Political Agreement, remained weak as it continued to struggle to exert effective control on the ground.

Four main militias operating under the Ministry of Interior dominated the capital, Tripoli, carving out territorial influence and power, infiltrating government institutions and building economic strongholds.

The political stalemate continued. International calls for UN-backed elections agreed at a summit in Paris, France, in May were overshadowed by the outbreak of conflict in Tripoli in late August. Other international efforts, including a conference held in Palermo, Italy, in November, made little progress, while renewing commitment for elections to take place in the first half of 2019. In mid-May, the LNA, led by General Khalifa Hafter, launched an offensive against the eastern city of Derna, following a blockade it had imposed on the city for a year. The LNA sought to consolidate its power and expel the Derna Security Force (previously known as the Derna Shura Council).

In June, Ibrahim Al-Jodhran, former commander of the Petroleum Facilities Guard, a militia group that between 2013 and 2016 controlled the Oil Crescent region – a coastal area and the source of Libya's main oil exports – launched a military operation to reclaim the region from the LNA. LNA forces quickly regained control of the area. On 15 September, the UN Security Council imposed sanctions on Ibrahim Al-Jodhran, imposing a travel ban and freezing his assets for a series of acts, including attempting to export Libyan oil illegally and attacking oil installations.

## ARMED CONFLICT ABUSES

Militias, armed groups and security forces continued to commit with impunity crimes under international law and gross human rights violations abuses in the context of armed hostilities, including war crimes, throughout the year. Clashes between competing militias resulted in hundreds of civilian casualties including deaths, most due to attacks that were indiscriminate, and made it difficult for people to access basic facilities such as hospitals and schools. Renewed conflict in Tripoli in late August and September cost 115 civilians their lives, according to Ministry of Health figures. The LNA's assault on Derna in May involved intensive aerial and artillery bombardment and led to ferocious fighting on the ground where civilians were killed or injured as a result and exacerbated an already dire humanitarian situation.

The International Criminal Court (ICC) continued to have jurisdiction over crimes under international law committed in Libya since 15 February 2011, under a referral made by the UN Security Council in 2011. On 4 July, the ICC issued a second arrest warrant against Mahmoud al-Werfalli, a former field commander of the Special Forces Brigade (Al-Saiqa) affiliated to the LNA, for the war crime of murder, after he was filmed on 24 January extrajudicially executing 10 people. The killings took place just hours after two car bombs were detonated at the Biaa Radwan mosque in the centre of the eastern city of Benghazi. The first warrant for his arrest was issued in August 2017.

## ARBITRARY ARRESTS, DETENTIONS AND ABDUCTIONS

Militias, armed groups and security forces affiliated to the ministries of interior and defence under the Tripoli-based UN-backed GNA and the eastern-based LNA continued to arbitrarily arrest and indefinitely detain thousands of people without charge. Many detainees had been held since 2011 and most were held with no judicial oversight or means to challenge the legality of their detention.

In the west, militias operating as security forces under the GNA regularly conducted arbitrary arrests and abductions of people from their homes and workplaces, targeting victims on the basis of their regional origin, perceived political opinions, profession or perceived wealth in order to extract cash ransoms.

Detainees in Matiga prison on Tripoli's eastern outskirts, run by the Special Deterrent Forces (Radaa), a militia group affiliated to the GNA and on the government's payroll, were held indefinitely without a judicial process. They were kept in overcrowded cells with insufficient food and water and denied access to medical services. On 29 April, Radaa forces arrested Suleiman Qashout, a prominent TV anchor, for organizing a media award ceremony that the militia perceived as contradicting their social values. Radaa forces also used arbitrary detention to exert political pressure on opponents. Fares Al-Jodhran, a relative of Ibrahim Al-Jodhran, was held throughout 2018 without charge in Matiga prison.

On 15 March, an unknown militia abducted Masoud Erhouma, the military prosecutor of the GNA, in front of his house in Tripoli's Salah Eddine area. In April, news sources reported that he had escaped. On 28 March, an unidentified militia abducted Abdulrauf Beitelmal, head of the Tripoli Municipality Council, from his home. He was held for a day before being released.

On 4 April, Salem Ghereby and Omar Khalifa, both former Guantánamo detainees, were deported from Senegal to Libya, after which their whereabouts were unknown. No official charges were brought against them.

## FREEDOM OF EXPRESSION

Armed groups and militias aligned with the GNA and LNA harassed, abducted and attacked journalists, human rights defenders and other activists, forcing many to flee the country.

On 11 January, members of the Bab Tajoura militia, affiliated to the GNA, abducted Mariam al-Tayeb, a journalist based in Tripoli, near her home because of views she expressed on social media. The group took her to their headquarters, where they beat her until she momentarily lost consciousness. They freed her several hours later following a campaign on Facebook calling for her release.

In January, a woman activist from Benghazi who had used social media to criticize Khalifa Hafter and the LNA was forced to leave Libya along with her entire family when the LNA's Military Intelligence Unit sought to arrest her for her posts.

On 31 July, the GNA-affiliated militia Al-Nawassi brigade, based in Tripoli, arrested four international journalists – Ahmed Elumami (a Reuters correspondent), Hani Amara (a Reuters cameraman) and brothers Mahmoud Turkia and Hamza Turkia (AFP photographers) – while they were covering a story on migration at Abu Sitta naval base in Tripoli. They were released 10 hours later.

In August, journalist and photographer Musa Abdul Kareem was killed in unclear circumstances and his body dumped on the side of a road in the southern city of Sabha, his hometown. Reports indicate that, weeks before his death, he had co-authored an article published in *Fasanea*, a Sabha-based newspaper he edited, around ongoing criminality in the city.

## JUSTICE SYSTEM AND IMPUNITY

The judicial system remained dysfunctional and ineffective. Courts and prosecutors' offices were unable to provide recourse for victims of human rights violations or bring to justice those suspected of criminal responsibility for such abuses. Perpetrators of serious human rights abuses continued to operate without fear of being held to account for their crimes.

Libyan authorities launched initiatives to integrate militias and armed groups into an institutionalized security sector. These attempts overlooked the groups' records of serious human rights abuses and disregarded the need to ensure accountability for past crimes. Militias and armed groups acted as de facto police, abducting individuals they accused of criminal offences and detaining them unlawfully.

In March, Saddik Essour, the head of investigations in the office of the public prosecutor, announced that 205 arrest warrants had been issued for Libyans and foreign nationals suspected of involvement in a smuggling network for migrants heading to Europe. No further steps were taken to implement the warrants.

In central Libya, armed groups abducted judge Abdelsalam Al-Senoussi and prosecutor Ismail Abdelrahman, along with two security officers, from a courthouse in the town of Waddan on 22 July in retaliation for the detention of two people on smuggling charges. All the abducted men were released after two days.

## TORTURE AND OTHER ILL-TREATMENT

Torture and other ill-treatment were widespread in prisons, detention centres and unofficial places of detention, with victims having no possibility of any form of protection or redress. Victims recounted mock executions, beatings and floggings with a rubber hose; many were left with clear signs of torture, including broken limbs.

## INTERNALLY DISPLACED PEOPLE

Thousands of Libyan families remained internally displaced due to the ongoing clashes and hostilities as well as the lack of access to basic services, targeted violence, threats and human rights violations that continued to occur throughout the country. Many had been in a protracted state of displacement since 2011. The UN Special Rapporteur on the human rights of internally displaced persons reported a dire humanitarian situation throughout Libya in which the most vulnerable internally displaced persons had few mechanisms to support themselves and had their access to essential household goods – such as food – reduced due to insecurity, inflation and limited availability of cash in the country. She also noted that many faced serious protection concerns and that state authorities linked to either the GNA or LNA were doing very little to bring an end to their displacement.

On 1 February, Tawerghan families internally displaced since 2011 travelled from the east, south and west of Libya, attempting to return to the town of Tawergha following a decree issued by the Presidential Council - the body created under the Libyan Political Agreement to carry out the functions of the head of state - on 26 December 2017 to initiate a return process. Armed groups blocked the families from returning to their homes, using violence and intimidation, on the pretext that other parts of the agreement had not been fully implemented. Some 202 Tawerghan families subsequently set up camps in the area of Qararat al-Qataf, around 50km south-west of Tawergha, and in Harawa, east of Sirte.

On 3 June, representatives of the city of Misrata and the town of Tawergha signed a reconciliation pact ensuring safe return for the Tawerghan people. However, the GNA did not enforce the agreement.

On 10 August, a militia belonging to the Ghnewa brigade, a GNA-affiliated militia based in Tripoli, attacked the Tariq Al-Mattar camp for internally displaced people in Tripoli, home to over 500 Tawerghan families. The attack resulted in the forced eviction of around 1,900 internally displaced people from the camp by the militia and the arbitrary arrest of 94 residents by the brigade.

## REFUGEES, ASYLUM-SEEKERS AND MIGRANTS

The situation for refugees, asylum-seekers and migrants in Libya remained bleak. Militias and armed groups subjected them to arbitrary arrest and abduction, as well as sexual and other violence and extortion both inside and outside facilities they ran. On 7 June, the UN Security Council sanctioned four Libyan nationals for involvement in human trafficking and smuggling migrants, freezing their assets and imposing travel bans and other measures.

Libyan authorities continued to unlawfully detain refugees, asylum-seekers and migrants, mainly those intercepted at sea, in centres recognized by the authorities, formally operated under the Ministry of Interior and run by the Department for Combatting Illegal Migration (DCIM). These centres were, however, largely controlled by militias who did not necessarily adhere to the central authorities' chain of command. Refugees, asylum-seekers and migrants were kept in appalling conditions. They were also subjected to forced labour, torture and other ill-treatment, and verbal abuse by guards, often to extract money from their families in exchange for their release. Women in particular were subjected to rape in official centres and while being held by armed groups, often resulting in unwanted pregnancies.

There was no judicial oversight over these detention centres. Refugees, asylum-seekers and migrants were held without

any judicial process. They could not challenge their detention and were not offered legal counsel. The DCIM often held women, men and children together, breaching international standards on detention.

Libya, which is not a party to the 1951 UN Refugee Convention, continued to refuse to recognize UNHCR, the UN refugee agency. In the absence of a national asylum framework, the authorities did not recognize the status of refugees. Previously, they had recognized people from certain countries as in need of international protection and released them from detention to UNHCR. In 2018 this practice was halted and the authorities refused to release anyone from detention except those being evacuated by international organizations to third countries or those who paid a bribe.

## WOMEN'S RIGHTS

Libyan authorities failed to protect women, including journalists, bloggers, human rights defenders and other activists, from gender-based violence at the hands of militias and armed groups or ensure that they were able to express themselves freely.

Women who spoke out against corruption or the violent actions of militias or the LNA were subjected to threats, abduction and gender-based violence by them. Such women were also subjected to gender-related slurs by militias and smear campaigns on social media, including allegations of adultery and engaging in sex work. Harmful gender stereotypes and social stigma attached to women's activism normalized these forms of abuse and forced many women to withdraw from the public space altogether.

On 27 December, police forces affiliated to the Ministry of Interior in Benghazi raided a café in the city where a group of nearly 20 young girls, most with their mothers, were attending a gathering they had organized on Twitter. The police arrested the manager and staff on grounds of "immoral behaviour".

## DEATH PENALTY

Courts imposed dozens of death sentences. In January, a military court in Misrata sentenced Salah Gadhafi to death by firing squad for his involvement in violence in the 2011 uprising in Libya. No executions were reported.

*Protesters in the Moroccan city of Al Hoceima shout slogans during a demonstration against the government on 11 June 2017. The demonstration was part of social justice protests in the northern Rif region, commonly known as Hirak El-Rif. © Fadel Senna / AFP / Getty Images*

# MOROCCO/ WESTERN SAHARA

Kingdom of Morocco
Head of state: **Mohammed VI**
Head of government: **Saad-Eddine El Othmani**

The rights to freedom of expression and assembly were heavily restricted, mainly in relation to peaceful protests in the northern cities of Al Hoceima and Jerada. Courts sentenced journalists, protesters and human rights defenders to long prison sentences following grossly unfair trials. Authorities banned or limited the activities of several associations. In Western Sahara, Moroccan authorities, which administer the non-self-governing territory, used unnecessary force to disperse peaceful demonstrations.

Migrants and refugees continued to face unlawful arrest, detention and forcible return to their countries of origin. Despite flaws, new laws improved protection of women from violence and strengthened the rights of domestic workers.

## BACKGROUND

The UN Security Council prolonged the mandate of the UN Mission for the Referendum in Western Sahara (MINURSO) for six months in both April and October without adding a human rights component.

In December, the parliament adopted a law restoring compulsory military service for men and women, without adequate provision for conscientious objection.

The European Commission increased its financial support to Morocco aimed at containing migration.

## FREEDOM OF EXPRESSION

Journalists, citizen journalists and human rights defenders were sentenced to prison terms for expressing their views peacefully online. Prosecutors used disproportionate and inappropriate security-related charges based on offences in the Penal Code and counter-terrorism legislation.

In February, a court in Al Hoceima sentenced lawyer Abdessadak El Bouchattaoui to two years in prison and a fine for online posts in which he criticized the use of excessive force by the authorities during sustained social

justice protests in the northern Rif region in 2017, commonly known as Hirak El-Rif. Later in February, the same court sentenced Nawal Benaissa to a 10-month suspended prison term and a fine for online comments in which she criticized the authorities' approach to Hirak El-Rif.

In November, a Casablanca court convicted Taoufik Bouachrine, director of *Akhbar Al-Youm* newspaper, of sexual assault charges that he has always denied and sentenced him to 12 years in prison.

In June, a Casablanca court convicted journalist Rabie Lablak and online citizen journalists Mohamed El Asrihi, of Rif24.com, and Fouad Essaidi, of Facebook page Awar TV, to five years in prison in relation to their coverage of Hirak El-Rif. The same court convicted Hamid El Mahdaoui, Badil.info director, to three years' imprisonment for "failing to report a security threat" in connection with the same protests. On 14 November, a Rabat appeal court confirmed the five-year jail sentence against Hirak El-Rif protester El Mortada Iamrachen for posts he published on Facebook.

Seven people, including academic Maati Monjib, outspoken journalist Ali Anouzla and other journalists and activists, remained on trial at the end of the year on charges including "threatening state security" for promoting a mobile application for citizen journalism and "advocating terrorism" for an article Ali Anouzla published in 2013.

In June, the UN Working Group on Arbitrary Detention called on Morocco to immediately release Saharawi Equipe Media journalist Mohamed El Benbari, imprisoned since 2015, on the grounds that his detention violated his rights to freedom of expression and association and to a fair trial.

## FREEDOM OF ASSOCIATION

Authorities imposed restrictions on freedom of association by banning or limiting the activities of several associations.

Between January and June, authorities prevented at least five activities related to human rights education that were being organized by the Moroccan Association for Human Rights (AMDH) from taking place. In June they banned a conference on individual freedoms being organized by another NGO, the Democracy and Liberties Collective, which was due to be held in Casablanca. On 26 December, authorities issued a dissolution order against Racines, a cultural association based in Casablanca, after it hosted in its office the recording of three episodes of the controversial web-based chat show *1 dîner, 2 cons.*

The authorities continued to restrict the access to the country of international organizations, including Amnesty International, to conduct research on human rights.

## FREEDOM OF ASSEMBLY

Authorities banned demonstrations or used excessive or unnecessary force at least twice in 2018. Courts used the law on public gatherings to sentence peaceful protesters to harsh prison terms.

On 13 March, the interior minister banned protests in the mining city of Jerada after a series of protests following the December 2017 deaths of two brothers in a mine. The following morning security forces violently dispersed a sit-in by protesters; five police trucks drove into the crowd and ran over at least one individual, paralysing 15-year-old Abdelmoula Ziker's lower body. No investigation was opened. Authorities prosecuted at least 70 people in relation to the peaceful protest.

In June, Moroccan police violently dispersed a peaceful protest in Laayoune during a visit by the UN special envoy for Western Sahara. In September, Moroccan police used unnecessary force against peaceful protesters opposing an EU-Morocco fisheries deal that was agreed in August; the EU Court of Justice had ruled in February that the deal did not apply to the waters adjacent to the territory of Western Sahara.

## UNFAIR TRIALS, TORTURE AND OTHER ILL-TREATMENT

Courts continued to convict activists after grossly unfair trials. In Al Hoceima, Oujda and Casablanca, courts relied heavily on "confessions" extracted under duress. On 26 June, a Casablanca court convicted 53 prisoners detained in relation with Hirak El-Rif; the sentences ranged from fines to 20 years in prison. During the trial, the court did not exclude evidence allegedly obtained by torture or other ill-treatment and refused to hear more than 50 defence witnesses. The court held the prisoners in a high-sided box with tinted glass, a practice which is degrading and undermines the presumption of innocence.

By the end of the year, the authorities had yet to establish a National Preventive Mechanism against torture, as provided for by the law on the reorganization of the National Human Rights Council (CNDH), adopted in February, and by the Optional Protocol to the Convention against Torture, ratified by Morocco in 2014.

## DETENTION – PRISON CONDITIONS

Prison authorities moved detainees connected with protests between prisons and to prisons far from their home cities as a form of reprisal.

Hirak El-Rif protester Achraf El Yakhloufi was held in Ain Sbaa 1 Local Prison, known as Okacha prison, near Casablanca, over 550km from Al Hoceima, his home town. In August, he was transferred to another prison between the cities of Taza and Rabat for nine days after he began a hunger strike to protest against the prison administration's refusal to allow him family visits.

In September, Okacha prison officials moved prisoner of conscience Nasser Zefzafi, a leader of Hirak El-Rif, out of solitary confinement, in which he had been held since his arrest in May 2017.

## RIGHTS OF MIGRANTS, ASYLUM-SEEKERS AND REFUGEES

From July onward, the authorities launched a widespread and

discriminatory crackdown on thousands of sub-Saharan migrants, asylum-seekers and refugees, especially in the north of Morocco, raiding neighbourhoods and informal settlements inhabited by refugees and migrants. Thousands of sub-Saharan migrants, including children and pregnant women, were unlawfully arrested during the raids and transported to remote areas in the south of the country or close to the Algerian border. On 12 August, two sub-Saharan nationals arrested in Tangiers died during their transfer to the south. In September, dozens of sub-Saharan migrants, including minors, were detained without due process in the basement of the police headquarters in Tangiers for at least four weeks. According to the AMDH, dozens of sub-Saharan migrants arrested in the north were held in an informal detention centre in Arekmane, close to Nador.

Security forces continued to co-operate with the Spanish authorities in the summary expulsion and push-back of migrants and asylum-seekers from Spain to Morocco. Between August and October, the Spanish authorities expelled as a group at least 171 sub-Saharan migrants and potential asylum-seekers to Morocco after they crossed into the Spanish enclaves of Ceuta and Melilla. Moroccan authorities forcibly returned dozens of those arrested and expelled from Spain to their countries of origin, including Cameroon, Côte d'Ivoire, Guinea and Senegal, in some cases in violation of the principle of *non-refoulement*.

On 25 September, the Moroccan navy intercepted a boat with at least 15 Moroccan nationals in Moroccan waters close to the northern town of Fnideq. They shot at them to make them stop the boat, apparently believing they were migrants seeking to reach Spain. A woman was killed and three men were injured.

## WOMEN'S RIGHTS

A law to combat violence against women came into effect in September. It introduces new offences, increases existing penalties in cases of spousal or family violence, proposes new measures to protect survivors of violence during and after judicial proceedings, and establishes new bodies to co-ordinate and complement judicial and governmental efforts to combat violence against women. However, it fails to define rape in line with international standards or recognize marital rape. It also perpetuates derogatory gender stereotypes and does not address obstacles to accessing justice and services for survivors of violence owing to the continuing criminalization of consensual sexual relations outside marriage.

Women continued to be subjected to sexual and gender-based violence and were discriminated against in practice. Abortion remains criminalized unless the health of the mother is at risk, and is subject to spousal consent, which restricts women's autonomous decision-making. In all other cases, women seeking or undergoing abortion and health professionals alike risk imprisonment and other penalties.

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX (LGBTI) PEOPLE

Same-sex sexual relations remained a criminal offence punishable by up to three years in prison under Article 489 of the Penal Code. LGBTI people continued to face police harassment. Victims of homophobic and transphobic attacks reported being afraid to approach the police to file complaints because of the risk of arrest under Article 489.

## RIGHTS OF DOMESTIC WORKERS

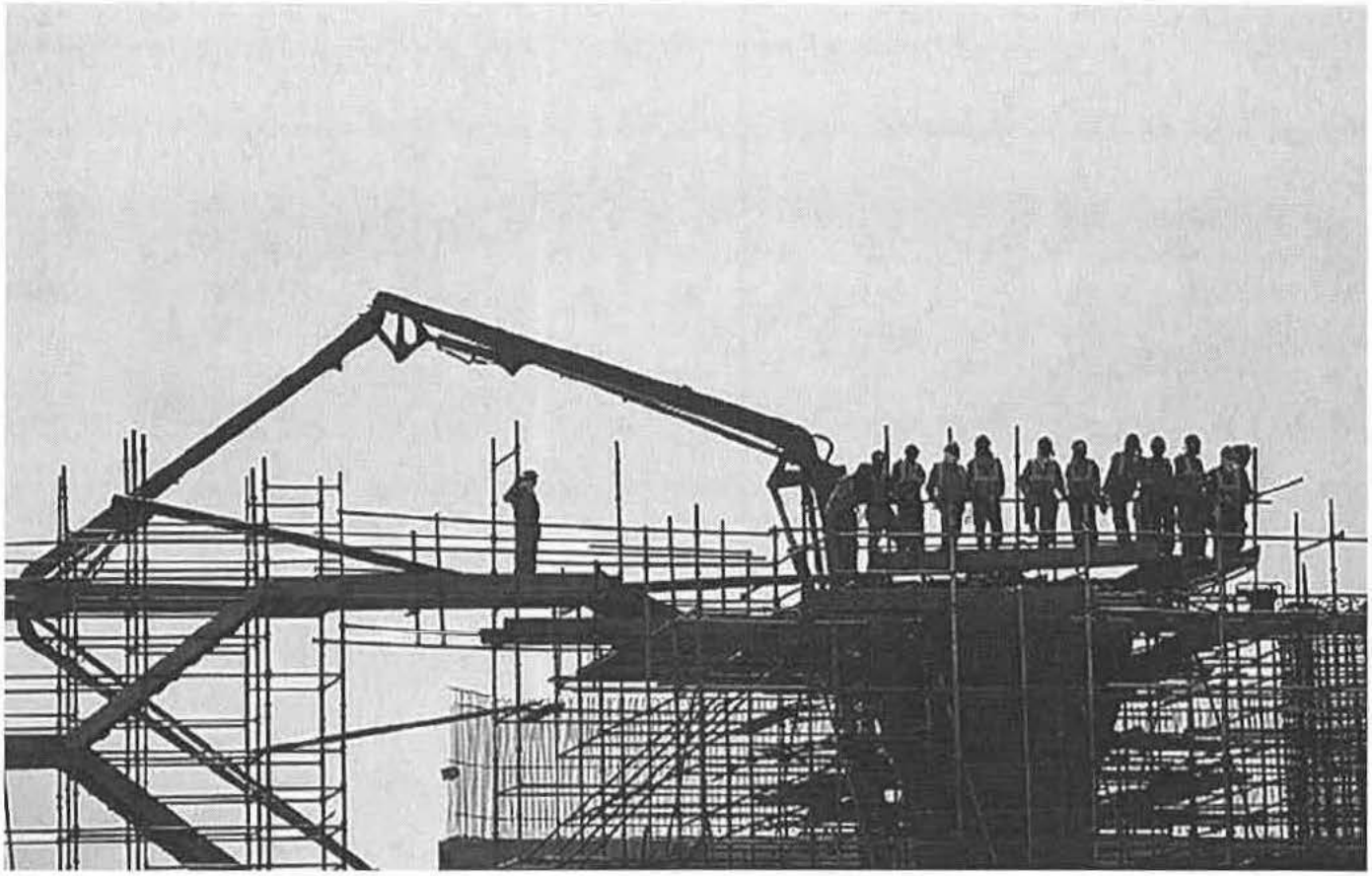
In October, parliament passed a new law on domestic workers. It stipulates that domestic workers are entitled to written contracts, maximum working hours, guaranteed days off, paid vacations and a specified minimum wage. It sets the minimum age for domestic workers at 18, with a phase-in period of five years, during which 16- and 17-year-old domestic workers can still work. Employers who violate these provisions will face financial penalties, with prison sentences for repeat offenders in some cases. Despite these gains, the new law still offers less protection to domestic workers than the Moroccan Labour Code, which does not refer to domestic workers.

## DEATH PENALTY

Courts continued to hand down death sentences. No executions had been carried out since 1993.

## POLISARIO CAMPS

The Polisario Front again failed to hold to account those responsible for committing human rights abuses in the 1970s and 1980s in the camps that have been under its control since that period.



*Construction workers stop to watch the 2015 Tour of Oman, a 161km road race from Bayt Al Naman Castle to Al Wutayya on 17 February 2015 in Muscat, Oman.*
*© Bryn Lennon / Getty Images*

# OMAN

Sultanate of Oman
Head of state: **Qaboos bin Said Al Said**
Head of government: **Qaboos bin Said Al Said**

The authorities continued to unduly restrict freedom of expression by arresting, detaining and harassing activists and government critics. A new penal code contained harsh penalties for the peaceful exercise of a range of human rights. Women continued to face discrimination in law and practice. The death penalty remained in force; no executions were reported.

## BACKGROUND

In January, hundreds of Omanis took to the streets to protest peacefully against high unemployment rates, prompting the government to temporarily freeze recruitment of foreign workers in the private sector and launch a plan to secure some 25,000 jobs for nationals. It warned it would prosecute private establishments that failed to comply with the government's "Omanization" policies.

Oman maintained a neutral stance in the regional crisis in which Bahrain, Egypt, Saudi Arabia and the United Arab Emirates severed relations with Qatar.

## ARBITRARY DETENTIONS AND UNFAIR TRIALS

The authorities carried out waves of arbitrary arrests of residents in Musandam province. Between April and July, tens of residents were summoned for interrogation for electronically circulating information about the history of the province. Many were released several days later. Five men, all from the al-Shuhuh tribe and including a national of the United Arab Emirates, were arrested in May and April and held incommunicado for several months. The authorities did not disclose the legal basis for their arrest, citing only vague "national security" grounds. The five men's trials began in July. The accused were not permitted to speak to their lawyers or receive or review any documents relating to the case before trial, violating international standards of fairness. Between August and October, a court in Muscat sentenced the five men to life imprisonment on charges that included "using information technology to prejudice the security and unity of the country and its territories".

## FREEDOM OF EXPRESSION

In January, a new penal code entered into force. It substantially increased jail terms prescribed for the exercise of

some rights and contains vaguely worded provisions that give sweeping powers to the authorities. For instance, Article 97 considers speech against the sultan, the head of state, a crime against national security and punishable with between three and seven years' imprisonment. Similarly, Article 102 provides for imprisonment for between three months and three years for disparaging foreign heads of state or state representatives visiting Oman. Other overly broad articles weakened the protection of activists, bloggers and dissidents. Blasphemy provisions criminalize the peaceful exercise of the rights to both freedom of expression and freedom of religion and belief.

In April, the Internal Security Forces detained online activist Youssef Sultan al-Arimi for two weeks for views he published on social media. On 28 April, internet activist Hassan al-Basham, whose three-year prison sentence was confirmed by a court of appeal in November 2017 on charges related to online expression, died in prison after his health deteriorated. In June, the authorities pardoned and released writer and cinema critic Abdullah Habib, who was imprisoned in April for "blasphemy" and "using the internet for what would prejudice public order".

The authorities also hindered journalists' access to information on human rights issues.

## FREEDOM OF ASSOCIATION AND ASSEMBLY

The new penal code also threatens to stamp out civic space by criminalizing forms of association "aimed at combating the political, economic, social or security principles of the state".

The right to freedom of peaceful assembly also continued to be tightly controlled. At least 30 people were arrested for protesting against unemployment in January but later released. In May, the public prosecution affirmed it would take legal measures against tribal assemblies and anyone who assists or promotes these on social media.

## WOMEN'S RIGHTS

Women continued to face discrimination in law and practice. They are not accorded equal rights in law in relation to matters such as divorce, child custody, inheritance and passing their nationality on to their children. Gender-based violence and marital rape are not prohibited by law.

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

Same-sex sexual relations continued to be criminalized under the new penal code issued in January.

## DETENTION CONDITIONS

Amnesty International received several consistent reports of mistreatment in detention, including beatings and medical neglect. Severe physical abuse, including beatings with metal pipes, were reported at the headquarters of the criminal investigations unit in the Qurum area of Muscat. Amnesty International also received credible allegations of unsanitary conditions and medical neglect of seriously ill prisoners at Samail prison in the mountains of northern Muscat.

## MIGRANT WORKERS

Migrant workers continued to face exploitation and abuse as a result of the restrictive *kafala* (sponsorship) system, that ties them to their employers. Migrant workers depend on their employers, who also act as their sponsors, to enter the country and cannot change jobs without their permission. This severely limits their ability to escape abusive working conditions and facilitates exploitation. Domestic workers continued to bear the brunt of this system and remained excluded from the protection of the labour law.

## DEATH PENALTY

The new penal code retained the death penalty for a range of crimes. No executions were reported during the year.

*Paleslinians clash with policemen during a demonstration to protest against a decision by the Palestinian authorities to grant public land to the Russian church, in the West Bank city of Hebron, on 4 February 2017. © Hazem Bader / AFP / Getty Images*

# PALESTINE (STATE OF)

Palestine (State of)
Head of state: **Mahmoud Abbas**
Head of government: **Rami Hamdallah**

The Palestinian authorities in the West Bank and the Hamas de facto administration in the Gaza Strip continued their crackdowns on freedom of expression and peaceful assembly. Palestinian forces in the West Bank and Gaza used arbitrary arrests and detention against people criticizing the authorities to which they reported. Widespread torture and other ill-treatment of detainees remained common and were committed with impunity under both authorities. Security forces in the West Bank used excessive force while conducting arrests and dispersing peaceful protests. The Palestinian authorities based in Ramallah continued to impose punitive measures against people in Gaza that exacerbated the dire humanitarian crisis resulting from Israel's 11-year illegal blockade. Women in both the West Bank and Gaza faced discrimination and violence. Courts in Gaza continued to hand down death sentences. Lesbian, gay, bisexual, transgender and intersex (LGBTI) people were subjected to arbitrary arrest and ill-treatment.

## BACKGROUND

The divisions between the Fatah-led Palestinian authorities in the West Bank and the de facto Hamas administration in the Gaza Strip deepened following an assassination attempt on Palestinian Prime Minister Rami Hamdallah on 13 March during a visit to Gaza. Efforts by Egypt to reconcile the rival political parties of Fatah and Hamas broke down.

In April, the Central Council of the Palestinian Liberation Organization (PLO) convened for the first time in 22 years in response to the USA's recognition of Jerusalem as Israel's capital. Hamas and Islamic Jihad, neither of which is currently a member of the PLO, were invited to the meeting but did not attend; the Popular Front for the Liberation of Palestine, which is a member, boycotted the meeting, seeing it as a way for the Palestinian president to circumvent democratic processes.

A new social security law approved by the Palestinian government in Ramallah came into force on 1 November. The law faced strong popular opposition, drawing some of the largest demonstrations in the West Bank in years. Opponents of the law were worried that monthly employee deductions would be unmanageable for workers and that the Palestinian authorities were either not stable enough or too corrupt to guarantee the security of their contributions.

In September, the US administration stopped funding the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which provides vital services for some 5 million Palestinian refugees. The decision left shortfalls in humanitarian funding in the Occupied Palestinian Territories, particularly the Gaza Strip where almost 80% of the population depends on aid.

Gaza remained under an Israeli air, sea and land blockade, in force since 2007. Egypt continued to enforce an almost total closure of the Rafah border crossing with Gaza, compounding the dire economic and humanitarian situation for Gaza's 2 million inhabitants. The UN Office for the Coordination of Humanitarian Affairs warned that Gaza was on the brink of a humanitarian catastrophe.

## FREEDOMS OF EXPRESSION, ASSOCIATION AND ASSEMBLY

With the Palestinian Legislative Council still dormant, President Mahmoud Abbas issued decrees that restricted freedom of expression and peaceful assembly, and limited the ability of civil society organizations to operate freely. Meanwhile, the authorities in both the West Bank and Gaza arbitrarily arrested peaceful demonstrators and critics, including journalists, university students and human rights activists, and persisted in their crackdown on online expression.

According to the Palestinian Centre for Development and Media Freedoms, an NGO, the Palestinian authorities in the West Bank were responsible for 77 attacks on media freedom during the year. These included arbitrary arrests, ill-treatment during interrogation, confiscation of equipment, physical assaults and bans on reporting. The Hamas authorities in Gaza were responsible for 37 such attacks.

The Palestinian authorities in the West Bank continued to clamp down on online freedom of expression through the amended Electronic Crimes Law. In May, Ahmad Awartani, a youth council leader in the town of Anabta, was charged with defamation in relation to a Facebook post in which he said that he did not pledge loyalty to President Abbas.

In July, Palestinian forces arrested four Palestinian activists, including one journalist, because of their online activism and opposition to the sanctions imposed on Gaza by the Ramallah-based authorities. On their release, Ibrahim al-Masri, Huthifa Abu Jamous, Hussein Shejaiya and Ghassan Atawneh were told that action would be taken against them under the Electronic Crimes Law if they did not sign a pledge to refrain from inciting opposition to the Ramallah-based authorities on social media.

## EXCESSIVE USE OF FORCE

Security forces in the West Bank and Gaza continued to use excessive force to disperse peaceful demonstrations and during arrests.

On 13 June, the West Bank-based security forces quashed a demonstration organized by Palestinian activists in Ramallah demanding that the Ramallah-based authorities lift the sanctions imposed on the Hamas-run Gaza Strip. At least 52 demonstrators and bystanders were arbitrarily arrested and beaten in detention. Amnesty International staff member Laith Abu Zeyad was among those arbitrarily detained and beaten. He had been apprehended and attacked by two security officials in civilian clothes on his way to monitor the demonstration.

On 18 June, men in civilian clothes affiliated with the Hamas de facto administration attacked a peaceful demonstration calling for an end to the 11-year political division between Fatah and Hamas, including by beating protesters with batons and forcing journalists to delete photos and videos of the demonstration.

On 9 August, Palestinian security forces killed Ibrahim Odeh al-Jahalin from the town of al-Ezariyeh in the West Bank during an operation targeting the illegal sale of diesel fuel. The young man was a bystander and was mistakenly shot in the head in a situation where the use of lethal force was unnecessary.

On 20 September, customs police in the West Bank city of Jericho severely beat a grocery store owner in the village of al-Auja for allegedly selling unlicensed tobacco products. A video shows masked men carrying weapons and assaulting the man and his two sons. The Ramallah-based authorities announced they would open an investigation.

## TORTURE AND OTHER ILL-TREATMENT

While the State of Palestine's ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment on 29 December 2017, Palestinian security forces in both the West Bank and Gaza continued to use widespread torture and other ill-treatment with impunity. The Independent Commission for Human Rights (ICHR) received 285 allegations of torture and other ill-treatment of detainees held in the West Bank and Gaza.

On 3 August, Ahmad Abu Hamada, also known as "Zabour", died in custody. Palestinian police said he suffered a heart attack while his family claimed that his death was a result of ill-treatment. His family called for an investigation, but the Palestinian government did not open one.

## ARBITRARY DETENTION

Palestinian authorities in the West Bank used a 1954 law to administratively detain dozens of people on the order of a regional governor, many on political grounds, according to Palestinian human rights organizations. Such detentions require no charges and lack due process. The ICHR documented 201 cases of such detentions.

## WOMEN'S RIGHTS

Women and girls continued to face discrimination in law and practice, and were inadequately protected against sexual and other gender-based violence, including so-called "honour" killings. At least 21 women and girls were reported to have been killed in the West Bank and Gaza, mainly by male relatives in "honour" killings, according to civil society organizations.

On 14 March, in a welcome step, Palestinian authorities repealed Article 308 of the 1960 Penal Code that had allowed individuals suspected of rape to avoid prosecution and imprisonment if they married their victims.

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Despite increasing protests both in Gaza and the West Bank the Palestinian authorities based in Ramallah continued to impose punitive measures against Gaza; these included decreasing electricity and water subsidies, restricting the entry of medicine, and decreasing or freezing salaries together with cutting off financial assistance to hundreds of families. For example, in May, the West Bank authorities imposed new salary cuts to some 38,000 civil servants in Gaza, without warning or justification; their salaries dropped to 35% of their value in 2016, severely impacting their and their families' right to an adequate standard of living.

## DEATH PENALTY

In June, the State of Palestine acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. However, neither the Palestinian authorities in the West Bank nor the Hamas de facto administration in Gaza took any steps to translate this commitment into practice.

In Gaza, Hamas-administered courts sentenced at least 12 people to death.

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX (LGBTI) PEOPLE

Even though same-sex relationships were not criminalized in the West Bank, alQaws for Sexual and Gender Diversity in Palestinian Society, a civil society organization, documented five cases of LGBTI activists who were arbitrarily arrested and ill-treated by Palestinian security forces in the West Bank; all were released after a few hours. The organization also reported that a number of other LGBTI individuals were arbitrarily arrested and questioned by such forces.

Meanwhile, Section 152 of the Penal Code applicable in Gaza continued to criminalize homosexual acts and consider them punishable by up to 10 years' imprisonment.

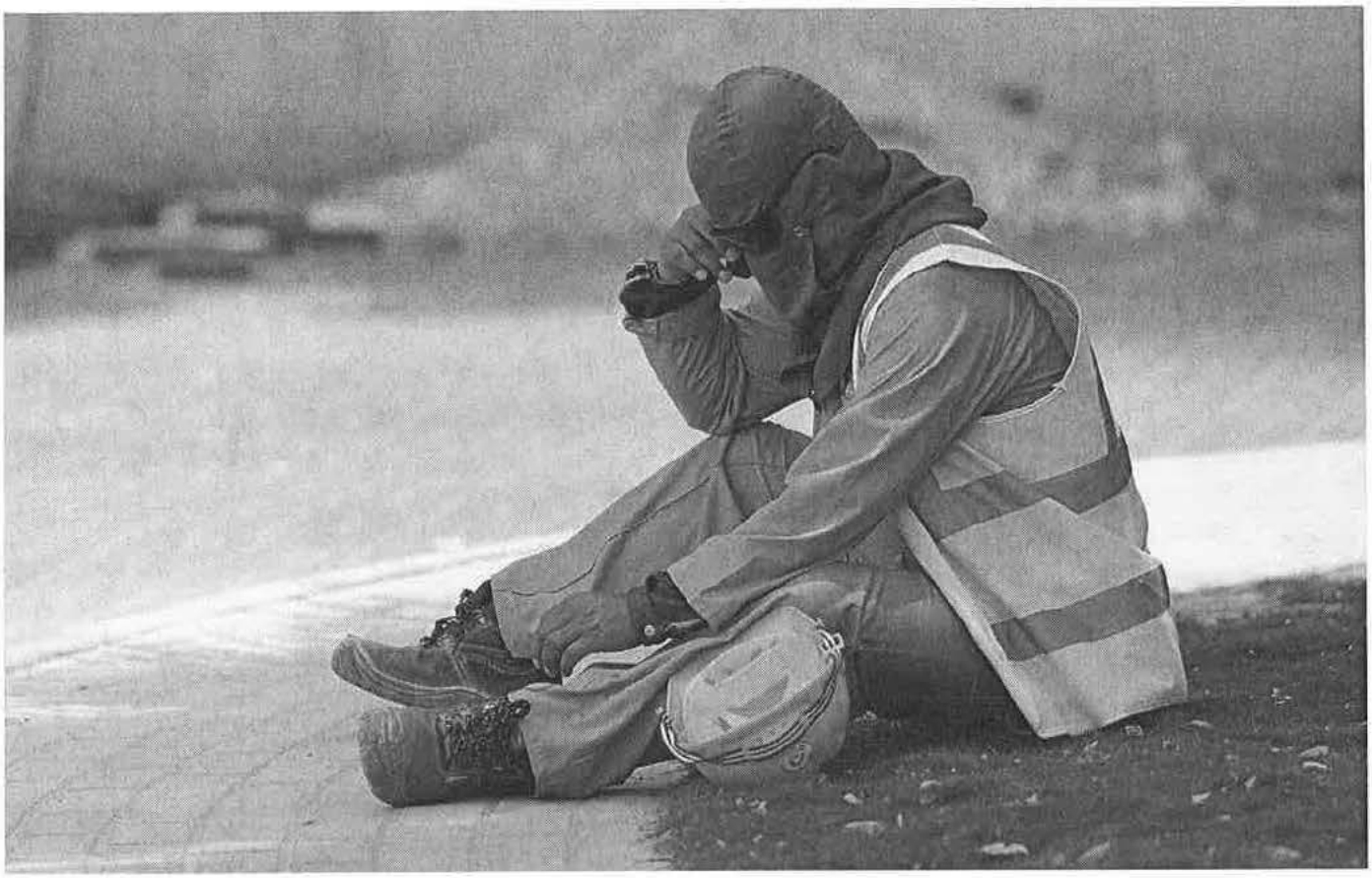
## ABUSES BY ARMED GROUPS

Palestinian armed groups in Gaza occasionally fired indiscriminate rockets into Israel, killing one Palestinian civilian. While the Hamas authorities prevented rocket firing much of the time, they failed to prosecute those responsible. While most of the Palestinian attackers responsible for stabbing, shooting and carrying out other attacks on Israelis in the West Bank and Israel, which killed eight Israeli civilians during the year, were not members of Palestinian armed groups, these groups frequently praised the attacks.

## JUSTICE SYSTEM

On 5 September, 14 of the 27 judges on the Palestinian Supreme Court resigned in protest at the amendment of the judicial authority law by the Justice Sector Development Committee established by President Abbas by decree on 6 September 2017. The Palestinian Judges' Club said that the amendment would bring the judicial sector fully under the control of the executive.

The Palestinian authorities in the West Bank received judicial backing to consider the police as a military rather than a civilian institution. As a result, police officers could only be tried in military courts, making it harder for victims of police abuse to access justice.



*A construction worker takes a break at a building site in Doha, Qatar, on 10 May 2014. © Warren Little / Getty Images*

# QATAR

State of Qatar
Head of state: **Tamim bin Hamad bin Khalifa Al Thani**
Head of government: **Abdullah bin Nasser bin Khalifa Al Thani**

Qatar acceded to two major international human rights treaties, but included reservations that limited their effect, particularly with regards to the rights of women and migrants. It also passed a political asylum law. The government made some positive reforms in relation to migrant workers, including the partial removal of the requirement for an exit permit and the introduction of a labour dispute mechanism. However, migrant workers continued to be at risk of exploitation and abuse. Freedom of expression remained unduly restricted. A new law was issued allowing the children of Qatari women married to non-Qataris to acquire permanent residency, but they were still unable to acquire Qatari nationality. More generally, women continued to face discrimination in law and practice. Courts issued death sentences; no executions were reported.

## BACKGROUND

The diplomatic crisis between Qatar and its Gulf neighbours of Saudi Arabia, Bahrain and the United Arab Emirates (UAE) persisted. Sanctions imposed by these states against Qatar separated multinational families, cut short international students' education, eliminated cross-border jobs, and caused a rise in food prices in Qatar that was detrimental for low-income classes, especially migrant workers.

Qatar contested before the International Court of Justice sanctions imposed by the UAE, arguing that the UAE's order for all Qataris to leave the country violated its obligations under the Convention on the Elimination of All Forms of Racial Discrimination. In July, the court issued provisional orders for the UAE to allow former Qatari residents to complete academic studies, access courts and reunite with family members in the UAE.

Several hundred members of the al-Ghufran clan of the al-Murra tribe remained stateless. They continued to face severe socioeconomic marginalization and their children were born stateless.

## LEGAL DEVELOPMENTS

Qatar acceded to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) in May. However, its inclusion of reservations significantly reduced the scope of the treaties' human rights protection. Some of these reservations undermined the object and purpose of these treaties. For example, Qatar rejected Article 3 of the ICCPR on "the

equal right of men and women in the enjoyment of all civil and political rights" because it "contravenes" the provision of the Constitution that states that only male descendants of the Al Thani dynasty may inherit rule over the state. Similarly, it rejected Article 3 of the ICESCR on "the equal right of men and women in the enjoyment of all economic, social and cultural rights" and Article 23(4) of the ICCPR on "equality of rights and responsibilities" in marriage. Qatar also stated upon accession that it would interpret as it chose provisions concerning inhuman treatment, freedom of conscience and the right of religious minorities to practise their faith. Another reservation concerning migrant workers' right to unionize impinged on freedom of association.

Qatar passed a political asylum law in September, a positive move weakened by problematic aspects such as the broad discretion granted to the Minister of Interior over asylum applications, the risk of impunity associated with the law's exclusion provisions, and the power of the Minister of Interior to deport refugees if they engage in "political activity" in Qatar.

## MIGRANTS' RIGHTS

The government introduced some positive reforms in relation to migrant workers, who made up more than 90% of Qatar's workforce. However, they continued to be at risk of exploitation and abuse. Despite new legislation relating to exit permits, the sponsorship system continued to tie migrant workers to their employers by limiting their ability to change jobs without the employer's permission during the period of their contract, which could be up to five years.

On 18 March, labour dispute resolution committees, a fast-track judge-led mechanism, became operational. While it increased the speed with which workers' labour complaints were considered, cases were not settled within the three-week period specified in the law, with hundreds of cases taking over three months to be finalized. Workers whose companies were facing financial trouble were still unable to reclaim unpaid wages.

On 29 April, the International Labour Organization (ILO) opened an office in Doha as part of a three-year technical co-operation agreement under which the Qatari government committed to revising its laws in line with international labour standards and with the guidance of ILO experts.

On 28 October, Law No. 13 of 2018 entered into force. It partially removed the exit permit requirement, allowing the vast majority of migrant workers covered by the Labour Law to leave the country without seeking their employers' permission. However, the law retained some exceptions, including the ability of employers to request exit permits for up to 5% of their workforce, depending on the nature of their work. Exit permits were still required for employees who fell outside the remit of the Labour Law, including over 174,000 domestic workers in Qatar and all those working in government entities.

Domestic workers, mostly women, continued to be particularly at risk of exploitation and abuse despite the domestic workers law passed in 2017. The law failed to protect domestic workers adequately, both in terms of falling short of international standards and poor enforcement. Some domestic workers were able to successfully claim their unpaid wages at the labour dispute resolution committees.

Unlike Qatari nationals, migrant workers were still unable to form or join trade unions, and the government's reservations to the ICCPR and ICESCR suggested that this was unlikely to change in the near future.

On 30 October, the Emir established the Workers' Support and Insurance Fund to provide, among other things, funds to pay workers who won their cases before labour dispute resolution committees but failed to recover the money from companies. The fund was not yet operational by the end of the year.

Third-party auditors of projects for football's World Cup in 2022 in Qatar showed that abuses such as contract substitutions and excessive working hours remained present in a significant majority of contractors they investigated. At least 78 migrant workers from India, Nepal and the Philippines employed by MENA Mercury, an engineering company working on projects linked to the World Cup, were stranded for months in Qatar living in squalid conditions without money after the company failed to pay them. The workers, many of whom had accumulated large debts due to exploitation by recruitment agents, were still waiting for their unpaid wages at the end of the year.

## FREEDOM OF EXPRESSION

Freedom of expression remained restricted in law. For example, Article 138 of the Penal Code still provided for the punishment with imprisonment of anyone insulting the flag of Qatar or one of its allies and Article 278bis of the law continued to authorize the closure of newspapers running fundraising advertisements by groups without a fundraising permit.

In January, two members of the Federation of Nepali Journalists attending an event in Doha on freedom of the press were arrested and deported.

Najeeb al-Nuaimi, a lawyer who represented the writer Mohammed al-Ajami while he was imprisoned for a poem critical of the ruling family, remained banned from travelling.

## WOMEN'S RIGHTS

Women continued to face discrimination in law and practice. Family law discriminated against women, including by making it much harder for women than men to seek a divorce, and placing women at a severe economic disadvantage if they sought a divorce or their husband left them.

In September, a new law was issued allowing the children of Qatari women married to non-Qataris to acquire permanent residency. However, they were still unable to acquire Qatari nationality because of discriminatory provisions in the nationality law.

Women remained inadequately protected against violence, including within the family.

## DEATH PENALTY

New death sentences were issued against foreign nationals convicted of murder. No executions were reported.

*Saudi Arabian human rights defenders and activists. Top row (left to right): Samar Badawi, Aziza al-Yousef, Loujain al-Hathloul. Bottom row (left to right): Iman al-Nafjan, Nassima al-Sada, Mohammad Salih al-Bajadi. © Private*

# SAUDI ARABIA

Kingdom of Saudi Arabia
Head of government: **Salman bin Abdulaziz Al Saud**

The authorities severely restricted the rights to freedom of expression, association and assembly. Many human rights defenders and government critics, including women's rights activists, were arbitrarily detained. The public prosecution called for the execution of Shi'a activists and religious clerics for expressing dissent. Many activists were sentenced to lengthy prison terms, including under counter-terrorism legislation following grossly unfair trials before the Specialized Criminal Court (SCC). A Saudi Arabian journalist was extrajudicially executed in the Saudi Arabian consulate in Istanbul, Turkey. The authorities used the death penalty extensively, carrying out scores of executions for a range of crimes, including drug offences. Torture and other ill-treatment of detainees remained common. Despite limited reforms, including allowing women to drive, women faced systematic discrimination in law and practice and were inadequately protected against sexual and other violence. Discrimination against the Shi'a minority remained entrenched. The authorities continued to arrest, detain and deport foreign workers to countries where they were at risk of human rights violations.

## BACKGROUND

Crown Prince Mohammad bin Salman embarked on a widely publicized tour of the UK, USA, France and Spain early in the year. The UK and Saudi Arabia announced a humanitarian partnership worth over US$100 million to create vital infrastructure in drought and conflict-stricken countries. The USA and Saudi Arabia sealed a multi-billion dollar weapons deal during Crown Prince Mohammad bin Salman's visit to the USA.

The Saudi authorities faced little international criticism for the continued crackdown on human rights defenders and others, or the wave of arbitrary detentions of prominent women's rights

activists in May. The only country that voiced some criticism was Canada; the Saudi Arabian government responded with punitive diplomatic and economic measures. However, the EU and several European states condemned the extrajudicial execution of Saudi Arabian journalist Jamal Khashoggi in Turkey in October (see below).

The Saudi Arabia-led coalition committed war crimes and other serious violations of international law during its continuing military campaign in neighbouring Yemen (see Yemen entry).

There was no resolution to the regional crisis in which Bahrain, Egypt, Saudi Arabia and the United Arab Emirates (UAE) severed relations with Qatar in 2017.

## FREEDOMS OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The authorities escalated their repression of all forms of dissent, including peaceful expression in support of human rights, both online and offline. They harassed, arrested and prosecuted government critics, academics, clerics, members of the Shi'a minority and human rights defenders, including women's rights activists. Several human rights defenders were sentenced to prison terms for their activism. Other activists and government critics detained in September 2017 faced trial before the SCC.

In June, in his report of a 2017 visit to Saudi Arabia, the former UN Special Rapporteur on the promotion and protection of human rights while countering terrorism expressed concerns about Saudi Arabia's use of its counter-terrorism law against individuals peacefully exercising their rights to freedom of expression, association and assembly. The cyber-crime law continued to criminalize criticism of government policy and practice as well as commentary on current affairs. Activists and human rights defenders were sentenced to lengthy prison terms for the peaceful exercise of their rights to freedom of expression, association and assembly under this law.

Economics writer Essam al-Zamel was brought before the SCC in October. He was accused of, among other things, sowing discord through his writings on Twitter and meeting foreign diplomats and providing them with information and analysis about the kingdom's policies without informing the Saudi Arabian authorities.

The authorities did not permit political parties, trade unions or independent human rights groups, and continued to prosecute and imprison those who set up or participated in unlicensed human rights organizations. All gatherings, including peaceful demonstrations, remained prohibited under an order issued by the Ministry of Interior in 2011.

## HUMAN RIGHTS DEFENDERS

The authorities continued to imprison human rights defenders, arresting and prosecuting them under counter-terrorism and other laws. By the end of the year, virtually all Saudi Arabian human rights defenders were in detention or serving prison terms, or had been forced to flee the country.

In January, the SCC sentenced Mohammad al-Otaibi and Abdullah al-Attawi to 14 and seven years in prison respectively, on charges based on provisions of the counter-terrorism law and its follow-up decrees, as well as the cyber-crime law. They were sentenced on account of their peaceful activism and for setting up a human rights organization. In February, Issa al-Nukheifi and Essam Koshak were sentenced to six and four years in prison respectively, to be followed by travel bans of equal lengths, for their Twitter posts criticizing the authorities and calling for human rights reforms.

The current Special Rapporteur on the promotion and protection of human rights while countering terrorism, together with five other UN Special Procedure mandate holders, deplored "Saudi Arabia's continued use of counter-terrorism and security-related laws against human rights defenders" and urged it to "end the repression and release all those detained for peacefully exercising their rights".

In May, the authorities launched a wave of arrests targeting many individuals, including prominent women's human rights defenders. Among those arrested were Loujain al-Hathloul, Iman al-Nafjan and Aziza al-Yousef, who had campaigned against the ban on women driving and the male guardianship system. Ibrahim al-Modeimigh, a lawyer and human rights advocate, and youth activist Mohammad al-Rabea were accused in state-aligned media of violating Royal Decree 44/A, a follow-up decree to the 2014 counter-terrorism law, for their human rights work and women's rights activism; they were smeared as traitors and agents of foreign embassies. They were detained incommunicado and in solitary confinement for the first three months of their detention. Ibrahim al-Modeimigh was released in December. The others remained detained without charge or trial at the end of the year.

Mohammed al-Bajadi, founding member of the Saudi Civil and Political Rights Association (ACPRA), was rearrested in May. The authorities had forced ACPRA to disband in 2013.

In August, two other prominent women human rights activists, Samar Badawi and Nassima al-Sada, were arbitrarily detained. They remained held without charge or trial at the end of the year.

Scores of other activists and human rights defenders, including members of ACPRA, continued to serve lengthy prison sentences on charges based on their peaceful human rights work.

## EXTRAJUDICIAL EXECUTIONS

In October, Saudi Arabian journalist Jamal Khashoggi was extrajudicially executed inside the Saudi Arabian consulate in Istanbul. Almost three weeks after his disappearance in the consulate on 2 October, and following conflicting reports about his fate, including claims by the Saudi Arabian authorities that he had left the consulate unharmed, the Saudi Arabian public prosecution announced that he had died following a "fist fight" inside the

consulate. In November, Turkey's chief prosecutor said that Jamal Khashoggi was strangled as soon as he entered the consulate and then dismembered as part of a premeditated plan. The UN High Commissioner for Human Rights pressed for an impartial investigation and urged the Saudi Arabian authorities to reveal the whereabouts of Jamal Khashoggi's body. By year's end, Saudi Arabia had not set up an independent investigation into the killing.

## DEATH PENALTY

Courts continued to impose death sentences for a wide range of crimes, including drug offences and conduct that is not recognized as crimes under international law and standards, such as "sorcery" and "adultery". The authorities generally failed to abide by international standards of fair trial and safeguards for defendants in capital cases. Such cases were often held in secret and their proceedings were summary with no legal assistance or representation, as well as no translation services for foreign nationals through the various stages of detention and trial. Death sentences were regularly based on "confessions" which defendants said were extracted under torture.

