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# Opportunity in Crisis: The Right to Education for Syrian Refugee Children

October 17, 2017  
by Brittany Stanek

Education is not a privilege that must be earned but an inalienable right. Globally, the prospect of education for refugee children is bleak. Overall, ninety-one percent of children are in [primary school](#), but only sixty-one percent of refugee children attend primary school. The discrepancy in these numbers increases as the refugee children get older. While, eighty-four percent of adolescents attend [secondary school](#), only twenty-three percent of refugee children do. Unfortunately, only one percent of refugees enroll in [tertiary education](#), whereas the global rate is thirty-six percent. These figures demonstrate that refugee children are at a much greater disadvantage globally when it comes to fulfilling their right to education. This is in large due to a dire need for increased international aid to support Syria and host countries in providing education to refugee children.

At the [Supporting Syria and the Region conference](#) in London, in February 2016, countries all over the world recognized the need for international aid to help the Syrian refugee crisis, and to guarantee refugee children's right to education. At the conference, the six largest donors [pledged US\\$1.4 billion](#) for education funding in Syria and bordering countries that host large numbers of Syrian refugees. The pledged aid was intended to assist in meeting the overall goal of [complete enrollment for all Syrian refugee children](#) in school by the end of the 2016-2017 academic year. Unfortunately, due to the discrepancy in the aid received versus what was pledged, amongst other major hurdles, there were still [approximately 530,000 children unenrolled in school](#).

The international community recognizes that education should be guaranteed for all children. This principle is part of the economic, social and cultural rights in the [Universal Declaration of Human Rights](#) and recognized in Articles 28 and 29 of the [Convention on the Rights of the Child \(CRC\)](#), that "Syrian refugee children have the [right to free primary and generally accessible secondary education](#) without discrimination." The CRC also recognizes the need for State parties to do everything within their power to provide resources within the ["framework of international co-operation"](#) for children to have access to education. Syria and host countries can only provide education for every child with help from the international community. Education is especially necessary for refugee children, since it could be the only constant in a refugee child's chaotic life plagued by [upheaval, destruction, and violence](#).

The Human Rights Watch report, [Following the Money: Lack of Transparency in Donor Funding for Syrian Refugee Children](#), released in September 2017, details the main issues with the money pledged versus what was received. [The report](#) identified the main problems to be a lack of consistent, detailed, and timely reports; a lack of information about the specific projects being funded by the donor countries; inconsistent information about school enrollment; and inconsistent education targets and goals the countries set. These [main issues](#) need to be resolved before addressing other issues affecting Syrian refugee children's access to education including a lack of access to educational institutions, low-quality teaching, a lack of language training in the host

countries, and failure to address harassment and discrimination. The most important way forward is to address the key obstacles that are truly keeping these children out of school. Understanding these obstacles would also reveal the extent to which it is the [host country that is preventing these children from being educated](#), rather than a mere lack of international aid. Although these children face more barriers than a simply a lack of monetary support, the largest hurdle presently identified is the need for increased international aid for their education.

The overall goal of the London Conference is to provide an inclusive education, however an [“inclusive education requires a long-term commitment from the international community.”](#) There is no doubt that the international community has recognized their obligation to ensure all children have access to education; the pledges at the Supporting Syria conference demonstrate this. However, the current measures in place are not adequately addressing the major issues. If these issues are not overcome, the goal of universal education cannot be met. There was no consistency in reporting of aid to Syria and host countries, which resulted in discrepancies of millions of dollars. Those millions of dollars are paramount to enroll all Syrian refugee children in quality education, and it is a shared burden that the international community must face together. Refugee education is [“an investment in the future, creating and nurturing the scientists, philosophers, and architects, poets, teacher, health care workers, and public servants who will rebuild and revitalize their countries once peace is established and they are able to return.”](#)

# Tunisia's Abolished Marriage Law: Progress or Plot

October 24, 2017

by Dalya Kefi

Tunisia is known as the [most progressive country](#) for women's rights in the Arab world. 41% of Tunisian judges are women, women fill 35% of the seats in parliament, and are 60% of the medical sector. Despite Tunisia's status as a model for women's rights in the region, [Tunisian laws still regulate and limit women's liberties](#). In 1973, the Tunisian government enacted a law that restricted a Tunisian Muslim woman's right to marry a non-Muslim man, requiring [non-Muslim men](#) to convert before marrying a Muslim woman. Tunisian men, however, had no such restriction placed upon them.

On Tunisian National Women's Day in August, [President Beji Caid Essebsi](#) stated that the antiquated marriage law was "an obstacle to the freedom of choice of the spouse" and violated the new Tunisian constitution, drafted in 2014 after the Arab Spring. The constitution articulates that "the state is obliged to achieve full equality between women and men and to ensure equal opportunities for all responsibilities." The abolishment of the marriage restriction law is one move in a [series of gender equality proposals](#) by President Essebsi. In July, Tunisian parliament passed a law ending violence against women and rapist impunity. Also, there are currently ongoing debates of Tunisia's inheritance laws, which give more rights to inheriting males.