In November, the families of 12 Saudi Arabian men sentenced to death after a grossly unfair mass trial learnt that the cases of their relatives had been transferred to the Presidency of State Security, a body reporting directly to the king. However, it was unclear whether their sentences had been ratified by the king before the end of the year.

The authorities routinely failed to inform families of their relatives' imminent execution or failed to inform them immediately after executions had been carried out. In October, the authorities executed Tuti Tursilawati, an Indonesian domestic migrant worker, without informing her family or the Indonesian authorities prior to her execution.

The authorities continued to use the death penalty as a tool to crush dissent, as manifested in the public prosecution's recurring calls for the execution of several Shi'a activists and religious clerics on charges related to the peaceful exercise of their rights to freedom of expression, association and assembly. Prominent religious cleric Sheikh Salman al-Awda, who was arbitrarily detained in September 2017, was at risk of the death penalty after the public prosecution called for his execution on charges related to, among other things, his affiliation to the Muslim Brotherhood and his calls for government reforms and regime change in the Arab region. Five Shi'a activists, including Israa al-Ghomgham, also faced the death penalty for charges related to their participation in protests for greater rights and reforms in the Shi'a-majority Eastern Province.

In August, the king issued the Law on Juveniles. This stipulated a maximum prison sentence of 10 years for juveniles in cases where they might otherwise be sentenced to death, except for crimes punishable by death under Shari'a (Islamic law). By excluding these, it fell short of international human rights law, which strictly prohibits the use of the death penalty against people under the age of 18 at the time of the crime. At least four juvenile offenders remained at risk of imminent execution at the end of the year.

## TORTURE AND OTHER ILL-TREATMENT

Torture and other ill-treatment of detainees remained common and widespread, particularly to extract "confessions". In his June report, the former UN Special Rapporteur on the promotion and protection of human rights while countering terrorism noted that trial judges did not appear to take seriously allegations of torture or other ill-treatment, and expressed particular concern that the SCC had refused to launch investigations into allegations of torture.

In March, reports emerged that, among those detained in a wave of anti-corruption arrests of current and former officials and businessmen in November 2017, one had died in custody and at least 17 needed hospital treatment after being subjected to physical abuse.

In November, several activists, including a number of women detained since May 2018 in Dhahban prison outside the city of Jeddah, were reportedly tortured, sexually harassed and otherwise ill-treated during interrogation. One of the activists reportedly attempted to take her own life repeatedly inside the prison.

## WOMEN'S RIGHTS

On 24 June, the royal decree lifting the driving ban on women in Saudi Arabia entered into force, allowing women to drive in the country. A month earlier, women's rights activists and the leading campaigners for women's right to drive were arbitrarily detained (see above).

In February, the Ministry of Commerce and Investment announced that women did not need the permission of a male guardian to start their own business. This followed a royal decree issued in 2017 calling on government entities to refrain from requesting the authorization of a male guardian for any services unless stipulated in existing regulations that required it. However, these promised reforms largely appeared not to be implemented in practice. The Committee on the Elimination of Discrimination against Women noted with concern the lack of enforcement of a 2012 ministerial decree stipulating that women no longer needed a guardian's permission to work. As a result, women were still required to have permission from a male guardian – their father, husband, brother or son – to enrol in higher education, seek employment, travel or marry.

Women and girls continued to face discrimination in law and practice more broadly. Saudi Arabian women married to foreign nationals could not pass on their nationality to their children, unlike men in a similar situation. The Committee on the Elimination of Discrimination against Women commented with concern on the low participation of women in the labour market in its concluding observations on

Saudi Arabia's third and fourth periodic reports. It also noted with concern that access to education for disadvantaged groups of girls, especially migrant girls, girls with disabilities and girls living in rural and remote areas and in poverty remained limited.

The Shura Council debated a proposal to regulate and limit child marriages by stipulating strict conditions to the marriage of girls under the age of 18, which specialized judges must ensure are fulfilled. However, women and girls remained inadequately protected from sexual and other forms of violence.

## DISCRIMINATION – SHI'A MINORITY

Shi'a Muslims continued to face discrimination because of their faith, limiting their right to express religious beliefs and access justice, as well as the right to work in a number of public sector professions and access state services.

Shi'a activists accused of supporting or taking part in demonstrations in Eastern Province or expressing views critical of the state were put on trial and in some cases faced the death penalty following unfair trials.

## MIGRANTS' RIGHTS

The authorities continued their crackdown on irregular migrants, arresting, detaining and deporting over 2 million foreign workers. In October, the Ministry of Interior announced that about 1.9 million people had been arrested and 500,000 deported in a campaign that began in November 2017 to arrest migrants accused of violating residential, border security and labour regulations and laws. The authorities deported thousands of Yemeni workers to Yemen, where they were at risk of human rights violations, in contravention of the principle of *non-refoulement*.

In June, the Committee on the Elimination of Racial Discrimination noted with concern that domestic workers, two thirds of whom were migrant women, continued to face abusive working practices such as long working hours, non-payment of wages, retention of passports and physical and sexual abuse.

*Men wait by the side of the road for casual labour in Raqqa, Syria, on 5 February 2018. Many labourers end up clearing partially destroyed or damaged buildings, a very risky endeavour; in many of them, the Islamic State armed group placed mines, which frequently kill and injured civilians. © Amnesty International*

# SYRIA

Syrian Arab Republic
Head of state: **Bashar al-Assad**
Head of government: **Imad Khamis**

Parties to the armed conflict continued to commit with impunity serious violations of international humanitarian law, including war crimes, and gross human rights abuses. Government and allied forces carried out indiscriminate attacks and direct attacks on civilians and civilian objects using aerial and artillery bombing, including with internationally banned weapons, killing and injuring hundreds of people. Government forces maintained lengthy sieges on densely populated areas, restricting access to humanitarian and medical aid to thousands of civilians. Government forces lifted the siege of Eastern Ghouta in April; this was followed by restrictions that impeded some of the displaced civilians from returning to the formerly besieged areas. Security forces arrested and continued to detain tens of thousands of people, including peaceful activists, humanitarian workers, lawyers and journalists, subjecting many to enforced disappearance and torture or other ill-treatment, and causing deaths in detention. Government forces disclosed the fate of some of the disappeared but failed to provide the families with remains or information around the circumstances of the disappearances.

The government violated the right to housing. Armed opposition groups with the support of Turkey subjected civilians in Afrin to a wide range of abuses, including confiscation and looting of property, and arbitrary detention, torture and other ill-treatment. The US-led coalition failed to acknowledge or investigate the large scale of civilian deaths and destruction caused by their 2017 bombing campaign on Raqqa against the armed group calling itself Islamic State (IS). By the end of 2018, the conflict had caused the deaths of more than 400,000 people and displaced more than 11 million people within and outside Syria.

## BACKGROUND

The armed conflict in Syria entered its eighth year. Government forces and their allies, including Russia and Iran, captured areas previously held by armed opposition groups in Eastern Ghouta, the northern part of Homs governorate and Daraa governorate. This led to the evacuation to Idlib of armed fighters and their families and some civilians, especially humanitarian workers, doctors and rescue workers.

The US-led coalition, with the support of the Syrian Democratic Forces (SDF), continued to attack IS positions in Deir el-Zour governorate in eastern Syria. Armed opposition groups supported by Turkey captured Afrin, a predominantly Kurdish area, in northern Aleppo governorate. They attacked the SDF, killing and injuring scores of civilians and displacing hundreds to neighbouring towns and villages. Clashes between armed opposition groups such as Hay'at Tahrir al-Sham, the Ahrar al-Sham Islamic Movement and the Nour el-Dine Zinki Movement in Idlib governorate killed and injured several high-level commanders and civilians. Several attacks by Israel targeted Iranian and Hizbullah forces in Syria.

Russia continued to block efforts by the UN Security Council to pursue justice and accountability. On 10 April, Russia vetoed a resolution aimed at identifying the perpetrators of a chemical weapon attack in Douma in Damascus Countryside governorate three days earlier. On 14 April, the USA, UK and France accused the Syrian government of perpetrating the attack and launched several strikes on government positions. On 27 June, the Organisation for the Prohibition of Chemical Weapons passed a resolution granting it a mandate to identify perpetrators of chemical weapons attacks.

UN efforts to broker peace and establish a committee to draft a new Syrian constitution were unsuccessful. Talks by parties to the conflict and their allies continued in various capital cities. The sponsors of the talks – Russia, Iran and Turkey – aimed to address the issue of detentions and abductions in Syria as well as the situation in Idlib. In September, talks brokered by Russia and Turkey resulted in a 15km demilitarized zone on the southern Idlib front line. As part of the deal, armed opposition fighters and government forces withdrew from the zone, paving the way for Russian and Turkish forces to monitor the deal's implementation.

The Independent International Commission of Inquiry on the Syrian Arab Republic, established by the UN Human Rights Council in 2011, continued to monitor and report on violations of international law committed by parties to the conflict, although it remained barred by the government from entering Syria.

In June, a German court issued an international arrest warrant against Jamil Hassan, head of the Syrian Air Force Intelligence, accused of overseeing the torture and other ill-treatment, including rape, of detainees between 2011 and 2013. In November, French prosecutors issued international arrest warrants against three senior government and intelligence officials, including Jamil Hassan; Ali Mamlouk, head of the National Security Bureau; and Abdel Salam Mahmoud, head of the Air Force Intelligence Investigative Branch at Mezzeh military airport.

## ARMED CONFLICT – VIOLATIONS BY THE GOVERNMENT AND ITS ALLIES

### Direct attacks on civilians and civilian objects and indiscriminate attacks

Government and allied forces continued to commit war crimes and other serious violations of international humanitarian law, including indiscriminate attacks and direct attacks on civilians and civilian objects. Government forces, with the support of Russia, repeatedly attacked areas controlled by armed opposition groups, including Eastern Ghouta and Daraa and Idlib governorates, killing and injuring civilians. They carried out indiscriminate attacks and direct attacks on civilian homes, hospitals and medical facilities, including artillery shelling and air strikes, often using unguided weapons such as barrel bombs, incendiary weapons and internationally banned cluster munitions. For example, on 22 March, Russian forces carried out an air strike using an incendiary weapon on a residential building, burning to death 37 civilians – mainly women and children – in an air-raid shelter in Arbin, Eastern Ghouta.

Between January and April, government forces attacked 22 hospitals in Eastern Ghouta, according to local humanitarian organizations, killing and injuring several civilians, including medical workers and patients. In July, government forces, with the support of Russia, attacked five field hospitals in al-Harak, Busr al-Harir, Mseifra, Seida and al-Jiza in Daraa governorate, damaging or destroying the field hospitals and preventing medical workers from providing medical services.

## SIEGES AND DENIAL OF HUMANITARIAN ACCESS

Government forces continued to besiege Eastern Ghouta, a predominantly civilian area in Damascus Countryside governorate, until April, when armed opposition groups surrendered following relentless bombing of civilian areas and after reaching three local agreements with armed groups, leading to the evacuation of fighters and displacement of some civilians.

During the siege, government forces had deprived around 250,000 residents in Eastern Ghouta of access to medical care, other basic goods and services and humanitarian assistance. Doctors and medical workers were unable to provide adequate medical care to those injured by air strikes, artillery shelling and other attacks, or to those who were ill owing to a lack of surgical supplies, medical equipment and medicine, particularly for the treatment of chronic diseases such as cancer, heart problems and diabetes. The lack of access to food, humanitarian aid and other life-saving necessities led to a rise in acute malnutrition. Government forces continued to restrict access to UN humanitarian agencies and their implementing partners across Syria.

## RESTRICTION OF CIVILIAN MOVEMENT

Despite the lifting of the siege of Eastern Ghouta in April, government forces continued to restrict the movement of civilians in and out of Douma, a town in the area. Some civilians were allowed to return to their homes following a security screening, but others were allowed to access the area for only 48 hours if they left their ID with security forces. People residing in Douma needed authorities' approval to leave the town.

Afrin residents fleeing a military offensive by Turkey-supported armed groups sought refuge in the al-Shahba region. Government forces allowed some of the injured and chronically ill to access Aleppo city, the nearest place where they could receive adequate medical care. Many, however, failed to obtain such permission. Government forces also prevented civilian movement outside the al-Shahba region, forcing many people to pay large amounts of money to smugglers to evade the restrictions in order to search for adequate living conditions.

## ARMED CONFLICT – ABUSES BY ARMED GROUPS AND ALLIES

**Confiscation and looting of property**

In March, Turkey's military and armed opposition groups receiving Turkish military support, including Ferqa 55, Jabha al-Shamiye, Faylaq al-Sham, Sultan Mourad and Ahrar al-Sharqiye, gained control of Afrin, a predominantly Syrian Kurdish area in northern Aleppo governorate, after an offensive launched against the People's Protection Units (YPG), the military force of the Autonomous Administration governed by the Syrian Kurdish Democratic Union Party (PYD). These armed groups confiscated and looted civilian property, using homes as military headquarters. Residents saw their homes and businesses used and run by displaced families from Eastern Ghouta and Homs. For example, Ferqa 55 confiscated and used the home of a resident in Afrin as a military base while another armed group took control of two of his shops.

Some of these groups, and Turkish armed forces, turned schools into military bases, preventing access to education for thousands of children.

## ARBITRARY DETENTION, TORTURE AND OTHER ILL-TREATMENT

Armed groups supported by Turkey were responsible for at least 86 incidents of arbitrary detention of civilians for ransom, as punishment for residents who asked to reclaim their property or because of baseless accusations of affiliation to the PYD or YPG. For example, a man who returned to Afrin following the end of the offensive was taken away by a pro-Turkey armed group who refused to tell his relatives his whereabouts or fate. He had been the head of a civilian local committee perceived to support the PYD.

The pro-Turkey armed group Sultan Mourad arbitrarily detained journalists, teachers, engineers and activists, as well as former employees of the PYD and YPG fighters, and subjected some to torture and other ill-treatment.

## ARMED CONFLICT – AIR STRIKES BY US-LED COALITION

Despite mounting pressure, the US-led coalition continued to deny responsibility for causing hundreds of civilian deaths in Raqqa during the four-month bombing campaign to defeat IS in 2017. By June 2018, the coalition had accepted responsibility for just 23 civilian deaths there. A month later, following an in-depth investigation by Amnesty International, it accepted responsibility for a further 77 civilian deaths. However, this admission did not lead to any measures to compensate victims, and the coalition continued to block requests to disclose the circumstances in which the fatal strikes took place.

## ABUSES BY THE PYD-LED AUTONOMOUS ADMINISTRATION

The Autonomous Administration continued to control most of the predominantly Kurdish northern border regions. It arbitrarily arrested and detained a number of Syrian Kurdish opposition activists, including members of the Kurdish National Council in Syria. Many were held in prolonged pre-trial detention in poor conditions.

## REFUGEES AND INTERNALLY DISPLACED PEOPLE

By the end of the year, 6.6 million people had been displaced within Syria and more than 5 million people had sought refuge outside Syria since the start of the crisis in 2011. Lebanon, Jordan and Turkey, the countries hosting most of the refugees, continued to block the entry of new refugees, exposing them to further attacks, abuses and deprivation in Syria. The number of resettlement places and other safe and legal routes for refugees offered by Western and other states fell far below the needs identified by UNHCR, the UN refugee agency.

In 2018, around 14,800 refugees from Lebanon and 750,000 internally displaced people returned to their homes in Aleppo, Homs, Hama, Damascus and Damascus Countryside governorates, according to UNHCR. The authorities in Lebanon and Turkey said that over 300,000 refugees returned to Syria. The dire humanitarian conditions in neighbouring countries – exacerbated by the lack of humanitarian aid, the inability of refugees to find jobs, and administrative and financial obstacles to obtain or renew residency permits – pushed refugees to return to a precarious future in Syria.

In northern Syria, thousands of displaced people continued to live in makeshift camps that did not provide an adequate standard of living, with limited access to aid, basic services, food, health care, education and livelihood opportunities.

## ENFORCED DISAPPEARANCES

Syrian security forces held thousands of detainees without trial, often in conditions that amounted to enforced disappearance. Tens of thousands of

people remained disappeared, the majority since 2011. They included peaceful activists, humanitarian workers, lawyers, journalists, peaceful critics and government opponents as well as individuals detained in place of relatives wanted by the authorities.

In May, the government disclosed the death of some of the disappeared by updating civil status records. For example, the relatives of brothers Yehya and Maen Sherbaj;i, who had received no information about their whereabouts or fate since they were forcibly disappeared in 2012, found out they were dead when the authorities updated the civil status records. In such cases, the authorities failed to provide the families with remains or information about the circumstances of the enforced disappearance and death.

## RIGHT TO HOUSING

In 2012, the government adopted Legislative Decree 66, allowing authorities to demolish informal settlement areas in Damascus and Damascus Countryside governorates to convert them into urban development zones. In February 2018, the government passed Law 10, which gives land and home owners or their relatives one year to assemble the necessary paperwork and claim their property once a zone has been designated. According to research by the Norwegian Refugee Council, barely one in five Syrian refugees has title deeds in their possession. While the legislation provided some provisions that ensure the right of home owners in designated zones to apply for alternative housing and financial compensation, it fell short of protecting the rights of people who lived in informal settlements, who lack security of tenure and whose residence is unlikely to be recorded in the land registry. It was not clear what would happen to unclaimed properties.

Women whose husbands or fathers had been killed or gone missing during the conflict faced serious obstacles in claiming their property as the deeds were often in the name of their male relatives. Such women lacked the required official documentation or proof of the whereabouts of their male relatives that would allow them to act on behalf of the deed holders.

## DEATH PENALTY

The death penalty remained in force for many offences. The authorities disclosed little information about death sentences passed and no information on executions.

*A woman attends the first session of a trial before the specialized criminal chamber in Gafsa, Tunisia, on 26 September 2018. The trial followed investigations carried out by the country's Truth and Dignity Commission. © Amnesty International / Callum Francis Redfern*

# TUNISIA

Republic of Tunisia
Head of state: **Béji Caïd Essebsi**
Head of government: **Youssef Chahed**

The Truth and Dignity Commission (IVD) finalized its work investigating past human rights violations despite an attempt by the parliament to end its work prematurely. Transitional justice trials on grave past human rights violations began before specialized criminal chambers. The authorities repeatedly renewed the state of emergency and used it to justify arbitrary restrictions on freedom of movement. Torture and other ill-treatment of detainees continued, but complaints hardly ever reached trial. The authorities arbitrarily arrested protesters and prosecuted people for the peaceful expression of their views. Police and other security forces at times used excessive force during law enforcement operations. The Law on Eliminating Violence against Women came into effect. Proposed legal reforms to establish equality between men and women in matters of inheritance and to decriminalize same-sex sexual relations were submitted to the parliament. Lesbian, gay, bisexual, transgender and intersex (LGBTI) people continued to face harassment, arrest and imprisonment. Water shortages and inadequate water distribution resulted in repeated water cuts in several regions, prompting protests, particularly in the hottest months of the year. Death sentences were handed down, but there were no executions.

## BACKGROUND

The authorities renewed the nationwide state of emergency five times; emergency measures had been in place since late 2015. Protests against unemployment, poor living conditions and water shortages continued, particularly in marginalized and underdeveloped regions. On 24 December, protests took place in Kasserine following the death of journalist Abderrazak Zorgui, who set himself on fire to protest against

economic conditions. Protesters clashed with security forces for three consecutive nights, during which police used tear gas to disperse protesters allegedly throwing stones and burning tyres.

The parliament again failed to elect the first third of the members of the Constitutional Court, a step due since 2015.

An acute political crisis between the two major political parties, al-Nahda and Nidaa Tounes, ended their coalition in September.

## TRANSITIONAL JUSTICE

In March, the parliament voted against a decision by the IVD to extend its mandate by seven months in order to complete its final report and referrals of cases of past human rights violations to specialized criminal chambers. However, the government announced in May that it would give the IVD the necessary time to finalize its work. In December, the IVD presented its final report to the president and at the end of the year was waiting for a response to requests for meetings with the head of government and the parliament to share the report with them before publication. The report included the IVD's verified findings, the identification of individuals responsible for human rights violations, the reasons underlying grave violations and recommendations to ensure non-recurrence of such violations.

Between March and December, the IVD referred 72 cases to trial before 13 specialized criminal chambers. These included cases of enforced disappearance, death under torture, unnecessary or excessive use of force against peaceful protesters, and killings of peaceful protesters. In May, the first trial opened in the court of first instance in Gabes in the south of the country; it concerned the enforced disappearance of Kamal Matmati in 1991. Very few of the various hearings saw the alleged perpetrators appear in court. Victims' lawyers urged judges to issue the accused with travel bans and official summons.

## FREEDOM OF MOVEMENT

The authorities continued to impose emergency measures, often in an arbitrary manner. The Ministry of the Interior used border control orders, known as S17 orders, to unlawfully restrict the right to freedom of movement of thousands of individuals. In many cases, the orders amounted to travel bans, restricting people to their governorate of residence. Such measures were often imposed in a discriminatory manner based on appearance, religious practices or previous criminal convictions and without providing the reason or obtaining a court order. This often left those affected unable to challenge the restrictions in court or seek justice for violations suffered. The measures negatively affected individuals' livelihoods and sometimes led to arbitrary arrest and short-term detention. In November, the spokesperson of the administrative court in Tunis stated that the Ministry of the Interior's use of S17 orders should be considered unlawful. In December, a ministry official told Amnesty International that the interior minister had set up a working group to reform the S17 measure and end its arbitrary implementation and had issued an instruction not to tie the denial of travel documents to S17 orders.

## TORTURE AND OTHER ILL-TREATMENT

Torture and other ill-treatment of detainees continued, mostly during arrest and in pre-charge detention. The vast majority of complaints filed by lawyers failed to reach trial.

In February, four police officers allegedly beat up a man in a police station in Ben Arous, a city just south of Tunis. They were also reported to have forced him to strip naked, sprayed him with tear gas and made him stand naked in the rain with a tyre around his waist. The four officers were charged with torture. In response, on 26 February a union of law enforcement officials called on officers not to perform their functions at the Ben Arous court of first instance until the accused officers were released. The same day, armed security forces protested inside the court to put pressure on the investigative judge to release their colleagues, which is what occurred later that day.

## FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY

The authorities arbitrarily arrested protesters and prosecuted people for the peaceful expression of their views.

In January, police arrested Kais Bouazizi, a blogger, and charged him with "harming public order" after he shared Facebook posts that urged people to take to the streets to protest against the government's economic policies. Later that month, the interior minister said the ministry would prosecute bloggers if they misled protesters. The same month, police or National Guard officers detained and interrogated at least four journalists in relation to their reporting of the protests. The National Guard summoned freelance journalist Mathieu Galtier on 10 January and asked him to reveal his sources, which he refused to do.

Courts continued to use Penal Code provisions to imprison people for defamation and to prosecute others for conduct protected by the right to freedom of expression. In January, the court of first instance in the city of Jendouba in north-west Tunisia sentenced Abdelaziz Aljaridi and Abdelaziz Alkhazri to six months' imprisonment each for defaming the president by allegedly spreading rumours about his death. On 7 December, a military court of appeal increased the sentence against parliamentarian and blogger Yassine Ayari in his absence to two months' imprisonment for a Facebook post in which he mocked the appointment of a senior military commander. The same court sentenced him in June to an additional three months' imprisonment for "undermining the morale of the army" and for causing "offence to the President of the Republic" for a Facebook post in which he criticized senior military commanders and the president.

## EXCESSIVE USE OF FORCE

Police and other security forces at times used excessive force when policing protests and sports events and conducting other law enforcement operations.

In January, following widespread protests against the new finance law, the authorities arbitrarily arrested hundreds of protesters. Police used unnecessary or excessive force against protesters and denied those arrested access to a lawyer. One protester, Khomsi Yeferni, died in Tebourba, a town 35km west of Tunis. Witnesses said that a police car ran over him; the Ministry of the Interior stated that he had a chronic respiratory condition and died as a result of tear gas inhalation.

In March, Omar Laabidi drowned after a police officer pushed him into a river near Rades sports stadium in the capital, Tunis, when he was trying to escape police officers chasing fans after a match ended in clashes. Witnesses said he had shouted out that he could not swim. In May, 17 police officers were charged with involuntary manslaughter and failure to provide assistance to a person in danger, the investigation was ongoing at the end of the year.

In October, customs officers shot dead Aymen Othmani while chasing him after a raid on a warehouse in the Sidi Hassine neighbourhood of Tunis. The prosecution indicted four officers who were investigated before being released temporarily, triggering violent confrontations between police and protesters. No progress in the investigation was announced before the end of the year.

## WOMEN'S RIGHTS

In February, the Law on Eliminating Violence against Women came into effect. It included guarantees for protecting women and girls from gender-based violence.

Despite the repeal in September 2017 of the 1973 directive prohibiting marriage between "a Tunisian woman and a non-Muslim man", in at least eight cases, Tunisian women reported difficulties in finding a local notary who would agree to register such marriages. They said notaries claimed they had yet to receive or read the new regulations on such marriages.

Women continued to be severely underrepresented in government, holding only three of 28 ministerial posts.

In June, the Individual Freedoms and Equality Committee, established by the president, released its report on issues related to individual freedoms and gender equality. Among its welcome – albeit controversial – recommendations was one to reform the inheritance law to establish equality between men and women. The president submitted to parliament a bill to this effect.

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX (LGBTI) PEOPLE

LGBTI people continued to face arrest under Article 230 of the Penal Code, which criminalizes consensual same-sex sexual relations. According to Damj, a Tunisian LGBTI NGO, in 2018 police arrested at least 115 individuals in relation to their perceived sexual orientation or gender identity, 38 of whom were later charged and convicted under Article 230 of the Penal Code.

The police continued to subject men accused of same-sex sexual relations to forced anal examinations, in violation of the prohibition of torture and other ill-treatment. Transsexual and transgender people continue to face police harassment and live with the risk of arrest under vague "public decency" articles of the Penal Code, including Article 226*bis*.

Among the recommendations of the Individual Freedoms and Equality Committee in its June report was one to decriminalize same-sex sexual relations. A draft law that included the decriminalization of such relations was submitted by a group of members of parliament in October; at the end of the year it was awaiting consideration by the parliamentary committee on rights and liberties.

## RIGHT TO WATER

Water shortages became more acute after water supplies to the two main dams fell substantially. In July, the Ministry of Agriculture, Water Resources and Fisheries declared that Tunisia's hydraulic situation was "critical". Water shortages and inadequate water distribution resulted in repeated water cuts in several regions, prompting protests, particularly in the hottest months of the year. These shortages had been impacting people's ability to use water for personal and domestic use. In July, protesters in Sfax, Kef, Gabes, Tabarka and Kelibia demanded solutions to the water shortages in their towns. The NGO Tunisian Water Observatory said that it had registered 404 water cuts and 104 protests related to access to water between May and June.

In March the government announced a number of projects in the framework of the Ministry of Agriculture's strategy to secure drinking water resources, but was hampered by floods in September that damaged water infrastructure.

## DEATH PENALTY

Courts continued to hand down death sentences; no executions had been carried out since 1991.

*Filipino workers have their eyes scanned at a visa processing centre in Al Aweer, about 30km east of Dubai in the United Arab Emirates (UAE), on 1 August 2018.*
*© Kamran Jebreili /AP / REX / Shutterstock*

# UNITED ARAB EMIRATES

United Arab Emirates
Head of state: **Khalifa bin Zayed Al Nahyan**
Head of government: **Mohammed bin Rashed Al Maktoum**

Space for civil society remained nearly non-existent in the United Arab Emirates (UAE), with the country's most well-known human rights activist behind bars and high levels of fear dissuading victims of human rights violations and dissidents from speaking out. Arbitrary detention of foreign nationals was frequently reported. Women continued to face discrimination in law and in practice. The authorities introduced several labour reforms likely to be of benefit to migrant workers, but other policies left them vulnerable to exploitation. The authorities continued to deny nationality to thousands of individuals born within the UAE's borders, effectively rendering them stateless. Some detainees were held incommunicado and in undisclosed locations for weeks or months. Courts handed down death sentences; no executions were reported.

## BACKGROUND

The UAE remained part of the Saudi Arabia-led military coalition that committed serious violations of international law in the armed conflict in Yemen (see Yemen entry). UAE troops and UAE-backed militias operating in southern Yemen carried out enforced disappearances and torture.

The UAE remained a member in the coalition of Gulf states imposing economic and political sanctions on Qatar. In July, the International Court of Justice issued provisional orders to the UAE to uphold its obligations under the Convention on the Elimination of All Forms of Racial Discrimination by allowing Qatari residents who had been forced to leave the UAE as a result of the regional crisis to reunite with family members, complete academic studies and access courts in the UAE.

## ARBITRARY ARRESTS AND DETENTIONS

On 4 March, UAE forces (acting with assistance from India) detained Latifa bint Mohammed bin Rashed Al Maktoum, a daughter of Dubai's ruler, in international waters after she tried to flee the UAE by yacht to seek asylum abroad. She continued to be held incommunicado, effectively a victim of enforced disappearance. Two of her companions – Finnish national Tiina Jauhiainen and French-US national Hervé Jaubert – as well as three Filipino crew members were detained at the same time and held for over two weeks.

Arbitrary detention of foreign nationals was frequently reported.

UK national Matthew Hedges, a student carrying out academic research in the UAE, was detained at Dubai International Airport in early May as he was about to leave the country. He was held, mainly incommunicado and in degrading and inhumane conditions, until October, when he faced an unfair trial on charges

of spying for the UK government. On 21 November he was convicted and sentenced to 25 years' imprisonment. Five days later he was pardoned and released.

Several Lebanese nationals working in the service sector were arbitrarily detained in early 2018 and held throughout the year without due process. They were denied access to legal representation and were not informed of any charges against them.

In September, Abudujilili Supi, a Chinese national of Uighur ethnicity, was detained without charge and held for a month before being allowed to leave the UAE for Turkey.

## FREEDOM OF EXPRESSION

Criticism of the government continued to be stifled by the prosecution and imprisonment of peaceful dissenters. On 29 May, Ahmed Mansoor, the last human rights defender in the UAE publicly documenting and speaking out against human rights violations in the country, was sentenced to 10 years in prison for comments posted on his social media accounts. This followed over a year in detention during which he was mainly held incommunicado in an unknown location. His trial was conducted in virtual secrecy, with no information published until after the verdict. According to the UAE's closely controlled press, Ahmed Mansoor was convicted of "publish[ing] false information, rumours and lies about the UAE", confirming, as had previous government statements, that the prosecution was based on the exercise of his right to freedom of expression. On 31 December the Federal Supreme Court, sitting as the State Security Court, upheld the conviction and sentence, rendering them final.

Academic and prisoner of conscience Nasser bin Ghaith remained incarcerated on speech-related charges, as did human rights lawyer and fellow prisoner of conscience Mohammed al-Roken. Nasser bin Ghaith went on hunger strike (while still taking fluids) on 7 October, protesting against medical neglect and irregular family visits in al-Razeen prison. He had been deprived of the medications he took pre-imprisonment for high blood pressure and other ailments. His health was in a critical state at the end of the year.

## WOMEN'S RIGHTS

Women continued to face discrimination in law and in practice. Federal Law No. 28 on Personal Status contains multiple provisions entrenching the lack of equal status between men and women, stating for example that "a husband's rights over his wife" include the wife's "courteous obedience to him" and obligation "to look after the house", and placing conditions on a married woman's right to work or leave the house. Under Article 53 of the Penal Code, "a husband's discipline of his wife" is "considered an exercise of rights," language which can be read as an official sanction of spousal abuse. The government failed to protect women adequately from sexual and domestic violence.

## MIGRANTS' RIGHTS

The authorities introduced several labour reforms likely to be of particular benefit to migrant workers, including a decision to allow some workers to work for multiple employers, tighter regulation of recruitment processes for domestic workers and a new low-cost insurance policy that protected private sector employees' workplace benefits in the event of job loss, redundancy or an employer's bankruptcy.

However, the UAE maintained its no-minimum wage policy. This had a particularly negative impact on migrant workers, who comprised an estimated 85% of the country's workforce. Unlike UAE nationals, migrant workers did not receive government allowances for housing, subsidized health care and other services and were therefore far more dependent on wages for their livelihood. Migrants' wages were typically low relative to nationals and to price levels in the country, undermining their right to just and favourable conditions of work, and their right to an adequate standard of living.

In February Amnesty International wrote to UAE authorities requesting information and access to research the situation of workers at the engineering company Mercury MENA, which operated in several Arab Gulf states and had left many of its workers unpaid for over a year. The UAE did not respond.

## STATELESSNESS

The UAE continued to deny nationality to at least 15,000 individuals who were born within its borders and had no other nationality, effectively rendering them stateless. This deprived them of a range of state services, such as free education provided for citizens, and made it difficult for them to find employment in state-supported industries that require security clearance.

Most of the indigenous UAE residents locked into statelessness were from the northern emirates such as Ajman and Sharjah, which are considerably poorer than Abu Dhabi and Dubai. A money-for-passports deal with the Comoros that was introduced in 2008 with the alleged purpose of regularizing the status of the stateless population failed to resolve the problem. As in previous years, some of those who had obtained five-year Comorian passports were left stateless again after their passports expired and they could no longer renew them, due to the Comorian government having ended the programme.

## TORTURE AND OTHER ILL-TREATMENT

The UAE failed to take steps to end torture and other ill-treatment in detention. Amnesty International documented eight cases in which detainees were held incommunicado and in undisclosed locations for weeks or months, greatly increasing the risk of human rights violations. In some cases, detainees were held in degrading conditions, denied personal hygiene items and the opportunity to bathe, or threatened with extreme violence.

## DEATH PENALTY

Courts continued to issue new death sentences, primarily against foreign nationals for violent crimes. No new executions were reported.

*Children play outside a half-built structure in Gawa'la, a desert area on the outskirts of Aden, Yemen, in May 2018. Seven families, with more than 20 children, are squatting there, having been displaced from Yemen's western Hodeidah governorate. The UN estimates that more than 100,000 people were displaced in a ground and air offensive between December 2017 and May 2018 in which Yemeni government forces (backed by the Saudi Arabia-led coalition) attempted to oust control of the strategic port city of Hodeidah from Huthi forces. © Amnesty International*

# YEMEN

Republic of Yemen
Head of state: **Abd Rabbu Mansour Hadi**
Head of government: **Maeen Abdulmalik Saeed (replaced Ahmed Obeid bin Daghr in October)**

All parties to the continuing conflict in Yemen committed war crimes and other serious violations of international law. Huthi forces, which controlled large parts of the country, indiscriminately shelled residential neighbourhoods and launched missiles indiscriminately into Saudi Arabia. The Saudi Arabia-led coalition, which supported the internationally recognized Yemeni government, continued to bomb civilian infrastructure and carry out indiscriminate attacks, killing and injuring civilians. All parties to the conflict engaged in illegal practices, including arbitrary detention, enforced disappearance, and torture and other ill-treatment. Those targeted included journalists, human rights defenders and members of the Baha'i community. The Saudi Arabia-led coalition continued to impose excessive restrictions on the entry of essential goods and aid, while the Huthi authorities obstructed aid movement within the country, deepening the humanitarian crisis. Women and girls continued to face entrenched discrimination and other abuses; the conflict left them with less protection from sexual and other violence, including forced marriage. No information was publicly available about executions, but death sentences were reported.

## BACKGROUND

The divided territorial control of Yemen was entrenched as the conflict continued between the internationally recognized government of President Abd Rabbu Mansour Hadi, supported by the Saudi Arabia-led coalition, and the Huthis and their allied forces. Huthi forces consolidated their control over large parts of the country, including the capital, Sana'a. In April, Huthi leader Saleh al-Sammad was killed in a coalition attack; Mahdi al-Mashat replaced him.

President Hadi's government made several attempts to reassert its authority in the southern city of Aden. Clashes

broke out between government forces and rival factions, such as the Southern Transitional Council, which was backed by the United Arab Emirates (UAE), part of the Saudi Arabia-led coalition. The UAE also supported and armed militias in other areas of southern Yemen.

The on-off battle for Hodeidah resulted in hundreds of civilian casualties; the UN reported that nearly half a million people fled the governorate during the year. There was continued fighting between armed factions in the city of Ta'iz, too.

According to the Office of the UN High Commissioner for Human Rights, 6,872 civilians had been killed and more than 10,768 civilians wounded between 26 March 2015, when the Saudi Arabia-led coalition became involved in the conflict, and 8 November 2018. The UN Office for the Coordination of Humanitarian Affairs reported in June that 22.2 million people needed humanitarian assistance and that around half the population, 14 million people, were at imminent risk of famine. Cholera continued to affect the entire country.

UN-backed talks in Sweden concluded on 13 December, resulting in agreements on several confidence-building measures, including prisoner exchanges and a ceasefire in Hodeidah, which came into effect on 18 December. The UN Security Council then adopted Resolution 2451 on 21 December, insisting on full respect for the ceasefire and authorizing the deployment of a monitoring team to Yemen to oversee the implementation of the agreements.

## VIOLATIONS BY HUTHI FORCES

Huthi and allied forces continued to carry out indiscriminate attacks, shelling residential neighbourhoods and launching missiles indiscriminately into Saudi Arabia.

Huthi fighters fired mortars repeatedly into civilian areas of Hodeidah, according to people who had fled the city. A mortar hit the courtyard of Hays Rural Hospital on 25 March, killing a pharmacist and a nurse and injuring a 13-year-old boy.

Huthi forces further endangered civilians by basing troops and vehicles in residential areas. In November, Huthi and allied forces took up positions on a hospital roof in Hodeidah. They also planted internationally banned anti-personnel landmines that caused civilian casualties, prevented civilians from leaving the city and forcibly displaced civilians from their homes in areas captured from government forces.

## VIOLATIONS BY THE SAUDI ARABIA-LED COALITION

Coalition forces continued to be the main cause of civilian casualties, according to the UN. They committed with impunity serious violations of international human rights law and humanitarian law. They used imprecise munitions in some attacks, including large bombs with a wide impact that caused deaths and destruction beyond their immediate strike location.

Coalition air strikes mainly targeted Huthi-controlled or contested areas, in particular Sana'a, Ta'iz, Hajjah, Hodeidah and Sa'da governorates, during which hundreds of civilians were killed and injured. Many attacks were directed at military targets, but others were indiscriminate, disproportionate or directed against civilians and civilian objects, including residential areas, buses and gatherings such as weddings. In January, a coalition air strike destroyed the Naji family home in al Rakab in the southern governorate of Ta'iz. The mother and two sons, aged six and 10, were killed. The father, a son aged three and a baby daughter were injured. In August, a coalition aircraft attacked a bus in the town of Dhahyan in Sa'da governorate, killing 29 children and injuring 30 others.

## ARBITRARY ARRESTS AND DETENTIONS

Huthi forces, the Yemeni government, the Saudi Arabia-led coalition and UAE-backed Yemeni forces engaged in arbitrary detention practices.

In areas they controlled, Huthi forces arbitrarily arrested and detained critics and opponents as well as journalists, human rights defenders and members of the Baha'i community, subjecting scores to unfair trials, incommunicado detention and enforced disappearance. In September, they detained human rights defender Kamal al-Shawish incommunicado for over a month in an unknown location in Hodeidah. Six Baha'i men continued to be detained. Five of them faced charges that carried the death penalty: one, who had been held for nearly four years, was accused of apostasy; four were charged in September with serious offences, including espionage for foreign states.

The internationally recognized Yemeni government harassed, threatened and arbitrarily detained human rights defenders and other activists. In June, security forces arrested Radhya Almutawakel and Abdulrasheed Alfaqih, respectively chairperson and executive director of Mwatana Organization for Human Rights, in the southern city of Mukalla while they were travelling to Sey'oun airport. Both were arbitrarily detained for a day before being released without charge. In October, government authorities and militias briefly detained Akram al-Shawafi, a human rights defender and founder of the Watch Team, a non-governmental organization. He was forced to relocate five times because of threats arising from his work on the treatment of civilians by the local authorities in Ta'iz.

UAE-backed Yemeni forces in southern Yemen conducted a campaign of arbitrary detentions and enforced disappearances. In May, Amnesty International investigated in Yemen the cases of 51 men held in a network of secret prisons by UAE and Yemeni forces operating outside the command of their own government, including individuals detained between March 2016 and May 2018. The cases involved egregious violations, including enforced disappearances and torture and other ill-treatment amounting to war crimes. Some of the men were released between June and August, but many remained arbitrarily detained and over a dozen were still missing.

## RESTRICTIONS ON ESSENTIAL GOODS

The Saudi Arabia-led coalition continued to impose excessive restrictions on the entry of essential goods and aid, while the Huthi authorities obstructed aid movement within the country, deepening the humanitarian crisis. Vessels travelling to Yemen's Red Sea ports had to wait for coalition clearance; the resulting delays exacerbated a fuel shortage, reduced access to food, clean water and sanitation, and contributed to the spread of preventable diseases. Huthi forces imposed excessive and arbitrary bureaucratic procedures that restricted the movement of humanitarian staff and aid. They sometimes attempted to control the delivery of aid and demanded bribes to allow humanitarian projects to operate.

Under international humanitarian law, all parties are obliged to allow and facilitate rapid and unimpeded delivery of impartial humanitarian assistance for civilians in need, and ensure freedom of movement of authorized humanitarian personnel.

## WOMEN'S RIGHTS

The protracted conflict exacerbated discrimination against women and girls, and left them with less protection from sexual and other violence, including forced marriage.

## DEATH PENALTY

The death penalty remained in force for many crimes. No information was publicly available about executions, but death sentences were reported. On 2 January, the Specialized Criminal Court in Huthi-controlled Sana'a sentenced Hamid Haydara to death after a grossly unfair trial. He was tried on account of his beliefs and peaceful activities as a member of the Baha'i community. In February, one woman and two men were forcibly disappeared, ill-treated and given a patently unfair trial before being sentenced to death by a court in Sana'a for allegedly aiding an enemy country. The trial was part of a wider pattern of the use of expedited mass trials by Huthis to persecute political opponents, including journalists and academics.

# HUMAN RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA

## REVIEW OF 2018

This report documents the state of human rights in the countries of the Middle East and North Africa during 2018. It is composed of a regional overview and 19 country entries, subdivided by key human rights themes.

The killing of Palestinian protesters by Israeli forces in Gaza and the murder of journalist Jamal Khashoggi in a Saudi Arabian consulate glaringly illustrated the unaccountability of Middle Eastern and North African states that resorted to lethal and other violence to repress dissent. The crackdown on civil society actors and political opponents increased significantly in Egypt, Iran and Saudi Arabia. Across the region, authorities used arbitrary detention, excessive force against protesters and administrative measures to restrict civil society.

Armed hostilities in both Iraq and Syria decreased. As a result, fewer civilians were killed, but many continued to suffer the impact of serious violations, including war crimes, committed by all parties to the conflicts in Libya, Syria and Yemen particularly, as well as the devastating humanitarian situations that arose from or were exacerbated by their actions.

Despite the repression, 2018, like 2017, saw limited positive developments at a legislative and institutional level with respect to women's rights and violence against women. Significant developments aimed at addressing past violations occurred in Lebanon and Tunisia.

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AMNESTY

HUMAN RIGHTS WATCH

**FEBRUARY 11, 2019 12:00AM EST**

# Lebanon: No Justification for LGBT Crackdown

## UN Experts Should Investigate

(Beirut) – Lebanese security forces have repeatedly interfered with human rights events related to gender and sexuality in violation of international human rights protections, Human Rights Watch said today in a complaint to United Nations (UN) human rights officials.

Activists take part in a protest outside the Hbeish police station in Beirut on May 15, 2016, demanding the release of four transgender women and calling for the abolishment of article 534 of the Lebanese Penal code, which prohibits having sexual relations that 'contradict the laws of nature'.

© 2016 ANWAR AMRO/AFP/Getty Images

The complaint follows unsuccessful attempts by Human Rights Watch to meet with Lebanon's General Security officials about recent security force actions that have undermined the rights of sexual and gender minorities and human rights advocates in Lebanon.

"Bans on these events not only discriminate against gender and sexual minorities and their advocates, but they also undermine everyone's rights to freedom of assembly, association, and expression in Lebanon," said Lama Fakih, deputy Middle East and North Africa director at Human Rights Watch. "Lebanon can't shy away from its obligations not to discriminate and to protect these basic rights by pointing to poorly defined morality standards."

The complaint was submitted to the UN special rapporteurs on the rights to freedom of peaceful assembly and association, and on human rights defenders, and to the UN independent expert on protection against violence and discrimination based on sexual orientation and gender identity. Human Rights Watch urged the UN officials to press Lebanon's government to hold its security forces accountable for violations of international law and to refrain from using unjustified grounds, such as vague "morality" claims, to undermine the rights of sexual and gender minorities.

General Security is the intelligence branch of Lebanese security forces that oversees foreigners' admission to the country. On September 29, 2018, it attempted to shut down the annual *NEDWA* conference of the Arab Foundation for Freedoms and Equality, which works to advance lesbian, gay, bisexual, transgender (LGBT) and other human rights.

General Security officers also took ' ils of all conference participants from the el registry where the conference was being held, including participants from countries such as Egypt, where police arrested over 70 people in 2018 for being gay or transgender, and Iraq, where armed groups have murdered LGBT people with impunity.

The four-day conference, whose initials stand for networking, exchange, developments, wellness, and achievement, included workshops on human rights, advocacy, movement-building, health, and the arts. It has been held annually in Lebanon since 2013 and includes people of diverse sexual orientations and gender identities. General Security's interference followed public statements from the Muslim Scholars Association accusing the organizers of promoting homosexuality and drug abuse. The association called for the organizers' arrest and the cancellation of the conference on the grounds of "incitement to immorality."

The group has also filed a legal complaint against the Arab Foundation's HIV prevention program, saying it promotes debauchery. Internal Security Forces, responding to the complaint, called in the foundation's director, Georges Azzi, for questioning in December.

In May, Lebanon's Internal Security Forces detained an activist and pressured him to cancel events associated with Beirut Pride, including a poetry reading, a karaoke night, a discussion of sexual health and HIV, and a legal literacy workshop.

## Related Content

- Human Rights Watch's Letter to UN Officials (February 11, 2019)
- Human Rights Watch's Letter to General Security (October 25, 2018)
- Lebanon's General Security Response to Human Rights Watch (November 26, 2018))
- Human Rights Watch's Request to General Security (December 17, 2018)
- General Security's Response to Human Rights Watch (January 17, 2019)

On October 25, Human Rights Watch sent a letter to Major General Abbas Ibrahim, director of General Security, raising concerns about the security forces' interference and requesting clarification on the agency's position on the legality of advocacy or cultural events in Lebanon that touch on gender and sexuality issues.

He responded on November 26, citing the so-called "morals" exception under Article 21 of the International Covenant on Civil and Political Rights (ICCPR) on the right of peaceful assembly. He claimed that the article requires an event "to be consistent with the moral standards of the particular society," and maintained that "the topic of the conference remains controversial in Lebanese culture."

As a party to the ICCPR, Lebanon must protect freedom of expression, association and assembly for everyone regardless of their sexual orientation or gender identity, Human Rights Watch said. The Human Rights Committee, which interprets the covenant, has made clear that it is prohibited to discriminate based on sexual orientation in upholding any of the rights protected by the treaty, including the rights to freedom of assembly, association, and expression.

In its April 2018 evaluation of Lebanon, the Human Rights Committee said that Lebanon should "explicitly prohibit discrimination on the basis of sexual orientation and gender identity and ensure that LGBTI individuals are afforded,

both in law and in practice, adequat d effective protection against all forms o crimination, hate speech or violence based on sexual orientation or gender identity." It said that Lebanon should "take all measures necessary to guarantee in practice the effective enjoyment of the rights to freedom of expression and peaceful assembly of LGBTI individuals."

The Yogyakarta Principles on the application of human rights law in relation to sexual orientation and gender identity state that countries should ensure that notions of public morality "are not employed to restrict any exercise of the rights to peaceful assembly and association solely on the basis that it affirms diverse sexual orientations or gender identities."

UN resolution 15/21 also mandates member states to ensure the promotion and protection of the rights to freedom of peaceful assembly and of association in all their manifestations.

Major General Ibrahim also attempted to justify the agency's interference in *NEDWA* by claiming that the sponsor "failed to obtain prior approval from the authorities," citing the 1911 Lebanese Law on Public Meetings. However, international guidance on freedom of association and assembly stipulates that even if prior notification might be required, no authorization should be required to assemble peacefully in a democratic society.

Ghida Frangieh of Legal Agenda, a Lebanese human rights organization, told Human Rights Watch that the 1911 law applies to public meetings, not private, invite-only conferences, "Let there be no doubt: the General Security forces are baldly misinterpreting archaic laws and applying them in a biased and discriminatory way in order to shut down discussion of gender and sexuality," Frangieh said.

Since the *NEDWA* conference was held, the Arab Foundation has reported that General Security has prevented at least three people who attended from re-entering Lebanon, without providing any explanation.

On December 17, Human Rights Watch sent another letter to Major General Ibrahim, requesting a formal meeting to discuss these developments. He declined the request.

Although it is unclear whether these entry bans are directly related to the individuals' participation in *NEDWA*, Human Rights Watch is concerned that these measures further restrict the space for free speech and assembly in Lebanon. Human Rights Watch asked the UN officials to urge the Lebanese government to lift the entry bans if they are related to the activists' participation in NEDWA.

Human Rights Watch also urges countries providing assistance to Lebanese security forces, including to General Security, to press them to abide by their international law obligations and ensure that this funding is not an investment in violating the rights of human rights activists in Lebanon.

"The efforts to shut down advocacy and cultural events in the name of public morality are unjustified and indefensible," Fakih said. "There is nothing ethical about standing in the way of advocating for equality."

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[13] https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39_EN.pdf

[14] http://www.dailystar.com.lb/News/Lebanon-News/2019/Jan-29/475261-pressure-forces-lgbtq-events-out.ashx

[15] https://twitter.com/intent/tweet?
text=Lebanon%3A%20No%20Justification%20for%20LGBT%20Crackdown%20%20https%3A//www.hrw.org/news/2019/02/11/lebanon-no-justification-lgbt-crackdown

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# Grindr Banned In Lebanon: List Of Countries That Prohibit Gay Dating App

ibtimes.com/grindr-banned-lebanon-list-countries-prohibit-gay-dating-app-2754668

Vaishnavi Vaidyanathan

January 21, 2019

Lebanon has reportedly banned people from accessing Grindr, agay dating mobile app, on the country's public network.

SMEX, a Lebanese NGO that works toward empowering people, reached out to Touch, one of the country's topmobile networks, after several users confirmed the app being blocked. A representative of the company confirmed the news by saying the ban was in response to an order by the Ministry of Telecom. However, the reason behind the ban was unknown.

The NGO also urged the ministry to reverse the decision as it is the "most popular app among Lebanon's queer community."

Organizers of Beirut Pride, an annual LGBT pride festival, too responded to the news in a Facebook post.

"For some people, the application doesn't log in; for others, profiles and conversations do not load, unless accessed from a private Wifi network," they explained, adding that the ban is a "new attack on the freedoms in Lebanon, and intends to shrink national cyber access on the grounds of our personal and intimate relationships."

"Banning an application on the public, shared network insinuates that the common space refuses to be a space for all. It confines people to the private network (home, cafés and work), thus pushing back Grindr, its users, and the representations of sexual orientation and gender identity back in the closet, behind closed doors. An approach of 'exist but not too much', 'live your life away from us', 'be private about who you are and don't impose yourself in the public sphere,'" they further stated.

Grindr, launched in 2009, has become the world's largest dating app for the gay community. Though the company states it is a social networking app for the LGBTQ community, it is primarily used as a dating app by gay and bisexual men.

However, some countries have partially and completely banned the app.

Here is a list of such countries –

1. Turkey - Grindr was banned by Turkey's Directorate of Telecommunication (TİB) in 2013 as a "protective measure" following a ruling by an Istanbul court. The reason for the censorship remained unknown as the court's decision was not published online.

2. Iran - Direct access to the application is blocked in Iran. However, several Iranian Internet users use tools like VPN to "unblock" the site.

3. Saudi Arabia - Internet censorship prevents people from using the app in the ultra-conservative country. "I can access it using VPN, but our government have 'religious police' with fake profiles to lure us and catch us... dating is a mind game here," a person wrote on Reddit.

4. Indonesia – Though the app was in high usage among LGBT Indonesians, it was banned in 2017 post which people found empty profiles when they tried to use it. The country's Police Criminal Investigation Agency (Bareskrim) asked the Ministry of Information to block the app on the ground that it was being used by pedophiles to pimp teenage boys out to men.

5. Egypt – The police in the country reportedly use the app to find and arrest members of the country's LGBT community. In 2017, the app sent safety tips to users in Arabic, reminding them to be extra cautious while confirming the identity of users.

The other countries where the app is banned include China, United Arab Emirates, Ukraine and Russia.

HUMAN RIGHTS WATCH

**MAY 18, 2018 12:00AM EDT**

# Lebanon: Police Shutter Pride Events

## Crackdown, Arrest of LGBT Activist Violates Rights

(Beirut) – The Lebanese Internal Security Forces arrested a prominent LGBT rights activist and pressured him to cancel Beirut Pride events, Human Rights Watch said today. The crackdown violates freedom of assembly and association and is a step backward in a country that has made progress toward respecting the rights of LGBT people.

In this Sunday, Feb. 22, 2009 picture, Lebanese police stand guard as protesters carry banners during a sit-in for gays and lesbians in Beirut. In February, about two dozen gays and lesbians held a rare sit-in on Beirut's major intersection of Sodeco to protest what they called the beating of two gay men by two plainclothes police. Police officials denied the men were beaten by their officers.

© 2009 AP Photo/Hussein Malla

Beirut Pride, nine days of activities aimed at celebrating lesbian, gay, bisexual, and transgender identities, kicked off on May 12, 2018, with a brunch to honor families who support their LGBT children, and was scheduled to coincide with the International Day Against Homophobia and Transphobia (IDAHOT) on May 17. Scheduled events included a queer poetry reading, a karaoke night, a discussion of sexual health and HIV, and a legal literacy workshop. However, on May 14, Internal Security Forces raided an LGBT-themed theater reading and summoned Beirut Pride organizer Hadi Damien to the Hobeich police station, where he was held overnight.

"Official interference with Beirut Pride is an outrageous step backward in a country where the judiciary and some politicians seem to be moving forward on LGBT rights," said Lama Fakih, deputy Middle East director at Human Rights Watch. "There's no justification for shutting down cultural events and health and legal workshops in the name of morality."

Damien said the Vice Squad interrogated him, told him that the public prosecutor had banned Pride week, and pressured him to sign a statement calling off all further Beirut Pride events or face charges of "incitement to immorality" and "breach of public morality." Beirut Pride subsequently issued a statement suspending the events. The Internal Security Forces did not respond to a Human Rights Watch request for comment and it is not clear if the public prosecutor has issued a ban.

Some activists said they plan to reschedule Pride events, while other events are continuing as planned in spite of the crackdown. "These violations against freedoms [give] us the energy to further advocate for freedoms," the Arab Foundation for Freedoms and Equality (AFE), a group that works to advance LGBT and other human rights, said in a statement. Separate IDAHOT events organized by Helem took place on May 17 as scheduled. Helem's director, Genwa Samhat, said that they often face pressure but are not canceling events and that the movement is ongoing.

Lebanese activists have organized IDAHOT events since 2005 and many taken place without police interference. In 2017, the first year of public Beirut Pride events that received mainstream media coverage, extremist groups forced the closure of two events, with the complicity of Lebanese authorities, but other events went forward as planned. In May 2017, Lebanese authorities also ordered the Crowne Plaza Hotel in Beirut not to host a human rights workshop organized by AFE.

Article 534 of Lebanon's penal code punishes "any sexual intercourse contrary to the order of nature" with up to one year in prison, a provision that has been used frequently to prosecute people suspected of homosexuality. Human Rights Watch has documented reports of torture and ill-treatment by police and the military against people arrested under article 534. However, in four cases in the past 10 years, courts have ruled that this article cannot be used to prosecute consensual sex between people of the same sex, on the grounds that homosexual sex is not "unnatural."

As Lebanon is a state party to the International Covenant on Civil and Political Rights (ICCPR), Lebanese authorities are required to uphold and protect freedom of assembly and association. Restrictions on such rights can only be imposed when they are not arbitrary (i.e. set out in clear domestic law), for a legitimate reason, proportionate, and do not discriminate on grounds prohibited in international law, which include sexual orientation and gender identity.

Lebanon is home to a vibrant, creative, and diverse LGBT rights movement, with activist groups engaged in a wide range of activities. These include advocacy to change discriminatory laws and policies, legal aid, community education on sexual health and rights, training the media on how to report on LGBT issues in a non-stigmatizing way, sensitizing the public about LGBT rights through events and social media, celebrating talent through the arts, and building regional movements.

Several Lebanese activists participated in a recent video campaign produced by Human Rights Watch and AFE that offers messages of support and encouragement to LGBT people in Arabic-speaking countries in the Middle East and North Africa.

In Lebanon's recent parliamentary elections, several prominent candidates publicly advocated the repeal of article 534 for the first time.

"Lebanon's new government has a lot of work to do after years of failure to meet citizens' most basic rights," Fakih said. "Trying to shut down LGBT pride events and interfering with freedom of expression does not augur well for meaningful change."


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[4] https://www.beirutpride.org/

[5] https://dayagainsthomophobia.org/

[6] https://www.beirutpride.org/ogres

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[9] https://pbs.twimg.com/media/DdVWdyPXUAASsOU.jpg:large

[10] https://www.facebook.com/Official-Page-for-Helem-Lebanon-133916233311662/

[11] http://afemena.org/

[12] https://dayagainsthomophobia.org/beirut-pride-an-analysis-from-the-inside/

[13] http://afemena.org/2017/05/29/statement-regarding-crowne-plazas-cancellation-of-afes-event/

[14] https://www.hrw.org/report/2013/06/26/its-part-job/ill-treatment-and-torture-vulnerable-groups-lebanese-police-stations

[15] https://www.hrw.org/news/2016/12/21/lebanon-syrian-refugees-account-torture

[16] https://www.hrw.org/sites/default/files/report_pdf/lgbt_mena0418_annex_0.pdf

[17] https://www.hrw.org/report/2018/04/16/audacity-adversity/lgbt-activism-middle-east-and-north-africa#page

[18] https://www.hrw.org/no-longer-alone

[19] https://stepfeed.com/nearly-100-lebanese-politicians-openly-support-lgbtq-rights-4354

[20] https://twitter.com/intent/tweet?text=Lebanon%3A%20Police%20Shutter%20Pride%20Events%20https%3A//www.hrw.org/news/2018/05/18/lebanon-police-shutter-pride-events

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[22] whatsapp://send?text=Lebanon%3A% olice%20Shutter%20Pride%20Events%20-%20https%3A//www.hrw.org/news/2018/05/18/lebanon-police-shutter-pride-events

[23] mailto:?subject=Lebanon%3A%20Police%20Shutter%20Pride%20Events&body=https%3A//www.hrw.org/news/2018/05/18/lebanon-police-shutter-pride-events

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# Despite allegedly torturing gay people, UK still funds Lebanese police force

middleeasteye.net/news/despite-allegedly-torturing-gay-people-uk-still-funds-lebanese-police-force

Buried in the chaos of East Beirut – where cars populate the pavements and the electricity flashes on and off with daily power cuts – there's a door no one would ever notice. It's supposed to be anonymous; behind it exists one of Lebanon's few LGBTI community centres.

Upstairs in a room usually used by a doctor, the rainbow pride flag rolls in the breeze from the air conditioning unit as Rami* shifts awkwardly in his chair. He looks as if he'd rather be anywhere else but Rami, who is gay, has come to share his story of torture by the Lebanese police, an agency that receives millions of pounds in funding from the UK government.

> 'They slapped me all over my body. They humiliated me'
>
> *- Rami, torture victim*

Head bent over clasped hands, his story slips out, slowly and painfully. Two years after the incident, he is still haunted by what happened. He says he suffers from anxiety and insomnia. "He used to be out in the clubs," a friend interrupts. "But now we never see him."

Lebanon's LGBTI community - which is celebrating Pride in Beirut this week - has become more visible and outspoken in recent years, but its members continue to be targeted and tortured by the country's national police force, the Internal Security Forces (ISF).

The British government however continues its funding. With the Islamic State present in neighbouring Syria, the ISF has been on guard as conflict has spilled over the border, by way of localised fighting and suicide attacks.

In January, security services arrested a man wearing an explosive vest in a Costa coffee shop, in Beirut's busy Hamra neighbourhood.

## Checkpoint searches, nude photos

It was spring 2015 when Rami, his boyfriend and another friend were caught up in a random stop and search at a checkpoint run by Hezbollah.

When the Hezbollah fighters found nude photographs on Rami's phone, he says, they presumed he was gay and transferred him to the ISF.

He arrived at the ISF police station at 11am, where he was handcuffed and beaten, Rami says.

He describes how the officers used both psychological and physical torture. "They slapped me all over my body. They humiliated me."

For 12 hours, he was kept waiting with no water and no food. It wasn't until the next day he was allowed to call his brother. Using his family's connections, they were able to pay $500 to secure his release.

The ISF did not respond to a request for comment.

Lebanese protesters hold a sign reading: "What do you know about being 'normal'?" during a protest in Beirut in 2010 (AFP)

The British government says it has been funding Lebanon's ISF since 2008, to confront security threats and increase respect for human rights. According to a freedom of information request made by Middle East Eye, since then, the ISF has received nearly $11.7m from various British Foreign Office funds.

While the British Embassy did help the ISF to establish a code of conduct – a set of ethical standards designed to protect human rights and public freedom – incidents of torture continued to be reported after its implementation in 2012.

In 2013, Human Rights Watch released a report that labelled these reforms as "inadequate", and uncovered "a culture of impunity" amongst perpetrators of torture in the ISF. One year later, the United Nations' Committee Against Torture confirmed HRW's findings, labelling torture in Lebanon as pervasive and routine.

The UK has not only continued its funding since then but increased it. In 2016, Conservative Party MP Tobias Ellwood announced a drastic rise in the amount that would be given to the Lebanese security agency, committing an extra £13m over the next three years.

## Where is UK money going?

Bassam Khawaja, Lebanon researcher at Human Rights Watch, said he was "deeply concerned" that international donors, such as the UK, continued to fund the country's security services despite widespread findings of abuse.

"Donors should ensure that their money is not going to benefit abusive security services and units," he told MEE.

> 'Donors should ensure that their money is not going to benefit abusive security services and units'
>
> - *Bassam Khawaja, Lebanon researcher at Human Rights Watch*

"[They should] take steps to ensure that they are not enabling or contributing to human rights abuses."

In response to these allegations, a British Foreign Office spokesperson told the Middle East Eye: "Much of our work with the Lebanese Internal Security Forces is focused on promoting and improving human rights – only by working with them can we bring about the changes we would like to see."

According to the freedom of information request obtained by the Middle East Eye, UK-funded human rights training in Lebanon since 2008 has been delivered by NI-CO.

Owned by the Northern Irish government, NI-CO works to reform public sector institutions across the world, according to its website.

The not-for-profit caused controversy last year when it was revealed it had been providing crowd-control training to Bahraini police - a force frequently accused of rights violations.

UK admits training Bahrain police in 'public order' tactics

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## Minority groups especially vulnerable

While rights groups report that the use of torture by Lebanon's ISF is widespread, minority groups, including the LGBTI community, are especially vulnerable. Article 534 of the Lebanese Penal Code criminalises sexual relations that "contradict the laws of nature".

Although several judges have recently pushed back against the law, on the grounds that homosexuality is not a punishable offence, the country's LGBTI population continues to be detained and tortured purely on the grounds of their sexuality.

In December 2016, HRW released a report that detailed the case of Shadi*, a gay Syrian

refugee who was tortured earlier in the year by Lebanese security services, including the ISF.

Throughout Shadi's five-day interrogation, he told HRW he was asked to confess to having sex with men. He was beaten and suffered an anal examination - which involves fingers or an object being inserted into the anus of the accused to "prove" they are homosexual.

An anti-homophobia rally in Beirut in 2013, with the gay pride and Lebanese flags merged together (AFP)

These examinations are still used in Lebanon although the UN Committee Against Torture say they "have no medical justification".

Stories such as Shadi's spread through the community, creating fear among LGBTI Lebanese and refugees.

Bertho Makso, founder of equal rights organisation Proud Lebanon, reels off the incidents he has heard of that have stuck most in his mind; among them, he tells the story of a trans-Syrian, arrested on the seafront by the ISF, spat on and tied to a chair for three days.

"They intimidate you until you confess," says Makso.

"They force you to hand over your phone." As a short-term solution, he created a leaflet, advising the LGBTI community on how to stay safe: set up double, or very long, passwords; delete everything on your phone each time you go out.

## Staying safe, avoiding attention

Before Bader*, a trans refugee and LGBTI rights activist, arrived in Lebanon, he thought it was an open and accepting country. "I didn't know they detain people for having a homosexual relationship," he says.

Transgender in Lebanon: 'A story of courage and determination'

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Stories of ISF brutality put Bader on edge. He began to mould his life around the threat of torture and detention. He avoided the checkpoints that scatter Beirut and tried not to hang out with LGBTI friends in public, afraid big groups would attract attention.

Every day he deleted the contents of his phone. Throughout the two years he spent in Lebanon, he was afraid. But his tactics kept him safe.

Speaking over Facebook from Canada, where he has since been resettled, he says: "The law 534 should be removed. Until then, in my opinion, no one is safe there. I personally know five people who got detained and tortured by ISF and they are all registered at UNHCR."

George Ghali, programmes manager at Lebanese human rights organisation ALEF, says re-writing Lebanese law should be a first step in the fight against torture.

> 'The UK should use the funding as a pressure tool to influence human rights friendly policies'
>
> *- George Ghali, human rights activist*

Although it is illegal in the country to extract confessions "using violence", Lebanon is yet to officially define and criminalise torture in compliance with the United Nations' Convention Against Torture.

But Ghali also sees donor countries as responsible: "The funds should be restricted and conditioned if human rights violations continue. The UK should use the funding as a pressure tool to influence human rights-friendly policies. Whenever funding has been restricted or conditioned to human rights change, the Lebanese comply."

He uses the ISF code of conduct as a positive example of UK pressure but says, "until now we haven't seen its implementation on daily basis".

Without implementation, Rami remains despondent, hunched over his hands. "I feel like all the world is moving forward except Lebanon," he says.

**Some names in this article have been changed to protect identities.*

HUMAN RIGHTS WATCH

December 21, 2016 12:01AM EST

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# Lebanon: Syrian Refugee's Account of Torture

## Detained, Beaten, Abused on Suspicion of Being Gay

(Beirut) – A 31-year-old Syrian refugee in Lebanon was allegedly detained and tortured in February 2016, apparently on suspicion of being gay, Human Rights Watch said today. The man, identified only as Shadi for his protection, told Human Rights Watch that he had been detained by Lebanese Military Intelligence officers, and tortured over a five-day period at Military Intelligence, Ministry of Defense, Military Police, and Internal Security Forces centers.

Lebanese police stand guard as protesters carry banners during a sit-in for LGBT rights in Beirut. © 2009 AP Photo / Hussein Malla

Human Rights Watch interviewed ıdi in Beirut in March, but, upon his reque vaited to publish his story until he was safely resettled to Europe. On November 2 and 3, Human Rights Watch sent letters to the Ministries of Defense and Interior, Military Intelligence, Military Police, and Internal Security Forces, detailing the torture allegations and calling for a full investigation. The Interior Ministry responded on December 13, saying that it had a complaints procedure but would not be able to pursue an investigation and penalize offending officers unless the victim filed a complaint in person.

"Torture is common in Lebanon's detention centers, but vulnerable people like Shadi, a gay Syrian refugee, are at particular risk," said Lama Fakih, deputy Middle East director at Human Rights Watch. "The routine abuse of detainees isn't going to stop until Lebanon puts an end to the culture of impunity surrounding its security forces."

Lebanon has failed in the past to properly investigate allegations of torture and ill-treatment by security services. Lebanese authorities should immediately investigate the allegations of torture in this case and hold everyone responsible to account.

Shadi said that all interrogations at security branches focused on trying to elicit a confession that he was having sex with men or to punish him for being gay. He said he was not allowed to contact his friends or a lawyer during his detention, and that he was never informed of the charges against him or brought before a judge.

Shadi said that in January, armed Military Intelligence officers raided an apartment he shared with several other Syrian refugees in Jounieh, interrogated him and his roommates, punched them in the face, and hit them with batons. After seeing a picture of Shadi and a transgender woman hanging on his wall, the officers questioned him about his sexuality. Military Intelligence officers returned in February and arrested Shadi. "Every time I asked why I was being arrested the officers just hit me and didn't answer my questions," he said

Shadi said he was transferred to the Sarba military intelligence branch in Jounieh, where officers blindfolded him, stripped him naked, and tortured him throughout a two-hour interrogation. He said the interrogator beat him with sticks and punched him in the face once. The next morning officers blindfolded Shadi and forced him to sign a paper he could not read. Shadi said he asked what he was signing, but was only hit again. The officers then transferred him to the Defense Ministry in Yarze.

---

**Torture is common in Lebanon's detention centers, but vulnerable people like Shadi, a gay Syrian refugee, are at particular risk. The routine abuse of detainees isn't going to stop until Lebanon puts an end to the culture of impunity surrounding its security forces. "**

**Lama Fakih**
Deputy Middle East Director at Human Rights Watch

There, he said, officers took him u rground to an interrogation room and que ned him for more than four hours about his sexuality. Shadi said the interrogator elbowed him in the stomach, on his neck, and kicked him in the groin in an attempt to elicit a confession that he was having sex with his male roommates. He recalled the interrogator saying, "You gays are coming here and making our country dirty... Neither our society nor God accepts this!"

Shadi said that security officers then transported him to Rehanieh military police prison, where officers took him into a room and told him to undress. He said he was handcuffed naked and told to bend over facing the wall. "I will insert this into your anus to determine how many times you've had sex," Shadi said an officer told him. He inserted the rod, causing Shadi to scream out in pain and beg the officer to stop. **Forced anal examinations** lack evidentiary value and are a form of cruel, inhuman, and degrading treatment that may in some cases amount to torture.

Shadi said that he asked to call a friend or a lawyer, but was refused. He slept in a cell, handcuffed to a wall. The next morning, he said military police officers took him downstairs into an interrogation room, with a number of officers slapping and cursing at him along the way. Shadi was then transferred to Jounieh police station.

There, Shadi said, officers slapped him several times in the face and punched him in the stomach. They interrogated him the next morning. He quoted one officer as saying, "We don't know how to get rid of you Syrian refugees...and now you bring us gay Syrians?" One officer kicked Shadi in the chest, causing him to fall backward with his feet in the air.

An officer then beat Shadi on the soles of his feet with a stick. Human rights organizations have documented the use of *Falaqa*, or beating the victim with sticks, batons, or whips on the soles of the feet, as a torture method in Lebanon. Several hours later Shadi was transferred to Beirut's Hobeish police station, where he was not ill-treated, and eventually released.

Human Rights Watch has corroborated Shadi's story with an international and a local organization providing him with assistance. Human Rights Watch also reviewed a medical report prepared by a local doctor shortly after Shadi's release, documenting fluid in Shadi's ear and swelling and bruises all over his body due to beatings.

Homosexuality is not expressly outlawed in Lebanon. Article 534 of the Lebanese Penal Code states that "any sexual intercourse contrary to the order of nature is punishable by up to one year in prison." This provision has been used to prosecute people suspected of homosexuality even though the law does not define the phrase "contrary to the order of nature," leaving it to the interpretation of individual judges.

Shadi said he is concerned that others may experience similar treatment in Lebanon. "It's true that I suffered under torture but I was lucky that international and local organizations intervened to help," he said. "I'm worried that others may not be as lucky as me. What if another Syrian refugee is arrested and tortured but no one knows about his case to help?"

Human Rights Watch has long documented torture by Lebanon's security services, and the failure of authorities to properly investigate allegations of abuse. In a 2013 report, Human Rights Watch documented the **widespread use of torture** by the Lebanese Internal Security Forces against vulnerable groups like drug users, sex workers, and lesbian,

gay, bisexual, and transgender (LG ') people. In July 2013, Human Rights Wat ocumented seven cases of torture of detainees in military custody, including two children, following clashes between followers of Sheikh Ahmed al-Assir and the Lebanese army.

The UN Committee against Torture found in its 2014 report of an inquiry in Lebanon that "torture in Lebanon is a pervasive practice that is routinely used by the armed forces and law enforcement agencies for the purpose of investigation, for securing confessions to be used in criminal proceedings and, in some cases for punishing acts that the victim is believed to have committed."

The need to combat torture and ill-treatment lie at the heart of several international conventions, treaties, and declarations that Lebanon is obligated to uphold under international law and is bound to by the preamble of its constitution. These include the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and its optional protocol.

Lebanon's parliament on October 19 took a positive step to try to end the use of torture with a new law to establish a National Human Rights Institute (NHRI), which will include a Committee for the Protection from Torture, known as a national preventative mechanism. The committee will have the authority to conduct regular unannounced visits to all detention sites, investigate the use of torture, and issue recommendations to improve the treatment of detainees.

Lebanese authorities should fund and staff the NHRI with qualified, independent experts and ensure that it is able to visit all detention sites in the manner and with the frequency it wishes without fear of sanction or reprisal. Lebanon should also bring national legislation into compliance with the Convention against Torture, including criminalizing all forms of torture and ill-treatment and confirming its obligation to pursue all torture allegations in a diligent, timely, and effective way to bring those responsible to justice.

Donor countries providing assistance to Lebanon's security agencies should ensure that aid supports Lebanon's compliance with the Convention against Torture, including by providing support for internal oversight and accountability mechanisms, and refrain from funding units that are credibly found to abuse human rights.

"Shadi's case is unfortunately far from an isolated incident," Fakih said. "It's long past time for authorities to enact long-awaited reforms and systematically stamp out the use of torture in Lebanon."

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Region / Country **Middle East/North Africa, Lebanon**

Topic **LGBT Rights, Torture**

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(d) Upper and lower limbs ----------

(e) Genitals ---------- NAD.

(f) Buttocks and anus (where applicable) ----------

) What is/are the probable cause(s) of the above injuries?

Ano - Intercourse.

) Material /samples for purposes of analysis/evidence (Indicate mater
urposes of analysis/evidence)

Blood for HIV.

HUMAN RIGHTS WATCH

# DIGNITY DEBASED

## Forced Anal Examinations in Homosexuality Prosecutions

Sodomy is a
STRONG Possibility.

Expert Med

HUMAN RIGHTS WATCH

# Dignity Debased

## Forced Anal Examinations in Homosexuality Prosecutions

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# Dignity Debased

## Forced Anal Examinations in Homosexuality Prosecutions

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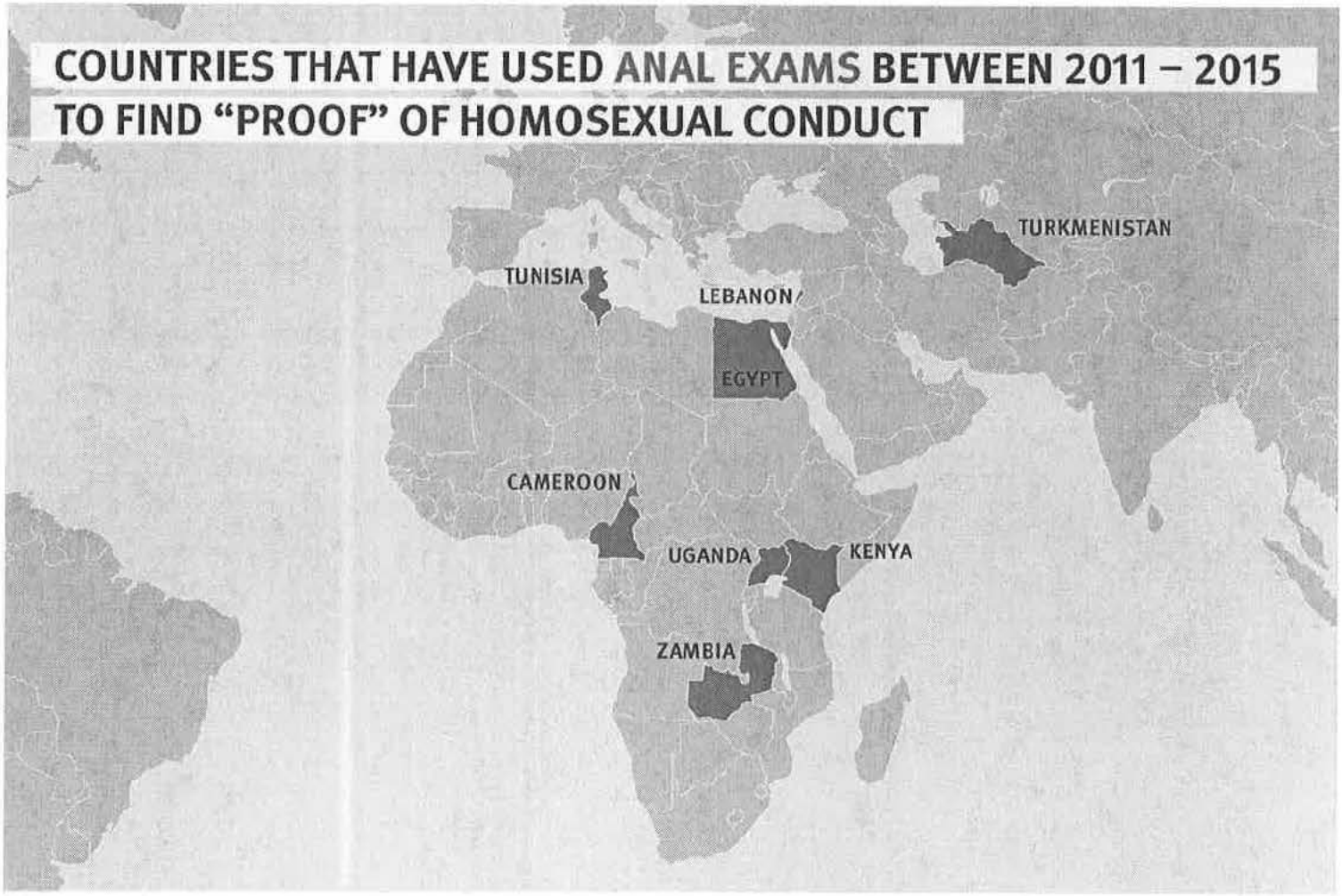
COUNTRIES THAT HAVE USED ANAL EXAMS BETWEEN 2011 – 2015
TO FIND "PROOF" OF HOMOSEXUAL CONDUCT
TURKMENISTAN
TUNISIA
LEBANON
EGYPT
CAMEROON
UGANDA
KENYA
ZAMBIA

# Summary

In at least eight countries in which consensual same-sex conduct is criminalized, law enforcement officials working in tandem with medical personnel subject men and transgender women who are arrested on homosexuality-related charges to forced anal examinations, with the purported objective of finding "proof" of homosexual conduct.

These examinations often involve doctors or other medical personnel forcibly inserting their fingers, and sometimes other objects, into the anus of the accused. Law enforcement officials and some medical personnel claim that by doing so they can determine the tone of the anal sphincter or the shape of the anus and draw conclusions as to whether or not the accused person has engaged in homosexual conduct. This argument is based on long-discredited 19th century science: the overwhelming weight of medical and scientific opinion holds that it is impossible to use these exams to determine whether a person has regularly engaged in same-sex conduct.

Forced anal examinations are a form of cruel, degrading, and inhuman treatment that can rise to the level of torture. They violate the Convention against Torture, the International Covenant on Civil and Political Rights, and the African Convention on Human and Peoples' Rights. Forced anal exams are invasive, intrusive, and profoundly humiliating. As the UN Committee against Torture has emphasized, they "have no medical justification and cannot be consented to fully."

Some people subjected to these examinations experience lasting psychological trauma. Several victims told Human Rights Watch that they experienced forced anal examinations as a form of sexual violence. Human Rights Watch believes that they are a form of sexual assault. Medical personnel who conduct forced anal exams do so in violation of international principles of medical ethics, including the prohibition on medical personnel participating in any way in acts of torture or degrading treatment.

This report compiles evidence of the use of forced anal exams in eight countries: Cameroon, Egypt, Kenya, Lebanon, Tunisia, Turkmenistan, Uganda, and Zambia. We have also received reports of the use of forced anal exams by police in Syria, which we have not independently verified. The report is based on interviews with 32 men and transgender

women who underwent forced anal examinations. Human Rights Watch also interviewed doctors and medical personal about the use of anal exams, and sought the opinions of forensic specialists from around the world. The report recommends that all states ban the practice of forced anal examinations, and that international and domestic human rights and health institutions vigorously and vociferously oppose their use.

A medical officer in Uganda who conducts forced anal examinations told Human Rights Watch in February 2016 that he did not see how the anal exams constituted a human rights violation. He tried to justify the exams, stating: "I don't see it as a human rights violation. I'm also helping them. For instance, I inform them if they have STIs, which allows them to get treatment."[1] But such claims are belied by the realities described by people subjected to the exams.

Mehdi, a Tunisian student subjected to an anal examination in December 2015, that involved a doctor penetrating his anus with a finger and with a tube told us:

> I felt like I was an animal. I felt I wasn't human. ... When I got dressed they put handcuffs on me and I went out, feeling completely in shock. I couldn't absorb what was going on. The two police were standing and watching what the doctor was doing. I felt violated. I didn't want to be naked in front of people – not just one person, but three people. ... It was the first time anything like this had happened to me and I couldn't absorb anything.[2]

Muharram, an Egyptian man interviewed for Human Rights Watch's 2004 report, *In a Time of Torture* (p. 115), likely spoke for many victims of anal exams when he said:

> The two worst times in my life were at the forensic doctor's, and after that the verdict, when he said, 'Two years [in prison].' When I sleep, every night I remember those two things. I have bad dreams.

Louis, who underwent a forced anal examination in Cameroon in 2007 at age 18, echoed Muharram's sentiments. Nine years after the forced anal examination, he told us:

---

[1] Human Rights Watch interview with Michael Oligo, Kampala, February 4, 2016.

[2] Human Rights Watch interview with Mehdi, Tunis, February 15, 2016.

> I still have nightmares about that examination. Sometimes it keeps me up at night when I think about it. I never thought a doctor could do something like that to me.[3]

Genwa Samhat, director of the lesbian, gay, bisexual, and transgender (LGBT) rights group, Helem, in Lebanon, who has interviewed a number of victims of forced anal exams, said that even when she recently interviewed a victim three years after the fact, he found it difficult to speak about the traumatic experience. She explained, "It's a form of post-rape trauma. [Forcing someone to undergo an anal exam] has the same effect as raping people."[4]

***

The use of anal examinations varies from country to country. In Egypt and Tunisia, forced anal examinations are used regularly in prosecuting homosexual sex. Police take men and transgender women who are arrested on homosexuality-related charges before a forensic medicine specialist, who conducts an anal examination and prepares a report, which is then introduced into court as a form of evidence for the prosecution.

In Cameroon and Zambia, although use of forced anal exams is less frequent than in Egypt and Tunisia, prosecutors have introduced medical reports based on anal exams into court, contributing to convictions of individuals charged with consensual homosexual conduct.

In Uganda, in the last three years, police in Kampala have frequently subjected men and transgender women accused of consensual homosexual conduct to anal exams. All of those cases have been dismissed before reaching trial. Occasional cases have been reported outside Kampala, which have also been dismissed before trial.

In Kenya, Human Rights Watch and its Kenyan partner organizations are only aware of one instance of forced anal examinations, conducted in February 2015, on two men arrested for "unnatural offenses." In September 2015, with the support of Kenya's National Gay and Lesbian Human Rights Commission, the men filed a petition with the High Court of Kenya in Mombasa, challenging the constitutionality of forced anal examinations, and HIV and

---

[3] Human Rights Watch telephone interview with Louis (pseudonym), June 17, 2016.

[4] Human Rights Watch interviews with Genwa Samhat, director of Helem, Beirut, March 29, 2016.

hepatitis tests. On June 16, 2016, the court ruled against them, claiming that the petitioners had consented to the exams, although the men said they had signed consent forms under duress.

In Turkmenistan, which has one of the most closed and repressive governments in the world, Human Rights Watch was not able to conduct research, but we were able to interview one individual now living in exile who says he was subjected to a forced anal examination in Turkmenistan in 2013. We also spoke with an exiled civil society activist who confirmed that such examinations are used to obtain "evidence" in sodomy cases. The man subjected to the examination reported that he was convicted in a mass trial with some 20 other men, most or all of whom were also subjected to anal exams, the results of which were used in securing convictions in court. He alleged that this was a common practice, and further investigation is warranted.

In Lebanon, authorities often used forced anal examinations against men arrested on homosexuality-related charges until 2012, when Lebanese activists mounted a campaign labeling the exams "Tests of Shame." They successfully mobilized media and public opinion in opposition to the exams, leading the Lebanese Order of Physicians and then the Ministry of Justice to issue guidelines prohibiting the use of forced anal exams. Activists' historic victory in enlisting government institutions in opposition to anal exams, and the rights-respecting actions taken by the Order of Physicians and the Ministry of Justice, should serve as a model for other states in which forced anal exams are currently practiced. However, the victory is only partial: Human Rights Watch found that some investigative judges in Lebanon are still asking doctors to conduct anal examinations and that some doctors are still doing so. Police also persist in using other forms of torture and ill-treatment against men accused of homosexuality in Lebanon.

No matter the circumstances or rationale, forced anal examinations in cases of consensual same-sex conduct are a human rights violation. They do not serve legitimate government interests, and they lack evidentiary value. As such, law enforcement officials should never order the examinations; doctors and medical personnel should not conduct them; and courts should not admit them into evidence.

Human Rights Watch also believes that all states should decriminalize consensual sex between adults of the same sex. The criminalization of consensual same-sex conduct

violates the right to privacy and the right to non-discrimination, guaranteed under the International Covenant on Civil and Political Rights, and under many states' constitutions. Until such laws are overturned, all states should improve respect for the rights of persons accused of homosexual conduct by banning forced anal testing. It is time for states to restore basic rights and dignity to men and transgender women accused of homosexual conduct, and to recognize that the prohibition on torture and cruel, inhuman, and degrading treatment extends to everyone, regardless of their sexual orientation or gender identity.

# Key Recommendations

## To all governments, notably the governments of Cameroon, Egypt, Kenya, Lebanon, Tunisia, Turkmenistan, Uganda, and Zambia:

- Ban the use of anal examinations on men and transgender women accused of consensual same-sex conduct. Action should be taken at several levels to ensure that the practice is eliminated:
- Heads of State should take steps that are legally within their powers to end forced anal examinations. Depending on the constitutional powers of the head of state, this may involve: issuing executive orders prohibiting the use of anal examinations in prosecutions for consensual same-sex conduct; introducing and advancing legislation banning forced anal examinations; or instructing relevant ministries, including those whose responsibilities include justice, security, and health, to take steps to ban forced anal exams.
- To the extent allowed under domestic law, ministries of justice should prohibit judges and magistrates from admitting the results of anal examinations into evidence in cases involving charges of consensual same-sex conduct or other private sexual behavior between adults.
- Law enforcement agencies, including public prosecutors' offices, police departments, and gendarmerie forces, should prohibit law enforcement officials from ordering anal examinations on persons charged with consensual same-sex conduct. They should ensure that medical personnel who refuse to conduct the exams do not face any legal consequences.
- Ministries of health and national medical councils or similar regulatory bodies should prohibit medical personnel from conducting anal examinations on persons accused of consensual same-sex conduct.
- National human rights institutions should conduct investigations into the use of forced anal examinations and should call on relevant authorities to put a stop to the practice.

# Methodology

This report is based primarily on field research conducted between May 2015 and June 2016 in Egypt, Kenya, Lebanon, Tunisia, Uganda, Zambia, and a location, withheld for reasons of security, in which we interviewed exiles from Turkmenistan. It also draws upon research conducted in Cameroon in October 2012 and November 2013, Uganda in November 2013, and Lebanon in February 2014. The countries selected were the only countries in which Human Rights Watch had received concrete information regarding the use of forced anal exams against men and transgender people accused of engaging in consensual same-sex in the five years leading up to the report's publication. During the course of research, Human Rights Watch also received reports of the recent use of forced anal exams in Syria, but we were unable to conduct field research to confirm those reports.

Human Rights Watch interviewed 32 victims of anal examinations, as well as lawyers, activists, government officials, and doctors, including doctors in four countries who had personally conducted anal exams on men accused of homosexuality. In five countries, we were able to review medical reports and court files from cases in which forced anal examinations had been used. We also spoke with nationally and internationally recognized forensic medicine specialists. Human Rights Watch also consulted secondary sources, including UN reports, reports by other non-governmental organizations, legal and medical texts, and media reports.

National civil society organizations and lawyers helped us identify interview subjects. Interviews were conducted in English, French, Arabic, or Russian, by interviewers fluent in those languages, or in English with the assistance of translators. All persons interviewed for this report provided verbal informed consent to participate and were assured that they could end the interview at any time or decline to answer any questions. Most victims have been given pseudonyms in this report, as indicated in relevant citations, and in some cases, other identifying information has been withheld to protect their privacy and safety. No one was compensated for his or her participation.

All documents cited in this report are either publicly available or on file with Human Rights Watch.

# In Their Own Words

In the course of conducting research for this report, it became apparent that many people, including some government officials and medical experts in countries in which forced anal examinations are practiced, had very little awareness of these exams, and were shocked and repulsed to learn what the exams entail. Therefore, we wish to begin by allowing several victims of forced anal exams to describe their ordeal in their own words.

***

## Tunisia: Wassim's Story

Wassim, a 19-year-old Tunisian student, told Human Rights Watch that he was arrested by police on charges of consensual sodomy and subjected to a forced anal exam by a forensic doctor in the southern town of Kairouan in December 2015. As he described his experience:

> When I entered the examination room the doctor asked me to go on the examination bed and take off my trousers. ... I said no, so the doctor went to talk to the policemen and apparently they convinced him that he needs to force me. So the policeman came and took me by the neck and said, 'Fucking go on the examination bed, now are you trying to be a man?' The doctor was watching. The police took me by the neck and also slapped me on the face. I then went on the examination bed and then the doctor came and told me, 'Now you take that position as if you were praying.'
>
> The doctor pulled down my pants. First the doctor touched me with his fingers and then he inserted a tube. The doctor was wearing gloves and was touching me on the outside and then on the inside of the anus. He was feeling around. And then he put in a long, thin transparent tube, apparently to take some sample. ... I asked why he was doing that and he said, 'I'm trying to see if you have sperm in your anus to find out whether you had sex yesterday.'
>
> I was feeling very bad, I was very tense. I felt pain when the guy was doing things inside my anus. It took about 10 minutes altogether.... When the

doctor finished the test, I was crying.... [T]he doctor was saying in Arabic a religious saying, 'There is no higher power than God,' and laughing. I was crying because I didn't accept it, it was really strange that I was in a room with two policemen and a doctor who took off my pants, and I was feeling horrible. I couldn't do anything. I felt helpless. ... I felt there was nothing I could do to defend myself.[5]

***

## Uganda: Chloe's Story

Chloe, a 19-year-old transgender woman, was arrested in Kampala in May 2015, together with her partner, Eric, age 25, after a mob attacked them on suspicion that they were homosexual and turned them in to the police. Chloe told Human Rights Watch that police interrogated her, beat her, and took her and Eric to Muyenga Dispensary for forced anal examinations. Chloe said the male doctor used an object, which appeared to be made of glass, to examine her in the presence of three police officers:

I was too embarrassed, I felt too bad. I was standing up and [the doctor] told me to take off my clothes and to bend over. It was very painful when he put that thing inside me but I had no choice ... I was crying, I was deep in tears, but I had no choice, the police were saying 'Why are you crying, you have no choice! You deserve death!'

[The doctor] didn't tell me the results when he finished. I only found out later. My results said 'negative.'

After they tested me, they took me out of the room and then did the same exam to Eric in the room. They did not check my penis, just the anus, but for Eric, he told me they checked the penis. Because the police said he was my husband so he had been fucking me.[6]

***

[5] Human Rights Watch interview with Wassim (pseudonym), Tunis, February 15, 2016.

[6] Human Rights Watch interview with Chloe (pseudonym), Kampala, February 5, 2016.

## Turkmenistan: Nyazik's story

Police arrested Nyazik in January 2013 after an acquaintance reported him for homosexuality. He was 18 at the time. He told Human Rights Watch:

> The anal test was performed at the building [where] forensic medical examinations [are carried out]. We were escorted by the [police] investigator. I entered the room, there was a gynecological chair. The door was open the whole time. One lady was typing, one male doctor and one female doctor and a few nurses. The female doctor [ordered]: 'Get undressed and take off your underwear. Now get up on the gynecological chair on all fours. Open your butt and now hog just like when you give [anal sex] to someone. How do you do it? Show us.' And she began to beat my butt and back with the ruler.
>
> While she is conducting the exam, she uses a flashlight to look inside and makes comments: 'Wow, what a tunnel! What an anal fissure! The fissure is just like the abyss!' That moment I wanted to cry. Then she says: 'And, do you like it? Are you getting sexually excited? You probably had [sex] with the entire [city]. You should be burned. ... Dregs of society.'
>
> It was all in Turkmen language and she only referred to us as to females. She performed the test with her finger in a disposable glove. She constantly made comments about what she sees and feels inside to her colleagues. When she did a test to one other guy [which Nyazik observed from the hallway, through an open door], she commented: 'Oh, oh, oh, look, 13 anal fissures. She must be their mama.'
>
> The investigator is in the room all the time, the door is open and others can see.[7]

[7] Human Rights Watch interview with Nyazik (pseudonym), location withheld, July 24, 2015.

# I. Background

Since 2013, the Egyptian Initiative for Personal Rights (EIPR), a human rights organization based in Cairo, has documented an increase in arrests on the grounds of sexual orientation and gender identity, and an "intentional targeting of LGBT people" by the public morals police. The new wave of arrests, many of which have been accompanied by the use of forced anal examinations, harkens back to a period of intense harassment of gay men over a decade ago, which activists had thought was long gone.[8]

In May 2001, police in Cairo raided a disco on an anchored cruise ship on the Nile, the "Queen Boat," and arrested dozens of men whom they suspected of being gay. Along with other men rounded up on Cairo's streets in the days before the raid, a total of 52 men and one boy were prosecuted for the "habitual practice of debauchery" (*fujur*), criminalized under Law 10/1961 on the Combating of Prostitution. All 53 were taken to the Forensic Medicine Authority, a branch of the Ministry of Justice, and subjected to forced anal examinations.[9]

Scott Long, who has conducted extensive research on the use of forced anal testing in Egypt, described the nature of these anal examinations:

> Prosecutors routinely refer arrested men to state forensic doctors for a forced anal examination. The naked, humiliated subject is made to bend, while multiple doctors pursuing 'marks' of 'sodomy' dilate, peer into, and in some cases insert objects into his anal cavity.[10]

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[8] EIPR, informal briefing paper, May 2014, on file with Human Rights Watch. Most of the cases in the briefing paper are described in Scott Long, "Brutal gender crackdown in Egypt: The tomorrows that never came," A Paper Bird (blog), May 18, 2014, https://paper-bird.net/2014/05/18/brutal-gender-crackdown-in-egypt-the-tomorrows-that-never-came/ (accessed June 20, 2016).

[9] Human Rights Watch, *In a Time of Torture: The Assault on Justice in Egypt's Crackdown on Homosexual Conduct*, February 29, 2004, https://www.hrw.org/report/2004/02/29/time-torture/assault-justice-egypts-crackdown-homosexual-conduct.

[10] Scott Long, "When Doctors Torture: The Anus and the State in Egypt and Beyond," *Health and Human Rights: An International Journal*, vol. 7, No. 2 (2004), pp. 114-40.

Twenty-three of the men were convicted by the State Security Court.[11] The presiding judge later stated that the forensic medical examination reports had been an "important" element of proof: it "found that several people were habitually used," he said.[12]

A 2004 Human Rights Watch report found that in conducting the examinations, Egypt's Forensic Medicine Authority was relying on theories popularized by an 1857 French medical text by Auguste Ambroise Tardieu, who argued that a "habitual pederast" who was sexually "passive" (receptive, or a "bottom") could be identified by six signs:

> The excessive development of the buttocks; the funnel-shaped deformation of the anus; the relaxation of the sphincter; the effacement of the folds, the crests, and the wattles at the circumference of the anus; the extreme dilation of the anal orifice; and ulcerations, hemorrhoids, fistules.[13]

Tardieu focused largely on the "funnel-shaped" anus, which he said was the one "unequivocal" sign of "habitual" receptive anal sex. He further theorized that a "habitual pederast" who was "active" (insertive, or a "top") would have deformations of the penis that would correspond to the funnel-shaped anus: either a slim, attenuated member, or a glans tapered like "the snout of certain animals."[14] These theories made their way into Egyptian medical textbooks by 1876. The author of one such textbook received financial support from Tardieu, which may explain in part why these theories seem to have found their most enduring, receptive audience in Egypt: the language in contemporary Egyptian medical reports on forced anal exams reflects, sometimes word-for-word, Tardieu's six characteristic signs.[15]

Egypt continues to rely on these antiquated ideas, despite an overwhelming consensus among forensic medicine experts that Tardieu's theories, and anal examinations in general, have no scientific basis. In 2015, an Egyptian forensic medicine doctor told the

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[11] The teenage boy was also convicted, in a separate process before the Cairo Juveniles Court. In a Time of Torture, p. 42, footnote 142.

[12] *In a Time of Torture*, p. 44.

[13] August Ambroise Tardieu, *Étude Médico-Légale sur les Attentats aux Moeurs*, 3rd ed. (Paris: J. B. Bailliere, 1859), pp. 142-143, cited in *In a Time of Torture*, p. 108.

[14] Ibid., pp. 108-109, n. 397.

[15] *In a Time of Torture*, pp. 109-110, notes 400, 402.

news outlet *Buzzfeed* that a homosexual can be identified because his anus "will look like the female vagina."[16]

Egypt is not alone. Human Rights Watch has interviewed men and transgender women from eight countries who said they had undergone forced anal exams between 2011 and 2016. Those eight countries are Cameroon, Egypt, Kenya, Lebanon, Tunisia, Turkmenistan, Uganda, and Zambia.

Some doctors who conduct the tests, when interviewed by Human Rights Watch, said they were entirely unconvinced of their medical value, but felt they could not say no to law enforcement officials who either ordered or asked them to perform the tests. Others appeared to buy in to theories similar to Tardieu's. In Uganda, a medical officer told Human Rights Watch:

> If someone has had [receptive] anal intercourse for two years or more, depending on the regularity, you find funneling. This is a loss of subcutaneous fat around the peri-anal areas. It becomes the shape of a funnel. ... We also look at the elasticity of the external anal sphincter. There's a tendency after time to lose control of their bowels. I have seen cases where people have to wear diapers.[17]

> I also put my fingers inside them to check anal tone. That's the strength of the anal sphincter – its ability to contract back to its original position. If they've had anal intercourse recently, this test is reliable.[18]

He said he also conducted penile exams on men suspected of homosexuality, claiming, "With the penis, you're looking for infection or trauma." It was unclear exactly why he believed that either infection or trauma on the penis would provide evidence of homosexual conduct.[19]

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[16] J. Lester Feder and Maged Atef, "Egyptian Doctors Think This Torturous Exam Can Detect 'Chronic Homosexuals,'" Buzzfeed, February 16, 2015, http://www.buzzfeed.com/lesterfeder/egyptian-doctors-think-this-torturous-exam-can-detect-chroni#.armgDXGBv (accessed April 9, 2016).

[17] Human Rights Watch interview with Michael Oligo, Kampala, February 4, 2016. Ugandan pastor Martin Ssempa has regularly made the sensational claim that gay men wear diapers, based on the belief that anal sex causes incontinence.

[18] Human Rights Watch interview with Michael Oligo, Kampala, February 4, 2016.

[19] Ibid.

In Tunisia, a forensic doctor gave a description that appeared to be straight out of Tardieu's 1857 study:

> The genital examination can show either acute or chronic pederasty. For acute pederasty, we look for wounds and signs of trauma in the anus, redness, irritability, a funneling in the anus. For chronic passive pederasty, we look for signs like diminished anal sphincter tone. On the other hand, for acute pederasty – acute meaning recent, non-habitual, and sometimes involuntary – we look for augmented anal sphincter tone. In some cases, we can see signs of both. We sometimes look for sperm, but if it's been more than three to five days, we can't find them.[20]

He did not seem to see any contradiction in stating that in one person, he could identify both augmented and diminished anal tone at the same time.

Worryingly, it appears possible that the use of forced anal examinations has increased in recent years. In Kenya, Uganda, and Zambia, prosecutions for consensual same-sex conduct were almost unheard of until 2013 or later. Uganda adopted its notorious Anti-Homosexuality Act in February 2014 and also stepped up arrests under the already existing section 145 of the penal code, which punishes "carnal knowledge against the order of nature" with life in prison.[21] In Kenya and Zambia, moral panics targeting gay men and transgender women led to seemingly unprecedented arrests under similar laws, in 2013 in Zambia, and in 2015 in Kenya.[22] These arrests were accompanied by forced anal exams—possibly because police, unfamiliar with handling such cases and at a loss as to how to find "proof" to help convict those who had been denounced for same-sex conduct but had not been caught in the act, fell back on the use of anal examinations.[23]

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[20] Human Rights Watch interview with a forensic doctor, Tunisia, February 2016, exact location and date withheld at the doctor's request.

[21] Email communications with representatives of Human Rights Awareness and Promotion Forum (HRAPF) and Chapter Four Uganda, May 8 and May 9, 2016.

[22] In Kenya in February 2015, the circulation on social media of reportedly pornographic videos of men engaged in same-sex conduct led to intense public pressure on the police, who normally do not aggressively pursue homosexuality allegations, to make arrests. In Zambia, media reports of an alleged attempt by four same-sex couples to register their marriages in April 2013 led to several arrests and a wave of homophobic and transphobic attacks. See Kenya and Zambia sub-sections in Section II below.

[23] A Ugandan police official told Human Rights Watch that Ugandan police began using forced anal exams in 2013, when heated debate around the proposed Anti-Homosexuality Bill appeared to lead to an increase in arrests. He explained that police resorted to the exams because they equated consensual anal sex with rape, and were already accustomed to

On the other hand, in Lebanon, activists conducted an effective advocacy campaign to ban forced anal exams in 2012, labeling them "Tests of Shame." They gained support from the Lebanese Order of Physicians and the Minister of Justice, who both issued circulars calling for an end to the exams. The movement was largely successful, and offers much as an example to activists who would like to mount similar campaigns elsewhere. However, as documented in Section II, as recently as 2015, some prosecutors were still requesting, and some doctors were still conducting, anal exams on men accused of homosexual sex.

The countries this report focuses on may not be the only places where authorities forcibly subject people suspected of same-sex conduct to anal examinations.[24] Forced anal exams were reported in the United Arab Emirates in 2005, and the UN Special Rapporteur on Torture denounced them.[25] Human Rights Watch did not conduct research there, and it is unclear whether there have been more recent instances. Human Rights Watch also received two reports of cases of police in Syria ordering gay men to undergo forced anal testing, in 2012 and 2014, but has not independently verified the allegations.[26]

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conducting anal or vaginal exams on some rape victims in order to collect evidence – the key difference being, of course, that rape victims are examined with their consent. Human Rights Watch and Chapter Four Uganda interview with Erasmus Twarukuhwa, director of Human Rights and Legal Services, Uganda Police Force, Kampala, June 15, 2016.

[24] In closed societies or countries in which LGBT rights movements are nonexistent or not connected to broader global movements, forced anal examinations may be taking place without attracting international attention. The alleged use of forced anal examinations in Turkmenistan only came to the attention of Human Rights Watch because an activist working with the extensive Turkmen exile community introduced us to several gay men in exile. Even outside the country, they were fearful of speaking about their experiences.

[25] UN Human Rights Council, "Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak: Addendum," March 20, 2007, A/HRC/4/33/Add.1, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G07/120/41/PDF/G0712041.pdf?OpenElement, para. 317.

[26] Managers at a refugee agency in Beirut told Human Rights Watch that one client, a Syrian asylum seeker, told them that he was subject to a forced anal exam while being detained at the Criminal Security Department in Harsata, a suburb of Damascus, in March 2014. The asylum seeker was no longer reachable at the phone number the refugee agency had on file when Human Rights Watch sought to contact him in March 2016. In a second case, Rifat, a Syrian asylum seeker in Beirut, told Human Rights Watch that police in Damascus arrested him in 2012 when he was on the way to a drag party and took him to a medical examiner for an anal examination, but that the medical examiner did not conduct the exam and forged the report. According to Rifat, "We were detained for a few days. On our third day, they took us to a medical examiner and ordered him to give us anal exams. Luckily for us, the medical examiner was gay himself and so forged the reports and told the police that there is no evidence we are gay." Human Rights Watch interview with Rifat (pseudonym), Beirut, February 25, 2014, and with representatives of an organization working to assist refugees, Beirut, March 31, 3016. These two cases are cause for concern that there could be a wider practice of police ordering anal exams on persons accused of homosexual conduct in Syria.

*Other Abuses in the Medical Setting*

While conducting research on forced anal exams, we learned from both victims and medical professionals of other medical examinations that violated the rights of those undergoing the tests, including exams that were conducted without consent or where consent was sought giving medically incorrect information.

For instance, women and girls are subjected to unscientific "virginity tests" in a number of countries. The tests are used in prosecutions for consensual sex outside of marriage; on women who allege rape; at the behest of their families; or even to determine their eligibility for employment.[27] Egypt, one of the worst offenders in the world in its use of forced anal exams, has also used "virginity tests" under particularly shocking circumstances, including to humiliate female protestors arrested at anti-government protests.[28]

Like forced anal examinations, "virginity tests" have no scientific value.[29] They have been recognized internationally as a violation of human rights, particularly the prohibition against "cruel, inhuman or degrading treatment" under article 7 of the International Covenant on Civil and Political Rights (ICCPR), and article 16 of the Convention against Torture.[30] In 2014, the

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[27] In Afghanistan, authorities routinely subject women and girls accused of "moral crimes," such as "running away," zina (consensual sex outside of marriage), and attempted zina, to "virginity tests." In parts of the Middle East and North Africa, including Egypt, Lebanon, Jordan, and Libya, women can be subjected to "virginity testing" in various circumstances, including at the behest of their families. In Indonesia, the national police incorporate "virginity tests" as part of recruitment procedures for women candidates. Human Rights Watch, "UN: WHO Condemns 'Virginity Tests,'" December 1, 2014, https://www.hrw.org/news/2014/12/01/un-who-condemns-virginity-tests.

[28] In December 2011, Egypt's administrative court, the Council of State, banned virginity tests for female detainees, citing article 40 of the Code of Criminal Procedure, which states that every detainee must be treated with respect for human dignity and prohibits physical or psychological ill-treatment, and article 46, which states that women can only be searched with their consent. However, the military has continued to use the tests as a method of humiliating and degrading women arrested during anti-government protests. Shahira Amin, "Virginity test allegations re-emerge in Egypt's 'climate of fear,'" CNN, February 21, 2014, http://edition.cnn.com/2014/02/21/world/meast/egypt-virginity-testing-shahira-amin/ (accessed April 11, 2016). See also Human Rights Watch, "Egypt: Military Impunity for Violence Against Women," April 7, 2012, https://www.hrw.org/news/2012/04/07/egypt-military-impunity-violence-against-women.

[29] "Forcibly conducting virginity testing is a human rights violation and may constitute torture," International Rehabilitation Council for Torture Victims, December 16, 2014, http://www.irct.org/media-and-resources/irct-news/show-news.aspx?PID=13767&NewsID=3943; Physicians for Human Rights, "Virginity and Hymen Testing: No Factual, Scientific, or Medical Basis," May 10, 2015. http://physiciansforhumanrights.org/library/other/virginity-and-hymen-testing-no-factual-scientific-or-medical-basis.html (accessed April 23, 2016).

[30] UN Human Rights Committee, General Comment 20, Replaces general comment 7 concerning prohibition of torture and cruel treatment or punishment (Forty-fourth session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc. HRI/GEN/1/Rev.1 (1994), para. 2, https://www1.umn.edu/humanrts/gencomm/hrcom20.htm (accessed May 17, 2016). It clearly specifies that the prohibition under article 7 applies to "patients" in "medical institutions." For an act to constitute "cruel, inhuman, or degrading treatment," it is not necessary to cause "physical pain." "Acts that cause mental suffering to the victim" are also prohibited. Interim Report of the Special Rapporteur to the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment, A/55/290, August 11, 2000, http://www.un.org/documents/ga/docs/55/a55290.pdf (accessed May 13, 2016), p. 7.

World Health Organization (WHO) condemned the use of "virginity tests" by health workers treating or examining survivors of sexual assault.[31]

In several of the countries covered in this report, including Egypt, Kenya, Lebanon, Uganda, and Turkmenistan, men accused of consensual same-sex conduct who were subjected to anal examinations were also subjected to forced HIV tests, or to blood tests the purpose of which was not explained. The result of an HIV test has no bearing on whether or not someone has engaged in consensual same-sex conduct. Involuntary HIV and STI tests constitute a violation of the right to bodily integrity and privacy, protected under the International Covenant on Civil and Political Rights, and the right to health under the International Covenant on Economic, Social and Cultural Rights.[32] UNAIDS opposes involuntary HIV testing as a violation of human rights.[33]

While this report focuses specifically on forced anal exams in the context of homosexuality prosecutions, Human Rights Watch also urges the countries in which "virginity tests" and forced HIV testing are conducted to take immediate steps to end them.

## Implications for HIV Prevention

Human Rights Watch is concerned that the practice of forced anal exams may drive men who have sex with men (MSM) and transgender women away from health services. When doctors become tools of abuse, this risks undermining the already fragile trust between medical professionals and members of marginalized populations.[34] In countries such as Cameroon, Kenya, and Uganda, where the HIV epidemic has had a devastating impact on MSM, regular access to health services is essential for both HIV prevention and treatment.[35]

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[31] World Health Organization, et al., "Healthcare for Women Subjected to Intimate Partner Violence or Sexual Violence," 2014, (accessed May 13, 2016), p. 46.