Tunisia is a member of the United Nations and is a signatory of the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination on All Forms of Discrimination Against Women (CEDAW). Tunisia ratified the ICCPR in 1969, and CEDAW in 1985. Both treaties place binding obligations on their signatories. Article 23 of the [ICCPR](#) establishes the equality of all persons to have the right to marry. Article 16 of [CEDAW](#) states that men and women have the same right to choose their spouse, while Article 2(f) requires all member states "to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women." Tunisia's recent progressive steps to expand women's rights are in line with their obligations under international law. The abolishment of the marriage law is directly in compliance with Article 2(f) of CEDAW. Additionally, the [Universal Declaration on Human Rights \(UDHR\)](#) is customary international law, meaning that all states are expected to respect and uphold the fundamental human rights outlined within. Article 16 of the UDHR states that "[m]en and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family."

The recent legislative actions towards gender equality and women's rights have received [criticism](#) from various religious scholars, as well as Tunisian Islamist opposition party Ennahda. Abbas Shuman, deputy to grand imam Ahmad Al-Tayyib of Al-Azhar, the highest religious authority in Sunni Islam, stated that Tunisia's potential inheritance reforms were not in line with the Qu'ran and "would be unjust for women." Abbas Shuman also expressed that interfaith marriages would threaten the stability of marriage. Religious conservatives, however,

are not the only groups criticizing the abolishment of the 1973 marriage law. Some [critics](#) believe that the abolishment of the marriage law was used to distract the populace from the government's subsequent act for impunity of corrupt government officials. On September 13, 2017, Tunisian parliament passed a new law that grants amnesty to corrupt civil servants. The law offers [amnesty](#) to any civil servant who did not personally benefit from embezzling public funds but forgives all other corrupt activities. The new amnesty law has sparked protests and is reminiscent of impunity for government officials in the pre-Arab Spring regime. The timing of President Essebsi's announcement on the plans to abolish the marriage law came in the immediate wake of the passing of the amnesty law. Human Rights Watch's Amna Guellali claims that the [timing may not have been a coincidence](#), similarly to the manner in which President Ben Ali's government "was often praised for its policy on women's rights even as its repression of the opposition was ignored." The marriage law has received three times the foreign press coverage that the amnesty law has, yet the amnesty law has the greatest ramifications on the post-Arab Spring progress and stability that has been established.

Moving forward, the developments of Tunisia's gender equality efforts will be important to watch as a model to the rest of the Arab World. It will also be pertinent, however, to [monitor](#) the position of the current government in integrating the old regime and forgiving the actions that led to the death of 300 people during the Arab Spring. While progress for women's rights are crucially important, any progress will be [undermined](#) if legislative advances are used as distractions as old regime politics creep back into Tunisia's government.

# Capital Punishment Threshold in Iran

October 26, 2017

by Sahar Takshi

The Islamic Republic of Iran has a pattern of issuing low standards for capital punishment; these patterns contribute to Iran having the second highest execution [rate](#) in the world. Iran has an international duty to award basic human rights to political prisoners and issue punishments proportional to crimes.

In 1988, the founder of the Islamic Republic of Iran issued an order to massacre 30,000 political prisoners. There was no investigation by the Iranian government or the international community into these events and the trend of excessive executions continues. Iran has already [executed](#) nearly 400 individuals in 2017 and executed 545 in 2016. The executed prisoners represent minority groups in Iran, such as the twenty Kurdish Sunnis executed in 2016, one of whom was arrested for distributing pamphlets advocating for the rights of Sunni Muslims in [Iran](#). Furthermore, ninety individuals currently on death row are under the age of [eighteen](#).

In addition to the loose requirements for capital punishment sentences, Iran's prisons often treat prisoners inhumanely. For example, Raja'i Shar prison, located outside the city of Karaj, has sealed all exterior openings, covered windows with metal sheets, and installed listening devices and cameras in every area of the prison. The prison has also banned family visits and refused to provide outside medical attention to ill [prisoners](#). In August 2017, about seventeen of the fifty-three political prisoners held in maximum security at Raja'i Shar prison went on a hunger strike in protest of the deplorable conditions. Some were then punished with twelve days in solitary confinement and conditions have not changed.

Iran's execution rates violate several of their legal obligations. In 2013, Iran amended the Islamic Penal Code to allow prisoners under the age of eighteen on death row to be retried. In 2016, Iran assured the UN Committee on the Rights of the Child that it would systemically follow this amendment. Iran ratified the Convention on the Rights of the Child twenty years ago. These [promises](#) have not been satisfied. Article 37 of The UN [Convention](#) on the Rights of the Child provides that capital punishment must not be imposed on juveniles. Article 6 of The International [Covenant](#) on Civil and Political Rights, which Iran signed in 1975, states that "sentence of death may be imposed for only the most serious crimes" and reiterates that the death sentence cannot be imposed on minors.