[32] International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, arts. 7 and 17; International Covenant on Economic, Social and Cultural Rights (ICESCR), G.A. res. 2200A (XXI), U.N. Doc. A/6316 (1966), entered into force January 3, 1976, art. 12.

[33] UNAIDS, "Judging the Epidemic: A judicial handbook on HIV, human rights and the law," May 2013, http://www.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2013/201305_Judging-epidemic_en.pdf, pp. 72, 134-135 (accessed June 20, 2016). See also UNAIDS, "Ending overly broad criminalisation of HIV non-disclosure, exposure and transmission: Critical scientific, medical and legal considerations," May 2013, http://www.unaids.org/en/media/unaids/contentassets/documents/document/2013/05/20130530_Guidance_Ending_Criminalisation.pdf (accessed January 17, 2014).

[34] Human Rights Watch interview with Yves Yomb, Executive Director of Alternatives Cameroun, Douala, November 1, 2013.

[35] According to UNAIDS, "The median HIV prevalence among gay men and other men who have sex with men is 19% in western and central Africa and 13% in eastern and southern Africa." UNAIDS, "The Gap Report," 2014, http://www.unaids.org/sites/default/files/media_asset/UNAIDS_Gap_report_en.pdf (accessed June 20, 2016), pp. 203-206. See graph on p. 204 for statistics on prevalence among MSM in Cameroon, Kenya and Uganda.

Felisha, a transgender woman in Zambia who underwent a forced anal exam, said that the traumatizing experience might influence her health-seeking behavior in the future:

> I had gone before to that hospital for illnesses but now I wouldn't go because of that bad doctor. He would be pointing at me, saying 'This is the person.'[36]

[36] Human Rights Watch interview with Felisha (pseudonym), Lusaka, January 11, 2016.

# II. Forced Anal Testing: A Country by Country View

## Cameroon

Cameroon, which punishes "sexual relations with a person of the same sex" with up to five years in prison, is one of a handful of countries that has vigorously applied its anti-homosexuality law—often using forced anal examinations to seek "proof" of same-sex conduct.[37]

In October 2013, police in Yaoundé arrested two men, Pascal and Brice, after a mob denounced and nearly lynched them for alleged homosexual acts. Police brought them to a female doctor at Mvog Ada Medical Center, who subjected them to anal examinations. Brice told Human Rights Watch:

> We had anal exams. She put two fingers inside me. It hurt. There was one policeman in the room [during the exam]. The doctor insulted us. She called us 'dirty homosexuals,' 'dogs,' and 'devils.'[38]

The medical reports, on file with Human Rights Watch, indicate how the doctor inserted two fingers into the anus of each man; they also provide her commentary on the odor of each man's feces, as if this constituted evidence of homosexual conduct.[39] A judge sentenced both men to six months imprisonment, relying in part on the medical reports as "evidence."

What Brice and Pascal experienced was not unusual.[40] Human Rights Watch conducted field research in Cameroon in 2012 and 2013 in partnership with Alternatives-Cameroun, the

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[37] Republique du Cameroun, Code Pénal, n° 67/LF/1, 12 juin 1967, art. 347 bis. Between 2010 and 2012, Human Rights Watch documented 28 prosecutions for consensual same-sex conduct, and official statistics from the Ministry of Justice indicated that dozens more had taken place. Alternatives Cameroun, ADEFHO, CAMFAIDS, and Human Rights Watch, *Guilty by Association: Human Rights Violations in the Enforcement of Cameroon's Anti-Homosexuality Law,* March 21, 2013, https://www.hrw.org/report/2013/03/21/guilty-association/human-rights-violations-enforcement-cameroons-anti.

[38] Human Rights Watch interview with Brice (pseudonym), Yaoundé, November 4, 2013.

[39] Ministère de la Santé Public, Délégation Régionale de la Santé du Centre, Service de Santé de District de Djoungolo, Cemtre Medical de Mvog-Ada, No. 52/RP/MSP/DRSC/DDSD/CMA-Mvog-Ada, « Rapport d'Expertise Medicale Sur Monsieur [redacted], » and « Rapport d'Expertise Medicale Sur Monsieur [redacted], » Yaoundé, April 8, 2013, copy on file with Human Rights Watch. See Annex 1.

[40] Human Rights Watch first became aware of the potential use of anal exams in Cameroon in 2005, when gendarmes detained 11 men in a raid on a nightclub. After the men had been in detention for seven months, the Prosecutor's Office

Association for the Defense of Homosexuals (ADEFHO), the Cameroon Foundation for AIDS (CAMFAIDS), and Avocats Sans Frontiers-Suisse (Lawyers without Borders-Switzerland), identifying numerous examples of the use of forced anal exams in different regions.

Freddy, a young man in the southwestern town of Kumba, told us that in December 2011, a male doctor at Kumba General Hospital conducted anal exams on him, two other young men, and a 17-year-old boy on the order of the police, who had arrested the four youths after they were attacked by a homophobic mob.[41] All four were charged with same-sex relations. Ten months after the exams were conducted, their defense attorney told Human Rights Watch he still had not received a copy of the medical reports.[42] The prosecutor eventually dismissed the case for want of evidence.[43]

Florian and Zahid were arrested on March 21, 2013, and held at the 3rd Arronidsement Police Brigade, in Yaoundé. They told Human Rights Watch that police took them to Nkolndongo District Hospital, where a female doctor subjected Zahid to an anal exam, inserting one finger into his anus.[44]

According to Florian, the doctor did not subject him to such an exam, but prepared a report stating that she had.[45] Her medical reports were presented as the sole prosecution evidence in a trial held at Ekounou Tribunal on November 5, 2013, apart from a convoluted

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ordered them to undergo forced anal examinations. Although it appears that the accused in the 2005 case (seven of whom were convicted) were not ultimately forced to undergo the exams, in subsequent years, police and gendarmes ordered anal exams to be carried out on a number of occasions. Human Rights Watch documented one such case in 2007 in Yaoundé, and another in 2009 in Douala. Human Rights Watch et. al., "Letter to the Minister of Justice of Cameroon Regarding 11 Men Detained on Suspicion of Homosexual Activity," November 30, 2005, https://www.hrw.org/news/2005/11/30/letter-minister-justice-cameroon-regarding-11-men-detained-suspicion-homosexual; Human Rights Watch, *Criminalizing Identities: Rights Abuses in Cameroon based on Sexual Orientation and Gender Identity,* November 4, 2010, https://www.hrw.org/report/2010/11/04/criminalizing-identities/rights-abuses-cameroon-based-sexual-orientation-and, p. 26; Alternatives-Cameroun, the Center for Human Rights at the University of Pretoria, the International Gay and Lesbian Human Rights Commission (IGLHRC), and Global Rights, *The Status of Lesbian, Gay, Bisexual and Transgender Rights in Cameroon: A Shadow Report,* 2010, pp. 8, 11, http://www.iglhrc.org/content/cameroon-status-lesbian-gay-bisexual-and-transgender-rights-cameroon (accessed November 5, 2013).

[41] CAMFAIDS and Human Rights Watch interview with Freddy (pseudonym), Kumba, Cameroon, October 16, 2016.

[42] CAMFAIDS and Human Rights Watch interview with Walter Atoh, Kumba, Cameroon, October 16, 2012.

[43] Human Rights Watch interview with Walter Atoh, Kumba, February 1, 2013.

[44] Human Rights Watch interview with Zahid (pseudonym), Yaoundé, November 4, 2013.

[45] Affidavit prepared by Florian (pseudonym) and submitted to the National Medical Council, November 6, 2013, on file with Human Rights Watch.

and contradictory statement from Zahid that prosecutors labeled a "confession."[46] Zahid was convicted of same-sex relations and sentenced to one year in prison, while Florian was acquitted.[47]

Even when the medical professionals conducting anal exams did not assert that the tests produced evidence of penetration, it did not help defendants in Cameroon. Guillaume told Human Rights Watch that a military doctor in Yaoundé subjected him and his co-accused, both age 17, to anal examinations in August 2011. Gendarmes had arrested the two boys along with two adult males after a neighbor accused one of the adults, with whom they lived, of selling pornographic videos. There was no evidence that any of the men or boys were engaged in same-sex conduct.[48]

Guillaume told CAMFAIDS and Human Rights Watch:

> The next morning [after the arrest] they took me and [another detainee] to the hospital to see if we'd been penetrated. A woman put on gloves and put in her hand. She said I had not been penetrated. On my PV [*procès verbal;* statement], they had at first said that [my friend] fucked me, but because of this exam they then said I fucked [my friend].[49]

Their lawyers, Alice Nkom and Michel Togué, filed a motion to nullify the case based on due process violations, including the violation of the inviolability of the home and the ill-treatment of the defendants in custody, specifically the use of forced anal examinations, but the court ruled that the anal examinations did not constitute ill-treatment.[50] In July

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[46] A Human Rights Watch researcher attended the trial.

[47] The court never released a written ruling. According to the men's lawyers, Zahid's (pseudonym) conviction was primarily on the basis of his "confession"; they are unsure whether the medical reports also contributed to the conviction. Human Rights Watch telephone interview with Michel Togué, May 9, 2016.

[48] CAMFAIDS and Human Rights Watch interview with Guillaume (pseudonym), Edea, Cameroon, October 14, 2012; Alternatives-Cameroun, Association for the Defense of Homosexuals (ADEFHO), Cameroonian Foundation for AIDS (CAMFAIDS), and Human Rights Watch, *Guilty by Association,* March 2013, http://www.hrw.org/reports/2013/03/21/guilty-association.

[49] CAMFAIDS and Human Rights Watch interview with Guillaume (pseudonym), Edea, October 14, 2012.

[50] Tribunal de Grande Instance du Mfoundi, "Ordonnance de Non-Lieu Partiel et de Renvoi Devant le Tribunal de Grande Instance du Mfoundi à Yaoundé, » July 20, 2012, on file with ADEFHO, viewed by Human Rights Watch.

2013, one of the adult males was convicted of same-sex relations and sentenced to two years in prison, while Guillaume received a one-year suspended sentence.[51]

In another case, Jose and Arnaud, arrested in Yaoundé in October 2010, said that a doctor falsified "positive" medical reports, possibly because she did not want to conduct anal examinations. Gendarmes arrested them with one other man after finding a large supply of condoms in their apartment while searching for a stolen laptop, and took them to a military doctor for anal examinations. The medical reports, which Human Rights Watch viewed, states that one of the men "seemed normal" but that "the digital rectal examination reveals a rectal cavity, which leaves nevertheless a doubt regarding sexorectal activity"; that another had anal lesions and "rectal hollowness, which suggests frequent and longstanding sexorectal activity;" and that a third had "a few fleshy bumps and a hollowness, indeed suggesting sexual activity but of moderate degree."[52]

Despite the doctor's detailed descriptions of the men's anal cavities, the men told Human Rights Watch that the anal exams never took place. According to Jose,

> She didn't touch me, she just looked at me. She asked me questions, 'Why do you do that? You're destroying yourself.' Then they took us back to the gendarmerie.[53]

Arnaud, interviewed separately, also said the doctor simply interrogated and chastised him about his alleged sexual practices. When the case was brought to trial, he said, "They introduced false medical exams saying there was proof of homosexuality. We were sentenced to 6 months imprisonment and a 29,000 CFA (US$50) fine."[54]

In the cases we documented in Cameroon, anal examinations appeared to be largely conducted at the whim of police or gendarmes who were conducting preliminary investigations. Unlike in many other countries in which anal examinations were conducted

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[51] "Cameroon man jailed for homosexual acts," BBC News, July 23, 2013, http://www.bbc.com/news/world-africa-23422047 (accessed April 7, 2016). Cameroon does not have a juvenile justice system; children are regularly tried as adults and held in adult prisons.

[52] Ministère de la Défense, Gendarmerie Nationale, Direction Centrale de la Coordination, Direction Technique et Logistique, Service Santé Gendarmerie, "Rapport," Yaoundé, October 4, 2010; on file with ADEFHO, viewed by Human Rights Watch.

[53] CAMFAIDS and Human Rights Watch interview with Jose (pseudonym), Douala, October 15, 2012.

[54] CAMFAIDS and Human Rights Watch interview with Arnaud (pseudonym), Yaoundé, October 13, 2012.

on the order of a prosecutor or magistrate, in Cameroon, the police or gendarmes requisitioned the exams directly, in some cases using a form entitled "Enqûete Préliminaire: Requisition à Personne Qualifiée."[55]

In several cases, parents or relatives forced their children to undergo anal examinations. Louis told Human Rights Watch that in 2007, when he was 18, his parents found text messages on his phone that led them to believe he was gay. They took him to his uncle, a police officer, who ordered him to undergo an anal exam and threatened to arrest him if he refused. A doctor examined Louis by inserting fingers into his anus, an experience Louis says he still has nightmares about nearly 10 years later. Louis was not prosecuted; the exam simply served to satisfy his family's suspicions. He moved out of his parents' home shortly thereafter.[56]

In the case of at least one man accused of homosexual conduct, the National Commission on Human Rights and Freedoms, a quasi-governmental institution, in 2011 wrote to the Ministry of Justice to formally express opposition to anal exams, but received no response.[57] Since 2013, the number of arrests for consensual same-sex conduct appears to have declined in Cameroon, and lawyers and activists have reported no new cases of forced anal examinations to Human Rights Watch.[58] However, with no ban in place, the risk remains that law enforcement personnel could rely on forced anal examinations in the future—or could continue to do so in cases that simply go unreported.

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[55] A copy of the form is on file with Human Rights Watch.

[56] Human Rights Watch telephone interview with Louis (pseudonym), June 17, 2016. CAMEF, an organization that works with men who have sex with men in Buea, southwestern Cameroon, also reported two cases to Human Rights Watch in which family members forced individuals to undergo anal exams. In one case, CAMEF reported, the mother and aunt of a 17-year-old boy took him to a doctor for anal testing because they felt he was too effeminate and suspected he was gay. In a second case, in September 2013, the uncle and guardian of a 19-year-old young man, similarly suspecting that his nephew was gay, took him to a hospital in Buea for a forced anal exam. CAMEF said that neither youth was given a choice as to whether they would undergo the exam; doctors willingly conducted the exams on the parent or guardian's request. CAMEF, "Anal Examination," unpublished report submitted to Human Rights Watch via email, November 2, 2013.

[57] Human Rights Watch meeting with Eva Etongué and members of the National Commission on Human Rights and Freedoms, Yaoundé, November 6, 2013.

[58] Human Rights Watch telephone interviews with a representative of Humanity First Cameroon and with Eva Etongué, Secretary General of the National Commission on Human Rights and Freedoms, June 17, 2016, and with Michel Togué, April 2016.

## Egypt

Medical texts suggest that forced anal examinations have long been used in investigations of homosexual conduct in Egypt.[59] As noted above, Human Rights Watch first documented the practice in 2001, after the Queen Boat arrests.

In Egypt, prosecutors order the exams, which are carried out by the Forensic Medicine Authority, a department of the Ministry of Justice.[60] Some men report that doctors visually examined their anuses, while others say that doctors placed fingers or other objects inside them.

One of the men arrested in the Queen Boat case in 2001 described the test as follows:

> [The director of the Forensic Medical Authority] walks in. 'Strip, kneel.' Oh, he talked to me like a dog. The lowest form of address possible. I got down on all fours. I'd taken my pants off. I assumed the position. He said, 'No, no, no, this won't do. Get your chest down and your ass up.'
>
> I said 'I can't,' I started crying hysterically. ... He said, 'Shut up, everything is clear and we can see it in front of us.' First he looked and he felt me up. Suddenly six doctors came in. What is there about my anus? They all felt me up, each in turn, pulling my buttocks apart.
>
> They brought this feather against my anus and tickled it. Apparently that wasn't enough. So they brought out the heavy artillery. After the feather came the fingers. Then they stuck something else inside. I would cry and he would stick stuff inside and I'd cry and he would stick stuff inside.

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[59] Human Rights Watch found a citation of Tardieu's theories in Dr. Hassan Pasha Hassan, (Public Health Inspector), *al-Tebb al-Shar'i* [*Forensic Medicine*] (Cairo: al-Matba'a al-Tebbeyya al-Durreyya, 1st ed. 1876, 2nd ed. 1889), p. 6. Tardieu was a patron of Dr. Hassan's studies.

[60] J. Lester Feder and Maged Atef, "Egyptian Doctors Think This Torturous Exam Can Detect 'Chronic Homosexuals,'" Buzzfeed, February 16, 2015, http://www.buzzfeed.com/lesterfeder/egyptian-doctors-think-this-torturous-exam-can-detect-chroni#.armgDXGBv (accessed April 9, 2016).

> I hoped they'd feel sorry from all that crying, but they didn't, they didn't seem to feel anything. Fakhry [the director] said after, 'Why didn't you cry when men put their things in you?' I wanted to spit on him. But I was still crying.[61]

Mohamed, arrested in Cairo in 2002 at age 17, told Human Rights Watch that his test results were "positive," although he had never had sex in his life. Mohamed was set up by someone he had made a date with online. Police detained him and visually "checked" him in the police station, forcing him to strip and bend over. Three days later, they took him to the Forensics Department of the North of Cairo. There, Mohamed recalled:

> [A doctor] said, 'We need to examine you now.' There was the examination table. I looked around. I was terrified from the whole experience. He said, 'Get on the bed, and take the prayer position.' The door was open and people were passing by. He told me to take down my pants completely and get on the bed. I did. He put on gloves and started to examine me. He wasn't intrusive, he was just examining it visually without touching. Then he went out of the room without telling me he was going out, and two minutes later I realized people were standing in the door and looking at me and laughing while I was still on the table in that position. So I sat down.
>
> Then someone came who I think was the head of the forensics department, and shouted at me, 'No one has asked you to move,' so I went and got into the same position. Then he came and started prodding me with his fingers, putting one finger inside of me, and it was painful. I told him I was in pain, and he said, 'Shut up.' Then he left the room. The other doctor said 'We are finished.'[62]

Mohamed was convicted of "debauchery" and sentenced to three years in prison as a result of the medical report, which he said included observations such as "absence of anal

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[61] *In a Time of Torture*, p. 114.

[62] Human Rights Watch interview with Mohamed, Cairo, March 24, 2016.

fat" and "changing of anus from circle to oval shape," despite the fact that he had never had anal sex.[63]

Arrests on debauchery charges declined significantly in Egypt after 2004.[64] However, in an apparent crackdown on people suspected of being HIV-positive in 2008, police arrested 12 men on the basis of suspicion that they were both HIV-positive and homosexual. Doctors subjected them to forced anal exams and involuntary HIV tests.[65]

After a coup resulted in a new government in late 2013, the Egyptian Initiative for Personal Rights (EIPR) began documenting increased arrests and harassment of people perceived to be gay or transgender by the public morals police, with at least 77 arrests taking place between October 2013 and May 2014.[66] Arrests continue at similar rates—many of them stemming from police efforts to entrap gay men by using social media.[67]

One man, arrested along with eight others in November 2013 during a police raid on a private party, told EIPR that the process of undergoing anal examinations was marked with efforts to humiliate and degrade them from beginning to end:

> The afternoon of November 6 we went to the forensic office in Ramses square. The low ranking officers refused to stop the car at the forensic office. They parked a long way from it. We walked in the street. Whenever someone asks who we are they say these are faggots, we caught them sleeping together. When we went up to the forensic office, the officers there beat us and verbally abused us. They kept saying we are garbage. They threw water on us, and kept humiliating us until the doctors came. They did

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[63] Ibid.

[64] Email communication to Human Rights Watch from an Egyptian human rights activist, name withheld, June 22, 2016. See also Scott Long, "Brutal gender crackdown in Egypt: The tomorrows that never came," A Paper Bird (blog), May 18, 2014, https://paper-bird.net/2014/05/18/brutal-gender-crackdown-in-egypt-the-tomorrows-that-never-came/.

[65] Human Rights Watch et. al., "Letter Regarding Arrests and Prosecutions of People Living with HIV/AIDS, April 8, 2008, https://www.hrw.org/news/2008/04/06/letter-regarding-arrests-and-prosecutions-people-living-hiv/aids.

[66] EIPR, informal briefing paper, May 2014, on file with Human Rights Watch. Most of the cases in the briefing paper are described in Scott Long, "Brutal gender crackdown in Egypt: The tomorrows that never came," A Paper Bird (blog), May 18, 2014, https://paper-bird.net/2014/05/18/brutal-gender-crackdown-in-egypt-the-tomorrows-that-never-came/. The current president, Abdel Fattah al-Sisi, deposed Mohamed Morsy, Egypt's first freely elected president, in July 2013. He then outlawed and repressed the Muslim Brotherhood and won the presidential election in July 2014.

[67] Email communication from EIPR to Human Rights Watch, June 20, 2016.

> their tests, and when I asked the doctor what [they] are going to write in the report, he said he's not allowed to say. [68]

The men said that they were also forced to give blood and urine samples, which they were told would be used to conduct HIV, Hepatitis C, and narcotics tests. They were released from custody a week later with the assistance of a lawyer. [69]

In December 2014, the arrest of 26 men at a bathhouse in Cairo garnered national and international media attention, in part because of its scale—EIPR reported that it was the largest mass arrest for homosexual conduct since the Queen Boat case—and in part because it was a staged media event: a television presenter, Mona Iraqi, filmed the arrests and circulated footage of naked men being herded into the streets.[70] The men were charged with "habitual debauchery" and subjected to anal exams. Human Rights Watch interviewed Gamal, one of the victims of the bathhouse arrests, who described the exam as follows:

> We were examined by the forensic doctor. I entered the room. There was one physician and two girls—young female doctors. I went on the bed and he examined me with a tool. He told me 'Sit as if you are praying.' He used a tool like a pen ... He was touching me with it but did not put it inside me. ...
>
> I was feeling very bad, it's a bad experience. No one can accept that this can happen to them, especially since we are Egyptians.[71]

Although Gamal described police beatings and insults that he underwent before the anal examination in great detail, he grew visibly uncomfortable speaking about the anal

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[68] EIPR, informal briefing paper, May 2014, on file with Human Rights Watch.

[69] EIPR, informal briefing paper, May 2014, on file with Human Rights Watch.

[70] Patrick Kingsley, "Egyptian TV crew criticised over police raid on Cairo bath house," The Guardian, December 9, 2014, http://www.theguardian.com/world/2014/dec/09/egypt-police-raid-cairo-bath-house (accessed April 11, 2016). EIPR estimated that the raid brought to over 150 the number of people arrested on debauchery charges since the July 2013 coup. Egyptian Initiative for Personal Rights, "EIPR condemns violation of privacy and urges fair trial for defendants," December 21, 2014, http://eipr.org/en/pressrelease/2014/12/21/2308 (accessed April 11, 2016).

[71] Human Rights Watch interview with Gamal (pseudonym), Cairo, March 24, 2016.

examination, and after providing the above information about it, asked to end the interview. He only added: "My rights have been taken away."[72]

The men were acquitted on January 12, 2015. In a turn of events that complicated Gamal's attitude toward an exam that he found deeply humiliating, the Forensic Medical Authority announced on December 15, 2015 that, based on results of the forensic anal exams, the men had not engaged in anal sex, and the "negative" test results were used to secure their acquittal.[73]

But a "negative" test is no guarantee of acquittal. Doctors routinely add a caveat in medical reports that concealment of signs of anal intercourse is possible through the use of lubricants and cosmetics, EIPR told Human Rights Watch.[74] In November 2014, a court sentenced eight men to three years in prison for appearing in a video that reportedly showed a "gay wedding."[75] They were convicted despite the fact that a spokesman for the Forensic Medical Authority announced two months prior to the verdict that, based on results of the forensic anal exams, the men were "not homosexuals."[76]

## Kenya

Section 162 of Kenya's Penal Code, a British colonial relic, prohibits "carnal knowledge against the order of nature" and carries a 14-year prison sentence.[77] The law on "unnatural offenses" is rarely applied in cases involving consensual sex between adults. Only two

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[72] Ibid.

[73] Human Rights Watch, "Egypt: 26 Acquitted of Homosexual Conduct," January 13, 2015, https://www.hrw.org/news/2015/01/13/egypt-26-acquitted-homosexual-conduct; Human Rights Watch interview with Gamal, Cairo, March 24, 2016.

[74] Email communication from EIPR to Human Rights Watch, June 20, 2016.

[75] Daniel Politi, "Egyptian Court Sentences Eight Men to Prison for Appearing in 'Gay Wedding' Video," *Slate*, November 2, 2014, http://www.slate.com/blogs/the_slatest/2014/11/02/egypt_eight_men_sentenced_to_prison_for_gay_wedding_video.html (accessed April 11, 2016).

[76] Human Rights Watch, "Egypt: 7 Held for Alleged Homosexual Conduct," September 9, 2014, https://www.hrw.org/news/2014/09/09/egypt-7-held-alleged-homosexual-conduct.

[77] Laws of Kenya, Cap. 63, Penal Code, section 162. "Unnatural offences" were first codified in British colonial law in 1860, in section 377 of the Indian Penal Code. It reads: "Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal shall be punished with imprisonment for life, or with imprisonment ... for a term which may extend to 10 years, and shall be liable to fine. Explanation – Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this Section." Human Rights Watch, *This Alien Legacy*, December 2008, http://www.hrw.org/reports/2008/12/17/alien-legacy-0, p. 18. This provision was then directly imported to a number of other colonies, including three of those discussed in this report: Kenya, Uganda, and Zambia.

cases are known to Human Rights Watch. One, filed in 2012 in Kifili, was dismissed in May 2015 for lack of evidence.[78] The other case, filed in Kwale County in February 2015, is ongoing, and marks the only case known to Human Rights Watch in which forced anal examinations have been used in Kenya.[79]

The Kwale County arrests took place in the context of a weeks-long witch hunt for gay men and transgender women in the coastal towns of Ukunda and Diani, after photos and videos circulated on social media showing men—some who were known to be from the area—engaging in same-sex acts. Under pressure from the public, police began searching for gay men to round up. Acting on a tip-off, they arrested two men, Adam and Bryan, and took them to Diani Police Station. Police charged them with "unnatural offenses," despite not having any evidence that the men had engaged in same-sex conduct.[80]

At Kwale District Court, the prosecutor requested a court order for the men be taken for "medical examinations." The magistrate, Christine Njagi, complied. She later told Human Rights Watch that she did not recall issuing the order, and could not say precisely what type of exams the court expected the men to undergo.[81] The lawyer representing the two men in court that day, who had never met them before the hearing, did not object to the order for "medical examinations" and did not consult his clients about it—possibly, according to one of the men, because he did not have an inkling of what the "medical examinations" would consist of.[82]

Armed with this court order, police escorted the men to Coast General Hospital, Kenya's second largest public hospital, for forced anal exams and HIV and hepatitis B tests.[83] The

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[78] According to one of the men charged, the case originated when his partner attempted to blackmail him by accusing him of rape. Police investigations revealed that the two men were in a consensual relationship, and police proceeded to charge both men. Human Rights Watch interview, Nairobi, July 14, 2015.

[79] In another case in August 2015, police arrested two Ugandan refugees whom they believed to be gay, and threatened to subject them to anal exams. Lawyers working with Kenya's National Gay and Lesbian Human Rights Commission intervened quickly to secure the men's release; it is unclear whether the exams would have taken place without their intervention. Email communication from Eric Gitari, NGLHRC, August 20, 2015.

[80] Human Rights Watch telephone interviews with Bryan (pseudonym), May 26, 2015, and with Adam (pseudonym), July 13, 2015.

[81] Human Rights Watch interview with Christine Njagi, Kwale, August 7, 2015.

[82] Human Rights Watch telephone interview with Adam (pseudonym) and with Eric Gitari, June 12, 2016. The lawyer who represented Adam and Bryan at the initial hearing is not associated with NGLHRC or with Ligunya Sande and Associates, which are now handling the case.

[83] Human Rights Watch telephone interviews with Bryan (pseudonym), May 26, 2015, and with Adam (pseudonym), July 13, 2015. "Arrested Diani gays to remain in police custody," *News 24 Kenya*, http://m.news24.com/kenya/MyNews24/Arrested-

doctor who conducted the anal exams, Dr. Stephen Kalai, told Human Rights Watch that he instructed the men to lie on a table with their legs in stirrups and to cough, while he used a magnifying glass to visually examine them. He then issued reports, using a "Post Rape Care Form"—a form intended to document abuses against rape survivors, but repurposed to report the results of the anal exams. One of the reports states, "anal sphincter intact/no homosexuality detected,"[84] while another purports to find evidence of "repeated penetration by blunt object."[85] Dr. Kalai asserted that that he was able to draw these conclusions simply by conducting a visual examination.[86]

Adam, one of the victims, described the anal examination differently:

> They told me to lay down and put my legs up and they just looked at it. Then they put something inside that felt like a stick. I didn't see it because I was lying down. It felt terrible, and uncomfortable.
>
> One man and two ladies were all standing there watching. I don't know what the police officer had told them, but they were not friendly.[87]

At this writing, the criminal case against Adam and Bryan is ongoing, and it remains uncertain whether prosecutors will introduce the forensic reports into evidence. In September 2015, Adam and Bryan, with the support of the National Gay and Lesbian Human Rights Commission (NGLHRC), filed a petition before the High Court, challenging the constitutionality of forced anal exams and HIV and hepatitis tests.[88] The petition

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Diani-gays-to-remain-in-police-custody-20150220 (accessed July 13, 2014); *C.O.I. and G.M.N. v. Chief Magistrate Ukunda Law Courts and 4 Others*, High Court of Kenya Petition No. 51 of 2015, Constitutional and Human Rights Division, filed September 3, 2015, on file with Human Rights Watch.

[84] Post Rape Care Form (first victim), February 24, 2015, signed by Kalai S.M. (examining officer) and Salim Yunus (police officer), on file with Human Rights Watch.

[85] Post Rape Care Form (second victim), February 24, 2015, signed by Kalai S.M. (examining officer) and Salim Yunus (police officer), on file with Human Rights Watch.

[86] Human Rights Watch interview with Dr. Stephen Kalai, Mombasa, August 7, 2015.

[87] Human Rights Watch interview with Adam, by telephone, July 13, 2015.

[88] Kenyan law provides for the collection of medical samples for forensic testing from suspects charged with offenses under the Sexual Offences Act, but that act does not prohibit consensual same-sex conduct. "[W]here a person is charged with committing an offence under this Act, the court may direct that an appropriate sample or samples be taken from the accused person, at such place and subject to such conditions as the court may direct for the purpose of forensic and other scientific testing, including a DNA test, in order to gather evidence and to ascertain whether or not the accused person committed an offence." Laws of Kenya, Sexual Offenses Act, no. 3, 2006, art. 36.

argued that the exams violate the constitutional prohibition on torture and cruel, inhuman, and degrading treatment; the right to privacy; and the right to health.[89]

On June 15, 2016, the court ruled against the petitioners, claiming that the two men gave "consent" for the exams to take place and that Kenyan law allows for courts to order medical examinations of persons accused of "sexual offenses." The petitioners have appealed the decision.

## Lebanon

Police in Lebanon, where article 534 of the penal code punishes "any sexual intercourse contrary to the order of nature ... by up to one year in prison," have a history of arresting, harassing, and sometimes torturing people suspected of being gay.[90] But it made headlines in August 2012 when, in response to an effective, media savvy campaign by activists, the justice minister at the time, Shakib Qortbawi, issued a statement calling for an end to anal examinations on men accused of homosexual conduct.

Anal exams had been used in homosexuality prosecutions in Lebanon for decades.[91] But human rights organizations and lawyers only began documenting the cases a few years before the justice minister's call for a ban. Nizar Saghieh, the director of the Lebanese NGO Legal Agenda, in a book chapter published in 2009, refers to the regular occurrence of forced anal examinations, specifically referring to one case in 2009 in which a man was arrested solely on the basis of "acting like a woman" and was subjected to an anal exam.[92] Human Rights Watch documented a case in October 2010 in which police initially arrested a man because they suspected his brother of selling illegal drugs, but subsequently changed the

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[89] Republic of Kenya in the High Court of Kenya at Nairobi, Constitutional and Human Rights Division, Petition No. 51 of 2015, on file with Human Rights Watch.

[90] Human Rights Watch, *"It's Part of the Job": Ill-treatment and Torture of Vulnerable Groups in Lebanese Police Stations*, June 26, 2013, https://www.hrw.org/report/2013/06/26/its-part-job/ill-treatment-and-torture-vulnerable-groups-lebanese-police-stations.

[91] Human Rights Watch interviews with Dr. Sami Kawas, Beirut, March 30, 2016, and Dr. Hussein Chahrour, Beirut, April 1, 2016.

[92] Nizar Saghieh in cooperation with Helem, "Homosexuals in the Penal Code," October 2009, in Doctor Wahid Al Farchichi and Professor Nizam Sagyhiyeh, *Homosexual Relations in the Penal Codes: General Study Regarding the Laws in the Arab Countries with a Report on Lebanon and Tunisia*, http://daleel-madani.org/sites/default/files/HelemStudy.pdf (accessed June 20, 2014), p. 41.

charges against him to homosexual conduct and subjected him to an anal exam.[93] An activist with the LGBT rights organization MOSAIC-MENA, Carol Abi Ghanem, said that in a number of early cases, "People would be arrested on suspicion of sex work, but there was no proof, so the police would do an anal test to try to pin something on them."[94]

Ghida Frangieh, a lawyer who has handled several arrests on homosexuality charges, said of the anal exam procedure in Lebanon: "Usually the person is bending down. It's a visual exam, or in some cases, doctors insert a finger, sometimes with lubricant, sometimes without. Sometimes they photograph the anus."[95]

Dr. Sami Kawas, a forensic doctor who has conducted anal exams, explained:

> I only do an external examination. Some doctors put their finger in to see if the sphincter is tight or loose. I have also heard of the older generation using objects.[96]

Widespread mobilization against forced anal examinations in Lebanon began after police detained three men in April 2012 simply for "looking feminine," according to their lawyer.[97] The lawyer was in the police station when the anal tests were conducted, and, outraged at the abusive practice, she and other activists organized a conference in May 2012 to call attention to the existence of forced anal exams. Several forensic medicine specialists attended the conference.

Legal Agenda published the testimony of one of the victims, who described how the doctor played interrogator, seeking to extract a confession:

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93 Human Rights Watch, *"It's Part of the Job": Ill-treatment and Torture of Vulnerable Groups in Lebanese Police Stations*, June 26, 2013, https://www.hrw.org/report/2013/06/26/its-part-job/ill-treatment-and-torture-vulnerable-groups-lebanese-police-stations, pp. 25-27.

94 Human Rights Watch interview with Carol Abi Ghanem, Beirut, March 29, 2016.

95 Human Rights Watch interview with Ghida Frangieh, Beirut, April 1, 2016.

96 Many Lebanese activists use an Arabic phrase which translates directly as "egg test" to describe anal exams, and several told Human Rights Watch that the exam involved doctors inserting an "egg-shaped object" into the victim's anus. However, this appears not to be the case: Kawas and another forensic doctor, as well as Ghida Frangieh, told Human Rights Watch they were not aware of any cases in Lebanon in which doctors used an egg-shaped object to conduct the tests. Human Rights Watch interviews with Dr. Sami Kawas, Beirut, March 30, 2016; Dr. Hussein Chahrour, Beirut, April 1, 2016; and Ghida Frangieh, Beirut, April 1, 2016.

97 Human Rights Watch interview with Ghida Frangieh, Beirut, April 1, 2016.

> [The doctor] told me that he was going to examine me to know whether I used same-sex relations and he asked me if I had participated in it in the past, to which I responded with denial. He said to me, 'If you say to me that you have not practiced homosexuality and it turns out otherwise, then your punishment will be harsher.'[98]

The victim described the process of the anal examination, which in this case appeared to be conducted by the doctor observing him tighten his anal sphincter:

> After he asked me whether I had practiced homosexual relations before, he asked me to take my clothes off, then he told me to grab and tighten ... and he showed me how to grab my lower back and tighten it to open it and show the anus. I did what he asked, but he told me angrily, 'come on, tighten.' Then he took two photographs of my anus ... After he took the photographs, he looked at the computer, then I asked him what he had found, to which he answered he will see later. ...
>
> As for the examination specifically, I felt that it was insulting and humiliating because someone has touched my body and violated my privacy.[99]

Under pressure to respond to the allegations of abuse, the public prosecutor, Sa'id Mirza, issued a statement on July 9, 2012, which purported to require the tests only be done with the consent of the accused person, but which in fact explicitly threatened anyone who refused with criminal sanctions:

> We ask the public prosecution offices, in case of suspicion in a homosexuality act, to give clear instructions to the concerned physician, and employees of the justice police, to execute this procedure only with consent of the suspect, and according to the regulations of sound medical practice, in a way that does not lead to a substantial damage.

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[98] "Testimonies of doctors and victims," Legal Agenda, May 2012, http://www.legal-agenda.com/article.php?id=142&folder=articles&lang=ar (accessed April 8, 2016), translated from the original Arabic by Human Rights Watch.

[99] Ibid.

> In case the suspect refuses to undergo the test, he should be notified that his refusal would be taken as evidence to the validity of the incident under investigation.[100]

In August 2012, police conducted a mass arrest of 36 men, who were then subjected to anal exams to seek evidence of homosexual conduct.[101] In response, Legal Agenda launched a campaign labeling anal exams "Tests of Shame," and calling for an end to the practice. Helem, an LGBT rights organization working in partnership with Legal Agenda, organized sit-ins in front of the Lebanese Order of Physicians and the Ministry of Justice. Tarek Zeidan, one of the activists involved with the campaign, explained: "We called it 'rape tests,' because it was rape—you were violating someone against their will."[102]

In response, the head of the Lebanese Order of Physicians, Dr. Sharaf Abu Sharaf, issued a directive on August 7, 2012, calling for an end to the procedure.[103] The directive states:

> It is scientifically established that this procedure is not even qualified as an experimental procedure. It does not provide the needed result and is considered a grave violation against the people who undergo it, and it is done without their prior consent. It is a humiliating practice that violates their dignity, and it is torture according to the definition of CAT [Convention against Torture].[104]

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[100] General Circular, Sa`id Mirza, Public Prosecutor at the Court of Cassation, July 9, 2012, http://www.legal-agenda.com/images/legalnews/1344350673-%D8%AA%D8%B9%D9%85%D9%8A%D9%85%20%D8%B1%D9%82%D9%85%2039%D8%B52012.jpg (accessed April 8, 2016).

[101] See Human Rights Watch, *"It's Part of the Job": Ill-treatment and Torture of Vulnerable Groups in Lebanese Police Stations*, June 26, 2013, https://www.hrw.org/report/2013/06/26/its-part-job/ill-treatment-and-torture-vulnerable-groups-lebanese-police-stations, and Human Rights Watch, "Lebanon: Stop 'Tests of Shame,'" August 10, 2012, https://www.hrw.org/news/2012/08/10/lebanon-stop-tests-shame.

[102] Human Rights Watch telephone interview with Tarek Zeidan, March 11, 2016.

[103] While most doctors in Lebanon are members of the Lebanese Order of Physicians, there is a second, independent medical association based in Tripoli, which did not issue any such directive. It is unclear whether doctors in Tripoli continue to conduct forced anal examinations.

[104] "تشرّ عه التمييزية العامة و النيابة «المثلية فحص» يوقف الأطبّاء نقيب" (Head of Physicians Syndicate Halts "Homosexuality Tests," Tests Legitimized by Appeals Courts' General Prosecutor), Al-Akhbar, August 8, 2012, http://www.al-akhbar.com/node/99597 (accessed April 25, 2016).

The directive further asked all doctors "not to do this kind of procedure, since whoever does it could be held responsible according to the code of ethics."[105]

After much public pressure on the Ministry of Justice to institutionalize a ban on anal examinations, Justice Minister Shakib Qortbawi issued a communication addressed to the public prosecutor on August 11, 2012, asking him to issue a directive ending the examinations completely. Qortbawi told the BBC: "From a humanitarian point of view, this is totally unacceptable."[106]

The new public prosecutor, Samir Hammoud, reportedly forwarded the Minister's communication to prosecutors throughout the country, without actually issuing a directive ordering them to abide by it.[107] The office of the prosecutor is independent from the Ministry of Justice, and human rights activists told Human Rights Watch that only a definitive order from the public prosecutor could prevent prosecutors from ordering the exams.[108]

Indeed, the Order of Physicians circular and the Ministry of Justice communication did not entirely put a stop to anal exams. In January 2014, police arrested five men in a private home, including two Syrian refugees. An investigator who seemed to be abiding by the public prosecutor's instructions asked them to undergo the tests: the men initially refused, but "the investigator informed them that their objections would be used as proof that they have something to hide."[109] When a physician arrived at the Moussaitbeh Internal Security Forces (ISF) station to conduct the tests, wrote Legal Agenda, "He did not introduce himself, neither by name nor by profession, and did not verify that the individuals concerned had agreed to be subjected to these tests."[110]

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[105] Ibid.

[106] "Outraged Lebanese demand end to anal exams on gay men," BBC News, August 8, 2012, http://www.bbc.com/news/world-middle-east-19166156 (accessed April 6, 2016).

[107] Human Rights Watch interview with Ghida Frangieh, Legal Agenda, Beirut, April 1, 2016.

[108] Human Rights Watch interviews with Georges Azzi, Arab Foundation for Freedoms and Equality, Beirut, March 30, 2016, and Ghida Frangieh, Legal Agenda, Beirut, April 1, 2016.

[109] Sarah Wansa, "Lebanon's Republic of Shame: Law and Medicine as Means to Humiliate and Frighten," Legal Agenda, July 29, 2014, http://english.legal-agenda.com/article.php?id=632&lang=en (accessed March 31, 2016).

[110] Ibid.

In a video testimony recorded by Legal Agenda, one of Syrian men, Yazeed, said:

> [The interrogator] told us that they were going to bring the forensic doctor to examine us. We said, 'No, we don't want that.' Then he said, 'This would prove that you have done something.' Finally, we had to take the forensic test so that we don't remain in detention. ...
>
> The examination was very bad. Even the doctor became uncomfortable during the examination. ... He just told me to take my clothes off. We took our clothes off. The examination was done by hand. [111]

His friend, also a Syrian refugee, Aasim, said:

> Our dignity and feelings were really hurt in this country. Even the way they did the examination was very brutal and ugly. The doctor was very uncomfortable. We asked mercy from him. I asked him to have mercy on us because it is not easy to be tested as such. He didn't answer me. He only said, 'Just let me examine you.' Security officers from Hbeish [police station] opened the door [while I was being tested]. The way they looked at us was very bad, more for being Syrians than being gay. ... We were treated very badly.[112]

The medical reports showed that the tests were "negative," stating: "There appeared to be no traces of accumulation, lesions or redness in or around the rectal area; the shape of the rectum did not appear coerced, and the rectal sphincter is functioning normally. Conclusion: there are currently no traces indicating the occurrence of sodomy."[113]

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[111] Video testimony from Aasim, 2014, recorded by Legal Agenda, https://www.youtube.com/watch?v=-X6EHeGR-wk (accessed April 8, 2016), translated from the original Arabic by Human Rights Watch.

[112] Ibid.

[113] Sarah Wansa, "Lebanon's Republic of Shame: Law and Medicine as Means to Humiliate and Frighten," Legal Agenda, July 29, 2014, http://english.legal-agenda.com/article.php?id=632&lang=en (accessed March 31, 2016)

The five men were provisionally released after four days of pre-charge detention.[114] In March 2014, the prosecutor dropped charges against them due to insufficient evidence, and the two Syrians were eventually resettled to a third country.[115]

Legal Agenda filed a complaint with the Order of Physicians against the doctor who conducted the tests. The president of the Order of Physicians sent a reply indicating that the doctor had been investigated and had agreed not to conduct such investigations in the future.[116]

Anal exams or the threat of anal exams continued to be used in Lebanon throughout 2014 and 2015, although human rights activists in Beirut reported that the incidence of exams seemed to have diminished, probably due to some doctors, and prosecutors, respecting the circulars that were issued in 2012.[117] Georges Azzi, of the Arab Foundation for Freedoms and Equality, said he was aware of at least one case, in 2014, in which a prosecutor general requested an anal examination, but the doctor who was requisitioned to conduct the exam refused to do it.[118] But some members of the Internal Security Forces (ISF), Lebanon's main police force, seemed to be unaware of the circulars altogether.[119]

Dr. Sami Kawas, a forensic medicine specialist in Beirut, told Human Rights Watch that police still call upon him to conduct the tests and that he conducted such exams as recently as 2015.[120] Kawas said he conducted the exams with the patients' consent, which

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[114] Human Rights Watch interviews with Yazeed and Aasim, Beirut, February 27, 2014.

[115] Email communication to Human Rights Watch from Ghida Frangieh, June 22, 2016.

[116] "Response of Beirut Medical Order to LA complaint against doctor," Legal Agenda, August 2014, http://legal-agenda.com/newsarticle.php?id=765&folder=legalnews&lang=ar (accessed April 9, 2016).

[117] Genwa Samhat, the executive director of Helem, told Human Rights Watch: "Police stations use it as a threat to get people to confess—so basically, it's still used." Georges Azzi concurred: "The police still threaten, 'Admit it, or we have to do anal tests.' And the victims are scared, because it's rape." Human Rights Watch interviews with Genwa Samhat, Beirut, March 29, 2016, and Georges Azzi, Beirut, March 30, 2016. In one case in 2014, military intelligence, which has no responsibility for enforcing sections of the penal code that deal with sexual conduct, detained and interrogated a young man about his sex life for six hours, threatening to subject him to an anal examination. The young man was blindfolded throughout the entire interrogation. "Six hours with the Lebanese intelligence to expose a crime: 'Do you prefer women or men?'", Legal Agenda, July 15, 2014, http://legal-agenda.com/newsarticle.php?id=734&lang=ar (accessed April 8, 2016).

[118] Human Rights Watch interview with Georges Azzi, Beirut, March 30, 2016.

[119] Georges Azzi said that when the Ministry of Justice prohibited forced anal examinations, "ISF never made a statement or responded in any way. A colonel at Hbeish, at the time of Agha Hammam, said 'Even if they don't confess, we can make them sit for the anal test.' He was shocked to hear about the [Ministry of Justice] statement; we told him about it." Human Rights Watch interview with Georges Azzi, Beirut, March 30, 2016.

[120] Dr. Kawas provided Human Rights Watch with a copy of the medical report from the most recent anal examination he conducted, on July 14, 2015. Dr. Sami Kawas, "Forensic Report on Mr ....." (name redacted), on file with Human Rights Watch.

he believed was consistent with the Order of Physicians circular.[121] However, the circular does not, in fact, make exceptions for situations in which detainees give "consent." It is questionable whether any detainees, in police custody and in all likelihood fearing that refusal to undergo the tests could be used as evidence against them, could be seen as having offered meaningful consent to undergo these tests.

Even a decline in the use of anal exams does not mean that gay men and transgender women in Lebanon are safe from torture. Legal Agenda and Helem documented an ISF raid on a bathhouse, Hammam al-Agha, in August 2014. Although the 28 men arrested were not subjected to anal exams, several victims reported that ISF officers subjected them to other forms of torture, including tying a victim's hands behind their back while beating the soles of his feet, beating victims with wooden sticks, forcing them to walk on all fours, and placing bags over their heads. Police also subjected the men to involuntary HIV and drug tests.[122]

Hamed, a 31-year-old Syrian refugee and student in Beirut, was arrested by Lebanese General Security (police in charge of immigration) in July 2015, when he went to seek a residence permit. An officer asked to see his phone and found intimate photos of Hamed and his male partner. General Security officers detained him on the spot. Hamed said that General Security officers tortured him and threatened him with an anal exam, in order to extract a confession. He wrote in an affidavit:

> [The investigator was] shouting at me: 'For how long have you been gay?' I told the investigator I was there to get a residence permit, not to answer questions about my personal life. The investigator became very angry and told me I would not leave the building. Turning me to face the wall, he handcuffed me and whipped me with a makeshift whip made of electrical cables. He brought in other employees, and together, they beat, kicked and slapped me, all while hurling curses at me regarding my sexual orientation...
>
> Then, the investigators brought in another detainee and informed me that the other detainee was going to 'fuck' me and that I should remove my

[121] Human Rights Watch interview with Dr. Sami Kawas, Beirut, March 30, 2016.

[122] Legal Agenda and Helem, *Al-Agha Bathhouse: A Raid from Another Age,* undated (2015), on file with Human Rights Watch.

> clothes and wait in the bathroom. I followed their orders and waited, but no one ever came in...
>
> At this point, investigators began to search my body and my belongings. They said they would run tests for drug abuse and AIDS and that I would be forced to submit to a rectal exam. The investigators drafted investigative reports and required my signature, but I was not afforded the opportunity to read or review them. I signed them in the desperate hope that the beating would cease.[123]

Hamed was not subjected to an anal exam, despite the threats, but police did subject him to an HIV test without his consent. He was charged with "unnatural sex" and released on bail with the assistance of a lawyer. Hamed left Lebanon for resettlement in a third country before his case came to trial.[124]

Shadi, a gay Syrian refugee, told Human Rights Watch that Military Intelligence officers arrested and tortured him in February 2016. Shadi was arrested at his home in Jounieh by military intelligence officers and then transported to the Sarba military intelligence branch in Jounieh. There, he said, officers hit him with electric prods and beat him in an attempt to elicit a confession about his alleged homosexual conduct. Then, he said, they took him Rehanieh, a military police prison, where officers took him into a room and told him to undress.

Shadi was handcuffed and told to bend over facing the wall, naked, as an officer prepared to insert a wooden rod into his anus. The officer told Shadi, "I will insert this into your anus to determine how many times you've had sex"—an indication that the form of torture may have been inspired by Lebanon's use of forced anal exams. According to Shadi, the officer anally penetrated him with the wooden rod, causing Shadi to scream in pain and beg for him to stop. He said that the officer replied, "The rod didn't go in easily so this must mean you've only been fucked several times."[125]

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[123] Affidavit prepared by Hamed (pseudonym), July 31, 2015, on file with Human Rights Watch.

[124] Ibid.

[125] Human Rights Watch interview with Shadi (pseudonym), Beirut, March 11, 2016.

During its Universal Periodic Review at the UN Human Rights Council in 2011, Lebanon agreed to a recommendation to "criminalize all forms of torture and ill-treatment," meaning that ordering or conducting forced anal examinations should have criminal penalties.[126] However, article 401 of the Lebanese Penal Code still falls short of meeting Lebanon's obligations under the Convention against Torture as it does not apply to non-physical forms of torture, such as mental or psychological torture, and does not cover situations where the torture is used for objectives other than obtaining confessions.[127] In its 2016 report to the Committee against Torture, the Lebanese government stated that it had taken steps to "[restructure] the Department of Forensic Medicine with a view to consolidating action by the State to combat and prevent torture."[128]

## Tunisia

Article 230 of Tunisia's penal code, which dates to the French colonial era, punishes "sodomy" with up to three years in prison.[129] Several recent high-profile cases have cast the spotlight on Tunisia's sodomy law and the use of forced anal examinations, although LGBT activists in Tunisia told Human Rights Watch that they have been quietly documenting arrests and forced anal exams for many years.[130]

When police arrest men suspected of sodomy, they request a court order to conduct an anal exam, and then take the accused to a forensic doctor.[131] In recent cases, doctors have requested "consent" from the accused, but often proceed to conduct exams without it, as

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[126] Human Rights Council, Report of the Working Group on the Universal Periodic Review, Lebanon, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/102/11/PDF/G1110211.pdf?OpenElement

[127] Lebanese Penal Code, 1943, https://www.unodc.org/res/cld/document/lebanon-penal-code_html/Lebanon_Penal_Code_1943.pdf (accessed May 25, 2016), art. 401.

[128] Lebanese Republic, "National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21," Human Rights Council, September 25, 2015, http://www.upr-info.org/sites/default/files/document/lebanon/session_23_-_november_2015/a_hrc_wg.6_23_lbn_1_e.pdf (accessed June 20, 2016)

[129] Reépublique Tunisienne, Code Pénal, 2012, https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/61250/60936/F1198127290/TUN-61250.pdf (accessed April 22, 2016). The sodomy law was originally imposed by French colonizers in 1913, and was retained when most of the Penal Code was revised in 1964 following independence.

[130] In one earlier high-profile case, Mounir Baatour, an opposition politician, was arrested on sodomy charges and subjected to an anal exam in 2013. Tristan Dreisbach, "Politician Arrested for Sodomy Subjected to Invasive Examination," Tunisia Live, April 19, 2013, http://www.tunisia-live.net/2013/04/19/politician-arrested-on-sodomy-charges-remains-in-jail/#sthash.g1zcpbaD.dpuf (accessed April 22, 2016). Baatour was sentenced to three months in prison.

[131] Human Rights Watch interview with Badr Baabou, Damj, by telephone, April 25, 2016. However, Baabou said that police sometimes take the accused for anal exams first and request a court order later.

discussed below. The results are handed over to the police and have been used as a key element in prosecutions. Badr Baabou of the Tunis-based LGBT rights group, Damj ("Inclusion"), told Human Rights Watch that he had analyzed 34 consensual sodomy cases between 2008 and 2015, and that in nearly all of those cases—the only exception being when witnesses actually caught men in the act of having sex—the accused were subjected to forced anal exams. He said that because there is often no evidence other than hearsay, "Medical exam reports are the key element of proof against them in court cases."[132]

Doctors conduct the tests by penetrating victims with their fingers. Four victims interviewed individually by Human Rights Watch also described the use of a tube that was inserted in the anus, following digital penetration, although a doctor familiar with the use of anal exams in Tunisia denied that any object was used.[133]

Marwen, a 22-year-old student, was supporting himself during his studies by working in a clothing shop in Sousse, located 120 kilometers south of Tunis. On September 6, 2015, police from Hammam Sousse, a neighboring town, summoned him for questioning as a witness after they found his telephone number on the phone of a man murdered a week earlier. Police then began questioning him about his supposed sexual relationship with the murder victim. Marwen reported to Human Rights Watch:

> They started slapping me in the face, several of them. They said, 'If you don't talk we'll use other methods. We'll make you sit on a glass bottle of Fanta.' They threatened, 'We will abuse you, we will rape you.'[134]

Under the threat of torture, Marwen told Human Rights Watch, he "invented a story about a relationship with that man." The police then placed him in pre-charge detention. Marwen said that two days after the first interrogation, police took him to the Farhat Hached Hospital, in Sousse, and brought him to the examination room, where a doctor told him that he was going to check him for "sperm from the man who was killed." Marwen told Human Rights Watch:

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[132] Human Rights Watch interviews with Badr Baabou, Damj, Tunis, February 15, 2016, and by telephone, April 25, 2016.

[133] Human Rights Watch interview with a forensic doctor, Tunisia, February 2016, exact location and date withheld at the doctor's request.

[134] Human Rights Watch interview with Marwen (pseudonym), Tunis, February 16, 2016.

> The doctor told me to strip completely and get on the examination table. The doctor told me to bend over. The police were not in the room. There were two female trainees. The doctor put his finger inside me. He moved the finger around. The two women were watching.[135]

Marwen described to Human Rights Watch the emotional impact of the exam:

> The anal exam was difficult both physically and emotionally. It was physically painful to have the doctor put his fingers in me. Emotionally, I felt like I didn't have any rights in Tunisia.[136]

The doctor did not inform Marwen of the "results" of the test, nor did he inform him that the test would in fact be used against him in court as general evidence of homosexual conduct.