Additionally, Iran enacted the [Charter on Citizen's Rights](#) in 2016. This charter awards the right of freedom of speech and expression to every citizen within the limits of the law. Imprisoning and imposing capital punishment on individuals who demand human rights within Iran potentially [violates](#) the Charter.

Iran's execution rate is disproportionate to the crimes of the death row prisoners; the majority of offenders have been incarcerated for drug related [offenses](#) or openly criticizing the government. The blanket use of capital punishment reflects the Iranian government's efforts to minimize the rights of minority groups in Iran. To combat these underlying injustices, the international human

rights community must address Iran's violations of the Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

In July 2017, the Iranian Parliament approved [amendments](#) to the Law to Combat Drugs. These measures would lead to an increase in the threshold for capital punishment in drug trafficking arrests and could remove up to 5000 prisoners from death row. However, these efforts are strongly disputed and have not yet been enacted.

By formally recognizing Iran's former crimes and violations of the Covenant, the international community can open discourse regarding the lack of rights for minority groups and human rights activists in Iran. The UN Human Rights Office of the High Commissioner recently released a [report](#) on Iran's human rights situation after a Special Rapporteur was mandated in 2011. The report acknowledges that Iran received seventy recommendations regarding inhumane treatment of citizens and Iran has yet to implement any of them as of March 2017. The Special Rapporteur also recommends that a restructuring of the Iranian government is required to fully address the human rights concerns and status of political prisoners. Increasing the threshold for capital punishment, however, is a step in the right direction.

# How Long Will Sudan's People Be Beaten and Displaced?

October 31, 2017  
by Alice Browning

On [September 21, 2017](#), speaking to a crowd in Gereida in South Darfur, President Omar al-Bashir said the Sudanese government will work to rebuild all that the war destroyed in the Darfur states. Fourteen years after the eruption of the Darfur crisis, IDPs are still in camps complaining that their villages are not safe.

International law does not provide a legal definition of who constitutes an “internally displaced person” (IDP). The [Guiding Principles on Internal Displacement](#), published by the UN High Commissioner for Refugees (UNHCR), defines internally displaced persons (IDPs) as “persons or group of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situation of generalized violence, violation of human rights or natural or human-made disasters, and who have not crossed internationally recognized state border.” IDPs remain citizens or habitual residents of their country and are entitled to protection and assistance on that basis alone. The conflict in Sudan has a long and sordid [history](#). When Sudanese President Omar al-Bashir came to power in the coup of [1989](#), Sudan was in the midst of a 21-year civil war between the north and south. That conflict ended in [2005](#). At the same time conflict began in western region of Darfur, Sudan. In [2009](#), the International Criminal Court (ICC) in the Hague issued an arrest warrant for President Omar al-Bashir on charges of war crimes and crimes against humanity in Darfur, and in 2010, the ICC issued a second arrest warrant for President Omar al-Bashir on charges of genocide.

According to the [International Covenant on Economic, Social and Cultural Rights](#) Article 11, which Sudan ratified in 1986, states have an obligation to afford people a right to an adequate standard of living for himself and his family. The Sudanese government has failed to provide security to its citizens so that they may return to their homes without fear. As of 2016, there are [3,300,000](#) IDPs in Sudan due to conflict and violence. As of June 2017, there are [18,000](#) new displacements due to conflict and violence in Sudan and an additional [9,000](#) new displacements due to disasters. Sudan's citizens are reluctant to return to their homes due to harassment by bandits and armed government militias, lack of security in their villages, and lack of access to land and sustainable resources.

Sudanese IDPs have the right to disagree with their government. It is their civil responsibility to hold the government of Sudan accountable. On [September 22, 2017](#), Sudanese security forces opened fire on protesters in Camp Kalma, killing at least five and wounding more than 20. Camp Kalma [IDPs](#) were protesting a presidential visit. According to the [International Covenant on Civil and Political Rights](#), which Sudan ratified in 1986, Article 19(2) ensures, “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” The Sudanese government's use of force

in response to the recent protests in Camp Kalma was a violation of Sudanese citizen's rights freedom of expression. In response to the protests on [September 22, 2017](#), the Sudanese government deployed large military reinforcements, including tanks and armored vehicles, to prevent protesters from Camp Kalma from reaching the site of President Omar al-Bashir's reception ceremony. Rejecting President Omar al-Bashir is an opinion protected by international law that the Sudanese government has ratified.