Human Rights Watch reviewed the forensic report, in which the doctor states that he found "a non-tonic anal sphincter and absence of visible signs of traumatic anal penetration." He concludes that the "anatomic injuries are compatible with a habit of anal penetration."[137]

The judge relied on the forensic report as well as Marwen's coerced confession as evidence to sentence Marwen to one year in prison on September 22, 2015.[138] On December 17, the appeals court in Sousse reduced the sentence to two months, which Marwen had already spent in detention, and a 300 dinar fine (US$145).

Marwen's case spurred protest from LGBT groups and other human rights organizations in Tunisia and internationally. The LGBT rights organizations Shams and Damj launched campaigns calling for an end to forced anal exams and an end to the criminalization of consensual same-sex conduct.[139] Even the minister of justice spoke out in support of

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[135] Ibid.

[136] Ibid.

[137] Forensic report on file with Human Rights Watch.

[138] Judgment on file with Human Rights Watch.

[139] « Tunisie : des associations de défense LGBT dénoncent 'les tests de la honte.' » MYTF1 News, September 23, 2015, http://lci.tf1.fr/monde/afrique/tunisie-des-associations-de-defense-lgbt-denoncent-les-tests-8661238.html (accessed June 3, 2016); Scott Long, "Anusbook. Be connected. Be discovered.," A Paper Bird (blog), September 28, 2015, https://paperbird.net/2015/09/28/anusbook-forensic-exams-tunisia/ (accessed June 19, 2016).

decriminalization.[140] (The prime minister fired him a month later, apparently for reasons unrelated to his position on LGBT rights.)

However, in December, police again relied on forced anal exams after arresting six students in the university town of Kairouan on suspicion of homosexual conduct. Police interrogated them, detained them in the Kairouan police detention center, and took them to Ibn Jazzar hospital, in Kairouan, the following morning for forced anal examinations.

Human Rights Watch interviewed four of the students about their experiences. All four provided similar details with regard to the anal test. They said that the doctor asked them to bend on the examination table, in the Muslim prayer position. They said that he inserted one finger in their anuses. They said that he also inserted a long, thin transparent tube, about the size of a pen, apparently to look for semen.[141]

One of the students, Amar, said that the police beat him after he refused to take the anal test:

> I was the first to enter to the room where the doctor was. I asked the doctor, 'What is the test?' He said, 'A test like a woman'—meaning a virginity test.
>
> I said, 'No, I will not do that test.' The policeman screamed at me, 'Respect the doctor!' I said, 'I am respecting the doctor, but I refuse the test. 'The policeman told me to write that I refuse the test, so I wrote it.
>
> Then the policeman took me outside to a small garden. He hit me. He slapped me on the face and punched me on the shoulder and said, 'You will do the test.' The doctor was not watching, but he knew I was being beaten. The policeman pushed me back into the room and said to the doctor, 'He will do the test.' The doctor saw him push me.

[140] Amnesty International, "Challenging Tunisia's homophobic taboos," September 30, 2015, https://www.amnesty.org/en/latest/news/2015/09/challenging-tunisias-homophobic-taboos/ (accessed June 3, 2016).

[141] Human Rights Watch interviews with Amar, Wassim, and Mehdi (pseudonyms), Tunis, February 15, 2016, and with Kais (pseudonym), Carthage, February 16, 2016.

> The policeman told me to write on another paper that I will do the test.
>
> The doctor told me to go on an examination table and said, 'Stay like you're praying' [in the typical Muslim prayer position]. I took my pants off and had to get on the table.
>
> He entered one finger inside my anus, with cream on it. He put his finger in and was looking. While putting his finger in, he asked, 'Are you okay now?'. I said 'No, I'm not okay.' It was painful.
>
> Then he put in a tube. It was to see if there was sperm. He pushed the tube far inside. It was about the length of a finger. It felt painful. I felt like I was an animal, because I felt like I didn't have any respect. I felt like they were violating me. I feel that up to now. It's very hard for me.
>
> The doctor seemed angry with all of us during the exam. He didn't say anything, but I saw it in his face. I felt that if I did the exam or if I didn't, he was going to say I was gay.[142]

According to Wassim, another student whose case is cited at length at the beginning of this report, the emotional abuse began when the police were driving the students to the hospital for the tests. Wassim said that when he asked what tests they were going for, a police officer responded: "It's a test to see if you are a Sodomite, if you are fucking like a Sodomite."[143] The abuse continued at the hospital, where he attempted to refuse the test; in response, he said, "The policeman came and took me by the neck and said, 'Fucking go on the examination bed, now are you trying to be a man?'"

Wassim described how the doctor inserted his fingers and then a plastic tube, about the size of a pen, into his anus, which was "physically painful." He said two police officers were in the room, observing the exam. As he left the room, crying, Wassim said that the doctor recited, "There is no higher power than God," while laughing.[144]

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[142] Human Rights Watch interview with Amar (pseudonym), Tunis. February 15, 2016.

[143] Human Rights Watch interview with Wassim (pseudonym), Tunis, February 15, 2016.

[144] Ibid.

According to another student, Kais,

> At the hospital I saw a sign for 'Forensic Doctor' and I asked why we were there. The police officer said, 'I'm going to check if you're a virgin or not.' ...
>
> I said to the policeman, 'You don't have the right, why are you doing this to us?' The police said, 'Because you are *mouabna* [an offensive term for homosexual].'
>
> I said, 'But article 23 of the constitution protects physical integrity.' One of the two policemen said, 'I will show you what these rights mean.'[145]

Kais said that police physically held him down during the anal examination:

> When they took me inside, I said, 'I don't want to get the test,' and one of the policemen forced me onto the examination table. He grabbed me by the hips and pushed me onto the examination table, and then pushed me into a kneeling position and pulled down my trousers. I tried to pull them back up, and the other policeman grabbed and held onto my arms. ... One policeman was holding my arms throughout the examination. The doctor first used his fingers. He was opening the anus and inserting his finger. ... Then the doctor took a tube and started inserting it and pulling it out, several times.
>
> It was very emotionally painful. Physical pain goes away, but the psychological and emotional pain does not go away.[146]

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[145] Human Rights Watch interview with Kais, Carthage (pseudonym), February 16, 2016.
[146] Ibid.

Mehdi, another student from Kairouan, described the psychological impact of the anal examination:

> I felt like I was an animal. I felt I wasn't human. ... When I got dressed they put handcuffs on me and I went out, feeling completely in shock. I couldn't absorb what was going on. The two police were standing and watching what the doctor was doing. I felt violated. I didn't want to be naked in front of people—not just one person, but three people. ... It was the first time anything like this had happened to me and I couldn't absorb anything.[147]

A forensic medical specialist familiar with the details of the Kairouan case insisted to Human Rights Watch that the students all signed papers indicating their "consent" for the examinations to take place.[148] However, all four told Human Rights Watch they only did so as a result of violence or the threat of violence from police.

Human Rights Watch reviewed the requisition order issued by the head of the judicial police in the Kairouan police station on December 5, 2015. It requested that the forensic doctor of the Ibn Jazzar hospital, in Kairouan, determine whether any of the students was "used to anal sexual intercourse. In the case the answer is positive, the date of the last anal sexual intercourse."[149]

Human Rights Watch also reviewed the forensic doctor's report, which concludes that "There are signs of habitual passive homosexuality with anal penetration. There are signs indicating that the person has recently, in the last days, had an anal penetration with a solid object such as a male penis in erection."[150]

The judge relied almost exclusively on the medical reports in convicting the six young men on December 10—International Human Rights Day—and sentencing them to three years in prison and five years' banishment from Kairouan.[151]

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[147] Human Rights Watch interview with Mehdi (pseudonym), Tunis, February 15, 2016.

[148] Human Rights Watch interview with a forensic doctor, Tunisia, February 2016, exact location and date withheld at the doctor's request.

[149] Kairouan judicial police, order number 3/1610, dated December 5, 2015, on file with Human Rights Watch.

[150] Forensic doctor reports, dated December 5, 2015, on file with Human Rights Watch.

[151] Wassim told Human Rights Watch: "The judge said that in the forensic report the same thing was written on all of them, which meant to him that we had all had sex that night with each other or with someone. The medical report and the dresses

On March 3, 2016, the Sousse appeals court reduced the prison sentence to one month, which they had already served, and a 400 dinar (US$195) fine, and quashed the banishment sentence.

On March 26, three of the six students from Kairouan were re-arrested in Tunis, together with five other men and two women, when police raided the house where they were staying, allegedly on the grounds of suspicion that the house was being used for sex work.[152] The women were released without charge, but the men were charged with both sodomy and drug possession. Once again, police attempted to subject them to anal examinations, but the men refused—this time, successfully. With no evidence of any kind suggesting their involvement in same-sex conduct, they were acquitted on sodomy charges but convicted of drug possession.[153]

Advocacy against anal exams continues in Tunisia, but Baabou of Damj expressed concern that the National Medical Council had retreated from an initially strong position, condemning the practice of anal exams after Marwen's case made headlines.[154] He said, "But after this, there was a lot of media pressure against homosexuals and they quieted down and didn't make any statement during the Kairouan affair."[155] Damj has called on the National Medical Council to adopt a formal position prohibiting doctors from conducting anal exams, similar to the position of the Lebanese Order of Physicians.

## Turkmenistan

Article 135 of Turkmenistan's criminal code outlaws sodomy and makes it punishable with up to two years in prison.

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were presented as evidence in trial – the only evidence." Human Rights Watch interview with Wassim (pseudonym), Tunis, February 15, 2016. The judgment is on file with Human Rights Watch.

[152] Conor McCormick-Cavanagh, "Three of the Kairouan Six Charged in Connection to Prostitution Ring," Tunisia Live, March 26, 2016, http://www.tunisia-live.net/2016/03/26/three-of-the-kairouan-six-arrested-in-connection-to-prostitution-ring/ (accessed April 25, 2016).

[153] Conor McCormick-Cavanagh, "Court acquits eight youths charged with homosexual acts for first time ever in Tunisia," conormichaelblog, April 6, 2016, https://conormichaelblog.wordpress.com/2016/04/06/court-acquits-eight-youths-charged-with-homosexual-acts-for-first-time-ever-in-tunisia/ (accessed April 25, 2016).

[154] FIDH, "Tunisie : Trois ans de prison pour homosexualité, » December 16, 2015, https://www.fidh.org/fr/regions/maghreb-moyen-orient/tunisie/tunisie-trois-ans-de-prison-pour-homosexualite (accessed June 3, 2016).

[155] Human Rights Watch interview with Badr Baabou, Damj, Tunis, February 15, 2016.

Turkmenistan has one of the most closed and repressive governments in the world, which does not tolerate independent civil society.[156] Human Rights Watch is unaware of the existence of any organization that monitors abuses related to sexual orientation or gender identity in Turkmenistan. Nyazik's detailed account of being subjected to an anal examination by a virulently homophobic doctor, recounted in detail in Section I above, is the only case of anal examinations in Turkmenistan that Human Rights Watch has documented, although an exiled civil society activist told us that the results of such exams are frequently used as "evidence" in sodomy cases there.[157] Human Rights Watch interviewed Nyazik in the country to which he fled after his release from prison.

Nyazik told Human Rights Watch that a police informant, who was also gay, turned him in, along with other friends. He said that about 20 other people were detained on suspicion of homosexuality at the same time that he was, in January 2013. He said they were moved between two detention centers, Zhitnikovo and Arzuv, where guards regularly tortured them, including by beating them with truncheons and allowing other prisoners to beat them. Nyazik says that about 11 days after they were detained, all of the men were taken to a building where a doctor subjected them to anal exams. Nyazik says he saw the same doctor who examined him performing anal exams on other men.

All of the men were tried together in May 2013. They were sentenced to two years in prison on the basis of article 135. Nyazik told Human Rights Watch that the results of the anal examination were introduced by the prosecution and played a role in their conviction, although Human Rights Watch did not have access to court records in order to verify this independently.[158]

Nyazik told Human Rights Watch, "I still don't understand why we were taken there and had to undergo this test. I really want to look her [the doctor] in the eye now."[159]

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[156] Human Rights Watch, "Turkmenistan: Events of 2015," World Report 2016, https://www.hrw.org/world-report/2016/country-chapters/turkmenistan.

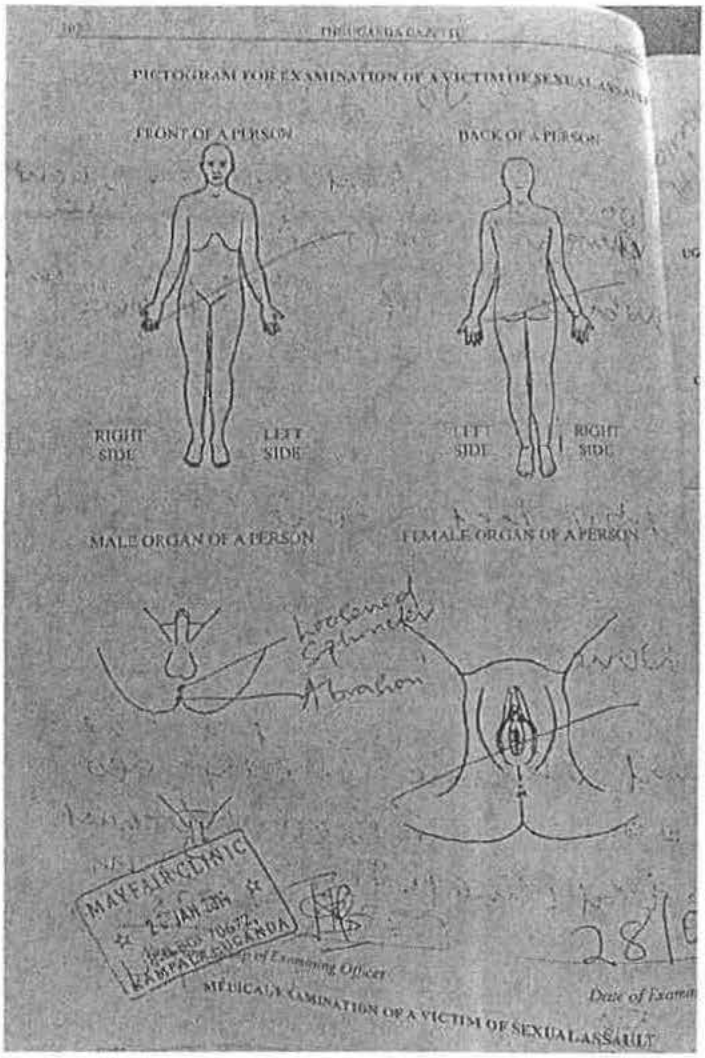
[157] Human Rights Watch telephone interview with Ruslan Myatiyev, an exiled human rights activist and journalist from Turkmenistan and founder of Alternative Turkmenistan News, May 24, 2016.

[158] Human Rights Watch interview with Nyazik (pseudonym), location withheld, July 24, 2015.

[159] Ibid.

Nyazik and the rest of the men convicted under article 135 were pardoned and released after one year and three months in prison, on May 18, 2014.[160] The release was part of a sweeping amnesty in which 2,184 Turkmen and 10 foreign nationals were pardoned on the occasion of the Day of Revival, Unity and Poetry of Makhtumkuli Fraga.[161]

His testimony in Section I above, as the only testimony Human Rights Watch was able to obtain from Turkmenistan, cannot be taken as representative, but it raises the possibility that forced anal examinations have been or are being used against others charged with sodomy in Turkmenistan. Lack of access to the country prevented Human Rights Watch from undertaking follow-up research, but the subject merits further investigation.




## Uganda

Uganda's Penal Code punishes "carnal knowledge against the order of nature" with a penalty of up to life in prison.[162] In December 2013, Uganda's parliament voted on a new, harsher law, the Anti-Homosexuality Act, which had been first presented for consideration in 2009.[163] The original draft included the death sentence for homosexual acts in certain circumstances (eventually changed to life imprisonment), and the act

[160] Human Rights Watch telephone interview with Nyazik (pseudonym), April 30, 2016.

[161] "В Туркменистане объявлена очередная амнистия," Turkmeninform.com, May 17, 2014, http://www.turkmeninform.com/ru/news/20140517/08389.html (accessed May 4, 2016).

[162] Laws of Uganda, Chapter 120, The Penal Code Act, enacted June 15, 1950, art. 145.

[163] Human Rights Watch, "Uganda: 'Anti-Homosexuality' Bill Threatens Liberties and Human Rights Defenders," October 15, 2009, https://www.hrw.org/news/2009/10/15/uganda-anti-homosexuality-bill-threatens-liberties-and-human-rights-

criminalized the undefined "promotion" of homosexuality, as well as renting rooms to anyone "for purposes of homosexuality."[164] Heated discourse around the law and its draconian provisions appears to have led to an increase in harassment of persons perceived to be LGBT by civilians and the police alike.

In one of the first cases of forced anal examinations in Uganda that Human Rights Watch documented, police in Entebbe arrested two men, Robert and Christopher, in October 2013, on charges related to alleged homosexual conduct. The men told Human Rights Watch that they were subjected to forced penile and anal exams, involving digital penetration, and forced HIV tests. Robert told Human Rights Watch:

> On Saturday at 6am there was a knock on the door. Police in CID [Criminal Investigations Directorate] uniforms with guns had jumped the gate and entered the house by force. ... There was no warrant. They took us to the [jail] cells and separated us. Other detainees slapped me and told me I had to pay 19,000 Uganda shillings (US$6). A policeman said to them, 'Yeah, you go ahead and beat him, he's been brought here because he's homosexual.'
>
> One hour later they took us out, handcuffed us together, and put us in a vehicle. They drove us to a clinic in Kampala. ... We each were supposed to pay 40,000 for exams. The police paid it. They took Christopher into a room and checked his blood. They didn't tell us why. They checked us by force, with a gun pointing at us. ...
>
> Christopher came out and they took me in. The surgeon checked my penis—I don't know for what. Then the surgeon told me to bend over. He put on gloves and used his fingers, which was wrong. He told the CID officer, 'You come nearby and see.' He said, 'I'm seeing some small pimple behind.' He called in another police officer and said, 'He has a small pimple, but that has nothing to do with sodomy.' We were taken back to the cell in Entebbe.

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defenders; Human Rights Watch, "Uganda: Reject Anti-Homosexuality Bill," May 10, 2011, https://www.hrw.org/news/2011/05/10/uganda-reject-anti-homosexuality-bill.

[164] Human Rights Watch, "Uganda: President Should Reject Anti-Homosexuality Bill," December 20, 2013, https://www.hrw.org/news/2013/12/20/uganda-president-should-reject-anti-homosexuality-bill.

> [On Monday] they took me for another medical checkup. They did the same anal exam and HIV test—this time, in Entebbe police station. There was a doctor there; I don't know his name.[165]

Christopher, interviewed together with Robert, added with regard to the first exam:

> It was physical assault by the police. [First] it was an HIV test. The nurse took my blood. ... Then I was taken into a room with the police surgeon. He put on a rubber glove and put one finger inside me. Another police officer from CID was standing there the whole time, watching. The police surgeon made me bend over standing up to do the test. He said verbally, 'No recent sign of being sodomized.'[166]

Christopher, a British citizen, was deported in January 2014 before his case came to trial, and prosecutors subsequently withdrew charges against him.[167] Prosecutors withdrew the charges against Robert in March 2015.[168]

In another case, in November 2013, police allegedly threatened a young man, David, with an anal exam to try to force him to confess to homosexual conduct:

> A police was slapping me repeatedly on the shoulder, telling me to accept [confess], saying, 'We will take you for medical examinations to check your asses.'

After David's lawyer intervened, the police dropped the idea of forced medical examinations, David said.[169]

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[165] Human Rights Watch interviews with Robert (pseudonym), Entebbe, November 26, 2013, and by telephone, April 28, 2016.

[166] Human Rights Watch interview with Christopher (pseudonym), Entebbe, November 26, 2013.

[167] Republic of Uganda, Directorate of Public Prosecutions, Withdrawal Form, dated March 12, 2014, on file with Human Rights Watch.

[168] Email communication from Christopher to Human Rights Watch, March 24, 2015.

[169] Human Rights Watch interview with David (pseudonym), Kampala, November 27, 2013.

In January 2014, police arrested two young people, Rihanna (a transgender woman) and Kim, after their neighbors attempted to lynch them on suspicion of homosexuality. On police orders, a medical officer at Mayfair Clinic in Kampala subjected both of them to anal exams.[170] Rihanna told Human Rights Watch:

> Two policemen were in the room when the doctor was examining me. They held onto my hands after detaching me from handcuffs. ... [The doctor] put two fingers in my ass. It was so painful. He was feeling the size of the hole. I was feeling so bad. I don't even want to think about it. I was being forced to do something, after a lot of slaps and beating me. They didn't ask my consent and I didn't sign anything, they just did what they wanted and took me back to the cells.[171]

Jojo, a restaurant manager, was subjected to an anal exam at Muyenga Dispensary when police from Kabalagala police station detained him on homosexuality charges in April 2014.[172] Jojo said it was the first time he had ever been anally penetrated:

> I had to take my pants off. [The doctor] even put his fingers in my ass. He opened my dick [pulled back foreskin], and then he told me to bend over and put several fingers in my ass. He told me it was positive. I don't even know what that means. I've never been fucked up the ass. It was nasty stuff. He just rammed his fingers in and pulled them out—it was like he was just doing his formal thing to write a report. I jerked away because it was painful. I jumped. He said, 'He's sensitive, that means he does it.'[173]

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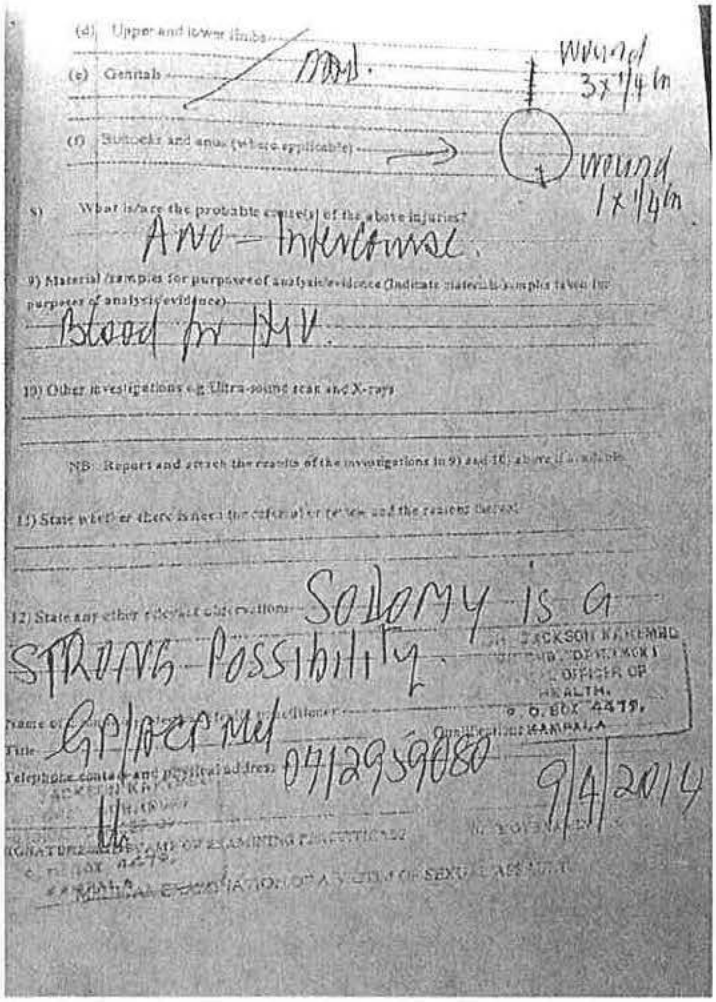
[170] In Uganda, a medical officer is someone who has completed a bachelors' degree in medicine, but has not undertaken an internship which allows them to qualify as a doctor.

[171] Human Rights Watch interview with Rihanna, Kampala, February 3, 2016.

[172] Unlike most cases described in this report, Jojo (pseudonym) was arrested not for consensual sex, but on charges of rape which he denied. The director of public prosecutions eventually dismissed all charges for lack of evidence. Jojo told Human Rights Watch that he was set up by a police informant who encouraged two of his disgruntled employees to file false charges against him, with the hopes of eliciting bribes from Jojo to get the case dropped. It was impossible for Human Rights Watch to verify Jojo's claims with regard to the fabricated charges.

[173] Human Rights Watch interview with Jojo (pseudonym), Kampala, February 4, 2016.

The medical report, on file with Human Rights Watch, says, "Sodomy is a strong possibility."[174] This finding conflicts with the same doctor's own personal assessment, described in Section VI below, that anal examinations cannot determine much.


(d) Upper and lower limbs
(e) Genitals — NAD. — Wound 3x1/4 in
(f) Buttocks and anus (where applicable) — Wound 1x1/4in
8) What is/are the probable cause(s) of the above injuries? Anal – Intercourse.
9) Material /samples for purposes of analysis/evidence (Indicate materials /samples taken for purposes of analysis/evidence) Blood for HIV.
10) Other investigations e.g. Ultra-sound scan and X-rays
NB: Report and attach the results of the investigations in 9) and 10) above if available
11) State whether there is need for referral for review and the reasons thereof
12) State any other relevant observations: Sodomy is a strong possibility.
JACKSON KAKEMBO
OFFICER OF HEALTH.
P. O. BOX 4479,
KAMPALA
Title Officer Incharge
Telephone contact and postal address 0712959080
9/4/2014
MEDICAL EXAMINATION OF A VICTIM OF SEXUAL ASSAULT

Police in Kampala arrested Chloe, a transgender woman whose story is recounted above, and her partner, Eric, in May 2015. Police took the two to Muyenga Dispensary for anal examinations, where Chloe described a glass object, like a thermometer, being inserted inside her anus.

> I was too embarrassed, I felt too bad. I was standing up and [the doctor] told me to take off my clothes and to bend over. It was very painful when he put that thing inside me but I had no choice. … I was crying, I was deep in tears, but I had no choice. The police were saying. 'Why are you crying, you have no choice! You deserve death!' There were three police there.

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[174] Medical report signed by Dr. Jackson Kakembo, April 9, 2016, on file with Human Rights Watch.

[175] The medical reports from the Pader case, on file with Human Rights Awareness and Promotion Forum, were viewed by Human Rights Watch on February 4, 2016.

Chloe reported that the doctor inspected her anus, and inspected Eric's penis as well as his anus. She added, "If I were sick, I could not go to that clinic after all that I went through—no, no, no, I can't. It was too painful. I felt that the doctor abused me."[176]

All of the above-mentioned cases were withdrawn before they reached trial. In one of the few cases involving charges of homosexuality that reached the trial stage, the judge dismissed the medical report—submitted by a defense attorney in an attempt to prove his client's innocence—on the grounds that too much time had lapsed between the alleged incident and the medical examination: in this case, more than five years.[177]
On January 20, 2014, Human Rights Watch wrote to Uganda's Inspector General of Police (IGP), General Kale Kayihura, to raise concerns over forced anal examinations and HIV tests. Human Rights Watch asked Kayihura to "urgently inform all your officers that forced medical and physical testing of defendants is not permitted without a court order and that anal examinations have no evidentiary basis ever," and further, to "investigate the officers involved in these three cases and take disciplinary action against them."[178]

Kayihura did not respond in writing to the letter. At a subsequent meeting with Human Rights Watch, Kayihura suggested he would order police surgeons not to carry out forced anal exams, but made no concrete commitment as to timeframes.[179] The order was apparently never given: in June 2016, the director of Human Rights and Legal Services in the Uganda police told Human Rights Watch, "It's too early to say we can stop the examinations, but it's never too early to start the discussion." He said that in order to

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[176] Human Rights Watch interview with Chloe (pseudonym), Kampala, February 5, 2016.

[177] The case involved allegations of non-consensual sex, unlike most of those described in this report. Chris Mubiru, a well-known football manager, was arrested in December 2013 on charges of raping a 17-year-old boy in 2009. In April 2015—more than five years after the alleged incident—his defense attorney referred him to a doctor for genital examinations. The doctor reportedly informed the court: "The request for the check-up was specific, I had to find out if he had ever used his [genitals] to forcefully commit sodomy acts and to conduct an HIV/Aids test on him." The doctor's conclusions—"There was no darkening or change on foreskin, his anus had a normal tone so it would withhold stool and his HIV/Aids status was also negative"—demonstrate the preposterousness of relying on genital exams to identify the perpetrators of sexual assault: the logic seems to be that if Mubiru did indeed commit the assault, he would have the marks of a "homosexual," perhaps on his penis, perhaps on his anus, regardless of the time lapse and the fact that no evidence had been presented suggesting Mubiru himself had been anally penetrated. Human Rights Watch interview with Isaac Semakadde, Kampala, February 3, 2016; Betty Ndagire, "Doctor defends Mubiru on sodomy," *Daily Monitor* (Kampala), July 2, 2015, http://www.monitor.co.ug/News/National/Doctor-defends-Mubiru-on-sodomy/-/688334/2772260/-/137fazhz/-/index.html (accessed April 25, 2015).

[178] Human Rights Watch letter to Gen. Kale Kayihura, January 20, 2014, on file with Human Rights Watch.

[179] Human Rights Watch interview with Gen. Kale Kayihura, Kampala, February 4, 2014.

definitively stop the examinations, the IGP would need to issue a written circular to all police units.[180]

A Ugandan activist described raising similar concerns about anal examinations with the IGP:

> HRAPF [Human Rights Awareness and Promotion Forum] approached the IGP [Inspector General of Police] on anal exams in 2014 when LGBT activists met with him, shortly after the Anti-Homosexuality Bill passed. The IGP said, 'If victims of rape are examined, why not victims of homosexuality?' He doesn't find it problematic, and says the police have no other option.[181]

The remarks attributed to the IGP are not only troubling, but advance a comparison that makes no logical sense. Rape victims are generally, and should only be, examined with their consent, in order to obtain evidence against people who have attacked them.[182] People accused of homosexuality are coerced into undergoing abusive anal exams in furtherance of the governments' efforts to persecute them.

Ugandan activists are considering filing a constitutional challenge to the use of forced anal examinations. Article 24 of the Constitution provides that no person shall be subjected to any form of torture or cruel, inhuman, or degrading treatment or punishment.[183] Uganda's Prevention and Prohibition of Torture Act, 2012, which domesticates the Convention against Torture into Ugandan law, specifically defines torture as including "rape and sexual abuse, including the insertion of foreign bodies into the sexual organs or rectum or electrical torture of the genitals."[184] It also provides that, "Any information, confession or

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[180] Human Rights Watch interview with Erasmus Twarukuhwa, Kampala, June 15, 2016.

[181] Human Rights Watch interview with Adrian Jjuuko, executive director of HRAPF, Kampala, February 4, 2016.

[182] See, for instance, World Health Organization, "Health care for women subjected to intimate partner violence or sexual violence," September 2014, http://apps.who.int/iris/bitstream/10665/136101/1/WHO_RHR_14.26_eng.pdf?ua=1 (accessed May 17, 2016).

[183] Constitution of the Republic of Uganda, 1995.

[184] Acts Supplement No. 1, Prevention and Prohibition of Torture Act, Second Schedule: Acts Constituting Torture, 1(g), September 18, 2012, http://www.ulii.org/ug/legislation/act/2012/3/prevention_prohibition_of_torture_act_no_3_of_2_17440.pdf (accessed April 7, 2016).

admission obtained from a person by means of torture is inadmissible in evidence against that person in any proceeding."[185]

## Zambia

In 2005, Zambia amended its penal code, replacing a British colonial-era law that had penalized same-sex conduct with up to 14 years in prison with a new law that provides for 15 years to life in prison for "carnal knowledge of any person against the order of nature."[186] As in many African countries that inherited sodomy laws during the colonial period, neither the old law nor its revision have been enforced regularly.

However, in April 2013, an anti-gay moral panic spread throughout Zambia after local media outlets reported that four same-sex couples had attempted to register marriages, a claim that Zambian activists believe was falsified to intentionally provoke hostility toward LGBT people.[187] In May 2013, police in the Kapiri Mposhi district in central Zambia arrested James and Felisha in response to reports from neighbors that the two were engaging in homosexual acts. As part of the police investigation both individuals—one, Felisha, was described as a "man" in press coverage at the time but now self-identifies as a transgender woman—were subjected to anal examinations without their consent at the Kapiri Mposhi District Hospital.[188]

Felisha said that the police who brought her to the hospital for testing did not have a court order; instead, they gave the doctor verbal instructions.[189] She told Human Rights Watch that the doctor who conducted the exam demonstrated clear bias:

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[185] Prevention and Prohibition of Torture Act, 14(1), http://www.ulii.org/ug/legislation/act/2012/3/prevention_prohibition_of_torture_act_no_3_of_2_17440.pdf.

[186] Republic of Zambia, Chapter 87, The Penal Code Act, https://www.unodc.org/res/cld/document/zmb/1931/the_penal_code_act_html/Zambia_Penal_Code_Act_1930_as_amended_2005.pdf, art. 155.

[187] Colin Stewart, "43 anti-LGBT violations in Zambia; 'accident waiting to happen,'" Erasing 76 Crimes (blog), September 30, 2013, https://76crimes.com/2013/09/30/43-anti-lgbt-violations-in-zambia-accident-waiting-to-happen/ (accessed June 4, 2016); Human Rights Watch, "Zambia: Stop Prosecuting People for Homosexuality," May 20, 2013, https://www.hrw.org/news/2013/05/20/zambia-stop-prosecuting-people-homosexuality.

[188] Human Rights Watch, "Zambia: Stop Prosecuting People for Homosexuality," May 20, 2013, https://www.hrw.org/news/2013/05/20/zambia-stop-prosecuting-people-homosexuality.

[189] Human Rights Watch interview with Felisha (pseudonym), Lusaka, January 11, 2016.

> In the police station, we were detained for three days, and then the cops said, 'No this case is a big one, you have to go to the hospital for a test.' So they forced us to go to the hospital.
>
> The police told the doctor, 'These two people are men, but they are living as man and wife, so they have to be tested.'
>
> So the doctor said, 'Oh! This is a big sin, and these people deserve to be punished.' He's the one who testified against us.[190]

Felisha described how the doctor asked her to bend over and inserted "a small tube" into her anus. A police officer was present in the room during the exam.[191]

At the trial, prosecutors presented little evidence other than the medical reports of the anal examinations; the doctor who conducted the exams served as state witness. Defense counsel called another doctor as witness, to challenge the reliability of anal examinations.[192] On July 3, 2014, after more than a year in detention, a judge acquitted Felisha and James for lack of evidence. According to media reports, the judge found that even though the medical report claimed to find evidence of "anal warts and anal pipe dilation" on one of the accused, and "bruises on the manhood" of the other, this was "not enough to prove the involvement of the two accused persons in a sexual act," ruling that "other conditions such as constipation and compromised immunity. ... can cause the physical examination findings on the two suspects."[193]

As the Kapiri Mposhi case worked its way through the courts, in March 2014, police arrested two men on homosexuality charges in Chisamba, a town in central Zambia.

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[190] Ibid.

[191] Ibid.

[192] Human Rights Watch interview with Sunday Nkonde, Lusaka, January 13, 2016.

[193] "Kapiri 'Homosexual Couple' set free, State failed to prove the case beyond any reasonable doubt," *Lusaka Times*, July 3, 2014, https://www.lusakatimes.com/2014/07/03/kapiri-homosexual-couple-set-free-state-failed-prove-case-beyond-reasonable-doubt/ (accessed April 11, 2016).

According to defense lawyer Sunday Nkonde, they too were subjected to anal exams.[194] A judge acquitted them in April 2015 for lack of evidence.[195]

However, these judgments did not put to rest the use of anal examinations in Zambia. In September 2015, police arrested Hatch, a transgender woman in Mongu district in western Zambia, after her male partner turned her in, claiming he had been deceived into thinking he was having sex with a cisgender (non-transgender) woman. A judge convicted Hatch in October, citing "evidence" from a medical report of an anal examination which allegedly found a "tear around his anal area."[196] Lawyers are currently appealing the verdict.

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[194] Human Rights Watch interview with Sunday Nkonde, Lusaka, January 13, 2016.

[195] "Zambia: Two men acquitted of homosexuality charges," Mamba Online, April 16, 2015, http://www.mambaonline.com/2015/04/16/zambia-two-men-acquitted-homosexuality-charges/ (accessed April 11, 2016).

[196] Elizabeth Chatuvela, "Fake woman convicted of sodomy," *Zambia Daily Mail*, October 31, 2015, https://www.daily-mail.co.zm/?p=48588 (accessed May 12, 2016); Michael K. Lavers, "Transgender woman in Zambia convicted of sodomy," *Washington Blade*, November 5, 2015, http://www.washingtonblade.com/2015/11/05/transgender-woman-in-zambia-convicted-of-sodomy/ (accessed May 12, 2016).

# III. International Human Rights Standards and Medical Ethics

Forced anal exams are a human rights violation. States should abolish the practice of conducting these exams. They are also a clear violation of medical ethics, and medical professionals should not agree to carry them out.

## International Human Rights Standards

Forced anal exams constitute a form of cruel, inhuman, and degrading treatment that can in some cases rise to the level of torture.[197] While the following pages offer additional critiques of the exams, all governments should prohibit them for this reason alone.

As evidenced by the testimonies in this report, forced anal exams are often physically painful, profoundly degrading and humiliating, and apt to produce lasting psychological trauma. Some of the people Human Rights Watch interviewed said that they experienced the exams as a form of sexual violence, and in Human Rights Watch's view, they amount to acts of sexual assault. In all of this, the exams are akin to so-called "virginity tests" carried out in some countries on women who are accused of prohibited sexual activity.[198]

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[197] Article 7 of the International Covenant on Civil and Political Rights prohibits torture as well as cruel, inhuman or degrading treatment or punishment. International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976. The Convention against Torture, which all eight states discussed in this report have ratified, requires states to prevent and punish all acts of torture. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987. The constitutions of all eight states also prohibit torture and cruel, inhuman or degrading treatment. Six of the countries in which Human Rights Watch has documented the use of forced anal examinations are in Africa, and the African Charter on Human and Peoples' Rights also expressly prohibits torture, cruel, inhuman or degrading punishment and treatment shall be prohibited." Organization of African Unity (OAU), African Charter on Human and Peoples' Rights ("Banjul Charter"), 27 June 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), http://www.refworld.org/docid/3ae6b3630.html (accessed 23 April 2016), article 5.

[198] See, for example, Human Rights Watch, "Indonesia: Virginity Tests for Female Police: 'Testing' Applicants is Discriminatory, Cruel, Degrading" November 17, 2014, https://www.hrw.org/news/2014/11/17/indonesia-virginity-tests-female-police.

Several international human rights institutions have identified forced anal examinations as a form of torture or cruel, inhuman, and degrading treatment. A 2015 report by the Office of the United Nations High Commissioner for Human Rights (OHCHR) called for banning forced genital and anal examinations,[199] and the exams were condemned in a statement by 12 UN agencies on anti-LGBT violence in September 2015.[200] The UN Special Rapporteur on Torture has described forced anal examinations as "intrusive and degrading"[201] and has raised concern about them with several governments, including Cameroon in 2011,[202] and the United Arab Emirates in 2007.[203] In a January 2016 report, he stated:

> Humiliating and invasive body searches may constitute torture or ill-treatment. ... In States where homosexuality is criminalized, men suspected of same-sex conduct are subject to non-consensual anal examinations intended to obtain physical evidence of homosexuality, a practice that is medically worthless and amounts to torture or ill-treatment.[204]

The UN Committee on Torture first expressed concern about the practice of conducting forced anal examinations with regard to Egypt, in 2002.[205] The UN Working Group on Arbitrary Detention maintains that, "forced anal examinations contravene the prohibition of torture

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[199] Office of the UN High Commissioner for Human Rights, "Discrimination and violence against individuals based on their sexual orientation and gender identity," May 4, 2015, A/HRC/29/23, http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A_HRC_29_23_en.doc (accessed May 20, 2016).

[200] ILO, OHCHR, UNDP, UNESCO, UNFPA, UNHCR, UNICEF, UNODC, UNWOMEN, WFP, WHO, and UNAIDS, "Ending Violence and Discrimination against Lesbian, Gay, Bisexual, Transgender and Intersex People," September 2015, http://www.ohchr.org/Documents/Issues/Discrimination/Joint_LGBTI_Statement_ENG.PDF.

[201] UN General Assembly, "Report of the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment," A/56/156, July 3, 2001, http://www.un.org/documents/ga/docs/56/a56156.pdf (accessed May 22, 2016), para. 24.

[202] UN Human Rights Council, "Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez," A/HRC/16/52/Add.1, March 1, 2011, http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.16.52.Add.1_EFSonly.pdf (accessed May 20, 2016), para. 16.

[203] UN Human Rights Council, "Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak: Addendum," March 20, 2007, A/HRC/4/33/Add.1, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G07/120/41/PDF/G0712041.pdf?OpenElement, para. 317.

[204] UN Human Rights Council, "Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment," A/HRC/31/57, January 5, 2016, http://www.refworld.org/docid/56c435714.html (accessed May 19, 2016), para. 36.

[205] Committee against Torture, "Consideration of Reports Submitted by States Parties Under Article 19 of the Convention: Conclusions and recommendations of the Committee against Torture, Egypt," CAT/C/CR/29/4, December 23, 2002, http://www.refworld.org/docid/4f213bf92.html (accessed May 22, 2016), para. 6(k).

and other cruel, inhumane and degrading treatment, whether ... they are employed with a purpose to punish, to coerce a confession, or to further discrimination."[206]

The Special Rapporteur on Torture has also noted that:

> States fail in their duty to prevent torture and ill-treatment whenever their laws, policies or practices perpetuate harmful gender stereotypes in a manner that enables or authorizes, explicitly or implicitly, prohibited acts to be performed with impunity. States are complicit in violence against women and lesbian, gay, bisexual and transgender persons whenever they create and implement discriminatory laws that trap them in abusive circumstances.[207]

The African Commission on Human and Peoples' Rights, through its Committee on the Prevention of Torture in Africa (CPTA), has called on states parties—including the six African countries in which Human Rights Watch has documented forced anal exams—to:

> Ensure that torture or ill-treatment is not perpetrated on individuals on account of sexual orientation or gender identity. In particular, States should forbear from adopting policies or legislation whose effect may be to encourage perpetration of torture or ill-treatment on the basis of such characterisation by State agencies or private individuals or other entities.[208]

In 2014, the African Commission passed Resolution 275 on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity. The resolution "urges States to end all acts of violence and abuse, whether committed by State or non-state actors, including by ... prohibiting and

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[206] UN Working Group on Arbitrary Detention, A/HRC/16/47/Add.1, opinion no. 25/2009 (Egypt), paras. 24, 28-29, November 24, 2009, http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.16.47.Add.1_AEV.pdf (accessed May 19, 2016).

[207] Human Rights Council, "Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment," A/HRC/31/57, January 5, 2016, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/000/97/PDF/G1600097.pdf?OpenElement (accessed June 20, 2016), para. 10.

[208] Committee for the Prevention of Torture in Africa, Inter-session Activity Report (November 2013 to April 2014) and Annual Situation of Torture and Ill-treatment in Africa Report, Presented to the 55th Ordinary Session of the African Commission on Human and Peoples' Rights, Luanda, Angola, 28 April to 12 May 2014, http://www.achpr.org/sessions/55th/intersession-activity-reports/cpta/ (accessed May 23, 2016), para. 47.

punishing all forms of violence including those targeting persons on the basis of their imputed or real sexual orientation or gender identities."[209] Commissioner Lawrence Mute, a member of the African Commission and the chair of the Committee for the Prevention of Torture in Africa, told Human Rights Watch that in his view, forced anal exams fall under the resolution's purview as a form of violence, and that member states should take immediate steps to prohibit their use.[210]

In addition to being cruel, inhuman and degrading, anal exams represent a breach of criminal suspects' rights to privacy and physical integrity that would not be justifiable even if the exams did *not* constitute cruel, inhuman, and degrading treatment.[211] States do have some latitude to legitimately intrude upon those rights during bodily searches carried out pursuant to a criminal investigation—including for example by subjecting some criminal suspects to mandatory DNA testing.[212] But such actions must be justified by, and proportional to the importance of, a legitimate state interest. States' criminalization of same-sex conduct is itself a human rights violation and forced anal exams serve only one purpose—to assist a government in its efforts to persecute and punish people on the basis of their actual or perceived sexuality.[213] States therefore have no legitimate interest in

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[209] African Commission on Human and Peoples' Rights, Resolution 275, "Resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity," 2014, http://www.achpr.org/sessions/55th/resolutions/275/ (accessed June 7, 2015).

[210] Human Rights Watch interview with Lawrence Mute, Nairobi, June 7, 2016.

[211] Article 17 of the International Covenant on Civil and Political Rights guarantees the freedom from "arbitrary or unlawful" interference with one's privacy. ICCPR, art. 17.

[212] For example, in some circumstances criminal justice systems may lawfully subject individuals suspected of serious offenses to involuntary DNA testing. Article 8 of the European Convention on the Protection of Rights and Fundamental Freedoms guarantees the right to privacy, and allows that public authorities may interfere with this right only in accordance with the law and as is necessary for purposes that include the protection of public safety and the prevention of disorder or crime. European Convention for the Protection of Human Rights and Fundamental Freedoms, 213 U.N.T.S. 222, entered into force September 3, 1953, as amended by Protocols Nos 3, 5, 8, and 11 which entered into force on September 21, 1970, December 20, 1971, January 1, 1990, and November 1, 1998, respectively., Art 8. The European Court on Human Rights has held that this allows member states to collect DNA samples from criminal suspects, but not to store them indefinitely for indeterminate purposes. See European Court of Human Rights, *Case of S. and Marper v. The United Kingdom*, (application nos. 20562/04 and 30566/04), Judgment of 04 December 2008, http://www.bailii.org/eu/cases/ECHR/2008/1581.html (accessed June 20, 2016). The US Supreme Court has held that when law enforcement officers arrest a person suspected of a serious offense, taking and analyzing a cheek swap containing a sample of that person's DNA is reasonable under the US Constitution's Fourth Amendment, which protects against unreasonable search and seizure—partly because the intrusion represented by the cheek swab is "minimal." *Maryland v. King*, United States Supreme Court, 133 S. Ct. 1958, June 3, 2013, http://www.supremecourt.gov/opinions/12pdf/12-207_d18e.pdf (accessed June 20, 2016).

[213] Criminalizing same-sex conduct between consenting adults violates the right to privacy and the right to freedom from discrimination. Articles 2 and 26 of the ICCPR affirm the equality of all people before the law and the right to freedom from discrimination. Article 17 protects the right to privacy. See also *Toonen v. Australia*, 50th Sess., Communication No. 488/1992, U.N. Doc CCPR/C/50/D/488/1992, April, 14, 1994, sec. 8.7. The UN Working Group on Arbitrary Detention has ruled that arrests for consensual same-sex conduct are, by definition, arbitrary. See *François Ayissi, et al. v. Cameroon*, UN Working Group on Arbitrary Detention, Opinion No. 22/2006, U.N. Doc. A/HRC/4/40/Add.1 at 91 (2006),

subjecting anyone to forced anal exams, irrespective of how they are carried out. Furthermore, and as discussed in detail below, in most if not all cases, the exams are objectively worthless in evidentiary terms.

Some states' legal frameworks purport to allow anal exams of people accused of same-sex conduct only with the consent of the accused. Yet the reality in all of the cases Human Rights Watch documented in all eight countries, was that the examinations were clearly and unequivocally coercive, whether the victim "consented" nor not.

Several of the people we interviewed described beating beaten or threatened until they gave their "consent" for an anal exam. Others were told that a refusal to undergo the tests could count as evidence against them in court, or that the tests were the only way to prove their innocence. In Tunisia, Wassim, one of the students from Kairouan, said:

> They gave me a blank page and the doctor told me to write, 'I the undersigned, accept and hereby authorize you to conduct an anal examination on me.' The doctor told me, 'If you don't sign, I will put in your report that you had sodomy.'[214]

In other cases, coercion is somewhat less explicit but no less clear. Dr. Jackson Kakembo, who has conducted anal exams in Uganda, explained, "The accused cannot refuse to undergo the exams. They're under duress. Sometimes they're in handcuffs and are brought in at gunpoint—these police are armed."[215] Mehdi, another Tunisian student, said the presence of police was the deciding factor in his providing "consent":

> When it was my turn, when I entered the room the doctor asked me to sign my consent for the test, and I refused. The doctor said, 'You have to sign.' He gave me a blank paper. He showed me an example of a signed paper,

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https://www1.umn.edu/humanrts/wgad/22-2006.html (accessed June 7, 2016).The African Commission on Human and Peoples' Rights has called for an end to arbitrary imprisonment, as well as all forms of violence, on the grounds of sexual orientation and gender identity. African Commission on Human and Peoples' Rights, Resolution 275, "Resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity," 2014, http://www.achpr.org/sessions/55th/resolutions/275/ (accessed June 7, 2015).

[214] Human Rights Watch interview with Wassim (pseudonym), Tunis, February 15, 2016.

[215] Human Rights Watch interview with Dr. Jackson Kakembo, Kampala, February 5, 2016.

> and told me to write the same. I felt compelled to do it because there were two policemen in the room.[216]

Mehdi added: "I felt like the doctor was homophobic and that he was on the side of the policeman and was forcing me. I felt it wasn't his role—he wasn't supposed to do that."[217]

A forensic doctor in Tunisia who sometimes conducts anal exams told Human Rights Watch that he only does so with consent, but when asked whether police might have used force or coercion to compel detainees to undergo the test, he said: "I can't know what happens outside this room."[218]

The British Medical Association provides helpful guidelines on situations in which informed consent cannot be given:

> A fundamental ethical principle guiding medical practice is that no examination, diagnosis or treatment of a competent adult should be undertaken without the person's consent. The ethical obligation to seek consent applies even where this is not a legal requirement. In order for consent to be 'valid' the individual must have been given sufficient, accurate and relevant information; the individual must have the competence to consider the issues and to reach a decision; and that decision must be voluntary in terms of not being coerced. There are a number of ways in which the ability of detainees to give consent may be compromised:
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> - the individual's competence to make a decision may be affected by illness, fear, fatigue, distress or by the effects of alcohol or drugs
> - the lack of privacy during the consultation may affect the individual's willingness to ask questions in order to receive sufficient information to make an informed decision

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[216] Human Rights Watch interview with Mehdi (pseudonym), Tunis, February 15, 2016.

[217] Ibid.

[218] Human Rights Watch interview with a forensic doctor, Tunisia, February 2016, exact location and date withheld at the doctor's request.

- the individual may give general consent to anything proposed in the hope of being released more quickly without considering the actual procedure to be undertaken
- the fact that a refusal to permit an intimate search may be seen to imply guilt, may pressurise the patient to give consent [219]

## Medical Ethics

Medical personnel should not engage in acts of torture or other forms of cruel, inhuman, or degrading treatment. [220] Yet this is precisely what forced anal exams amount to. Dr. Vincent Iacopino, Senior Medical Advisor for Physicians for Human Rights and one of the principal drafters of UN Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), told Human Rights Watch:

> Anal exams to 'detect' homosexuality ... are unethical, and constitute cruel, inhuman and degrading treatment, and possibly torture. Sexual identity and orientation is not a disease or a crime, and health professionals have no business diagnosing it or aiding State officials in policing and punishing people on the basis of their sexuality.[221]

The United Nations' "Principles of Medical Ethics Relevant to the Role of Health Personnel, Particularly Physicians, in the Protection of Prisoners and Detainees Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment" of 1982 reinforce and

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[219] BMA Ethics, "Recommendations for healthcare professionals asked to perform intimate body searches: Guidance for doctors from the British Medical Association and the Faculty of Forensic and Legal Medicine," July 2010, http://www.bma.org.uk/-/media/files/pdfs/practical%20advice%20at%20work/ethics/intimatebodysearchesjuly2010.pdf (accessed April 8, 2016). p. 1.

[220] See, for example, World Medical Assembly, Declaration of Tokyo: Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment, Adopted by the 29th World Medical Assembly, Tokyo, Japan, October 1975 and editorially revised by the 170th WMA Council Session, Divonne-les-Bains, France, May 2005 and the 173rd WMA Council Session, Divonne-les-Bains, France, May 2006, http://www.wma.net/en/30publications/10policies/c18/ (accessed April 10, 2016). The declaration provides the following definition of torture: "For the purpose of this Declaration, torture is defined as the deliberate, systematic or wanton infliction of physical or mental suffering by one or more persons acting alone or on the orders of any authority, to force another person to yield information, to make a confession, or for any other reason."

[221] Email communication from Dr. Vincent Iacopino to Human Rights Watch, May 2, 2016.

elaborate the principle that medical professionals should never participate in cruel, inhuman or degrading treatment. Particularly relevant are the following:

> **Principle 2.** It is a gross contravention of medical ethics, as well as an offence under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment.
>
> **Principle 4:** It is a contravention of medical ethics for health personnel, particularly physicians ...to apply their knowledge and skills in order to assist in the interrogation of prisoners and detainees in a manner that may adversely affect the physical or mental health or condition of such prisoners or detainees and which is not in accordance with the relevant international instruments.[222]

The heads of national medical councils in both Cameroon and Uganda, when interviewed by Human Rights Watch, appeared shocked to learn that forced anal examinations were being conducted by medical practitioners under their watch. Dr. Katumba Ssentongo Gubala, the registrar of the Uganda Medical and Dental Practitioners Council (UMDPC), said:

> Homosexuality is forbidden in Uganda, but medical ethics are the same the world over, and we have to treat them like everyone else. ... We are only interested in treatments that add value to the patient, and that are not coerced by anyone. If our people are involved in these exams, that is unethical.[223]

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[222] "Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment," G.A. Res. 37/194, annex, 37 U.N. GAOR Supp. (No. 51) at 211, U.N. Doc. A/37/51 (1982), http://www.ohchr.org/EN/ProfessionalInterest/Pages/MedicalEthics.aspx (accessed April 10, 2016).

[223] Human Rights Watch interview with Dr. Katumba Ssentongo Gubala, Kampala, February 4, 2016.

He added:

> Police surgeons are bound to respect the code of medical ethics just like everyone else. We've insisted to them: even if you are police, the most important thing is that you are a doctor.[224]

In response to a letter from Human Rights Watch outlining five cases of forced anal exams in Uganda involving three different clinics, Dr. Katumba told Human Rights Watch in June 2016 that the UMDPC would soon embark on a program to sensitize doctors about the importance of consent, and would investigate the allegations regarding the particular clinics where the use of forced anal exams has been documented.[225]

Dr. Guy Sandjon, the president of the National Medical Council of Cameroon, also expressed surprise when Human Rights Watch, in November 2013, presented him with evidence of forced anal examinations. He said he was not aware that such exams were conducted in Cameroon, and added:

> Police don't have the right to do this—it's illegal. Doctors can refuse. We have to respect patients' privacy, and do what is in the interests of the patient. Doctors should never examine patients in front of the police. Results of medical tests should only be given to the patients. ... Even military doctors take vows with the Medical Council and have to respect our judgments on medical ethics. [226]

Dr. Sandjon assured Human Rights Watch that if the victims or their lawyers submitted specific complaints, he would summon the doctors who had conducted the exams, hold a Medical Council hearing on their conduct, and communicate the decision to all doctors.[227] Human Rights Watch worked with Cameroonian lawyer Alice Nkom to obtain statements from four victims of anal exams, which Nkom submitted to Dr. Sandjon, in the form of

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[224] Ibid.

[225] Email communication from Dr. Katumba to Human Rights Watch, June 7, 2016.

[226] Human Rights Watch interview with Dr. Guy Sandjon, Yaoundé, November 1, 2013.

[227] Ibid.

formal complaints in late 2013.[228] Dr. Sandjon later informed Nkom that he had delegated the affair to a colleague. As of June 2016, Nkom had not received any further information as to what had been done, if anything, to address the complaints.[229]

Some individual doctors who conducted anal exams, when interviewed by Human Rights Watch, fell back on the claim that they did so with the "consent" of the victim. But as described above, in all of the cases Human Rights Watch documented, that consent was illusory even where formally sought and obtained.

On March 3, 2016, the Independent Forensic Experts Group (IFEG), composed of 35 preeminent forensic doctors from around the world, published a statement roundly condemning the use of anal examinations to prove same-sex conduct. Regarding the question of consent, IFEG explains:

> In our experience, ensuring informed consent is almost impossible for examinations based on profound discrimination and criminalisation, where individuals understand that State officials have the power to compel the examination, and non-compliance is likely to result in adverse legal outcomes, ill-treatment, and reprisals. For this reason, anal examinations and other tests targeting "homosexuality" should be presumed to be conducted forcibly and without informed consent.[230]

On June 24, 2016, the World Professional Association for Transgender Health (WPATH) issued a statement expressing its "deep concern" about the complicity of medical personnel in forced anal exams. WPATH added:

> We are of the opinion that medical personnel, who prepare 'medical reports', which are used in trials to convict men and transgender women of

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[228] Email from Alice Nkom to Dr. Guy Sandjon, November 18, 2013, on file with Human Rights Watch.

[229] Human Rights Watch telephone interview with Alice Nkom, June 23, 2016.

[230] Independent Forensic Experts Group, "Statement on Anal Examinations in Cases of Alleged Homosexuality," May 3, 2016, http://www.irct.org/media-and-resources/irct-news/show-news.aspx?PID=13767&Action=1&NewsId=4037 (accessed May 22, 2016).

consensual same-sex conduct, engage in unethical and inhumane abuse of medical authority.[231]

## Lack of Evidentiary Value

As some of the cases documented in this report make clear, there are medical professionals in some countries who were taught, and continue to believe, that forced anal exams have real probative value in investigating allegations of same-sex conduct. A few of the medical professionals whom Human Rights Watch interviewed for this report claimed that they could find evidence of anal penetration by conducting anal exams. But these views fly in the face of an increasingly firm medical consensus that forced anal examinations are not only unethical and abusive, but also entirely without evidentiary value in the vast majority of cases. While forced anal exams might, in certain circumstances, succeed in finding semen that could be evidence of very recent same-sex conduct, they do nothing to reveal whether men or transgender women regularly engage in same-sex conduct.[232] Yet this is precisely the purpose for which they seem most often to be used.

Dr. Robert Nye, a historian of sexology, told Human Rights Watch that the medical theories underlying the use of forced anal exams, as advanced by Ambroise Tardieu in 1857, are "utterly discredited" and have been considered antiquated for over a century. He added, "The famous six 'signs' of passive sodomy were questioned and disregarded by the very next generation of forensic doctors and sexologists."[233] A growing body of expert opinion offers emphatic support for this view.

The Independent Forensic Experts Group (IFEG), in its May 2016 statement condemning forced anal examinations, stated that the exams should be rejected both for reasons of human rights and medical ethics and on the grounds that "the examination has no value in

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[231] WPATH Statement Against Forced Anal Exams, June 24, 2016, on file with Human Rights Watch.

[232] The only case in which semen might be found is if the exam takes place in the approximately three days immediately following sexual intercourse and only if a condom was not used correctly. John W. Eddy and Helen M. James, "Forensic gynaecological examination for beginners: management of women presenting at A&E," *The Obstetrician & Gynaecologist*, 2005, 7:82-88, http://onlinelibrary.wiley.com/doi/10.1576/toag.7.2.082.27064/pdf (accessed May 20, 2016).

[233] E-mail communication to Scott Long, former director of the LGBT Rights program at Human Rights Watch, from Professor Robert Nye, Department of History, Oregon State University, July 18, 2003, quoted in Human Rights Watch, *In A Time of Torture*, p. 109.

detecting abnormalities in anal sphincter tone that can be reliably attributed to consensual anal intercourse." As IFEG points out:

> There is no standardised, quantifiable method for describing anal sphincter tone on digital rectal examination and no data to support any correlations between digital anal examinations and actual anal sphincter pressures. ... There is no data to support consistency among examiners in their assessments of anal tone and what may or may not be clinically significant.

Further,

> decreased anal sphincter pressure may be caused by a wide range of conditions, including: mechanical trauma, increasing age, haemorrhoids, chronic constipation, irritable bowel syndrome, neurologic conditions such as pudendal neuropathy from constant straining, cauda equine syndrome, diabetic neuropathy, multiple sclerosis, Amyotrophic Lateral Sclerosis (ALS), Parkinson's Disease, Guillain-Barre syndrome, iatrogenic causes (caused by physicians) such as surgical sphincterotomy for the treatment of anal fissures and other anal/rectal surgeries, benign prostatic hypertrophy, and side effects from medications.[234]

Based on these findings, Dr. Vincent Iacopino of Physicians for Human Rights, who is also a member of IFEG, stated that "Anal examinations to 'detect' homosexuality have no scientific value."[235]

Dr. Lorna Martin, an acclaimed forensic specialist at the University of Cape Town, affirmed that "it is impossible to detect chronic anal penetration; the only time the [forensic anal]

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[234] Independent Forensic Experts Group, "Statement on Anal Examinations in Cases of Alleged Homosexuality," May 3, 2016, http://www.irct.org/media-and-resources/irct-news/show-news.aspx?PID=13767&Action=1&NewsId=4037 (accessed May 22, 2016).

[235] Email communication from Dr. Vincent Iacopino to Human Rights Watch, May 2, 2016.

examination could be of any use is for acute non-consensual anal penetration, when certain injuries may be seen."[236]

A senior forensic medicine specialist in Kampala, Dr. Sylvester Onzivua, was dismissive of Ugandan medical practitioners who claim to find evidence of anal intercourse. He said:

> Ninety-five percent of our Ugandan doctors have no experience handling cases of sexual assault, especially sodomy. They just get one or two lectures on sexual assault in their entire medical education. ... The doctors fill in these forms and take money for it—so there's money to be made.[237]

Onzivua added:

> I haven't seen cases of consenting adults that would allow me to draw any conclusions. People talk about things to do with the tone of the anus, the anal sphincter—but these are not reliable. I wouldn't judge that there has been anal sex simply based on the anal sphincter ... The anal sphincter on any patient can loosen, depending on what position you can put them in.[238]

Dr. Jackson Kakembo, a retired police surgeon who conducted anal exams out of his private clinic in Kampala, was also not very convinced by the procedure. He said:

> If it is a case involving consenting adults, you can't tell much from examining them. ... The police bring them for exams because the neighbors are complaining that someone is homosexual, and the police become suspicious. They ask me to fill in the form, but it doesn't serve much purpose.[239]

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[236] Human Rights Watch, et. al., "Letter to the Minister of Justice of Cameroon Regarding 11 Men Detained on Suspicion of Homosexual Activity," December 1, 2005, http://www.hrw.org/news/2005/11/30/letter-minister-justice-cameroon-regarding-11-men-detained-suspicion-homosexual-acti.

[237] Human Rights Watch interview with Dr. Sylvester Onzivua, Kampala, February 4, 2016. One of the Ugandan medical professionals interviewed by Human Rights Watch, Dr. Jackson Kakembo, acknowledged that the victims themselves were required by police to pay him 20,000 Uganda shillings (approximately US$6) to conduct the exams. In other words, victims of forced anal exams are paying for their own violation. Human Rights Watch interview with Dr. Jackson Kakembo, Kampala, February 5, 2016.

[238] Human Rights Watch interview with Dr. Sylvester Onzivua, Kampala, February 4, 2016.

[239] Human Rights Watch interview with Dr. Jackson Kakembo, Kampala, February 5, 2016.

Asked what signs he was looking for when conducting the exams, Dr. Kakembo said:

> That's the problem. What am I to check for? I just examine them because they're being sent to me, but what they do in their bedrooms is not my business. I check the penis to see if there are tears, sores, tenderness, or bruising, but most of the time there is nothing. Then I have them turn around, and I put on my gloves and check their anal area, but I really don't find much. I check for tightness and tenderness. I haven't found one case of an anal sphincter that is loose. There are no cases with feces dropping out. ...
>
> I did not receive any specialized training on how to conduct these exams. I just use my common sense ... It's not an examination that can determine much.[240]

In Lebanon, too, although some doctors continue conducting the tests, forensic experts find them useless. Lebanese forensic specialist Dr. Elias Sayegh's 1997 book, *Al-Tub Al-Shar'i Al-'amali: Muktatafat Khibra wa Qanun* (Practical Forensic Medicine: Fragments of Experience and Law) argued, "It is important to bring attention to the fact that same-sex relations, if done with gentleness and consent, do not leave any signs that can help in diagnosing even if it was done repeatedly."[241]

Dr. Hussein Chahrour, the president of the Forensic Medicine Society of Lebanon, told Human Rights Watch, "It's impossible to find any signs to say this is definitely homosexuality."[242] He added:

> There are no signs that are unique to homosexuality. When I'm asked, I call the judge and say that I can't reach a result unless I find sperm, and most people are using condoms these days so you're unlikely even to find that. [Doctors who are not experts] would say 'redness, tenderness, the diameter

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[240] Human Rights Watch interview with Dr. Jackson Kakembo, Kampala, February 5, 2016.

[241] Sgeyh's book is quoted in "Testimonies of doctors and victims," Legal Agenda, May 2012, http://www.legal-agenda.com/article.php?id=142&folder=articles&lang=ar (accessed April 8, 2016); quote translated from the original Arabic by Human Rights Watch.

[242] Human Rights Watch interview with Dr. Hussein Chahrour, Beirut, April 1, 2016.

> is a little wider than normal'—but what is the normal diameter? Do they know it? They would say, 'I put my finger inside and it went smoothly.' Even constipated people may get fissures, redness, pain. What is the 'normal' to say that this is 'abnormal'?[243]

Dr. Sami Kawas, a forensic medicine specialist in Beirut who has carried out anal examinations for years, told Human Rights Watch frankly:

> This is a bullshit thing. You can find nothing. There are false positives and false negatives. If you find a funnel shape, it can be from some disease, or from other anal sphincter issues. Or you can have a real homosexual with a normal anus.[244]

In sum, Dr. Kawas said, "You cannot conclude anything, medically.[245]

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[243] Human Rights Watch interview with Dr. Hussein Chahrour, Beirut, April 1, 2016.

[244] Human Rights Watch interview with Dr. Sami Kawas, Beirut, March 30, 2016.

[245] Ibid.

# VII. Recommendations

## To all State Governments, notably the governments of Cameroon, Egypt, Kenya, Lebanon, Tunisia, Turkmenistan, Uganda and Zambia

- Ban the use of anal examinations on men and transgender women accused of consensual same-sex conduct. Such bans should take place at several levels in order to ensure that the practice of forced anal examinations is eliminated:
    - Heads of State should take steps that are legally within their powers to end forced anal examinations. Depending on the constitutional powers of the head of state, this may involve: issuing executive orders prohibiting the use of anal examinations in prosecutions for consensual same-sex conduct; introducing and advancing legislation banning forced anal examinations; or instructing relevant ministries, including those whose responsibilities include justice, security, and health, to take steps to ban forced anal exams.
    - To the extent allowed under domestic law, Ministries of Justice should prohibit judges and magistrates from admitting the results of anal examinations into evidence in cases involving charges of consensual same-sex conduct or other private sexual behavior between adults.
    - Law enforcement agencies, including public prosecutors' offices and police departments, should prohibit law enforcement officials from ordering anal examinations of suspects. They should ensure that medical personnel who refuse to conduct the exams do not face any legal consequences.
    - Ministries of Health and national medical councils or similar regulatory bodies should prohibit medical personnel from conducting anal examinations on persons accused of consensual same-sex conduct unless under explicit threat of criminal sanction.
    - National human rights institutions should conduct investigations into the use of forced anal examinations and should call on the relevant authorities to put a stop to the practice.
- Decriminalize consensual same-sex conduct between individuals who are above the minimum age of consent to sex.

## To the World Health Organization

- Issue a document, in the form of a statement, ethical guidance note, or technical document, condemning the use of forced anal examinations as a method of investigating consensual same-sex conduct on the grounds that the exams are medically worthless and violate medical ethics, and urging member states to abandon this practice.
- On the basis of such a document, reach out to ministries of health, medical councils, ethics committees within national health agencies, and law enforcement agencies on medical ethics, including the requirement that no health personnel may "engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment," and the relevance of this requirement to forced anal exams.
- Educate ministries of health, medical professionals and law enforcement agencies on the lack of medical or scientific value of anal exams as a form of evidence of consensual same-sex conduct. Work with them to ensure that medical textbooks are up to date and to prevent antiquated theories on anal exams from being taught in medical schools.

## To the World Medical Association and the Conférence Francophone des Ordres des médecins (Francophone Conference of Medical Councils)

- Issue statements condemning forced anal examinations as a violation of medical ethics and a form of cruel, inhuman, or degrading treatment that can rise to the level of torture.
- Engage with member medical associations to urge them to prohibit members from conduct forced anal examinations, following the example of Lebanon.
- Urge physicians from member medical associations to participate in national institutions for the prevention of torture (National Preventive Mechanisms) as established by the Optional Protocol to the United Nations Convention against Torture (OPCAT), and to ensure that the National Preventive Mechanisms play a role in stopping or preventing the use of forced anal examinations.

## To UNAIDS

- Issue a statement condemning the use of forced anal examinations as a method of investigating consensual same-sex conduct, noting that forced anal examinations are damaging to doctor-patient relationships that must be strengthened in order to address the spread of HIV/AIDS among marginalized populations.

## To the Office of the High Commissioner on Human Rights (OHCHR) and regional human rights bodies, including the African Commission on Human and Peoples' Rights

- Monitor and report on the use of forced anal examinations, and work with governments to put an end to the use of these exams.

## To the Special Rapporteur on Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment

- Request visits to the countries named in this report to investigate cases of torture, including the use of forced anal examinations, and issue communications calling on offending governments to ensure accountability for torture and degrading treatment, and put an end to the practice of forced anal exams.

## To the Committee for the Prevention of Torture in Africa at the African Commission on Human and Peoples' Rights

- Issue a guidance paper clarifying that forced anal examinations are a form of torture and should be banned by all states party to the African Charter on Human and Peoples' Rights.

## To the UN Human Rights Council and all member states

- Use the Universal Periodic Review process to hold states accountable for the use of forced anal examinations by posing questions to states as to their use of anal exams and making specific recommendations to ban the use of such exams.

## To donor countries that provide support, including finances and training, for law enforcement agencies in countries in which anal exams are conducted

- Train law enforcement officials, including police and prosecutors, on the lack of evidentiary value of anal examinations and the fact that forced anal examinations constitute an illegal form of torture or cruel, inhuman, and degrading treatment.
- Consider withholding resources from law enforcement agencies that persistently practice forced anal examinations.
- Support national medical councils in their work to enforce standards of medical ethics.

# Acknowledgments

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The report was reviewed by Graeme Reid, director of the LGBT Rights Program; Amna Guellali; Viktoriya Kim; Haley Bobseine; Maria Burnett and Dewa Mavingha, senior researchers in the Africa Division; a researcher on Egypt; Nadim Houry, deputy director of the MENA Division; Rachel Denber, deputy director of the Europe and Central Asia Division; Otsieno Namwaya, Kenya researcher; Corinne Dufka, deputy director of the Africa Division; Diederik Lohman, acting director of the Health and Human Rights Program; Aruna Kashyap, senior researcher in the Women's Rights Division; Chris Albin-Lackey, senior legal advisor; and Joseph Saunders, deputy program director.

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# Annex I

MINISTERE DE LA SANTE PUBLIQUE

DELEGATION REGIONALE DE LA SANTE DU CENTRE

SERVICE DE SANTE DE DISTRICT DE DJOUNGOLO

CENTRE MEDICAL DE MVOG-ADA

N...52.....RP/MSP/DRSC/DDSD/CMA MVOG-ADA

REPUBLIQUE DU CAMEROUN
Paix – Travail - Patrie

## RAPPORT D'EXPERTISE MEDICALE SUR

[redacted]

Age :

Toucher rectal : on note une odeur nauséabonde à l'approche de l'anus. On note également à 06 heures, une cicatrice d'une ancienne lésion.

L'anus laisse passer l'index et le majeur de la main droite sans douleurs, le doigtier ramène une pâte composée d'un enduit blanchâtre et de selles mal odorante.

Conclusions : Monsieur [redacted] a l'habitude d'entretenir des rapports par voie anale.

Yaoundé, le 08 Octobre 2013

La Directrice

Akamba Anastasie Clarice
Médecin
N M.C.N° 3642 / 98
A.C.D
Médecin de Sport
Directeur du C.M.A

# Annex 2

Dr. Sami Kawas

*Family Medicine Specialist*

*Forensic & Legal Medicine*

*Graduate of the American University of Beirut and*
*Swedish Medical Centers with dual specialty in Family Medicine*
*University Diploma in Legal Medicine from the*
*Faculty of Medicine of Saint Joseph University in*
*Lebanon and Rouen University in France*
*Licensed Medical Practitioner by the Lebanese*
*Ministry of Health and the Swedish National*
*Board of Welfare*

Forensic Report on Mr. XXXX

On 14/07/2015, upon request from Mr. xxxxx, his mother's name is xxxx, born in 1958, Lebanese according to his ID card, a forensic and clinical test was done at my clinic in Beirut at 16:30, in order to find out if there are any clinical evidence to homosexual practices or not. After the full clinical test (also upon his request) it is evident that he is of sound health. Upon performance of an anal test on him, the anus appeared to be normal, without a funnel shape on the outside, or injuries, scratches, redness or chronic diseases.

We took photographs for documentation.

Therefore, there is no medical evidence that suggests he is practicing homosexuality. The clinical test brought normal results.

Beirut, 14/07/2015

Dr. Sami Kawas

*Family Medicine Specialist*

*Forensic & Legal Medicine*

*Graduate of the American University of Beirut and*
*Swedish Medical Centers with dual specialty in Family Medicine*
*University Diploma in Legal Medicine from the*
*Faculty of Medicine of Saint Joseph University in*
*Lebanon and Rouen University in France*
*Licensed Medical Practitioner by the Lebanese*
*Ministry of Health and the Swedish National*
*Board of Welfare*

Number 2013/5 – Report # 76/302

Forensic Report on Mr. XXXX

On 04/02/2013, upon request from the appeals prosecution office in Beirut in the person of Supreme Judge xxx, and through the vice police office in Beirut, with full consent from the defendant, I was assigned the task of examining Mr. xxxx, his mother's'name is xxxx, born in 1992, Lebanese, at my clinic in Beirut, in order to know if he is practicing homosexuality or not. After an anal test on him, the anus appeared to be normal, without a funnel shape on the outside, or injuries, scratches, redness or diseases.

Note: absence of clinical evidence at anus does not rule out the possibility of practicing homosexuality through the anus in the past.

# DIGNITY DEBASED

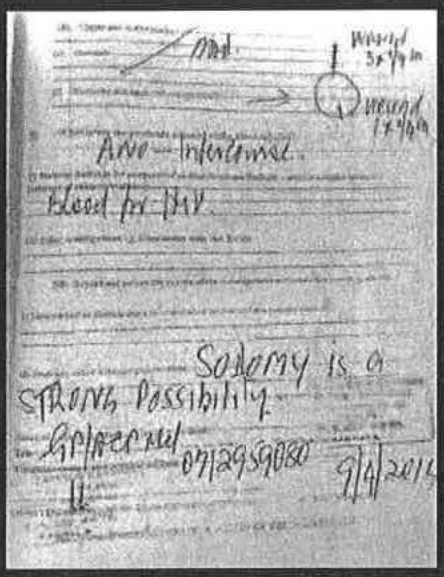
## Forced Anal Examinations in Homosexuality Prosecutions

In at least eight countries in which consensual same-sex conduct is criminalized, law enforcement officials working in tandem with medical personnel subject men and transgender women who are arrested on homosexuality-related charges to forced anal examinations, with the purported objective of finding "proof" of homosexual conduct.

These examinations, based on long-discredited 19th century science, often involve doctors or other medical personnel forcibly inserting their fingers, and sometimes other objects, into the anus of the accused in order to determine the tone of the anal sphincter or the shape of the anus. The overwhelming weight of medical and scientific opinion holds that it is impossible to use these exams to determine whether a person has regularly engaged in same-sex conduct.

Forced anal examinations are a form of cruel, degrading, and inhuman treatment that can rise to the level of torture. They violate the Convention against Torture, the International Covenant on Civil and Political Rights, and the African Convention on Human and Peoples' Rights. As the UN Committee against Torture has emphasized, they "have no medical justification and cannot be consented to fully." Medical personnel who agree to conduct forced anal exams do so in violation of international principles of medical ethics.

*Dignity Debased* is based on interviews with 32 men and transgender women who underwent forced anal examinations, compiles evidence of the use of forced anal exams in eight countries: Cameroon, Egypt, Kenya, Lebanon, Tunisia, Turkmenistan, Uganda, and Zambia. The report recommends that all states ban forced anal examinations, and that international and domestic human rights and health institutions vigorously and vociferously oppose their use.




*A medical report filled out by a doctor in Kampala, Uganda, after conducting a forced anal examination on a man suspected of consensual same-sex conduct.*

*© 2016 Neela Ghoshal/Human Rights Watch*

**hrw.org**

# A campaign to silence this Lebanese band has galvanized the country's extreme Christian right

By Tamara Qiblawi, CNN

Updated 2:53 AM ET, Sun August 4, 2019

**Beirut, Lebanon (CNN)** — Hamed Sinno, then 22, was on stage for Mashrou' Leila's first major concert. The frontman of the genre-busting band danced in circles, hands in the air, and then looked intently at violinist Haig Papazian. Papazian began to play the first notes of the group's breakthrough hit, "Raqsit Leila" (the dance of Leila).

The crowd was euphoric. Many in the audience had known music act Mashrou' Leila from the band's earliest days, performing in small local festivals around Lebanon. Their bold lyrics about queer romance, political corruption and religious sectarianism sung to the Balkan-influenced tunes and Sinno's soaring vocals.

Mid-song, Sinno paused. He signaled to an audience member to hand him a rolled-up piece of fabric. As he leapt around the stage, Sinno, who identifies as gay, unfurled the gay pride flag to rapturous applause.

"That was a moment of history," recalled one Lebanese activist, who identifies as queer and attended the show at the 2010 Byblos International Festival but who declined to be named for security reasons. "Hamed carried it like (late Egyptian diva) Umm Kulthum carried her white scarf and sang."

This was likely the first time the rainbow flag had appeared on a major Lebanese stage. Prime Minister Saad Hariri was in the audience as Sinno sang about political corruption and police violence.

"It felt like justice," said the activist.

Hamed Sinno of Mashrou' Leila performs at The Roundhouse on March 07, 2019 in London, England.

Mashrou' Leila had been slated to perform at the Byblos Festival for their third appearance at the festival over the years on August 9, 2019. This followed a rapid rise to relative global fame with the group having performed at prominent venues, such as the Barbican Centre in London and New York's Metropolitan Museum of Art, as well as multiple international Lebanese festivals.

But this time, the Byblos concert faced threats of a violent shutdown. Right-wing Lebanese Christian activists, who accused the band of "blasphemy," vowed to stop the performance "with force," unleashing a virulent social media campaign against the group.

Highlighting lyrics that they interpreted as "devil worship," some activists invoked the crusades. Another Facebook group called the "Soldiers of the Lord" tried to rally priests and politicians to join their bid to stop the concert.

Eventually, the Maronite Catholic Eparchy of Byblos also demanded the concert be canceled, citing a violation of "religious values."

A range of allegations against members of the band swirled. The band said their members were questioned by police. State media reported that members of the band were investigated for offending "Christian sanctities" and then released. The band's lawyer said they face no criminal charges.

Still, festival organizers caved to the wishes of right-wing Christian activists and scrapped the performance, saying it was canceled to "prevent bloodshed." Church leaders and right-wing activists hailed the move as a "victory." But for the people who felt redeemed by the band's 2010 concert, a sense of desperation set in.

Lebanon's rights activists had been making a series of small gains in recent years in women's rights, LGBT freedoms and others. But now it seemed that the tide was quickly changing.

"I felt frustrated. I felt a kind of helplessness," said the unnamed activist. "At the same time, I felt it was surreal."

For some, the case of Mashrou' Leila has marked the start of a post-truth era in Lebanon. The controversy largely comes down to a dispute about the meaning of song lyrics.

"Nobody is asking for the truth. Everyone is expressing his hate and that's why the band was a victim of lots of falsifications and fake news," said human rights lawyer Nizar Saghieh, who is part of the legal team advising the band on how to navigate the scandal.

"It's not the first time that an artist is accused of blasphemy (in Lebanon)," said Saghieh. "But it is the first time that the artist is accused and given a verdict in a mob trial against them."

In a statement Wednesday that followed the cancellation, Mashrou' Leila said the songs at the center of the controversy were subjected to the "misinterpretation and twisting of lyrics."

The crux of the campaign focused on two songs, "Djin" and "Idols." Both featuring a play on words (Djin, the demon, interchanges with gin, the drink) and draw on biblical and pagan themes.

During a 2016 NPR Tiny Desk Concert, Sinno explained the meaning of "Djin." He said: "It draws comparisons between Christian mythology and Dionysian mythology. But it's also about getting, like, really messed up at a bar."

Musicians Haig Papazian, Carl Gerges and Hamed Sinno of Mashrou' Leila pose for a picture on November 1, 2017 in New York.

The band's defenders say the meaning of the words are open to interpretation, and accuse detractors of nitpicking lyrics.

They also point out that since the release of the two songs in 2015, the band has performed in multiple Lebanese venues, including Byblos, in 2016, and the mountain town of Ehden, considered a bastion of Christianity in the

It is important to us that we clarify that we have been performing these two songs in Lebanon since 2015 without objections," the band statement read.

"Even though the investigation concluded we hadn't committed any criminal offenses, the attack and threats kept growing. Very few listened, and often we were not allowed to speak for ourselves," the band said in the statement.

As the movement against Mashrou' Leila picked up steam, detractors highlighted Sinno's sexuality to disparage the band further.

The band received death threats. But instead of being given protection from the state, the group said they were called in for questioning by security forces "for the first time the band's history."

## Right-wing Christian mobilizing

For analysts and activists following Lebanon's political developments, the Mashrou' Leila case is another step in the rise of a new kind of right-wing Christian populism. Experts say it mirrors the growth of right-wing movements elsewhere, especially in the ways that adherents find common cause on issues about identity, whether LGTQ status or national origin.

In recent months, the country's main Christian parties, namely the Free Patriotic Movement (FPM) and the Lebanese Forces, have spearheaded calls for a crackdown on Syrian refugees and undocumented Syrian workers. Last month, Labor Minister Camille Abousleiman, who is Christian, introduced new work restrictions for largely impoverished Palestinian refugees, prompting hundreds of people to take to the street across Lebanon in protest.

In 2017, Lebanon's Foreign Minister Gebran Bassil, who also leads the FPM, embraced the label his critics gave him and declared himself a "racist Lebanese." He has been a strong supporter of a government push to repatriate the country's Syrian refugees.

"Because we love the Syrian people, we are calling for their return to their country. Because we are Lebanese who love the Lebanese people we are calling on the Syrian people to return to their country," said Bassil during a televised speech. "And (it's) because we are racist Lebanese ... yes, we are racist Lebanese."

Demonstrators gather in support of Mashrou' Leila at Samir Kassir Square in downtown Beirut on July 29, 2019.

Lebanon has hosted over a million Syrian refugees since an uprising-turned-civil war rocked the neighboring country.

Some of the right-wing Christian activists who spearheaded the campaign against Mashrou' Leila identify as political activists in Bassil's party, which was founded by Lebanon's President Michel Aoun.

Read more: Why Lebanon is gearing up for a record number of tourists

"This is a direct threat ... to all who participate in promoting the performance in Byblos," FPM activist and plastic surgeon Naji Hayek said in a Facebook post that was later taken down. "The concert will be stopped by force and not by our wishes alone, he said.

In an interview with CNN, Hayek identified himself as one of the initiators of the campaign to shut down Mashrou' Leila's performance, but insisted that his methods were "non-violent." He said the group threatening to stop the concert planned to "throw tomatoes" at the concert, and to close roads leading to it.

The activist said the two songs at the center of the controversy expressed a "clear insult" to Christianity.

"Any attack on our religion will trigger a reaction," said Hayek.

Asked why the campaign against the band began roughly four years after the release of the songs, Hayek said he had just discovered it. "The song was sent to me by a priest," he said. "People didn't know. Now people know."

FPM officials said activists affiliated to the party, such as Hayek, express "personal opinions" and not that of the party.

"The FPM has not taken any stance on this musical project," Bassil's communications advisor Antoine Constantine told CNN. "We are with the freedoms afforded by the constitution and laws of Lebanon and, of course, we oppose

But human rights activists say this campaign is acting with impunity provided by Lebanon's powerful parties.

"There is a general ambience in the country of right-wing fascism, so there's fertile ground for going after people for whatever reason related to religion," said Rima Majed, Assistant Professor of Sociology at the American University of Beirut.

> *If Madonna were performing, no one was going to say anything. But if it's Mashrou' Leila, it's an easier target.*
>
> **Rima Majed**

"This is a good target. They're Lebanese. They're queer," Majed added. "If Madonna were performing, no one was going to say anything. But if it's Mashrou' Leila, it's an easier target."

"There's an unprecedented level of acknowledging things that previously were unacceptable," said Majed. "When (Bassil) said 'I'm a racist' he said it with pride."

Since the campaign to cancel Mashrou' Leila's concert began, rights groups have organized street protests and created Facebook groups to condemn attempts to silence the band.

Lawyer and human rights activist Khaled Merheb told CNN he had seen messages posted to WhatsApp groups in which participants were talking about how they were going to "destroy everyone who was going to the concert. And they were showing weapons, like guns," he added.

Merheb was invited to the WhatsApp group used to organize against the concert and took screenshots, that CNN has seen, to build a case against the Christian activists. Merheb has filed a lawsuit against some members of the campaign.

The outcome of the lawsuit is not yet clear, but rights groups and activists say they see the Mashrou' Leila case as key to their bid to defending human rights in the country.

"This is a threat to all of us. It means that all of our rights are in danger," said lawyer Saghieh.

"This is not about the band. It is through this band and through this discourse that we discover how weak Lebanon is, how violent and how intolerant."

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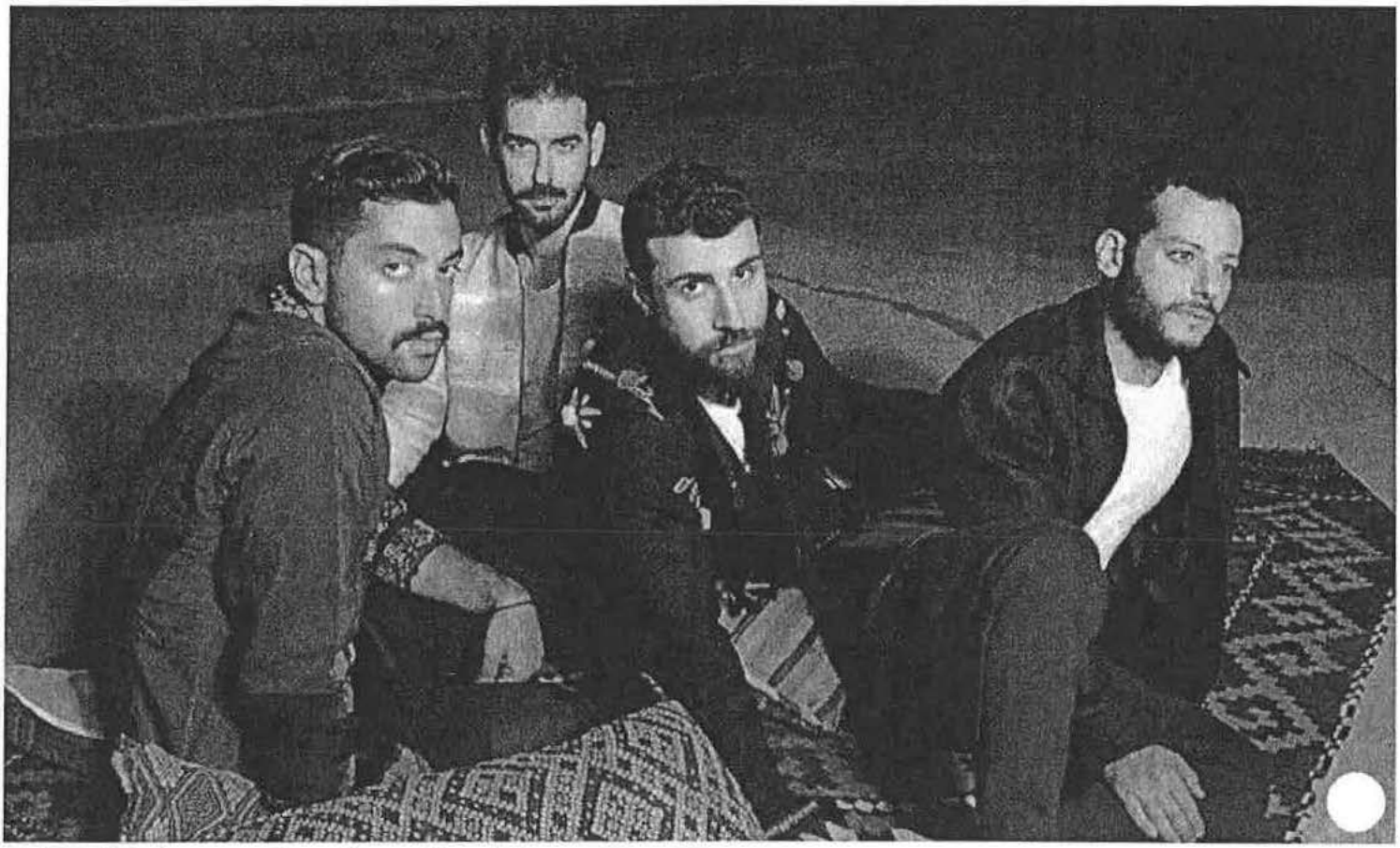

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# Mashrou' Leila concert cancelled after 'homophobic' pressure from Christian groups

**Human rights organisation says decision to remove popular Lebanese indie rock band from Byblos international festival amounts to enabling hate speech**

**Ben Beaumont-Thomas**

Wed 31 Jul 2019 08.03 EDT

A concert by one of the Middle East's most popular bands, Mashrou' Leila, whose frontman is openly gay, has been cancelled following pressure from Christian groups.

The Lebanese quartet were due to play Byblos international festival on 9 August, but the set has been cancelled "to prevent bloodshed and preserve security" according to the organisers, after critics of the band on social media threatened to attack the concert.

The office of the town's archbishop had published a statement that said the group "undermine religious and human values [and] attack sacred symbols of Christianity", while the country's Catholic Information Centre called them a "danger to society".

Human rights organisations have condemned the decision, and a wider campaign against the group. Lama Fakih, Middle East director at Human Rights Watch, said: "The cancellation of Mashrou' Leila's concert reflects the government's increased reliance on overbroad and abusive laws to stifle and censor activists, journalists, and artists."

An earlier statement from Amnesty read: "It is unconscionable that there continue to be such calls emanating from institutions that are meant to serve as role models to their constituencies, and can and should be upholding the right to freedom of expression and protection of vulnerable groups, instead of enabling hate speech, including homophobia."

Amid the growing criticism, the band put out a statement last week, concluding: "We are not on some sort of mission to arbitrarily blaspheme and disrespect people's religious symbols".

Mashrou' Leila have previously been banned from performing in Jordan on two occasions, and sparked outrage among conservative Egyptians after members of a 35,000-strong crowd at a Cairo concert unveiled rainbow flags, resulting in 75 arrests. Speaking to the Guardian in March, Sinno said that after the concert, "our inboxes were constantly littered with death threats and the most hateful remarks possible".

Topics

- Music
- Lebanon
- Indie
- Pop and rock
- LGBT rights
- Middle East and North Africa
- Censorship
- news

HUMAN RIGHTS WATCH

**JULY 31, 2019 12:00AM EDT**

# Lebanon: Festival Cancels Mashrou' Leila Concert

## Government Censors Indie Band Instead of Protecting Free Speech

(Beirut) – The Byblos International Festival Committee has cancelled the indie band Mashrou Leila's August 9, 2019 concert, Human Rights Watch said today. The committee cited security considerations and said it wanted to avoid "bloodshed," following a week of pressure and threats from some individuals and some Christian groups.

A group of Lebanese activists chant slogans as they hold Arabic placards that read: "Freedom of expression," right, and "With Mashrou' Leila against the suppression of freedoms.

© 2019 Bilal Hussein/AP Photo

The Interior Ministry neither responded to the escalating violent threats against Mashrou' Leila, nor publicly guaranteed the safety of the festival and the concert-goers. Instead, on July 24, the public prosecution referred two band members for interrogation, which lasted six hours. State Security officers forced them to pledge to censor content on their social media accounts, in violation of their right to free speech.

"The cancellation of Mashrou Leila's concert reflects the government's increased reliance on overbroad and abusive laws to stifle and censor activists, journalists, and artists," said Lama Fakih, acting Middle East director at Human Rights Watch. "The government's decision to take action against Mashrou' Leila while ignoring serious threats against the band shows that it is using insult and incitement laws selectively to censor divergent opinions."

Mashrou' Leila is a Lebanese band that has that gained worldwide acclaim for tackling pressing social issues in the Arab world and speaking out against oppression, corruption, and homophobia.

Mashrou' Leila has played in Lebanon multiple times, including at the Byblos Festival in 2010 and 2016, performing songs that some individuals and religious groups now claim are offensive to Christianity. The controversy is the latest in an escalating campaign of repression against peaceful speech in Lebanon.

On July 22, a lawyer filed a complaint with the public prosecution calling on the government to prosecute Mashrou' Leila for insulting religious rituals and inciting sectarian tensions, citing Articles 317, 474, and 475 of the Penal Code. The same day, the Maronite Catholic Eparchy of Byblos issued a statement claiming the band's songs "offend religious and human values and insult

Christian beliefs." They demanded that Byblos Festival cancel the show. The campaign proliferated on social media, and many internet users threatened the band with violence if the concert went ahead.

Although the Mount Lebanon prosecutor, Judge Ghada Aoun, released the band members without charge following their July 24 interrogation, State Security forced them to pledge to remove the "offensive" content from their social media accounts, issue a public apology, and remove songs deemed to be offensive to Christianity from their concert set list.

Such pledges violate the band members' right to free speech, given that Lebanese lawyers agree that they are unconstitutional and have no legal basis. The United Nations Human Rights Committee has found that blasphemy or "defamation of religion" laws violate freedom of expression.

Several hours after the concert was cancelled, the band released a statement expressing regret that any of its songs offended anyone's beliefs. They assured the public that: "our songs do not insult any sacred religious symbols or beliefs, and that insulting people's feelings was primarily the result of campaigns of fabrication, defamation, and false accusations of which we were the first victims, and it is unfair to hold us responsible for them. Our respect for others' beliefs is as firm as our respect for the right to be different."

On July 30, 11 rights groups, led by Lebanese human rights organization The Legal Agenda, submitted a complaint to the acting cassation prosecutor. They expressed concern about the widespread threats on social media, including incitement to violence, death threats, and calls to ban the concert by force and asked the prosecutor to investigate. They said that such remarks threaten civil peace and prevent the band members from exercising their constitutionally-guaranteed rights to free artistic expression and free speech.

Rights groups, including Human Rights Watch, have noted an exponential increase in the use of criminal defamation and incitement laws to arrest, interrogate, and prosecute people who are exercising their right to free speech. Journalists and activists have told Human Rights Watch that the current climate of prosecutions for peaceful speech has had a chilling effect. Some said they have started self-censoring for fear of being called in for interrogation.

Lebanon's constitution guarantees freedom of expression "within the limits established by law." Article 19 of the International Covenant on Civil and Political Rights (ICCPR), which Lebanon ratified in 1972, provides that "everyone shall have the right to freedom of expression." But Lebanon's penal code includes several provisions that criminalize peaceful speech. Articles 474 and 475 criminalize insulting religious rituals and denigrating or distorting religious and sacred symbols, respectively. Both are punishable by six months to three years in prison. Article 317 criminalizes "inciting sectarian tensions," punishable by one to three years, even if the speech is not likely to, or even intended to, incite violence.

Authorities should drop criminal charges for peaceful speech and parliament should urgently repeal laws that criminalize it, Human Rights Watch said.

Laws that are so vague that individuals do not know what expression may violate it create an unacceptable chill on free speech because citizens may avoid discussing any subject that they fear might subject them to prosecution. Vague provisions not only do not give sufficient notice to citizens, but also leave the law subject to abuse by authorities who may use them to silence dissent.

Instead of ensuring that all the necessary security precautions were taken to guarantee the safety of the concert, the Lebanese authorities chose to infringe on Mashrou' Leila's right to free speech, Human Rights Watch said.

"This incident demonstrates how criminal defamation, incitement, and insult laws in Lebanon are exploited by powerful groups and how they fail to protect marginalized voices and those who have divergent opinions," Fakih said. "Lebanon is joining the

ranks of abusive governments in the r i that trample on free speech rights, pushing the talent and debate that has made this country what it is."

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**Topic**

- Free Speech
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## More Reading

- December 6, 2019 News Release

  **Algeria: Crackdown as Election Looms**

# The obstacle to Gay rights in Lebanon: homophobia or westphobia?

opendemocracy.net/en/north-africa-west-asia/obstacle-gay-rights-lebanon-homophobia-or-westphobia/

There is a historical paradox: the last decades, not the preceding centuries or millennia, seem to shape the present. The homoerotism of 8th century poet Abu Nawas, the medieval love between Hind and Al-Zarqa - a history of queer *desire* in the Middle East vanished under the rug of a briefer history of *desiring* the Middle East. Arriving colonies or American corps, Baudelaire's exoticism or Hollywood's, a struggle for independence or a fear of foreign interference - East vs. West, an inevitable by-product, arguably as old as the Greeks' possessive longing for Troy. Damage is done. The struggle for gay rights in the Middle East cannot turn a blind eye toward this binary. To achieve gay liberation, Beirut cannot be Washington or London - same fight, different grounds; in fact, perhaps a different fight altogether *because* it has London and Washington in its satellite.

## Background

The background around Lebanon's unique position between East and West is too massive to cover within a short article. To set the stage, I start off with Saadallah Wannous's *Drunken Days* (1997), a play set in 1930s Beirut during the French occupation. A vivid scene introduces us to a Lebanese family of four young siblings, who surprise their old father with a tailored suit, a tie, and a Gatsby-style hat. The immediate refusal of the Lebanese father, wearing his traditional *sherwal* attire and typical *tarbush* hat, contrasts with the zeal of his four children, who celebrate their modern and clean-cut looks, signé designers, as well as their fluency in French and their excitement for social advancement. This scene exemplifies a kind of intergenerational clash of civilization within Lebanon akin to the country's gay rights struggle, one that ties, though wrongly, progress with westernization.

A precedence is women's rights. In *Women's Rights in the Middle East and North Africa: Progress Amid Resistance*, Kelly and Breslin (2010) have noted how women's rights in Lebanon have been historically negotiated along Eastern vs. Western lines; a clash that borrows imaginary models from both hemispheres and that charges advocates of full women's rights as 'too westernized'. On the other side, the opponents of women's rights, women included, are charged to be inherently backwards and 'too Eastern' - the same complaint addressed to the traditional father in *The Drunken Days*, whose refusal of western standards comes at the price of refusing to bow down to the winds of modernity itself.

The real-life impact of this conflation between rights and geographies is seen in articles such as "Who owns the fight for LGBT+ rights in the Arab world?", published following the Luxembourg Prime Minister's supportive comments about gay rights in a Euro-Arab conference. This article, though fairly questioning whether gay rights ought to arise from within or without the region, is telling of the sensitivity of the topic itself - the trope of the western savior coming to liberate the East for the sake of freedom, a promise that had disastrous consequences in Iraq. This close scrutiny of any nod from the West about the East's progressive agenda is paralleled with a closer scrutiny of any efforts to reach out to the West *within* the East. This is best exemplified by Beirut Pride's refusal to hold any typical pride parade in its first edition in 2017. The following reads on its website's description of the events:

*"Beirut Pride is not a westernized, imported platform, as its programme and initiatives are local and reflect on the specificities and intricacies of the Lebanese complex social fabrics."*

One Lebanese academic who has predicted this conflation between East and West, past and present, straight and gay, is Tarek El-Ariss. In *Trials of Arab Modernity,* the reader gets a sense that what is modern in Arab society is neither the term gay nor surely rainbow flags - it is institutions within the region such as marriage and the nation-state that are modern; as modern as their new efforts to conceal and hide identities, which, in their part, have historically remained unchanged. In another work, *Ottomania*, El-Ariss goes as far as qualifying Arab masculinity as a modern by-product of the East-West divide - its arrival, he

argues, coincides with a time of increased antagonism against the West; a new social patriarchy finding legitimacy in the political cause, a machismo that veils its newness by precisely hiding what is deep-rooted and age-old; empowered women and homosexuals.

## Discourse

An *exception* in the Middle East; the New York Times and other media have continually labeled Lebanon as such, emphasizing its special relationship to the remainder of the LGBT+ community in the Arab world. Indeed, articles such as "Beirut and Lebanon: The gay paradise of the Arab world" about the region's first gay club, "Everyone is welcome: the only gay hangout in the Arab world" about its first gay organization, "Lebanon launches Arab world's first gay pride week" about its first pride parade, all reveal a fascination with Lebanon as a new sexual oasis for Arabs.

The way the western media has covered Lebanese gay tolerance however deserves close scrutiny. Clearly, Lebanon's case is media-worthy - it paints the Orientalist trope of the calm and paradisiac oasis, its lakes and its palm trees, in the midst of desert and tribal warfare. This fantasy has been readily cashed in by the New York Times, France 24, BBC and others - but these have at the same time cashed in on its counter-narrative, especially when the second edition of Beirut Pride in 2018 was shut down by force.

Articles such as "Lebanon's gay-friendly reputation challenged by abuses," as well as "Lebanon Is Known as Gay Friendly. But Pride Week Was Shut Down," and "Not A Shock: The Only Gay Pride Event In The Arab Middle East Has Been Canceled" reveal how easily the West can retract its fascination of Lebanon - making its earlier favorable coverage merely a temporary spark of hope in a doomed region. Lebanon, for the West, becomes this small oasis in an Arab desert where homosexuality is both the most possible and the least desirable - as though Lebanon were indeed that no-man's-land between East and West, a hollow valley spared from the East's hell but which falls short of western paradise.

Local Lebanese media has also revealed this tension between the two worlds. This tension has manifested itself in peculiar media events: a marriage announcement between a Lebanese singer and his Spanish boyfriend in Spain and an Instagram picture of a Lebanese politician's daughter declaring a woman to be her 'wifey' and a ban on rainbow flags at Lebanese singer Nancy Ajram's concert in Sweden. What these Lebanese media events have in common is this bridge between Beirut and foreign cities - the cosmopolitan city and its diaspora that seem to have stretched too far.

The virality of Nicolas Chalhoub's marriage announcement to a man in Spain, a social media phenomenon that landed him on national television, can be explained through the old Lebanese diasporic cautionary tale: *should you send your kids abroad; the West will corrupt them*. They will get into drugs. Shamelessly bring back to grandma's home a foreign

girlfriend. And the catastrophe - come back with an earring. God forbid on the right ear. This trope was briefly explored by Tarek El-Ariss in a chapter of *Trials of Arab Modernity*, which begins with the following epigraph:

*"I fear, my son, that the West might take you away from us. What I fear most is that a European woman might captivate and lure you into her web, which will break your poor mother's heart. Nahida is awaiting your return, my son. Even if you don't want Nahida, there is always Ni'mat and Thurayya and your cousin, Hadba. There are plenty of girls here. Come back, my son, and I will marry you off to the most beautiful girl, pure and chaste.* - Suhayl Idris, "The Latin Quarter" (1953).

This epigraph speaks volume of the media's craze over Nicolas Chalhoub's marriage with a Spanish man and yet it dates from 1953. *I fear, my son, that the West might take you away from us.* This is indeed the poignant age-old fear for Lebanese parents; the problem with their children's orientation is not sexual but geographical. The father's fear of western women's lack of chastity and purity parallels the craze over Chalhoub, who, in Lebanese diaspora imaginary, was, to quote the father, taken away by the West; in this case, damned for being lured not merely by the gender of the Spanish guy he married but perhaps more so his tempting and taboo Spanishness as well.

The same goes with the craze over Walid Joumblat's daughter, who posted a picture with a girl on Instagram with the caption "wifey". Almost immediately, major news outlets reported that the famous Lebanese politician's daughter was gay and that she was married to a woman. This drastic reaction - besides its political motivations - can be explained through the same lens with which the Lebanese have seen Nicolas Chalhoub's marriage with a Spanish man. Joumblat's daughter becomes his female equivalent - the gone-wild girl of an esteemed and old-fashioned Lebanese politician who seems to have betrayed all of her family's values and has run off to the West with her wifey.

Special emphasis should be placed on the medium she used (Instagram) and the logos she employed (wifey) - both borrowed from a western dictionary. The reason media outlets jumped to the occasion to cover this fictional story - for Joumblat's daughter had used the term in a friendly basis, as most teenagers do - becomes both the result of a generational miscommunication and a geographical mix-up; western logos and teenage know-how completely confused.

The fascination over the rainbow flag ban in Nancy Ajram's concert also follows the same pattern as Nicolas Chalhoub's marriage and Joumblat's daughter's Instagram caption - all of them partake in this negotiation between East and West, old and modern; simultaneously praised for embracing the latter and condemned for foregoing the former. One must highlight the false nature of such binaries; young Lebanese are often surprised to find their grandmother in mini-skirts in old pictures, before conservatism sprouted later on in the country's history. Including gay rights within a false and rather cyclical 'progress narrative' is

also amnesiac if we were to recall that it was the French who had first introduced the penal code 534 that aimed to criminalize what modern western colonial powers found to be an unrefined, backwards, barbaric and typically Eastern practice - anal sex.

This inversion transposes the fight for progressive values in Lebanon onto a geographical battlefield between East vs. West; the culmination of which is best represented with the shutting down of Beirut Pride's 2018 version, a drastic measure from the Ministry of Interior that had up until then often turned a relatively blind eye to gay emancipation efforts in the country. What pushed their buttons this time?

Their negotiation between acceptability and repression, I argue, is embedded in an East vs. West clash. Contrast Beirut Pride with Lebanon's first gay NGO - Helem. The latter's communications, in their emphasis on Arab-feel posts and its occasional avoidance of western-like imagery, guarantees them to work unnoticeably under the Ministry's radar. In contrast, Beirut Pride's social media is filled with western evocative imagery - Hollywood movie references, rainbow flags, and Grindr catchphrases. The latter's shutting down becomes more due to its westernized feel than its queer content - its 2018 cancellation becoming an old wound freshly ripped open; as though the dormant monster, the state, was triggered more by Ru Paul than his eastern equivalents.

But this standard does not hold true all the time. In a 2012 press conference, lawyer Nizar Saghieh called the classism with which the Lebanese state criminalizes homosexuality. Despite regular subpoenas issues against 'provocative' social media users, the Instagram post of Walid Joumblat's daughter, for example, will not place her under the radar of the Ministry of Interior, which, according to Saghieh, bullies more vulnerable groups. A small footnote ought to be added to the East vs. West binary; despite its horizontal antagonism, there are vertical variables (i.e. social class, influence) that abate or maximize the clash; punishing some while vindicating others.

Another contradiction in terms of acceptability at the governance level manifests in the sectarian lens with which Lebanon's progressive agenda is unfolding. The women's rights battleground is a prime example - claims that Muslim, not Christian, parties are responsible for stalling the motion to end child marriage have entrenched Lebanese society, pitting once again Muslim vs. Christian, this time not over Palestinians but over women, and soon, homosexuals. The similarity with Lebanon's 15-year civil war may strike as excessive, but what both clashes have in common is the East vs. West binary; in the militia war of the past, the choice was between eastern solidarity over Palestinians or western antagonism to it, in the social war of the present, the choice is between Eastern misogyny and homophobia or western liberalness and acceptance.

This new sectarian battle can be argued on several fronts: Christian-led political party Kataeb's unprecedented inclusion of gay rights in its electoral programme in 2018, Christian-run channel LBCI's widest coverage of LGBT+ news, as well as the Christian

Aouanites' monopoly over the foreign ministry, the sole institutional bridge between East and West, and its calls for social reforms for the sake of 'global integration.'

One ought not to be fooled by the sectarian lens with which social progress is unfolding in Lebanon - though it is media-worthy and comprehensible enough to see Lebanon as a place where refined Christians are asking for change and barbaric Muslims are refusing it; the reality on the ground is not so. Besides the active homophobia of the Maronite Church in Lebanon, as attested by its member in a BBC documentary, and the explosion of biblical quotes among Lebanese Facebook users whenever gay rights are invoked, further proof of this false sectarian progress narrative is civil society group Kelna Watani and its contention for the last elections - cross-sectarian parties from a diversity of backgrounds and faiths, which, all, without much debate, voiced their support in 2018 for a range of social reform, gay rights included.

The East vs. West binary at the political level is therefore the most deceitful and the most dangerous: though not reflective of Lebanese society's plurality, tolerance and acceptance of seemingly-contestable social issues, the narrative being constructed is a binary of western Christians vs. eastern Muslims; a new age of crusades that sees once more the left-behind Christians of the East pleading western powers to come to their rescue in a cavalier packs of UN diplomats and US foreign ministers - lost human rights becoming the new weapon of mass destruction that must be flocked to and uncovered.

Faced with this clash between East and West, the Lebanese online and offline are both very forward about the clash of civilization in the making and yet very unconscious of its implications - their outrage, on either side of the debate, clocks between East and West without critical thought. We end up with a false clash of civilization - an ardent cause for both camps, which insist on conflating the subject-matter (i.e. gay rights) with Lebanon's position between East and West - the valley in-between, though habitable, becoming to both sides a no-man's-land, Dante's dangerous neutrality stage, a needle that pokes you back into either camps; a civilized West or a classic East. The exit out of this limbo is indeed the main challenge to gay rights in Lebanon - the first step is to bring out the elephant in the room and call the real problem by its name: *westphobia*.

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# 'We won't back down': Anger mounts in Lebanon after protester shot dead and president tells anyone unhappy to leave country

President told demonstrators that they should 'emigrate' as protest movement is threatening Lebanon's interests

**Gemma Fox** Deputy International Editor | @GemmaFox__ | Wednesday 13 November 2019 15:26 |

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Wednesday, incensed by the news that a soldier had killed a protester in what is the first casualty of the weeks-long civil disobedience.

Protesters were also marching on the presidential palace, outraged at President Michel Aoun's call for those taking part in the rallies to emigrate, else risk plunging the country into "catastrophe".

The country has been gripped by 28 days of protests with tens of thousands taking to the streets to voice their anger at perceived government corruption, inefficiency and the worst economic crisis since the 15-year civil war in 1990.

Banks and schools remained closed for a second straight day. They have been shut for much of the four weeks since the start of the protests.

Alaa Abou Fakher, a local official and supporter of the Progressive Socialist Party (PSP), was shot on Tuesday evening in Khalde, south of Beirut, when soldiers tried to disperse protesters blocking the road.

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The soldier has been arrested and the army said it was launching an investigation. PSP leader Walid Joumblatt, however, urged his supporters to remain calm as he visited the hospital where Abou Fakher had been taken.

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Tributes have been pouring out on social media to the father of three, described as a "martyr of the revolution".

In Tripoli, which has been home to some of the largest rallies, a mural was painted in commemoration.

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"We won't back down at all, especially since we are facing authorities who don't see and don't hear," said 50-year-old protester, Atef, in the southern city of Sidon.

The shooting is likely to worsen an already tense stand-off between protesters and the sectarian leaders that dominate the government.

In a televised interview on Tuesday evening, Mr Aoun said that "if people aren't satisfied with any of the decent leaders let them emigrate".

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Mr Aoun also suggested there was no breakthrough in talks over forming a new government to replace former Prime Minister Saad al-Hariri's coalition cabinet.

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Mr Hariri resigned on 29 October, and was, according to Mr Aoun, hesitant about being prime minister again.

Protesters said Mr Aoun's comments showed leaders were out of touch, stepping up demands that he also stand down.

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"It is as if they are detached from reality, as if the people have no opinion, no voice," Marwan al-Amine, one of dozens of protesters gathering near the presidential palace, told Reuters.

"The reaction (to Aoun) was very spontaneous" said another protester, Joelle Petrakian.

"People felt we have to ramp up the pressure ... We will not stop."

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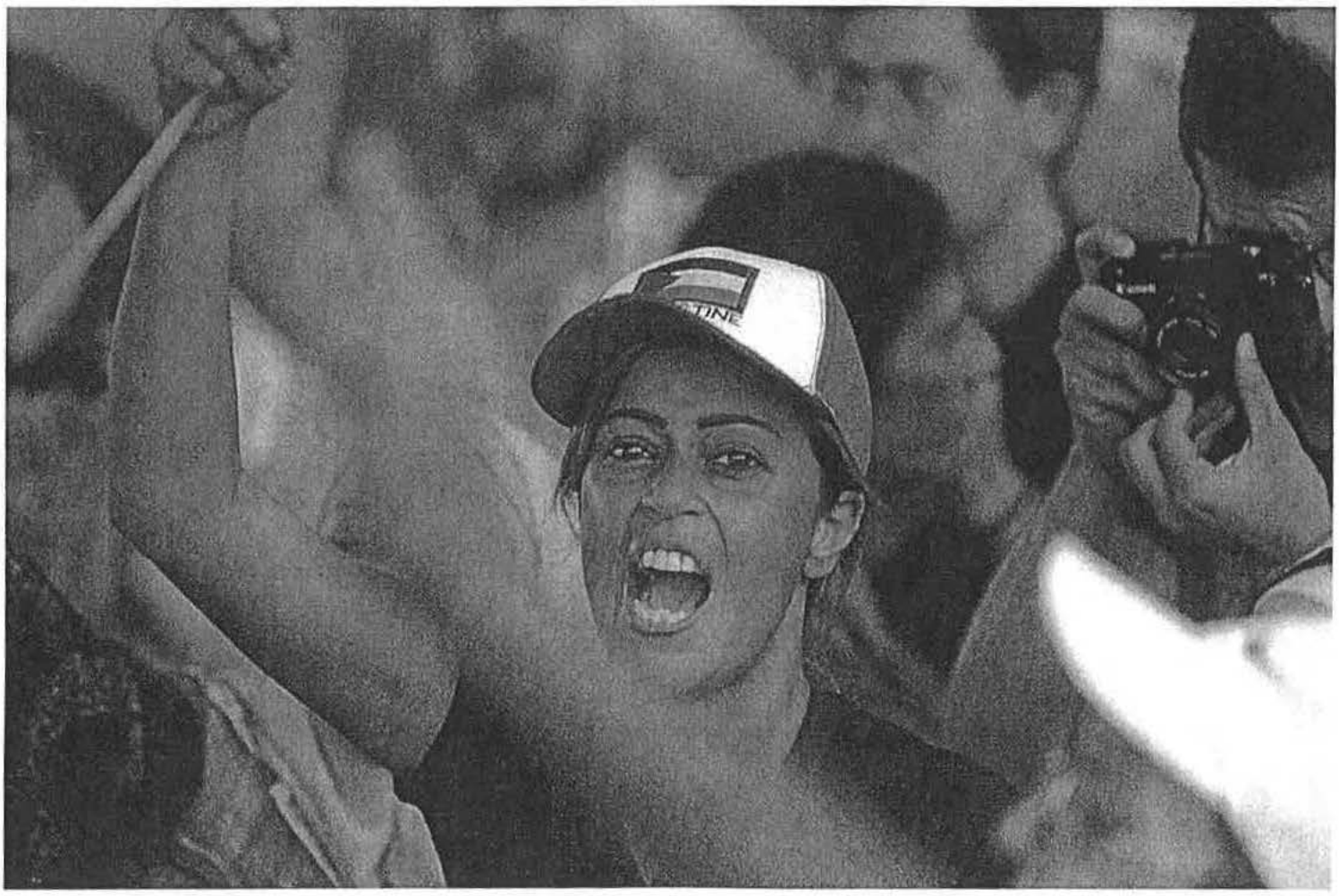
NORTH AFRICA, WEST ASIA

# In Lebanon: new waves of hatred with little solidarity

The needed solidarity with Mashrou' Leila has unintentionally overshadowed the thousands of Palestinian voices demanding justice and a decent life.

Walid El Houri

23 July 2019



From a protest in Beirut against Le' .e Labor Minister's decision targeting Pale: ı refugees. July 16, 2019. | Picture by Xinhua News Agency/PA Images. All rights reserved.

Lebanon's new ruling regime continues to set new lows in how to mismanage, sabotage and destroy the economy, environment and social fabric of a country already on the brink of collapse.

In the past weeks, a number of seemingly disconnected events have set the agenda of the political conversation and action in the country.

The first was the hate campaign against Syrian refugees launched by the country's first son-in-law, foreign minister and head of the president's party, the Free Patriotic Movement, Gebran Bassil who posted a number of racist tweets and statements leading to a hate campaign targeting Syrian workers and refugees across the country. This campaign coincided with similar voices calling for sectarian segregation of an already divided country.

Soon after, another hate campaign followed, this time against foreign labor including and targeting Palestinian refugees who already suffer from severe discrimination when it comes to their rights in the country as refugees. This campaign led by the country's minister of Labor makes the lives of Palestinians even more difficult than it already was in a country that is very vocal about support for Palestine while being very proficient in oppressing, mistreating and exploiting Palestinians.

The campaign spearheaded by the Lebanese rightwing party the 'Lebanese Forces' led to mass protests inside the Palestinian refugee camps as the Lebanese state was quick to suppress any protests outside the military controlled camps. Meanwhile, the Lebanese army was quick to launch a violent crackdown against Palestinians.

A third event was a campaign against Lebanese band Mashrou' Leila, launched by various Christian clergymen who were later joined by many other voices offended and outraged at the band's support for LGBTIQ rights and the messages that they promote. Threats, anger, and obscurantist calls for a ban abound.

The three events, in addition to many others, share many aspects and are emblematic of the new Lebanese state logic. To start, they are all clear hate campaigns looking to mobilise the population against a demonised other. They hold the core attributes of right wing populism and while they garner much attention among the general public, they first and foremost divert the attention of the population from the countless scandals, failures, and mismanagement that are plaguing the country.

Meanwhile a 7 months late budget for 2019 has just been approved which will likely lead to more impoverishment, more corruption, and more decay.

In short they are part of a bankrupt political discourse in a bankrupt country, where the ruling parties compete to find the best enemy and the scariest scarecrow in order to boost their popularity: the Syrians, the Palestinians, the LGBTIQ community, etc...

The "strong era", the self-given name to President Michel Aoun's rule, is clearly strong only against the most vulnerable of people living under its rule while being powerless or refusing to exercise any power against those who are actively destroying the social and economic fabric of the country - namely the ruling establishment itself.

In other words, as long as these enemies are the most vulnerable, those in power are safe and can count on Lebanese popular support.

The campaign against Mashrou' Leila, has expectedly received much attention due to the band's popularity in Lebanon, the region, and the world. It has also served the purpose of covering what little solidarity there was among the Lebanese population with the rightful protests by Palestinians in the country or diverting attention from the mistreatment and forceful return of Syrian refugees.

Using the classical arguments of the band's disrespect of religion and the sacred, calls for debauchery and deviance, the attacks were reminiscent of similar attacks against the band in Egypt and Jordan where not only were they banned but in Egypt,

their concert led to the arrest of over 50 people and a ruthless crackdown against the LGBTIQ community in the country.

The Lebanese national discourse is often lost in a superiority complex claiming pride in being a beacon of diversity and openness in a region rife with oppression, while at the same time using all the same logics of repression and aversion to diversity and freedoms in practice.

Lebanon is all about respecting diversity only when this diversity falls within the confines of what the ruling patriarchal, conservative power structure accepts: religions are respected but as long as each sect remains confined to their spaces of influence, without mixing or intermingling. This diversity does not include however any undesirable groups that do not fall within the sectarian confines of the ruling establishment: non-white foreigners, refugees, non-religious groups, and gender non-conforming peoples or non-heterosexual sexual identities, etc.

The various hate campaigns are not isolated events, and fall under a general direction and a clear state policy.

That being said, it is of utmost importance to express solidarity with the band, but such solidarity should be inclusive. It should extend to all other groups subjected to hate campaigns and different forms of repression be it by the church, the muslim religious establishment, wide sectors of society, the state, or the media which has been a shameful partner for all the above powers rather than exposing them and providing a critical discourse or better yet speak truth to power.

As expected, the waves of solidarity with the well known band have overshadowed the thousands of Palestinian voices demanding justice and a decent life in a country they have been forced to live in for over 70 years.

A statement of solidarity published earlier this week garnered no more than 6 signatures from Lebanese civil society organisations with most others remaining largely silent.

In a country where daily ...ism is a norm, where racial ar... ass aggression is a rule, and where oppression hides behind various empty slogans, is there a possibility for inclusive solidarity?

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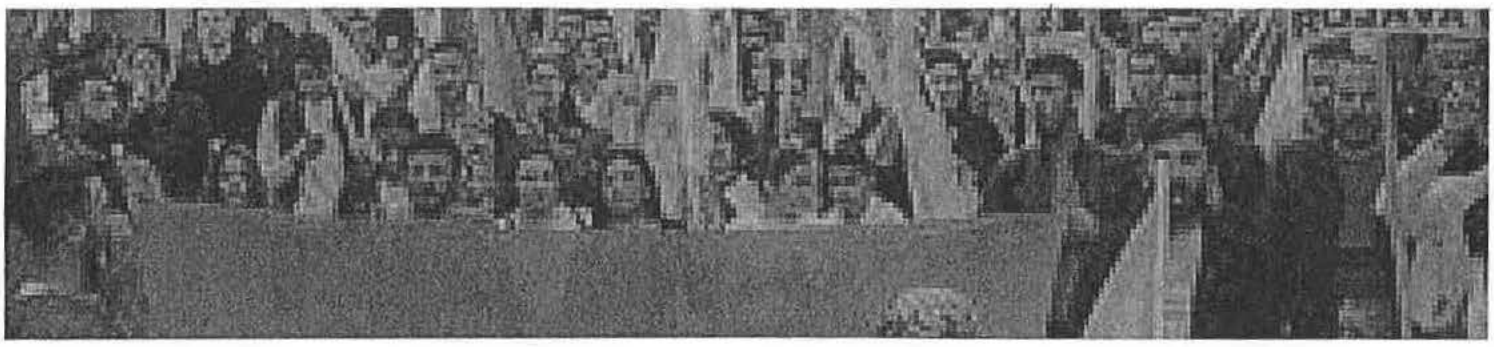

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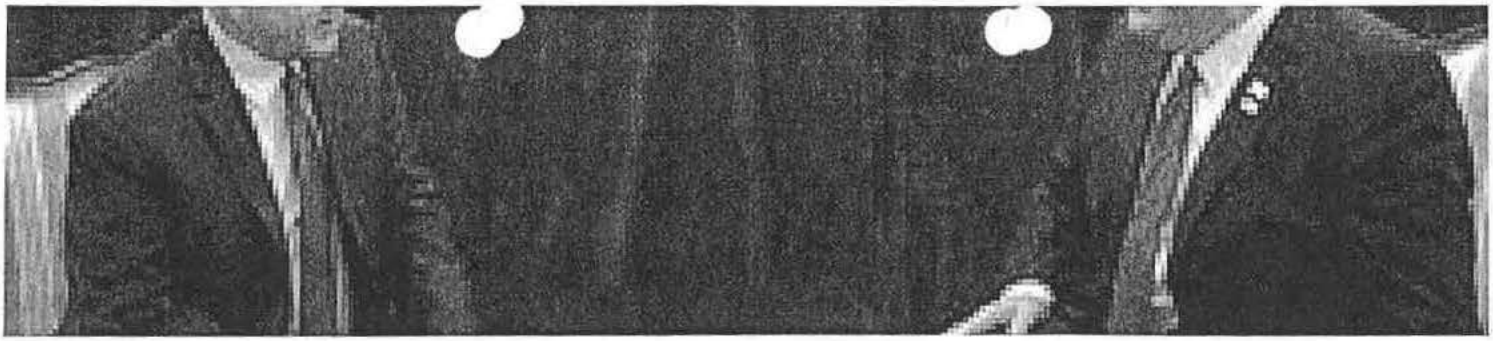

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WORLD NEWS

FEBRUARY 19, 2019 / 10:56 AM / 10 MONTHS AGO

# U.S. concerned over Hezbollah's growing role in Lebanon

BEIRUT (Reuters) - Hezbollah's growing role in the Lebanese government worries the United States, the U.S. ambassador to Lebanon said during a meeting with Prime Minister Saad al-Hariri on Tuesday, according to the U.S. embassy.

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FILE PHOTO: Lebanon's Hezbollah supporters chant slogans during last day of Ashura, in Beirut, Lebanon September 20, 2018. REUTERS/Aziz Taher/File Photo

The armed Shi'ite group, which is backed by Iran and listed as a terrorist organization by the United States, controls three of the 30 ministries in Hariri's new cabinet, the largest number it has ever held. They include the Health Ministry, which has the fourth-largest budget in the state.

U.S. Ambassador Elizabeth Richard, speaking after the meeting, said she had been "very frank ... about U.S. concern over the growing role in the cabinet of an organization that continues to maintain a militia that is not under the control of the government", according to an embassy statement.

Richard, who did not name Hezbollah, said the group "continues to make its own national security decisions – decisions that endanger the rest of the country".

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It also "continues to violate the government's disassociation policy by participating in armed conflict in at least three other countries", she said. Lebanon's official policy of disassociation is intended to keep it out of the region's conflicts.

Hezbollah's regional clout has expanded as it sends fighters to Mideast conflicts, including the war in neighboring Syria, where it has fought in support of President Bashar al-Assad.

Together with groups and individuals that see its arsenal as an asset to Lebanon, Hezbollah won more than 70 of the 128 seats in parliament in an election last year. Hariri, who is backed by the West, lost more than a third of his MPs.

A new unity cabinet, which took nearly nine months to put together, largely reflects the election result.

The United States has supplied the Lebanese military with more than $2.3 billion in assistance since 2005, aiming to support it as "the sole, legitimate defender" of the country. The United States is the largest provider of development, humanitarian and security assistance to Lebanon, Richard said.

"In just this last year alone, the United States provided more than $825 million in U.S. assistance – and that's an increase over the previous year."

Writing by Tom Perry, editing by Larry King

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# How homosexuality became a crime in the Middle East

Colonialism, culture wars and fundamentalist politicians have restricted sexual freedom

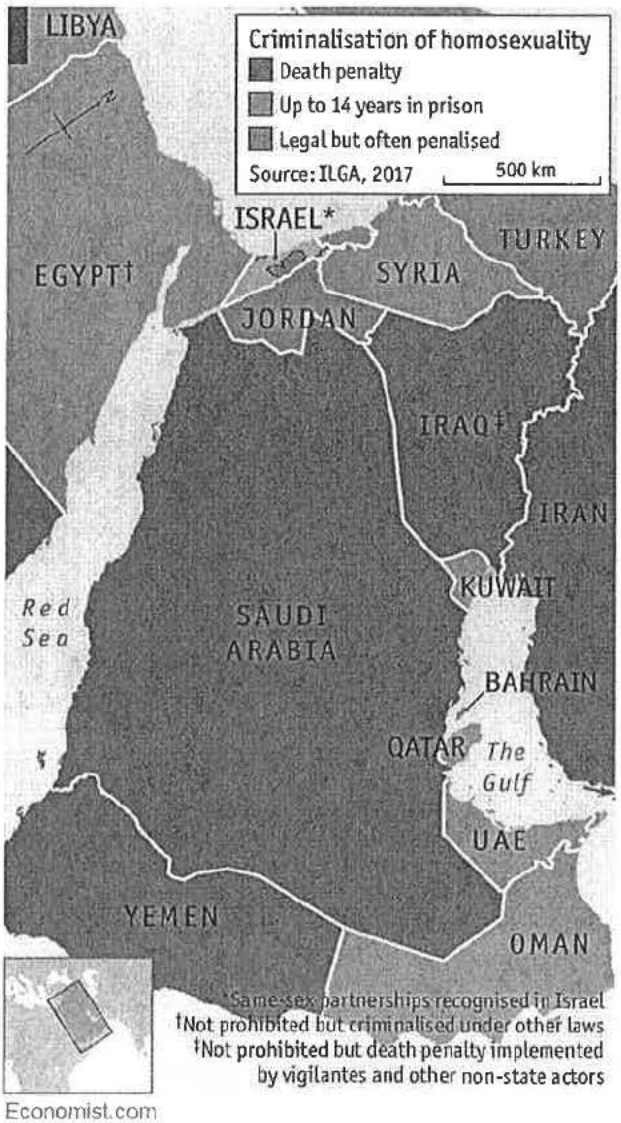
Jun 6th 2018

BY A.L.

IN THE 13th and 14th centuries two celebrated male poets wrote about men in affectionate, even amorous, terms. They were Rumi and Hafiz, and both lived in

what is now Iran. Their musings were neither new nor unusual. Centuries earlier Abu Nuwas, a bawdy poet from Baghdad, wrote lewd verses about same-sex desire. Such relative openness towards homosexual love used to be widespread in the

Middle East. Khaled El-Rouayheb, an academic at Harvard University, explains that though sodomy was deemed a major sin by Muslim courts of law, other homosexual acts such as passionate kissing, fondling or lesbian sex were not. Homoerotic poetry was widely considered part of a "refined sensibility", he says.



Economist.com

The modern Middle East views the subject very differently. A survey by Pew Research Centre in 2013 found that most people in the region believe homosexuality should be rejected: 97% in Jordan, 95% in Egypt and 80% in Lebanon. In 2007 Mahmoud Ahmadinejad, then the president of Iran, told a crowd of [illegible] students at Columbia University in New York that "in Iran we don't

of incredulous students at Columbia University in New York that "in Iran we don't have homosexuals". In 2001 the Egyptian Ministry of Culture burnt 6,000 volumes of Abu Nuwas's poetry. What happened?

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The change can be traced to two factors. The first is the influence, directly or indirectly, of European powers in the region. In 1885 the British government introduced new penal codes that punished all homosexual behaviour. Of the more than 70 countries that criminalise homosexual acts today, over half are former British colonies. France introduced similar laws around the same time. After independence, only Jordan and Bahrain did away with such penalties. Combined with conservative interpretations of *sharia* law in local courts, this has made life tough for homosexuals. In some countries, such as Egypt, where homosexuality is not an explicit offence, vaguely worded "morality" laws are nevertheless widely used to persecute those who are accused of "promoting sexual deviancy" and the like.

Second, the rise of Islamic fundamentalism in the 1980s coincided with that of the gay-rights movement in America and Europe, hardening cultural differences. Once homosexuality had become associated with the West, politicians were able to manipulate anti-LGBT feelings for their personal gain. Last year Hassan Nasrallah, the leader of Hezbollah, an Islamist political group based in Lebanon, accused the West of exporting homosexuality to the Islamic world, echoing Iran's Ayatollah Khamenei's warning a ye[illegible] before of "ravaging moral de[illegible]" from the West

Khamenei's warning a ye[illegible] before of "ravaging moral de[illegible]" from the West.

Increasingly conservative attitudes in the region have made matters worse. Since President Abdel Fattah al-Sisi's regime came to power in Egypt in 2014, arrests of gay, lesbian and transgender people have risen fivefold in an apparent bid to stave off conservative critics. Homosexuality was made a capital offence in Iran after the Islamic revolution of 1979. Though executions for consensual same-sex activity are difficult to track, several gay men have been hanged on questionable grounds there, such as being accused of rape and not being given a fair trial, as recently as 2016. In Iraq, where same-sex activity is technically legal, the breakdown of order since 2003 has allowed Islamist militias and vigilantes to impose their own idea of justice. Groups such as Islamic State have become notorious for gruesomely murdering people suspected of being gay by throwing them off buildings and stoning them to death.

What could be done to improve matters? Some local activists say that campaigning for same-sex marriage and the like, as their counterparts in the West have done, is not helpful. Khalid Abdel-Hadi, the founder of *My.Kali*, a Jordanian gay-and-lesbian online magazine, says: "Our priority is not marriage...Our families see the stereotypical images of marriages and parades in the West and ask us 'Is this what you want?' " Western-style activism may indeed attract dangerous attention: in May, Pride celebrations in Beirut were shut down and its organiser briefly arrested.

Yet grassroots campaigns and pressure from Western institutions do seem to have an effect. In Lebanon, between 2007 and 2017 four judges refused to criminalise homosexuality on the ground that the constitution, which punishes "unnatural sex" with up to one year in prison, does not apply to consensual same-sex relations. In 2014 Iraq accepted a United Nations recommendation to clamp down on discrimination, including on the ground of sexual orientation. Elsewhere campaigners have succeeded in getting the media to use the term *mithli* (homosexual) rather than "faggot" or "pervert". And in all countries the internet, though heavily censored, provides people with an opportunity to find each other and talk about these issues. Ahwaa, a platform for LGBT people from Bahrain, boasts over 10,000 users. As more and more people communicate in this way, change will come.

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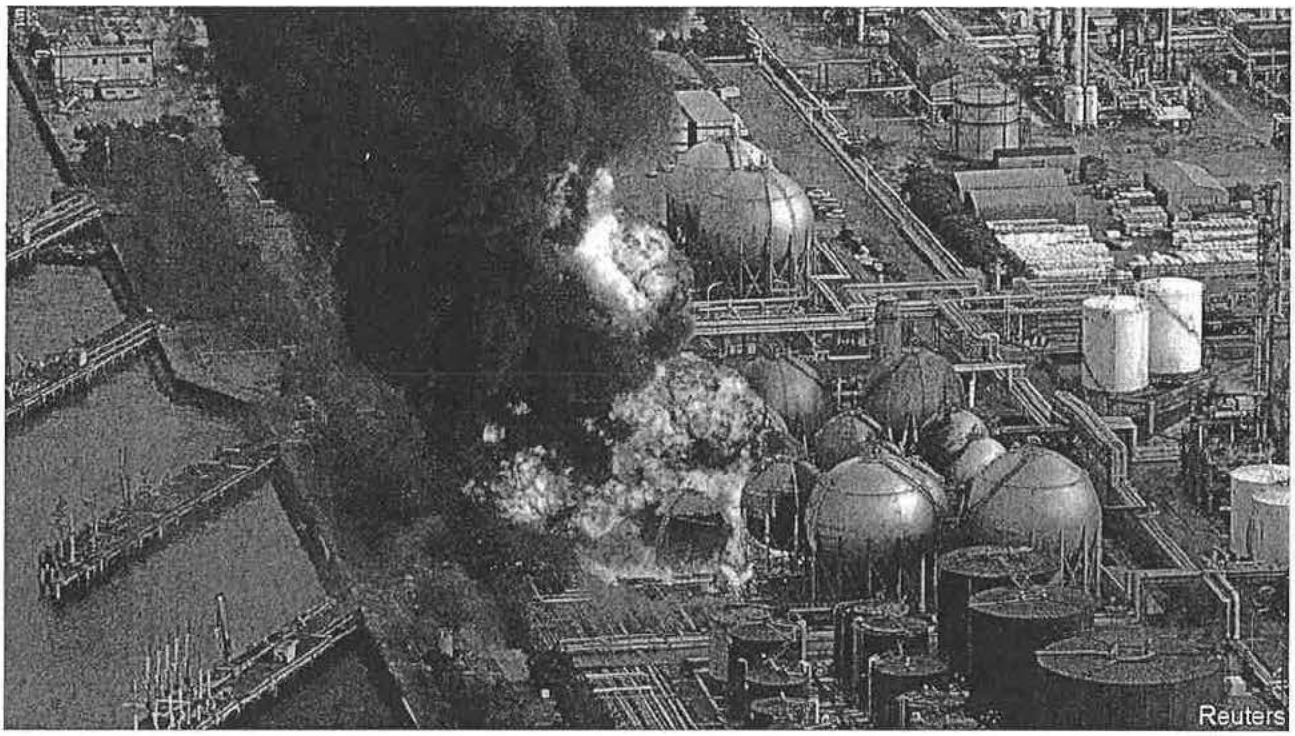


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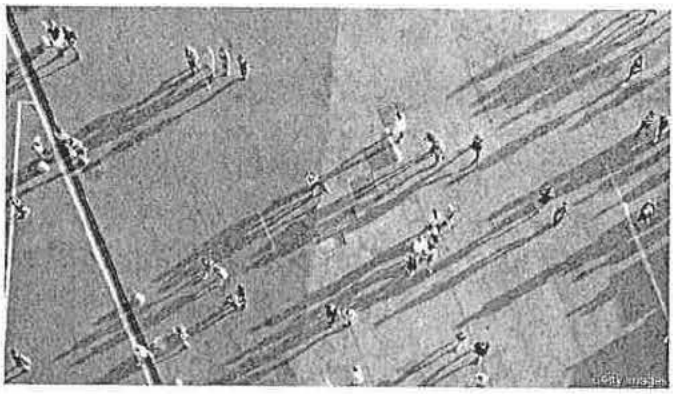

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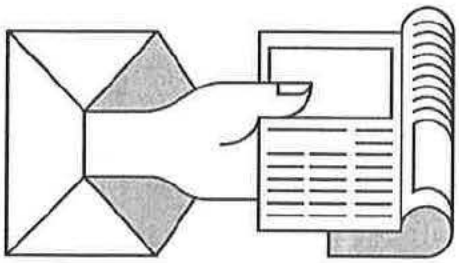


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Morgan Meaker (/author/Morgan+Meaker )

# BEIRUT: PARIS OF THE MIDDLE EAST?

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*1 June 2018* Lebanon (/topic/Lebanon) Sexual Politics (/topic/Sexual+Politics)

**Morgan Meaker** on Hezbollah's check on gay rights

When Bader (a pseudonym) first arrived in Beirut as a refugee, he expected to find the 'Paris of the Middle East' – a liberal haven in a conservative region.

As a transgender man experiencing discrimination and violence in another Arab country, he had read articles online about the gay scene in Beirut, home to gay bars and drag clubs. It's why he decided to come: 'I thought Lebanon was open and accepting.'

But once he arrived, he witnessed friends arrested at Hezbollah checkpoints in the southern suburbs – a stronghold for the conservative Shi'a political and militant group.

Local LGBTIQ organizations report that Hezbollah guards often interrogate people they suspect to be gay, before handing them over to the Internal Security Forces – a national police force with a reputation for torture.

Lebanon leads on LGBTIQ rights in the Arab region. A strong civil society movement is calling for an end to discrimination based on sexuality or gender identity and 2017 saw Beirut hold its first gay pride week – although there was no parade.

But conservative forces are holding back progress. Last year, Hezbollah's leader Hassan Nasrallah said, 'Homosexual relations defy... human nature.'

Bader quickly became afraid to move around Beirut and he has since found asylum in Canada. Until attitudes in Lebanon change, he says, 'no [LGBTIQ] person is safe there'.

(/issues/2018/06/01/a-better-media) This article is from the May 2018 (/issues/2018/06/01/a-better-media) issue of New Internationalist.
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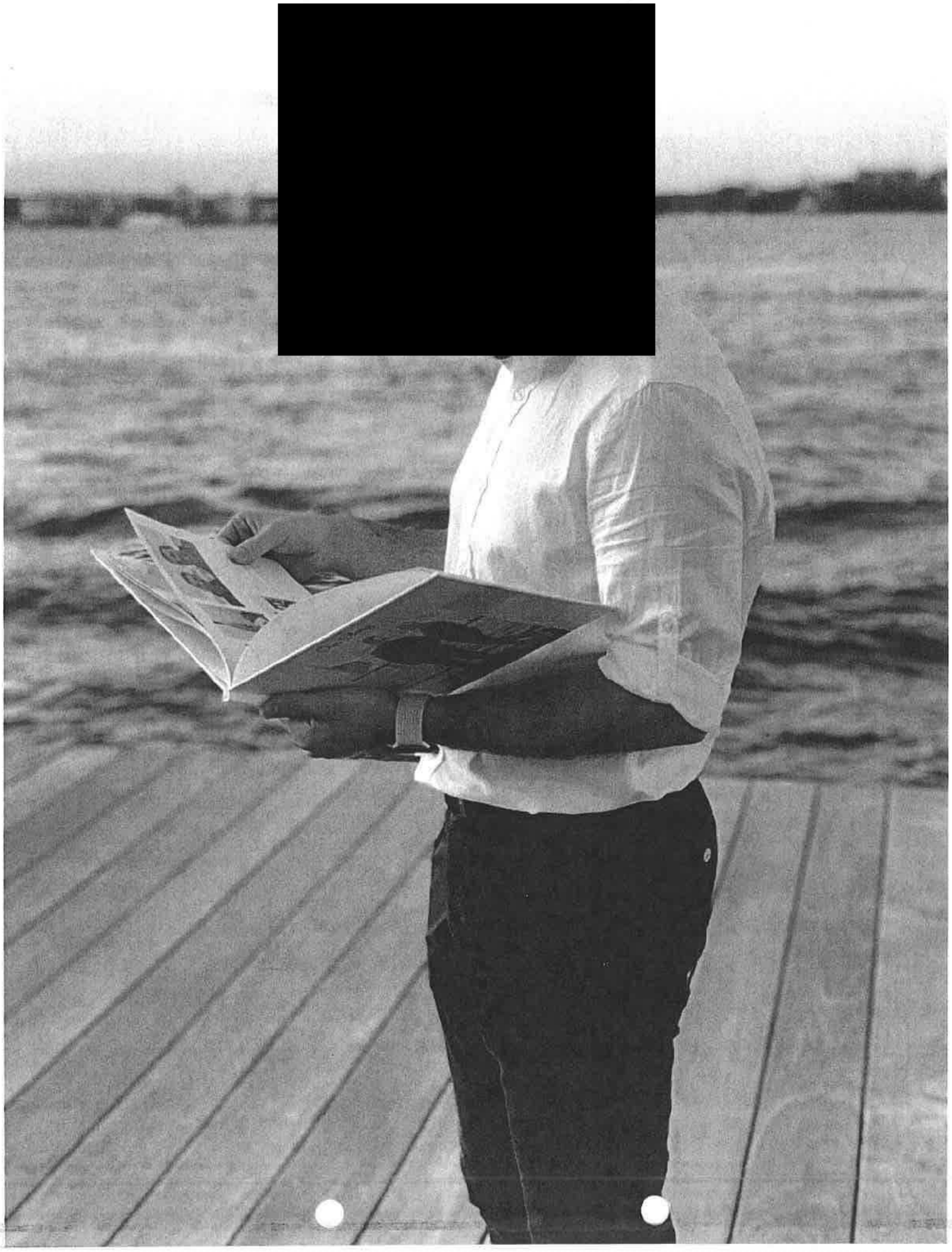

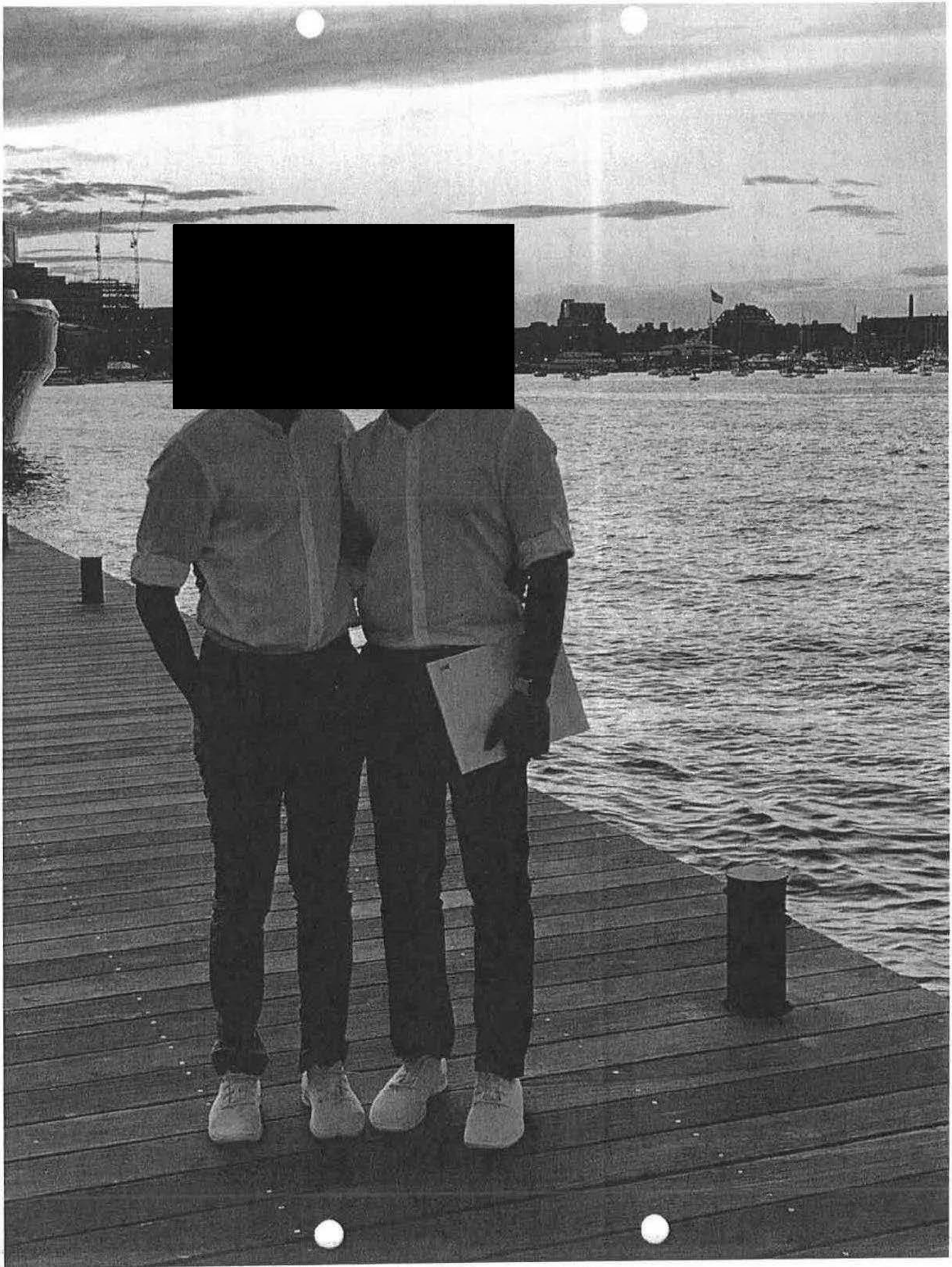

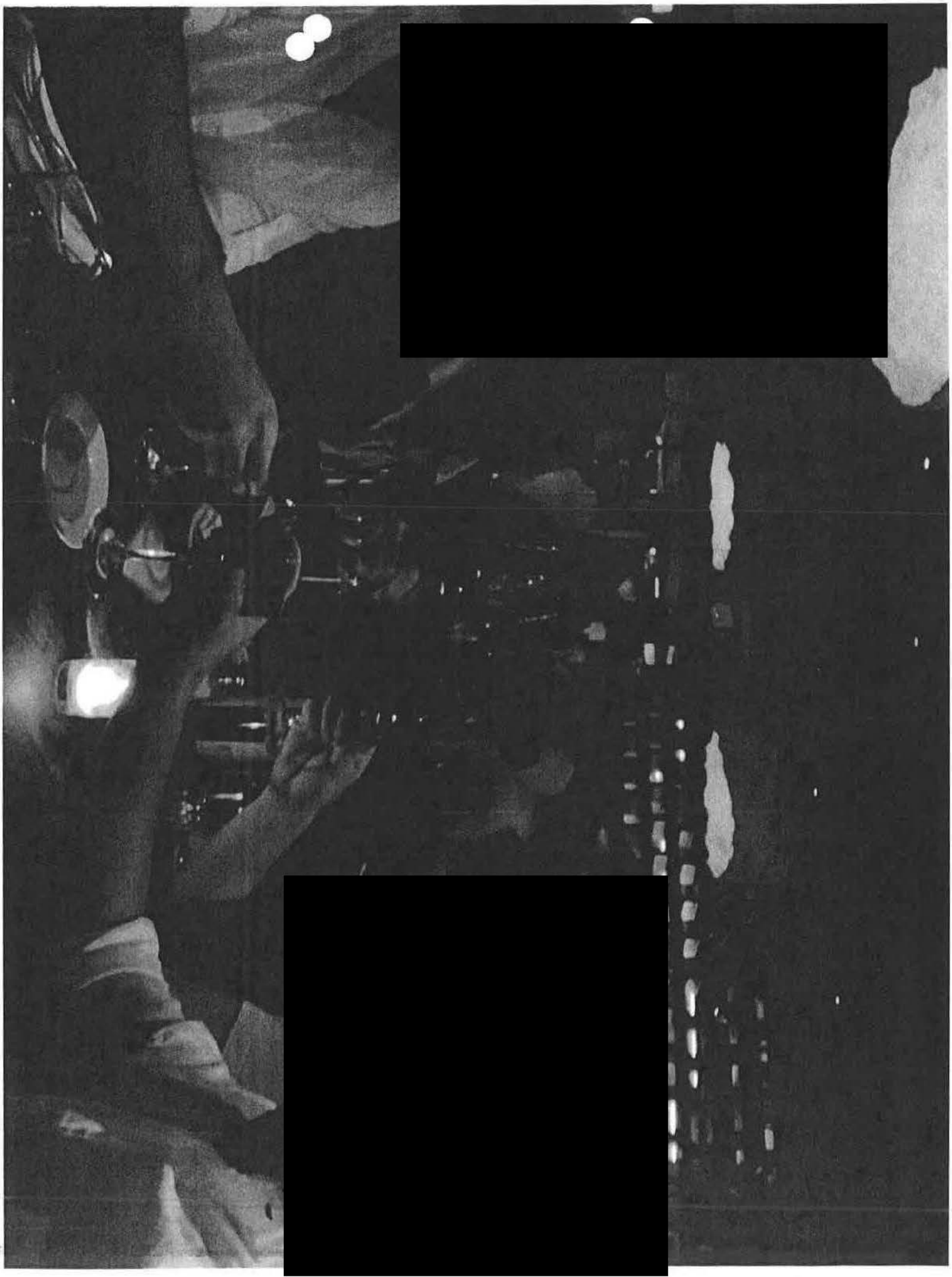

# APARTMENT LEASE CONTRACT

Date of Lease Contract: June 20, 2019
(when the Lease Contract is filled out)

*This is a binding document. Read carefully before signing.*

## Moving In—General Information

1. **PARTIES.** This Lease Contract is between *you*, the resident(s) *(list all people signing the Lease Contract)*:

[redacted]

*(zip code)* for use as a private residence only. The terms "you" and "your" refer to all residents listed above. The terms "we," "us," and "our" refer to the owner listed above (or any of owner's successors' in interest or assigns). Written or electronic notice to or from our managers constitutes notice to or from us. If anyone else has guaranteed performance of this Lease Contract, a separate Lease Contract Guaranty for each guarantor is attached. Unless otherwise agreed to by both parties in writing, all residents listed shall use the apartment as their primary residence during the term of the Lease.

2. **OCCUPANTS.** The apartment will be occupied only by you and *(list all other occupants who are under 18 and not required to sign the Lease)*:

No one else may occupy the apartment. Persons not listed above must not stay in the apartment for more than 2 consecutive days without our prior written consent, and no more than twice that many days in any one month. *If the previous space isn't filled in, two days per month is the limit.*

3. **LEASE TERM.** The initial term of the Lease Contract begins on the 31st day of May 2019, and ends at 11:59 p.m. the 30th day of June 2020.

**Renewal.** Unless the landlord serves a notice of non-renewal at least thirty (30) days prior to the expiration of the initial term, OR the tenant serves a notice to vacate at least sixty (60) days prior to the expiration of the initial term, this Lease Contract will automatically renew on *(check one)*:

☒ a month-to-month basis ("Extended Term"), terminable upon thirty (30) days written notice as required by paragraph 32 (Move-Out Notice). The monthly rental rate for any Extended Term will be the market rate (at the time of the applicable extension) for a comparable apartment in the development plus a month-to-month premium of 1000.00.

☐ successive terms of 0 months ("Extended Term"), unless the landlord serves a notice of non-renewal at least thirty (30) days prior to the expiration of any successive term, OR the tenant serves a notice to vacate at least sixty (60) days prior to the expiration of any successive term. The monthly rental rate for the Extended Term will be the market rate (at the time of the applicable extension) for a comparable apartment in the development plus a month-to-month premium of _____.

4. **SECURITY DEPOSIT.** Unless modified by addenda, the total security deposit at the time of execution of this Lease Contract for all residents in the apartment is $ 900.00, due on or before the date this Lease Contract is signed. If we request the last month's rent from you along with the security deposit, we will comply with the requirements of G.L. c. 186 § 15B (2). See paragraphs 36 (Security Deposit, Deductions and Other Charges) and 37 (Deposit Return, Surrender and Abandonment) for security deposit return information.

5. **KEYS AND FURNITURE.** You will be provided 4 apartment key(s), 4 mailbox key(s), and 4 other access devices for Fob/Remote. Your apartment will be *[check one]*:
☐ furnished or ☒ unfurnished.

☒ *(check if applicable)* Each person who is 18 years of age or older AND listed as a resident on the lease will be given a FOB for access to the building and amenities, at no cost to use during his or her tenancy. If the FOB is lost, stolen or damaged a fee will be charged for a replacement. If the FOB is not returned or is returned damaged when you move out, there may be a deduction from the security deposit or damage charge for the replacement and/or repair of same.

6. **RENT AND CHARGES.** Unless modified by addenda, you will pay $ 4688.00 per month for rent, payable in advance and without demand:

☒ at the on-site manager's office, or
☒ at our online payment site, or
☒ at Resident Portal

Prorated rent of $ 151.23 is due for the remainder of the partial month of the Lease Term upon execution of this Apartment Lease Contract. Otherwise, you must pay your rent on or before the 1st day of each month (due date) with no grace period. Cash is unacceptable without our prior written permission. You must not withhold or offset rent unless authorized by statute. We may, at our option, require at any time that you pay all rent and other sums in cash, certified or cashier's check, money order, or one monthly check rather than multiple checks. At our discretion, you hereby authorize us to convert any and all checks via the Automated Clearing House (ACH) system for the purposes of collecting payment. Rent is not considered accepted, if the payment/ACH is rejected, does not clear, or is stopped for any reason. If you don't pay all rent on or before 30 days after the first of the month, you'll pay a late charge of $ 468.80. You'll also pay a charge of $ 50.00 for each returned check or rejected electronic payment. If you don't pay rent on time, you'll be delinquent and all remedies under this Lease Contract will be authorized. We'll also have all other remedies for such violation. Notwithstanding any memo or reference on payments remitted by you, we may, but are not required to, apply payments by you to the oldest outstanding amount(s) due on your resident ledger. All payment obligations under this Lease Contract shall constitute rent under this Lease Contract.

7. **UTILITIES.** We'll pay for the following items, if checked:
☐ gas ☐ electricity ☐ master antenna
☒ trash ☐ cable TV ☐ heat ☐ water
☐ other _____

You'll pay for all other utilities, related deposits, and any charges, fees, or services on such utilities and are responsible for transferring those utilities into your name upon your possession. However, we will pay for all utilities we are required to pay for under Massachusetts law, unless this Lease Contract provides otherwise. You must not

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[redacted]

allow utilities to be disconnected for any reason—including disconnection for not paying your bills—until the lease term or renewal period ends. Cable channels that are provided may be changed during the Lease Contract term if the change applies to all residents. Utilities may be used only for normal household purposes and must not be wasted. You must not misuse, or otherwise excessively use (as determined in our discretion), any electrical outlets or other utilities provided by us in the common areas. If your electricity is ever interrupted, you must use only battery-powered lighting. If water/sewer utilities are sub-metered for the apartment, we will attach an addendum to this Lease Contract in compliance with state agency rules or city ordinance.

8. **INSURANCE.** Except as required by state law, we do not maintain insurance to cover your personal property or personal injury. We are not responsible to any resident, guest, or occupant for damage or loss of personal property from (including but not limited to) fire, smoke, rain, flood, water and pipe leaks, hail, ice, snow, lightning, wind, explosions, earthquake, interruption of utilities, theft, hurricane, negligence of other residents, occupants, or invited/uninvited guests or vandalism unless due to owner's omission, fault, negligence, or misconduct.

In addition, we urge all residents, and particularly those residing in coastal areas, areas near rivers, and areas prone to flooding, to obtain flood insurance. Renter's insurance may not cover damage to your property due to flooding. A flood insurance resource which may be available includes the National Flood Insurance Program managed by the Federal Emergency Management Agency (FEMA).

We urge you to get your own insurance for losses to your personal property or injuries due to theft, fire, water damage, pipe leaks and the like.

Additionally, you are *[check one]* ☒ required to purchase personal liability insurance ☐ not required to purchase personal liability insurance. If no box is checked, personal liability insurance is not required. If required, failure to maintain personal liability insurance throughout your tenancy, including any renewal periods and/or lease extensions, may be a breach of this Lease Contract and may result in the termination of tenancy and eviction and/or any other remedies as provided by this Lease Contract or state law. If you are required to purchase personal liability insurance you must provide evidence of coverage at lease inception, and must confirm an active policy upon request by owner at any time during the term of the Lease. SUBJECT TO APPLICABLE LAW, THE LANDLORD WILL PROVIDE INSURANCE FOR UP TO $750 IN BENEFITS TO COVER THE ACTUAL COSTS OF RELOCATION OF THE TENANT IF DISPLACED BY FIRE OR DAMAGE RESULTING FROM FIRE.

9. **LOCKS AND LATCHES/SECURITY DEVICES.** Keyed lock(s) will be rekeyed after the prior resident moves out. The rekeying will be done before you move into your apartment.

You may at any time ask us to change or rekey locks or latches during the Lease Term. We must comply with those requests, but you must pay for them, unless otherwise provided by law.

**Payment for Rekeying, Repairs, Etc.** You must pay for all repairs or replacements arising from loss, misuse or damage to devices by you or your occupants, or guests during your occupancy. You may be required to pay the aforementioned costs in advance in the event of: multiple requests for replacement and/or repair of devices; or if you are delinquent in reimbursement for previously repaired/replaced devices. Otherwise, you must pay immediately after the work is completed.

## Special Provisions and "What If" Clauses

10. **SPECIAL PROVISIONS.** The following special provisions and any addenda or written rules furnished to you at or before signing will become a part of this Lease Contract and will supersede any conflicting provisions of this printed Lease Contract form.

See special provisions on the last page

See any additional special provisions.

11. **DAMAGES AND REIMBURSEMENT.** You must promptly reimburse us for loss, damage, government fines, or cost of repairs or service in the apartment community due to a violation of the Lease Contract or rules, improper use, negligence, or intentional conduct by you or your invitees, guests or occupants unless it is caused by our omission, fault, negligence or misconduct. **Unless the damage or wastewater stoppage is due to our negligence, we're not liable for—and you must pay for—repairs, replacement costs, and damage to the following that result from you or your invitees', guests', or occupants' negligence or intentional acts: (1) damage to doors, windows, or screens; (2) damage from windows or doors left open; and (3) damage from wastewater stoppages caused by improper objects in lines exclusively serving your apartment.** We may require payment at any time, including advance payment of repairs for which you're liable. Delay in demanding sums you owe is not a waiver.

12. **RENT INCREASES AND LEASE CONTRACT CHANGES.** No rent increases or Lease Contract changes are allowed before the initial Lease Contract term ends, except for changes allowed by any special provisions in paragraph 10 (Special Provisions), by a written addendum or amendment signed by you and us, or by reasonable changes of apartment rules allowed under paragraph 15 (Community Policies or Rules).

13. **DELAY OF OCCUPANCY.** If occupancy is or will be delayed for construction, repairs, cleaning, or a previous resident's holding over, we're not responsible for the delay unless it is due to our omission, fault, negligence, misconduct or any other reason outside of our reasonable control. The Lease Contract will remain in force subject to: (1) abatement of rent on a daily basis during delay; and (2) your right to terminate as set forth below. Termination notice must be in writing. After termination, you are entitled only to refund of deposit(s) and any rent paid. Rent abatement or Lease Contract termination does not apply if delay is for cleaning or repairs that don't prevent you from occupying the apartment.

If there is a delay and we haven't given notice of delay as set forth immediately below, you may terminate up to the date when the apartment is ready for occupancy, but not later.

(1) If we give written notice to any of you when or after the initial term as set forth in paragraph 3 (Lease Term)—and the notice states that occupancy has been delayed because of construction or a previous resident's holding over, and that the apartment will be ready on a specific date—you may terminate the Lease Contract within 3 days of your receiving the notice, but not later.

(2) If we give written notice to any of you before the initial term as set forth in paragraph 3 (Lease Term) and the notice states that construction delay is expected and that the apartment will be ready for you to occupy on a specific date, you may terminate the Lease Contract within 7 days after any of you receives written notice, but not later. The readiness date is considered the new initial term as set forth in paragraph 3 (Lease Term) for all purposes. This new date may not be moved to an earlier date unless we and you agree.

14. **DISCLOSURE RIGHTS.** If someone requests information on you or your rental history for law-enforcement, governmental, or business purposes, we may provide it.

## While You're Living in the Apartment

15. **COMMUNITY POLICIES OR RULES.** You and all guests and occupants must comply with any written apartment rules and community policies, including instructions for care of our property. Our rules are considered part of this Lease Contract. We may make reasonable changes to written rules, effective immediately, if they are distributed and applicable to all units in the apartment community and do not change dollar amounts on page 1 of this Lease Contract.

16. **LIMITATIONS ON CONDUCT.** The apartment and other areas reserved for your private use must be kept clean and free of trash, garbage, and other debris. Trash must be disposed of at least weekly in appropriate receptacles in accordance with local ordinances or any trash addendums, if applicable. Passageways may be used only for entry or exit. You agree to keep all passageways and common areas free of obstructions such as trash, storage items, and all forms of personal property. No person shall ride or allow bikes, skateboards, or other similar objects in the passageways. Any swimming pools, saunas, spas, tanning beds, exercise rooms, storerooms, laundry rooms, and similar areas must be used with care in accordance with apartment rules and posted signs. Glass containers are prohibited in or near pools and all common areas. You, your occupants, or guests may not, anywhere in the apartment community: use candles or use kerosene lamps without our prior written approval; cook on balconies or outside; or solicit business or contributions. Conducting any kind of business (including child care services) in your apartment



[redacted]

or in the apartment community is prohibited—except that any lawful business conducted "at home" by computer, mail, or telephone is permissible if customers, clients, patients, or other business associates do not come to your apartment for business purposes and we assent in writing to the proposed business operation. This Lease is for residential purposes only. You acknowledge that those signing the Lease will use it as their primary residence, unless otherwise agreed to by contemporaneous writing signed by both parties. We may regulate: (1) the use of patios, balconies, and porches; (2) the conduct of furniture movers and delivery persons; and (3) recreational activities in common areas.

We may exclude from the apartment community guests or others who, in our judgment, have been violating the law, violating this Lease Contract or any apartment rules, or disturbing other residents, neighbors, visitors, or owner representatives. We may also exclude from any outside area or common area a person who refuses to show photo identification or refuses to identify himself or herself as a resident, occupant, or guest of a specific resident in the community.

You agree to notify us if you or any occupants are convicted of any felony, or misdemeanor involving a controlled substance, violence to another person or destruction of property. You also agree to notify us if you or any occupant registers as a sex offender in any state. Informing us of criminal convictions or sex offender registry does not waive our right to evict you. Any such activity or designation shall be deemed a material violation of this agreement.

**17. PROHIBITED CONDUCT.** You, your occupants or guests, or the guests of any occupants, may not engage in the following activities: behaving in a loud or obnoxious manner; disturbing or threatening the rights, comfort, health, safety, or convenience of others (including our agents and employees) in or near the apartment community; engaging in any criminal activity at or near the development regardless of whether an arrest or conviction occurs as a result of said conduct; disrupting our business operations; manufacturing, delivering, possessing with intent to deliver, or otherwise possessing a controlled substance or drug paraphernalia; engaging in or threatening violence; possessing a weapon prohibited by state law; discharging a firearm in the apartment community; displaying or possessing a gun, knife, or other weapon in the common area in a way that may alarm others; storing anything in closets having gas appliances; tampering with utilities or telecommunications; bringing hazardous materials into the apartment community; or injuring our reputation by making bad faith allegations against us to others or violating any Federal, state, or local law, or ordinance.

**18. PARKING.** We may regulate the time, manner, and place of parking all cars, trucks, motorcycles, bicycles, boats, trailers, and recreational vehicles. Motorcycles or motorized bikes may not be parked inside an apartment unit or on sidewalks, under stairwells, or in handicapped parking areas. We may have unauthorized or illegally parked vehicles towed as allowed by state statute. A vehicle is unauthorized or illegally parked in the apartment community if it:

(1) has a flat tire or other condition rendering it inoperable; or
(2) is on jacks, blocks or has wheel(s) missing; or
(3) has no current license plate or no current registration and/or inspection sticker; or
(4) takes up more than one parking space; or
(5) belongs to a resident or occupant who has surrendered or abandoned the apartment; or
(6) is parked in a marked handicap space without the legally required handicap insignia; or
(7) is parked in space marked for manager, staff, or guest at the office; or
(8) blocks another vehicle from exiting; or
(9) is parked in a fire lane or designated "no parking" area; or
(10) is parked in a space marked for other resident(s) or unit(s); or
(11) is parked on the grass, sidewalk, or patio; or
(12) blocks garbage trucks from access to a dumpster; or
(13) is not moved from any area in the development, authorized or unauthorized, following written notice by management that said vehicle must be moved for snow removal and/or other requisite purpose in our sole discretion; or
(14) belongs to a resident and is parked in a visitor or retail parking space.

**19. RELEASE OF RESIDENT.** Unless allowed by this Lease Contract, Federal or Massachusetts law, you won't be released from this Lease Contract for any reason—including but not limited to voluntary or involuntary school withdrawal or transfer, voluntary or involuntary job transfer, marriage, separation, divorce, reconciliation, loss of co-residents, loss of employment, bad health, or death.

**20. MILITARY PERSONNEL CLAUSE.** You may terminate your tenancy if you enlist or are drafted or commissioned and on active duty in the U.S. Armed Forces. You also may terminate your tenancy if:

(1) you are (i) a member of the U.S. Armed Forces or reserves on active duty or (ii) a member of the National Guard called to active duty for more than 30 days in response to a national emergency declared by the President; *and*
(2) you (i) receive orders for permanent change-of-station, (ii) receive orders to deploy with a military unit or as an individual in support of a military operation for 90 days or more, *or* (iii) are relieved or released from active duty.

After you deliver to us your written termination notice, your tenancy will be terminated under this military clause 30 days after the date on which your next rental payment is due. You must furnish us a copy of your military orders, such as permanent change-of-station orders, call-up orders, or deployment orders or written notification from your commanding officer. Military permission for base housing does not constitute change-of-station order. After you move out, we'll return your security deposit, less lawful deductions. For the purposes of this Lease Contract, orders described in (2) above will only release the resident who qualifies under (1) and (2) above and receives the orders during the Lease Contract term and such resident's spouse or legal dependents living in the resident's household. A co-resident who is not your spouse or dependent cannot terminate under this military clause. Unless you state otherwise in paragraph 10 (Special Provisions), you represent when signing this Lease Contract that: (1) you do not already have deployment or change-of-station orders; (2) you will not be retiring from the military during the Lease Contract term; and (3) the term of your enlistment or obligation will not end before the Lease Contract term ends. Even if you are entitled to terminate your tenancy under this paragraph, liquidated damages for making a false representation of the above will be the amount of unpaid rent for the remainder of the lease term when and if you move out, less rents from others received in mitigation under paragraph 29 (Default by Resident). You must immediately notify us if you are called to active duty or receive deployment or permanent change-of-station orders.

**21. RESIDENT SAFETY AND PROPERTY LOSS.** You and all occupants and guests must exercise due care for your own and others' safety and security, especially in the use of stoves, appliances, sinks, toilets, smoke detectors and carbon monoxide detectors, keyed deadbolt locks, keyless bolting devices, window latches, and access control devices.

**Smoke Detectors and Carbon Monoxide Detectors.** We'll furnish smoke detectors and carbon monoxide detectors as required by statute, we'll test them and provide working batteries when you first take possession. You must immediately report smoke detector and/or carbon monoxide detector malfunctions to us. Neither you nor others may disable smoke detectors and/or carbon monoxide detectors. If you damage or disable the smoke detector and/or carbon monoxide detector or remove a battery without replacing it with a working battery, you may be liable to us for actual damages and attorney's fees. If you disable or damage the smoke detector and/or carbon monoxide detector, or fail to report malfunctions to us, you will be liable to us and others for any loss, damage, or fines from fire, smoke, or water, unless due to Ownership's own neglect, misconduct, fault or omission.

**Casualty Loss.** We're not liable to any resident, guest, or occupant for damage or loss of personal property from any cause, including but not limited to: fire, smoke, rain, flood, water and pipe leaks, hail, ice, snow, lightning, wind, explosions, interruption of utilities, theft, or vandalism unless due to our omission, fault, negligence or misconduct. During freezing weather, you must ensure that the temperature in the apartment is sufficient to prevent pipes from freezing/bursting (we suggest at least 50 degrees throughout the apartment). If the pipes freeze, bursts, or any other damage is caused by your failure to properly maintain the heat in your apartment, you'll be liable for damage to our and other's property. If you ask our representatives to perform services not contemplated in this Lease Contract, you will indemnify us and hold us harmless from all liability for these services.

**Crime or Emergency.** Dial 911 or immediately call local medical emergency, fire, or police personnel in case of accident, fire, smoke, suspected criminal activity, or other emergency involving imminent harm. You should then contact our representative. Unless otherwise provided by law, we're not liable to you or any guests or occupants for injury, damage, or loss to person or property caused by criminal conduct of other persons, including theft, burglary, assault, vandalism, or other crimes. We're not obliged to furnish security personnel, security lighting, security gates or fences, or other forms of security unless required by applicable law. If we provide any access control devices or security measures upon the property, they

[redacted]

are not a guarantee to prevent crime or to reduce the risk of crime on the property. If video surveillance is provided/present at the property, you understand that it is for our purpose(s) only, not monitored at all times, and may not provide recording(s) to which you are entitled. You agree that no access control or security measures can eliminate all crime and that you will not rely upon any provided access control or security measures as a warranty or guarantee of any kind. We're not responsible for obtaining criminal-history checks on any residents, occupants, guests, or contractors in the apartment community. If you or any occupant or guest is affected by a crime, you must make a written report to our representative and to the appropriate local law-enforcement agency. You also must furnish us with the law-enforcement agency's incident report number upon request.

**22. CONDITION OF THE PREMISES AND ALTERATIONS.** You have inspected the apartment, fixtures, and furniture and agree that they are free of any defects, including defects materially affecting the health or safety of ordinary persons. You will be given an Apartment Condition Statement on or before move-in. Within 15 days after move-in, you must sign and note on the form all defects or damage and return it to our representative. Otherwise, everything will be considered to be in a clean, safe, and good working condition.

You must use customary diligence in maintaining the apartment and not damaging or littering the common areas. Unless authorized by statute or by us in writing, you must not perform any repairs, painting, wallpapering, carpeting, electrical changes, or otherwise alter our property. No holes or stickers are allowed inside or outside the apartment, but we'll permit a reasonable number of small nail holes for hanging pictures on sheetrock walls and in grooves of wood-paneled walls, unless our rules state otherwise. No water furniture, washing machines, additional phone or TV-cable outlets, alarm systems, or lock changes, additions, or rekeying is permitted unless statutorily allowed or we've consented in writing. You may install a satellite dish or antenna provided you sign our satellite dish or antenna lease addendum which complies with reasonable restrictions allowed by federal law. You agree not to alter, damage, or remove our property, including alarm systems, smoke detectors and carbon monoxide detectors, furniture, telephone and cable TV wiring, screens, locks, and access control devices. When you move in, we'll supply light bulbs for fixtures we furnish, including exterior fixtures operated from inside the apartment; after that, you'll replace them at your expense with bulbs of the same type and wattage. Your improvements to the apartment (whether or not we consent) become ours unless we agree otherwise in writing.

**23. REQUESTS, REPAIRS, AND MALFUNCTIONS.** IF YOU OR ANY OCCUPANT NEEDS TO SEND A NOTICE OR REQUEST—FOR EXAMPLE, FOR REPAIRS, INSTALLATIONS, SERVICES, OR SECURITY-RELATED MATTERS—IT MUST BE SUBMITTED THROUGH EITHER THE ONLINE TENANT/MAINTENANCE PORTAL, OR SIGNED AND IN WRITING AND DELIVERED TO OUR DESIGNATED REPRESENTATIVE (except in case of fire, smoke, gas, explosion, overflowing sewage, uncontrollable running water, electrical shorts, or crime in progress). Our written notes on your oral request do not constitute a written request from you.

Our complying with or responding to any oral request regarding security or non-security matters doesn't waive the strict requirement for written notices under this Lease Contract. You must promptly notify us in writing of: water leaks; mold; electrical problems; malfunctioning lights; broken or missing locks or latches; the presence of bugs, insects, vermin, or other pests; and other conditions that pose a hazard to property, health, or safety. We may change or install utility lines or equipment serving the apartment if the work is done reasonably without substantially increasing your utility costs. We may turn off equipment and interrupt utilities as needed to avoid property damage or to perform work. If utilities malfunction or are damaged by fire, water, or similar cause, you must notify our representative immediately. Air conditioning problems are normally not emergencies. If air conditioning or other equipment malfunctions, you must notify our representative as soon as possible. We'll act with customary diligence to make repairs and reconnections. Rent will not abate in whole or in part, except as allowed by state law.

If fire or catastrophic damage totally destroys the apartment, or repair is beyond reason we may terminate your tenancy within a reasonable time by giving you written notice. If your tenancy is so terminated, we'll refund prorated rent and all deposits, less lawful deductions.

**24. ANIMALS.** No animals (including mammals, reptiles, birds, fish, rodents and insects) are allowed, even temporarily, anywhere in the apartment or apartment community unless we've so authorized in writing. If we allow an animal, you must sign a separate animal addendum, which may require additional rents, fees or other charges. You must remove an unauthorized animal within 24 hours of notice from us, or you will be considered in default of this Lease Contact. We will authorize support and/or service animals for you, your guests, and occupants pursuant to applicable Federal and state statute(s)/regulation(s). We may require a written statement from a qualified professional verifying the need for the support and/or service animal. You must not feed stray or wild animals.

If you or any guest or occupant violates animal restrictions (with or without your knowledge), you'll be subject to charges, damages, eviction, and other remedies provided in this Lease Contract. If an animal has been in the apartment at any time during your term of occupancy (with or without our consent), we'll charge you for deflealing, deodorizing, and shampooing. We may remove an unauthorized animal by following the procedures of paragraph 29 (Default by Resident).

**25. WHEN WE MAY ENTER.** If you or any guest or occupant is present, then repairers, servicers, contractors, our representatives, or other persons listed in (2) below may peacefully enter the apartment at reasonable times and not with less than 24 hours notice for the purposes listed in (2) below. If nobody is in the apartment, then such persons may enter peacefully and at reasonable times and not with less than 24 hours notice by duplicate or master key (or by breaking a window or other means when necessary) if:

(1) written notice of the entry is left in a conspicuous place in the apartment immediately after the entry; *and*
(2) entry is for: inspecting the apartment, making repairs or showing apartment to prospective residents (after move-out or vacate notice has been given), purchasers or mortgage lenders (or their agents), or verifying compliance with this Lease Contract.

**26. JOINT AND SEVERAL RESPONSIBILITY.** Each resident is jointly and severally liable for all Lease Contract obligations. If you or any guest or occupant violates the Lease Contract or rules, all residents are considered to have violated the Lease Contract. Our requests and notices (including sale notices) to any resident of your apartment constitute notice to all residents and occupants. Notices and requests from any resident or occupant (including notices of termination of your tenancy, repair requests, and entry permissions) constitute notice from all residents. In eviction suits, each resident hereby appoints all other residents of your apartment as an agent authorized to receive notices and service of process. Security deposit refunds may be by one check jointly payable to all residents; the check and any deduction itemizations may be mailed to one resident only.

**27. REPLACEMENTS AND SUBLETTING.** Subletting or assignment is never allowed. If we allow you to replace a resident, the new resident and all remaining residents will need to execute a new lease contract. The departing resident will no longer have a right to occupancy but will remain liable for the remainder of the original Lease Contract term unless we agree otherwise in writing.

## Responsibilities of Owner and Resident

**28. RESPONSIBILITIES OF OWNER.** Subject to 105 CMR 410.00, the State Sanitary Code, we'll act with customary diligence to:

(1) keep common areas reasonably clean, subject to paragraph 22 (Condition of the Premises and Alterations);
(2) maintain building fixtures, furniture, hot water, heating and A/C equipment;
(3) comply with applicable federal, state, and local law regarding safety, sanitation, and fair housing; and
(4) make all legally required repairs, notwithstanding to your obligation to pay for damages for which you are liable.

**29. DEFAULT BY RESIDENT.** You'll be in default if you or any guest or occupant violates any terms of this Lease Contract including but not limited to the following violations: (1) you don't pay rent or other amounts that you owe when due; (2) you or any guest or occupant violates the apartment rules, or fire, safety, health, or criminal laws, regardless of whether or where arrest or conviction occurs; (3) you abandon the apartment; (4) you give incorrect or false answers in a rental application; (5) you or any occupant is arrested, convicted, or given deferred adjudication for a felony offense involving actual or potential physical harm to a person, or involving possession, manufacture, or delivery of a controlled substance, marijuana, or drug paraphernalia as defined by Massachusetts law; (6) any illegal drugs or paraphernalia are found in your apartment; (7) you or any guest or occupant engages in any of the prohibited conduct described in Paragraph 17 (Prohibited Conduct); or (8) you or any occupant, in bad faith, makes an invalid complaint to an official or employee of a utility company or the government.



[redacted]

**Lease Renewal When A Breach or Default Has Occurred.** In the event that you enter into a subsequent Lease prior to the expiration of this Lease and you breach or otherwise commit a default under this Lease, we may, at our sole and absolute discretion, terminate the subsequent Lease, even if the subsequent Lease term has yet to commence. We may terminate said subsequent Lease by sending you written notice of the termination of said subsequent Lease.

**Eviction.** *If you default, we may end your right of occupancy by giving you a 14 day written notice to vacate in the event that the default is due to your non-payment of rent, or a 7 day written notice to vacate in the event that the default is due to any other provision of this Lease.* Notice may be by: (1) regular mail; (2) personal delivery to any resident; (3) personal delivery at the apartment to any occupant over 16 years old; (4) sliding the notice under the main entry door and into the apartment; or (5) by any other service available under Massachusetts law. Termination of your possession rights or subsequent reletting doesn't release you from liability for future rent or other Lease Contract obligations. After giving notice to vacate or filing an eviction suit, we may still accept use and occupancy fees or other sums due; the filing or acceptance doesn't waive or diminish our right of eviction, or any other contractual or statutory right. If your lease has expired, we reserve the right to evict you even if we continue to accept sums for use and occupancy only.

**Holdover.** You or any occupant, invitee, or guest must not hold over beyond the date contained in your move-out notice or our notice to vacate (or beyond a different move-out date agreed to by the parties in writing). If a holdover occurs, then (1) the use and occupancy monthly rate during the holdover period will be increased by 25% over the then-existing market rent, without notice; (2) you will be liable to us for all use and occupancy fees for the full term of the previously signed Lease Contract of a new resident who cannot occupy because of the holdover—subject to the landlord's duty to re-let or mitigate; and (3) at our option we may extend the Lease Contract term for up to one month by delivering written notice to you or your apartment while you continue to hold over.

**Other Remedies.** We may report unpaid amounts to credit agencies. If you default and move out early, you will pay us any amounts stated to be rental discounts in paragraph 10 (Special Provisions), concessions provided in any concession addendum attached to this lease, in addition to any other sums due. Upon your default, we have all legal remedies, including, but not limited to, termination of your tenancy, pursuit of an eviction, and reimbursement for any and all attorney's fees and/or litigation costs/expenses. Late charges are liquidated damages for our time, inconvenience, and overhead in collecting late rent (but are not for attorney's fees and litigation costs). Any and all amounts which remain unpaid for thirty (30) days from the date due shall bear interest at the maximum rate permitted by law, in which event interest shall accrue at the highest amount permitted by law. You shall be responsible for any and all attorney's fees, expenses, or other costs incurred by the Landlord to enforce any provision of this Lease whether related to your conduct, or the conduct of your household member(s), guest(s) and/or invitee(s).

**Remedies Cumulative.** Any remedies set forth herein shall be cumulative, in addition to, and not in limitation of, any other remedies available to Landlord under any applicable law.

**Mitigation of Damages.** If you move out early, you'll be subject to all remedies. We'll exercise customary diligence to relet and mitigate damages. We'll credit all subsequent rent that we actually receive from subsequent residents against your liability for any sums due including all reletting costs.

## General Clauses

**30. MISCELLANEOUS.** Neither we nor any of our representatives have made any oral promises, representations, or agreements. This Lease Contract is the entire agreement between you and us. Our representatives (including management personnel, employees, and agents) have no authority to waive, amend, or terminate this Lease Contract or any part of it, unless in writing, and no authority to make promises, representations, or agreements that impose security duties or other obligations on us or our representatives unless in writing. No action or omission of our representative will be considered a waiver of any subsequent violation, default, or time or place of performance. Our not enforcing or belatedly enforcing written-notice requirements, rental due dates, acceleration, liens, or other rights isn't a waiver under any circumstances. Written notice to or from our managers constitutes notice to or from us. Any person giving a notice under this Lease Contract should retain a copy of the memo, letter or fax that was given. Fax signatures are binding. All notices must be signed.

Exercising one remedy won't constitute an election or waiver of other remedies. All remedies are cumulative. No employee, agent, or management company is personally liable for any of our contractual, statutory, or other obligations merely by virtue of acting on our behalf. This Lease Contract binds subsequent owners. Neither an invalid clause nor the omission of initials on any page invalidates this Lease Contract. All notices and documents may be in English and, at our option, in any language that you read or speak. All provisions regarding our non-liability and non-duty apply to our employees, agents, and management companies. This Lease Contract is subordinate or superior to existing and future recorded mortgages, at lender's option. All Lease Contract obligations must be performed in the county where the apartment is located. In the event that you commence any litigation against us, and you fail to obtain judgment in your favor, you agree to reimburse us for any and all attorney fees and costs that we incur in relation to the defense of such action.

**Consent to Solicitation.** You hereby expressly authorize us, our representative(s), and any collection agency or debt collector (hereinafter collectively referred to as the "Authorized Entities") to communicate with you. The communication may be made through any method for any reason related to amounts due and owing under this Lease. You further promise to immediately notify the Authorized Entities if any telephone number or email address or other unique electronic identifier or mode that you provided to any Authorized Entity changes or is no longer used by you.

All discretionary rights reserved for us within this Lease Contract or any accompanying addenda are at our sole and absolute discretion.

Obligation to Remove Personal Property Upon Vacating. Resident shall remove any and all personal property from the apartment upon vacating and/or relinquishing possession of same. If we provide you with a notice to vacate, or if you provide us with a written notice to vacate or intent to move-out in accordance with paragraph 3 (Lease Term), and we accept such written notice, then you are required to vacate the Apartment and remove all of your personal property therefrom at the expiration of the Lease term, or by the date set forth in the notice to vacate, whichever date is earlier, without further notice or demand from us. In the event that the Resident vacates the premises leaving any personal property therein, same may be deemed abandoned/trash, and may be discarded by the landlord at the Resident's expense. Cost for removal shall be in addition to any and all other sums due to the landlord pursuant to the Lease.

**31. PAYMENTS.** At our option and without notice, we may apply money received (other than utility payments subject to governmental regulations) first to any of your unpaid obligations, then to current rent—regardless of notations on checks or money orders and regardless of when the obligations arose. All sums other than the sub-metered water and sewer charges (if applicable) and monthly rent, as defined in paragraph 6 (Rent and Charges) of this Lease Agreement, are due upon our demand. After the due date, we do not have to accept the rent or any other payments. We reserve the right to accept any amount less than the balance due at any given time and, if we accept a lessor amount, such acceptance will not represent a waiver of any right we have to pursue the outstanding balance.

## When Moving Out

**32. MOVE-OUT NOTICE.** Before moving out, either at the end of the lease term, any extension of the lease term, or prior to the end of the lease term, you must give our representative advance written notice of your intention to vacate as required by paragraph 3 (Lease Terms). If you move out prior to the end of the lease term, your notice does not act as a release of liability for the full term of the Lease Contract. You will still be liable for the entire Lease Contract term if you move out early under paragraph 19 (Release of Resident) except if you are able to terminate your tenancy under the statutory rights explained under paragraphs 19 or 20 (Release of Resident or the Military Personnel Clause), or as otherwise provided by Federal and/or Massachusetts Law. All notices to vacate must be in writing and must provide the date by which you intend to vacate. If the notice does not comply with the time requirements of paragraph 3 (Lease Terms) even if you move by the last date in the lease term, you will be responsible for an additional month's rent. If you fail to vacate by the date set forth in your notice, you will automatically and immediately become a holdover tenant pursuant to state law, and we will have all remedies available under this Lease Contract and state law.



[redacted]

**33. MOVE-OUT PROCEDURES.** The move-out date can't be changed unless we and you both agree in writing. You won't move out before the Lease Contract term or renewal period ends unless you continue to pay rent until the conclusion of the lease term or the apartment is relet, which ever occurs first. Early move-out may result in reletting charges under paragraph 29 (Default by Resident). You may not apply any security deposit to rent without the landlord's written consent. You won't stay beyond the date you are supposed to move out. All residents, guests, and occupants must vacate the apartment before the 30-day period for security deposit refund begins. You must give us, in writing, each resident's forwarding address.

**34. CLEANING.** You must thoroughly clean the apartment, including doors, windows, furniture, bathrooms, kitchen appliances, patios, balconies, garages, carports, and storage rooms. You must follow move-out cleaning instructions if they have been provided. If you don't clean adequately, you'll be liable for reasonable cleaning charges, which shall be deemed property damage.

**35. MOVE-OUT INSPECTION.** You should meet with our representative for a move-out inspection. Our representative has no authority to bind or limit us regarding deductions for repairs, damages, or charges. Any statements or estimates by us or our representative are subject to our correction, modification, or disapproval before final refunding or accounting.

**36. SECURITY DEPOSIT DEDUCTIONS AND OTHER CHARGES.** You'll be liable for the following charges, if applicable: unpaid rent; repairs or damages beyond normal wear and tear; water/sewer charges and other amounts provided by law. Your security deposit will be handled pursuant to MGL ch. 186 sec 15B, however we reserve the right to pursue any damages that exceed the amount of the security deposit due to your acts or those of your occupants or guests under applicable law (whether a security deposit is held or not).

**37. DEPOSIT RETURN, SURRENDER, AND ABANDONMENT.** You are required to provide us written notice of your forwarding address, on or before termination of this Lease Contract. We'll mail you, to the forwarding address you provide, your security deposit refund (less lawful deductions) and an itemized accounting of any deductions to the extent required by statute no later than 30 days after surrender, vacating, or abandonment, unless statutes provide otherwise. If you fail to provide us with your forwarding address in writing, as required above, we will process the unclaimed security deposit in accordance with state law.

## Severability, Originals and Attachments, and Signatures

**38. SEVERABILITY.** If any provision of this Lease Contract is invalid or unenforceable under applicable law, such provision shall be ineffective to the extent of such invalidity or unenforceability only without invalidating or otherwise affecting the remainder of this Lease Contract. The court shall interpret the lease and provisions herein in a manner such as to uphold the valid portions of this Lease Contract while preserving the intent of the parties.

**39. ORIGINALS AND ATTACHMENTS.** This Lease Contract has been executed in multiple originals, with original signatures. We will provide you with a copy of the Lease Contract. Your copy of the Lease Contract may be in paper format, in an electronic format at your request, or sent via e-mail if we have communicated by e-mail about this Lease. Our rules and community policies, if any, will be attached to the Lease Contract and provided to you at signing. When an Apartment Condition Statement is completed, you should retain a copy, and we should retain a copy. Any addenda or amendments you sign as a part of executing this Lease Contract are binding and hereby incorporated into and made part of the Lease Contract between you and us. This lease is the entire agreement between you and us. You acknowledge that you are NOT relying on any oral representations.

**You are legally bound by this document.**
**Please read it carefully.**

**Before submitting a rental application or signing a Lease Contract, you may take a copy of these documents to review and/or consult an attorney.**

**Additional provisions or changes may be made in the Lease Contract if agreed to in writing by all parties.**

**Name and address of locator service** *(if applicable)*

Flavio Carratu

Boston City Properties

In no event shall any of the provisions of this Lease indemnify, release, or otherwise excuse us from liability arising out of any mistake, fault, negligence or other misconduct of the landlord.

**Resident or Residents** *(all sign below)*

**Owner or Owner's Representative** *(signing on behalf of owner)*

**Address and phone number of owner's representative for notice purposes:**

80 CambridgePark Drive
Cambridge, MA 02140

(617)229-5245

****If this document is electronically signed by resident, the email address used for e-signature shall be utilized to return a counter-signed Lease. Resident acknowledges that they are responsible for viewing/storing/printing the counter-signed lease through the residential portal, attached to the email or otherwise electronically forwarded to resident's account.**

**Date form is filled out** *(same as on top of page 1)*

06/20/2019

*A copy of this fully executed Apartment Lease Contract, and all addenda, was provided to the Resident on* 06/20/2019 *(date).*

**SPECIAL PROVISIONS** *(CONTINUED FROM PAGE 2)* Monthly rent includes monthly fee for pet rent, garage, reserved parking, storage fee and/or an additional parking permit if added per addenda along with any additional conditional rent premiums. All additional fees are due and payable on the 1st of the month along with your rental payment.. 1. Late fee is 10% of the total monthly rent as listed in section 6 of the Lease. 2. Notwithstanding the language in Section 31, the parties DO NOT waive any of their rights of subrogation. 3. Lease Addendum regarding Damage from Fire, Water, or Other Casualty is to be made part of this Lease Contract.


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[redacted]

# MASSACHUSETTS
# RENT AND SECURITY DEPOSIT RECEIPT

To: [redacted]
(Names of all Residents)
[redacted] (Current Address and Dwelling Unit Number, if applicable)
[redacted]
(City, State, Zip)

We hereby acknowledge receipt of your Payment in the total amount of $ 1301.23 to be applied as follows:

| | | |
|---|---|---|
| 1. | First Month's Rent | $ 151.23 |
| 2. | Last Month's Rent | $ |
| 3. | Security Deposit | $ 900.00 |
| 4. | Installation of Locks and Keys | $ 250.00 |

SECURITY DEPOSIT

1. The Lessor acknowledged receipt from the Lessee of $ 900.00 (an amount not to exceed first month's rent) to be held by the Lessor during the term hereof, or any extension or renewal, as a security deposit pursuant to the terms hereof; it being understood that THIS IS NOT TO BE CONSIDERED PREPAID RENT, nor shall damages be limited to the amount of the security deposit.
2. The Lessor acknowledges that, subject to damages prescribed by law, he shall, within thirty (30) days after the termination of this lease or upon the Lessee's vacating the premises completely together with all h is goods and possessions, whichever shall last occur, return the security deposit or any balance thereof, and any interest thereon, if due, after deducting
   (a) Any unpaid rent or water and sewer charges which have not been validly withheld or deducted pursuant to the provisions of any special or general law; and
   (b) Any unpaid increase in real estate taxes which the Lessee is obligated to pay pursuant to a tax escalation clause which conforms to the requirements of Mass. General Laws, Chapter 186, Section 15C; and
   (c) A reasonable amount necessary to repay any damage caused to the premises by the Lessee or any person under the Lessee's control or on the premises with the Lessee's consent, reasonable wear and tear excluded. In the case of such damage, the Lessor shall provide the Lessee within thirty (30) days with an itemized list of damages, sworn to by the Lessor or his agent under pains and penalties of perjury, itemizing in precise detail the nature of the damage and of the repairs necessary to correct it, and written evidence, such as estimates, bills, invoices or receipts, indicating the actual or estimated cost thereof.
3. The Lessor must provide Lessee with a written statement of the condition of the premises, as required by law. If the Lessee disagrees with the Lessor's statement of condition, the Lessee must attach a separate list of any damage existing in the premises and return the statement to the Lessor. No amount shall be deducted from the security deposit for any damage which was listed in the statement of condition or in any separate list submitted by the Lessee and approved by the Lessor or the Lessor's agent, unless the Lessor subsequently repaired or caused to be repaired said damage and can prove that the renewed damage was unrelated to the prior damage and was caused by the Lessee or by any person under the Lessee's control or on the premises with the Lessee's consent.
4. If the Lessor transfers the premises, the Lessor must transfer the security deposit or any balance, thereof, and any accrued interest, to the Lessor's successor in interest for the benefit of the Lessee.

   As required by law, the security deposit is presently or will be deposited in a separate, interest-Bearing account.

   Account Number 488961531923 at Bank of America (Bank Name)
   located at 84 Massachusetts Ave
   (Street Address) Cambridge (City), Massachusetts, 02139 (Zip).
   If the security deposit is held for one year or longer from the commencement of the tenancy, the Lessee shall be entitled to interest on the amount of the security deposit at the rate of five percent (5%) per year, or such lesser amount as may be received from the bank, payable at the end of each year of the tenancy.
5. Lessee is required to provide Lessor with a forwarding address upon vacating the premises.

LAST MONTH'S RENT

Pursuant to applicable law, the tenant is entitled to interest on last month's rent paid in advance from the date of tenancy, payable at the end of each year of tenancy and prorated upon termination. Interest shall not accrue for the last month for which rent was paid in advance. The rate of interest payable on last month's rent is 5%, provided however that if the landlord elects to deposit last month's rent in a bank account, interest will be limited to any lower rate actually paid by the bank. The tenant should provide the landlord with a forwarding address at the termination of tenancy indicating where such interest may be given or sent.

Date Received: _____ Received By: _____

OWNER: 88 Cambridge Park Limited Partnership

SIGNATURE: _____
Management Company

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[redacted]

# UTILITY ADDENDUM FOR WATER, SEWER, GAS, TRASH AND ELECTRIC SERVICE

This Utility Addendum is incorporated into the Lease Contract (referred to in this addendum as "Lease Contract" or "Lease") dated June 20, 2019 between 88 Cambridge Park Limited Partnership

("We") and [redacted]

("You") of Unit No. 240 located at 80 CambridgePark Dr

*(street address)* in Cambridge, MA 02140 and is in addition to all terms and conditions in the Lease. This Addendum constitutes an Addendum to the above described Lease Contract for the above described premises, and is hereby incorporated into and made a part of such Lease Contract. Where the terms or conditions found in this Addendum vary or contradict any terms or conditions found in the Lease Contract, this Addendum shall control.

1. Responsibility for payment of utilities will be as indicated below.
   a) **Water** service to your dwelling will be either:
      ☐ paid by you; or
      ☒ paid by you, through an approved sub-meter, to us; or
      ☐ paid by us.
   b) **Sewer** service to your dwelling will be either:
      ☐ paid by you; or
      ☒ paid by you, through an approved sub-meter, to us; or
      ☐ paid by us.
   c) **Gas** service to your dwelling will be either:
      ☒ paid by you; or
      ☐ paid by us.
   d) **Trash** service to your dwelling will be either.(Landlord is responsible for units of 3 or more):
      ☐ paid by you; or
      ☒ paid by us.
   e) **Electric** service to your dwelling will be either:
      ☒ paid by you; or
      ☐ paid by us.
2. You are responsible for transferring those utilities marked to be paid by you (above), into your name upon possession of the Unit. The failure to transfer any utility bill is a material and substantial breach of the Lease and we will exercise all remedies available under the Lease, up to and including eviction.
3. You will be charged for the full period of time that you were living in, occupying, or responsible for payment of rent or utility charges on the dwelling. If you breach the Lease, you will be responsible for utility charges for the time period you were obligated to pay the charges under the Lease, subject to our mitigation of damages. In the event you fail to timely establish utility services, we may charge you for any utility service billed to us for your dwelling and you shall be subject to eviction proceedings based on a breach of this Lease, which may include a claim for waste damages.
4. We are not liable for any losses or damages you incur as a result of outages, interruptions, or fluctuations in utility services provided to the dwelling unless such loss or damage was the direct result of negligence, fault, misconduct or omissions by us or our employees. You release us from any and all such claims by a utility company or third party supplier and waive any claims for offset or reduction of rent or diminished rental value of the dwelling due to such outages, interruptions, or fluctuations not caused by us.
5. You agree not to tamper with, adjust, or disconnect any utility metering system or device. Violation of this provision is a material breach of your Lease and may subject you to eviction or other remedies available to us under your Lease and this Utility Addendum.
6. All charges for sub-metered water and sewer service shall be considered part of your rent for purposes under MGL Chapters 186 and 239.
7. The following special provisions and any addenda or written rules furnished to you at or before signing will become a part of this Utility Addendum and will supersede any conflicting provisions of this printed Utility Addendum and/or the Lease Contract.



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[redacted]

Resident Signature _____ Date _____

Resident Signature _____ Date _____

Resident Signature _____ Date _____

Resident Signature _____ Date _____

Resident Signature _____ Date _____

Resident Signature _____ Date _____

Management _____ Date _____



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[redacted]

Sprint

Contact Us
sprint.com/contactus
1-888-211-4727
(*2 from your Sprint Phone)


Account Number: 7[redacted]
Bill Period: Aug 21 - Sep 20, 2018

## Last Bill

| | |
|---|---|
| Previous Total Due | $127.64 |
| Payments - Thank you! | -$903.80 |
| Immediate Charges Accrued | $779.13 |
| Adjustments | -$73.60 |
| Balance Forward | **-$70.63** |

## This Bill

| | |
|---|---|
| Account Charges | $50.00 |
| Plans, Equipment & Usage | $238.01 |
| Sprint Surcharges | $6.89 |
| Government Taxes & Fees | $12.96 |
| Total Charges this Bill | **$307.86** |

## Total Amount Due

**$237.23**

## Let's talk
### about this bill

You made changes to your account this month that can impact your bill total. Here's what happened:

- The device purchase price option has been applied to your account in the amount $249.93 as a result of not returning your Leased device. This does not include any taxes. If the device is returned in good working condition, a credit will be given per your lease agreement.
- You have added a promotion that has the Lease Upgrade Discount that started on Sep 21, 2018 for the next 18 months.

**Thanks for paying by AutoPay.**
$237.23 will be charged to your card on Oct 14

Last three months (new charges)

Please see the News and Notices section on page 2 for important information and changes to Sprint's policies.

PO Box 629023 El Dorado Hills, CA 95762

Sprint

DO NOT SEND PAYMENT.
This amount will be charged to your card on Oct 14.
Account Number 755190285

**Amount Due** $237.23

PO Box 54977
Los Angeles, CA 90054-0977

[redacted]
CAMBRIDGE, MA 02139-2509

Presorted FIRST-CLASS MAIL U.S. POSTAGE **PAID** Sprint

755190285 00000030786 000000070630 000000237237

Sprint

## SPRINT NEWS AND NOTICES

This section contains important updates about your Sprint Services, including Service or Rate Changes, Promotions and Offers.

**Phone Security**
Sprint encourages you to set a phone passcode or lock to help prevent unauthorized access. See your phone's user guide for instructions. Also consider downloading a security app for your phone. Report stolen phones to Sprint to protect your account. For more information visit **sprint.com/stolenphone**.

**Software Updates Available**
Keep your phone's software current by checking for updates regularly. Log on to **sprint.com** any time to check your alerts or go to **sprint.com/learn** and follow the instructions for your phone. That's getting it done right now.

**International, US Territories & possessions Rates**
Int'l long distance, roaming, data and text rates and plans, and inclusion in discounted pricing offers are subject to change from time to time without notice. Visit **sprint.com/international** to check for included destinations and the most up to date voice, text and data rate information.

## IMPORTANT INFORMATION RELATING TO YOUR SPRINT BILL

**Billing, Late Payment and Other Information.** Full call detail information is available online. Payments are due as shown on your invoice to avoid service suspension or disconnection. Sprint may charge you for any returned checks (up to $40). We will assess a late payment charge if your payment is late. Certain charges accrued during one billing period may be delayed and appear on a later invoice. **We keep credit and debit card information on file and will charge your cards for all delinquent amounts you owe us. You may incur overdraft fees from your financial institution if applicable. Please see your agreements for more details.**

**Disputes.** You must dispute a charge within 60 days from receiving your invoice or we will consider the charge accepted and due.

**Your privacy**
Protect against unauthorized account access by using a Personal Identification Number (PIN) to identify yourself when calling Care or visiting a retail store. Visit **sprint.com/pin** to establish or change your PIN. Don't use commonly known info like birthdays or SSNs. To access your account online, create a unique UserID/ password. Sprint's Privacy Policy is available at sprint.com.

**E911**
Enhanced 911 (E911) services provide public safety officials with your location during a 911 call. E911 services are not available everywhere and at all times. E911 availability depends on many factors, including the ability of local public safety agencies to receive and process location information, your equipment's capabilities and other factors impacting service delivery.

**Terms & conditions/service updates**
The wireless terms & conditions of service sometimes change and the current version is available online. Explanations of service changes are described in the Sprint News and Notices section.

**Contact Sprint**
Sprint Customer Service, PO Box 629023, El Dorado Hills, CA 95762 (include your name and account number). Please do not send anything in the payment envelope.

**Want to save paper?**

**EMAIL:**

Check the boxes that apply:

[ ] E-Bill - receive your bill by email (you will no longer receive paper bills).

[ ] Receive Sprint updates and special offers via email.

**Protect your Voicemail**

Use a passcode to protect against unauthorized access. If you don't use a passcode, anyone who has your handset can access your messages; therefore we strongly recommend you set one up. It's easy - just access your voicemail and follow the prompts.

Sprint

## Last Bill

| | |
|---|---|
| Previous Total Due | $127.64 |

### Payments

| | |
|---|---|
| Payment on 09/15 - Thank you! | -$10.00 |
| Payment on 09/14 - Thank you! | -$789.76 |
| Payment on 09/13 - Thank you! | -$104.04 |

### Immediate Charges Accrued

This is a charge that becomes due immediately rather than being due on the next bill cycle date.

| | |
|---|---|
| Sep 14 Lease Device Purch TM-L-79525746 - (617) 301-1473 | $265.55 |
| Sep 14 Lease Cancel Charge TM-L-79525746 - (617) 301-1473 | $354.20 |
| Sep 14 Paid at Signing WEB-L-113851402 | $159.38 |

### Adjustments

| | |
|---|---|
| Sep 14 - Billing Related Adjustment - Unlimited Freedom MRC - (617)301-1473 | -$50.00 |
| Aug 24 - Monthly Charge Adjustment - Spending Limit Program Charge | -$3.60 |
| Aug 25 - Billing Related Adjustment - Unlimited Freedom MRC - (617)301-1473 | -$20.00 |

Previous Charges Due **-$70.63**

## Account Charges

| | |
|---|---|
| Spending Limit Program Charge | $7.99 |
| SpendingLimit eBill/AutoPay Cr - Spending Limit Program Charge | -$7.99 |
| Tele/Web 2-Day Ship - $10.00 | $10.00 |
| Direct/Ind 2-Day Ship - $10 | $10.00 |
| Device Upgrade Fee-1 Unit | $30.00 |

Account Charges **$50.00**

## Unlimited Freedom - Unlimited Talk, Text & Data

Unlimited Talk, Text and Data. Line 1: $65; Line 2: $45; Lines 3-10: $35; Lines 11-99: $30. Unlimited Anytime Minutes. Unlimited Messaging. HD Streaming. 10GB Mobile Hotspot. International Text from US. Sprint Global Roaming. Eligible for $5 per line/per month AutoPay discount on lines 1-10.

### (617) [redacted]

| | |
|---|---|
| Unlimited Freedom MRC | $65.00 |
| $5 Sprint Works Discount - Unlimited Freedom MRC | -$5.00 |
| $5 AutoPay Plan Discount - Unlimited Freedom MRC | -$5.00 |
| 13 Roaming Minutes - Lebanon @ $2.50 /min | $32.50 |

You have until Oct 21 to sign up for device protection (eligibility varies by device). To enroll, call Sprint at *2 from your Sprint phone or call a program administrator: Asurion (800)584-3666 for phones or Assurant (866)367-7807 for notebooks and tablets.

This device is on a Sprint Flex Lease. For more details and to review Sprint Flex End of Lease Options, sign in to your account on the web or use your My Sprint Mobile app.

| | |
|---|---|
| Apple IPhone Xs Max 256GB Space Gray Monthly Lease WEB-L-113851402 #01 | $45.84 |
| Device Upgrade Activation Fee | $30.00 |

Plans, Equipment & Usage $163.34

(929) [redacted]

| | |
|---|---|
| **Added:** Aug 25 - Sep 20 Unlimited Freedom MRC | $39.00 |
| **Added:** Aug 25 - Sep 20 $5 AutoPay Plan Discount - Unlimited Freedom MRC | -$4.33 |
| **Next Month:** Sep 21 - Oct 20 Unlimited Freedom MRC | $45.00 |
| **Next Month:** Sep 21 - Oct 20 $5 AutoPay Plan Discount - Unlimited Freedom MRC | -$5.00 |
| Apple IPhone Xs 64GB Space Gray Monthly Lease TM-L-H114131256 #01 | $41.67 |
| Lease Upgrade Discount 1 of 18 - TM-L-H114131256 | -$41.67 |

You have until Oct 21 to sign up for device protection (eligibility varies by device). To enroll, call Sprint at *2 from your Sprint phone or call a program administrator: Asurion (800)584-3666 for phones or Assurant (866)367-7807 for notebooks and tablets.

Your credit may not reflect the full amount because it was applied against a prorated charge.

The $5 AutoPay Plan Discount totaling $9.33 has been applied to various charges on the bill.

Plans, Equipment & Usage $74.67

## Sprint Surcharges

Sprint surcharges are rates we choose to collect from you at our discretion to help defray certain costs, including but not limited to costs associated with government programs and network connections. Surcharges are not taxes or amounts we are required to collect from you by law. Surcharges may include, but are not limited to: Federal USF, Regulatory Charge, Administrative Charge, Gross Receipts Charges, and other charges. The amounts and components used to calculate surcharge amounts are subject to change.

| | |
|---|---|
| Federal Univ Serv Assess Non-LD | $1.09 |
| Regulatory Charge | $0.80 |
| Administrative Charge | $5.00 |

Sprint Surcharges $6.89

## Government Taxes & Fees

Taxes and fees imposed directly on customers, which Sprint collects on the government's behalf.

| | |
|---|---|
| Massachusetts State 911 Tax | $2.00 |
| Massachusetts State Sales Tax | $10.96 |

Government Taxes & Fees $12.96

Sprint

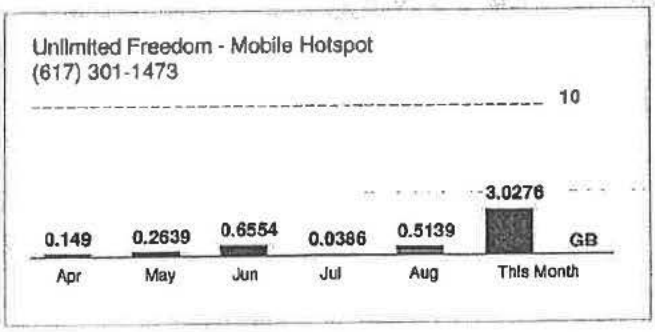
## Usage -Unlimited Freedom - Unlimited Talk, Text & Data

*Unlimited Talk, Text and Data.\Line 1: $65; Line 2: $45; Lines 3-10: $35; Lines 11-99: $30. Unlimited Anytime Minutes.\Unlimited Messaging, HD Streaming.\10GB Mobile Hotspot. International Text from US.\Sprint Global Roaming. Eligible for $5 per line/per month AutoPay discount on lines 1-10.*

| | Anytime Minutes (Unlimited) | Text (Unlimited) | MMS/ Picture Mail (Unlimited) | Data (Unlimited, GB) | Data Roaming (See Terms, MB) | Mobile Hotspot (10.0, GB) | International Roaming (0) |
|---|---|---|---|---|---|---|---|
| (617) [redacted] | 558 | 995 | 115 | 16.1399 | 8.585 | 3.0276 | 13 |
| (929) [redacted] Aug 25 - Sep 20 | 73 | 64 | 0 | 4.1839 | 4.6963 | 0.1517 | - |

| | International Text (0) |
|---|---|
| (617) [redacted] | 3 |
| (929) [redacted] Aug 25 - Sep 20 | - |

## Historical Usage - Presents after three or more consecutive months of plan usage is available.



Sprint

## Equipment Payment Schedule

| (617) 301-1473 | Apple iPhone X 256GB |
|---|---|
| Flex Lease Contract | TM-L-79525746 |
| Final Payment Due | $583.29 |
| Remaining Lease Commitment | $0.00 |
| Purchase Option Price | $249.93 |
| Payments Remaining | 0 |

**Sprint owns this device while you are leasing. Cancelling services will result in being charged the remaining monthly lease payments plus the device purchase option price. The Lease Charge does not reflect any promotional discounts.**

Because your lease was cancelled before the end of your lease term, you are being charged for the remaining monthly lease payments and for the purchase option price of the device, $249.93. If the leased device is returned in good working condition, a credit for the purchase option price will be given per your lease agreement.

| (929) 319-3431 | Apple iPhone Xs 64GB Space Gray |
|---|---|
| Flex Lease Contract | TM-L-H114131256 |
| Lease Charge (1 of 18) | $41.67 |
| Remaining Lease Commitment | $708.39 |
| Purchase Option Price | $249.93 |
| Payments Remaining | 17 |

**Sprint owns this device while you are leasing. Cancelling services will result in being charged the remaining monthly lease payments plus the device purchase option price. The Lease Charge does not reflect any promotional discounts.**

| (617) 301-1473 | Apple iPhone Xs Max 256GB Space Gray |
|---|---|
| Flex Lease Contract | WEB-L-113851402 |
| Capital Cost Reduction (Due at Signing) | $150.00 |
| Lease Charge (1 of 18) | $45.84 |
| Remaining Lease Commitment | $779.28 |
| Purchase Option Price | $274.87 |
| Payments Remaining | 17 |

**Sprint owns this device while you are leasing. Cancelling services will result in being charged the remaining monthly lease payments plus the device purchase option price. The Lease Charge does not reflect any promotional discounts.**

Sprint

Contact Us
sprint.com/contactus
1-888-211-4727
(*2 from your Sprint Phone)


Account Number: 755190285
Bill Period: Oct 21 - Nov 20, 2019

## Last Bill

| | |
|---|---|
| Previous Total Due | $206.22 |
| Payment on 11/15 - Thank you! | -$206.22 |
| Balance Forward | **$0.00** |

## This Bill

| | |
|---|---|
| Account Charges | $24.08 |
| Plans & Equipment | $140.84 |
| Surcharges | $8.24 |
| Government Taxes & Fees | $4.41 |
| Total Charges this Bill | **$177.57** |

## Total Amount Due

$177.57

### Let's talk
**about this bill**

Visit **www.sprint.com** for a complete view of account activity.

**Thank you for being an AutoPay customer.**
$177.57 will be charged to your card on Dec 14

Last three months (new charges)

The News and Notices Section on page 2 has important information for you to review.

PO Box 629023 El Dorado Hills, CA 95762

DO NOT SEND PAYMENT.
This amount will be charged to your card on Dec 14.
Account Number 755190285

Sprint

**Amount Due** $177.57

PO Box 54977
Los Angeles, CA 90054-0977

[redacted]
CAMBRIDGE, MA 02140-2590

Presorted
FIRST-CLASS MAIL
U.S. POSTAGE
**PAID**
Sprint

755190285[redacted]

Sprint

## SPRINT NEWS AND NOTICES

This section includes updates about your services and equipment including policy and service changes and price increase information.

**New Sprint eBill on the Cloud**
Sprint now offers new options to receive your Sprint bill electronically. This will help you consolidate all your bills in one place. You can choose from Google Drive, Amazon, Dropbox, Evernote or OneDrive. Visit eclouddelivery.com to enroll.

**International, US Territories & possessions Rates**
Int'l long distance, roaming, data and text rates and plans, and inclusion in discounted pricing offers are subject to change from time to time without notice. Visit sprint.com/international to check for included destinations and the most up to date voice, text and data rate information.

**Phone Security**
Sprint encourages you to set a phone passcode or lock to help prevent unauthorized access. See your phone's user guide for instructions. Also consider downloading a security app for your phone. Report stolen phones to Sprint to protect your account. For more information visit sprint.com/stolenphone.

**Software Updates Available**
Keep your phone's software current by checking for updates regularly. Log on to sprint.com any time to check your alerts or go to sprint.com/learn and follow the instructions for your phone. That's getting it done right now.

## IMPORTANT INFORMATION RELATING TO YOUR SPRINT BILL

**Billing, Late Payment and Other Information** Full call detail is available online. Payments are due as shown on your invoice to avoid service suspension or disconnection. We will assess a late payment charge if your payment is late. Sprint may charge you for any returned checks (up to $40). Certain charges accrued during one billing period may be delayed and appear on a later invoice. **We keep credit and debit card information on file and will charge your cards for all delinquent amounts you owe us. You may incur overdraft fees from your financial institution if applicable. Please see your agreements for more details.**

**Disputes** - You must dispute a charge within 60 days from receiving your invoice or we will consider the charge accepted and due.

**Your privacy** - Protect against unauthorized account access by using a Personal Identification Number (PIN) to identify yourself when calling Care or visiting a retail store. Visit **sprint.com/pin** to establish or change your PIN. Don't use commonly known info like birthdays or SSNs. To access your account online, create a unique UserID/ password. Sprint's Privacy Policy is available at sprint.com.

**Enhanced 911 (E911)** - services provide public safety officials with your location during a 911 call. E911 services are not available everywhere and at all times. E911 availability depends on many factors, including the ability of local public safety agencies to receive and process location information, your equipment's capabilities and other factors impacting service delivery.

**Terms & conditions/service updates** - Sprint's terms and conditions sometimes change and the current version is online and updates are provided in the news and notices section.

**Contact Sprint** - Sprint Customer Service, PO Box 629023, El Dorado Hills, CA 95762 (include name and account number). Do not use payment envelope.

**Surcharges** - Add'l charges imposed by us on a per line basis including federal USF, Administrative and Regulatory charges. Surcharges are not taxes, not required by law and are subject to change.

**Gov't Taxes and Fees** - Sprint is required by law to bill government taxes and fees. They may change without notice.

**Want to save paper?**

**EMAIL:** _____

Check the boxes that apply:

[ ] E-Bill - receive your bill by email (you will no longer receive paper bills).

[ ] Receive Sprint updates and special offers via email.

**Protect your Voicemail**

Use a passcode to protect against unauthorized access. If you don't use a passcode, anyone who has your handset can access your messages; therefore we strongly recommend you set one up. It's easy - just access your voicemail and follow the prompts.

Sprint

## Account Charges

| | |
|---|---|
| Service Late Payment | $1.99 |
| Apple Watch Series 4 - Nike Gray 44 Anthracite Black Sport Band Monthly Installment WEB-115459070 #14 | $22.09 |
| Spending Limit Program Charge | $7.99 |
| SpendingLimit eBill/AutoPay Cr - Spending Limit Program Charge | -$7.99 |

Account Charges $24.08

## Unlimited Freedom - Unlimited Talk, Text & Data

Unlimited Talk, Text and Data. Line 1: $65; Line 2: $45; Lines 3-10: $35; Lines 11-99: $30. Unlimited Anytime Minutes. Unlimited Messaging. HD Streaming. 50GB Mobile Hotspot. International Text from US. Sprint Global Roaming. Eligible for $5 per line/per month AutoPay discount on lines 1-10.

### (617) [redacted]

| | |
|---|---|
| Unlimited Freedom MRC | $65.00 |
| $5 AutoPay Plan Discount - Unlimited Freedom MRC | -$5.00 |
| Sprint Perks Discount - Unlimited Freedom MRC | -$5.00 |
| Premium Intl Experience | $0.00 |
| Apple iPhone 11 Pro Max 256 GB Space Gray Monthly Installment - NR-AM-157143624 #3 | $45.84 |

Plans & Equipment $100.84

### (929) [redacted]

| | |
|---|---|
| Unlimited Freedom MRC | $45.00 |
| $5 AutoPay Plan Discount - Unlimited Freedom MRC | -$5.00 |
| Annual Upgrade Incl ($5 Value) | $0.00 |
| Premium Intl Experience | $0.00 |
| Apple iPhone Xs 64GB Space Gray Monthly Lease TM-L-H114131256 #15 | $41.67 |
| Lease Upgrade Discount 15 of 18 - TM-L-H114131256 | -$41.67 |

Plans & Equipment $40.00

## Surcharges

| | |
|---|---|
| Federal Univ Serv Assess Non-LD | $1.26 |
| Regulatory Charge | $1.98 |
| Administrative Charge | $5.00 |

Surcharges $8.24

Sprint

## Government Taxes & Fees

| | |
|---|---|
| Massachusetts State 911 Tax | $3.00 |
| Massachusetts State Sales Tax | $1.41 |
| Government Taxes & Fees | $4.41 |

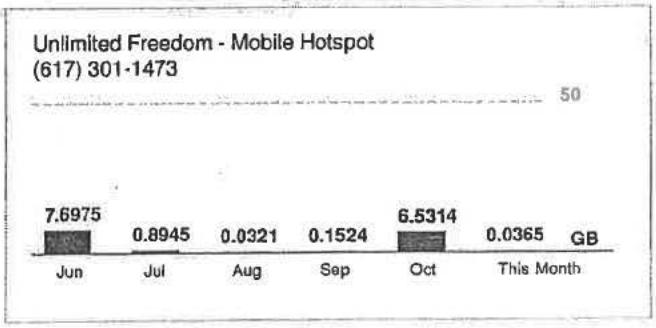
## Usage -Unlimited Freedom - Unlimited Talk, Text & Data

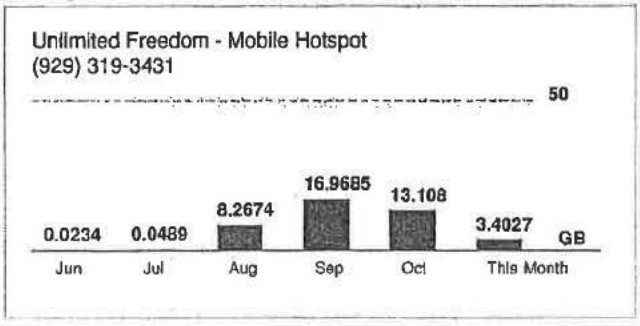
*Unlimited Talk, Text and Data.\Line 1: $65; Line 2: $45; Lines 3-10: $35; Lines 11-99: $30. Unlimited Anytime Minutes.\Unlimited Messaging. HD Streaming.\50GB Mobile Hotspot. International Text from US.\Sprint Global Roaming. Eligible for $5 per line/per month AutoPay discount on lines 1-10.*

| | Anytime Minutes (Unlimited) | Other Minutes (Unlimited) | Text (Unlimited) | MMS/ Picture Mail (Unlimited) | Data (Unlimited, GB) | Data Roaming (See Terms, MB) | Mobile Hotspot (50.0, GB) |
|---|---|---|---|---|---|---|---|
| (617) 301-1473 | 325 | - | 268 | 81 | 20.4858 | 0.0 | 0.0365 |
| (929) 319-3431 | 5 | 152 | 30 | 15 | 14.5501 | 0.0 | 3.4027 |

| | International Text (0) |
|---|---|
| (617) 301-1473 | - |
| (929) 319-3431 | 1 |

## Historical Usage - Presents after three or more consecutive months of plan usage is available.



Sprint

## Equipment Payment Schedule

| (929) 319-3431 | Apple iPhone Xs 64GB Space Gray |
|---|---|
| Flex Lease Contract | TM-L-H114131256 |
| Lease Charge (15 of 18) | $41.67 |
| Remaining Lease Commitment | $125.01 |
| Purchase Option Price | $249.93 |
| Payments Remaining | 3 |

**Sprint owns this device while you are leasing. Cancelling your lease will result in being charged the remaining monthly lease payments plus the device purchase option price. The Lease Charge does not reflect any promotional discounts.**

| | Apple Watch Series 4 - Nike Gray 44 Anthracite Black Sport Band |
|---|---|
| Installment Contract | WEB-115459070 |
| Amount Financed | $529.99 |
| Monthly Installment Amount (14 of 24) | $22.09 |
| Paid to Date | $287.17 |
| Payments Remaining | 10 |
| Payoff Amount | $242.82 |

**The Installment Amount does not reflect any promotional discounts.**

| (617) 301-1473 | Apple iPhone 11 Pro Max 256 GB Space Gray |
|---|---|
| Installment Contract | NR-AM-157143624 |
| Amount Financed | $1,099.99 |
| Monthly Installment Amount (3 of 24) | $45.84 |
| Paid to Date | $91.68 |
| Payments Remaining | 21 |
| Payoff Amount | $1,008.31 |

**The Installment Amount does not reflect any promotional discounts.**