As set out in the [Guiding Principles on Internal Displacement Principle 3](#), national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to IDPs. The Government of Sudan must comply with its international obligations under the [International Covenant on Economic, Social and Cultural Rights](#) and the [International Covenant on Civil and Political Rights](#). The Government of Sudan needs to provide better coordination in the delivery of humanitarian aid. They need to cooperate with the [UNAMID mandate](#) and other parties to the conflict to encourage voluntary, informed and safe return of internally displaced persons. The Government of Sudan must support and engage in mediation efforts to deescalate conflict, build trust among parties to the conflict, and resolve intercommunal conflicts, rather than responding with aggression. The international community has long been aware of the conflict in Darfur and larger Sudan. The situation has not much changed in many respects and the plight of Sudan's displaced people is continuously dire. The international community must not abandon but lean into this complicated situation so that Sudan may find a durable peace and the Sudanese people may finally go home.

# Israel's Escalated Crackdown on Palestinian Children

November 1, 2017  
by Matthew Reiter

In February 2017, President Trump made the following statement regarding U.S.-Israeli/Palestinian policy: “[I’m looking at two-state and one-state](#), and I like the one that both parties like, I can live with either one.” Fast-forward to October 2017, and the United States announced its withdrawal from the [United Nations Educational, Scientific and Cultural Organization](#) (UNESCO), citing UNESCO’s “anti-Israel bias” by its recognizing the legitimacy of Palestine (the United States will remain a non-member observer). Meanwhile, Israel is prosecuting approximately [500-700 Palestinian children](#) in military court every year, systematically violating its obligations under the Geneva Convention, the International Covenant on Civil and Political Rights ([ICCPR](#)), the Convention on the Rights of the Child ([CRC](#)), and the Convention Against Torture ([CAT](#)). Amendments to domestic legislation to enable long-term detention of Palestinian children as young as twelve years old and countless reports of coercive and violent techniques employed in arrests and interrogations paint an ugly picture of a country that still enjoys a virtual free pass by leaders of the international community.

Malak Al-Khatib was fourteen years old when four Israeli soldiers — over the course of her arrest for allegedly throwing rocks — beat her with a blunt object until she lost consciousness, kicking her while on the ground and stepping on her neck. She was blindfolded and continuously beaten along the way to the police station, and was aggressively [interrogated](#) for hours; officers ordered her to confess, and threatened to arrest family members. The confession she signed was in Hebrew, with no translation provided. The endemic abuse and torture of Palestinian children has only grown in recent years: “in 2015, Israel held an average of 220 [Palestinian children in custody](#) each month (taken from Palestine into Israeli territory and detention facilities), an increase of ten percent over the previous year.” As of April 2017, there were roughly 6,500 Palestinian political prisoners in Israel, including [300 children](#). Some of those children are placed in administrative detention, where detainees can be held for up to six months without a charge or trial, which can be indefinitely renewed.

Israel’s endemic crackdown on Palestinian children is evidenced by amendments to legislation impacting children regarding offenses, detention length, and minimum age of imprisonment. In 2016, the [government passed a law](#) enabling authorities to imprison minors as young as twelve years old when convicted of violent crimes. This law effectively impacts only those living under Israeli civilian law, since Palestinians are subject to an Israel military law that has already allowed those twelve and over to be imprisoned. In these military prisons, over [ninety-nine percent](#) are convicted, oftentimes through coerced confessions. Amendments to the penal code include a mandatory 10-year sentence for throwing stones without intent to cause harm and twenty years when there is intent. Palestinian groups believe that including “stones” into the code was meant to specifically [target Palestinian children](#).

Israel has been allowed to enact and enforce this legislation with impunity from the international community, despite the numerous obligations and treaties that are violated. [Article 49](#) of the Fourth Geneva Convention unequivocally prohibits the act of occupying power Israel from removing Palestinian children from occupied territory and detaining them in Israel: “Individual or mass forcible transfer . . . to the territory of the Occupying Power . . . are prohibited, regardless of their motive.” [Article 76](#) adds that occupied persons convicted of offenses must serve those sentences within the occupied territory [Palestine]. Still, the High Court of Israel [ruled](#) that detaining Palestinian children like Malak Al-Khatib within Israeli territory is acceptable, that Israeli legislation “[overrides the provisions](#)” of international law. Additional violations are seen in [Article 14](#) of the ICCPR, which requires courts to take into consideration the detainee’s age ([Malak](#) was just 14). [Article 40\(2\)\(iv\)](#) of the [Convention on the Rights of the Child](#) requires states to ensure that children are “not compelled . . . to confess guilt” (Malak’s family was [threatened](#) if she did not confess). [Article 15](#) of the CAT requires evidence obtained through coercion and torture to be excluded from trial, yet, “Israeli [military court judges](#) seldom exclude these confessions.”

The violence between Israelis and Palestinians is not one-sided. Indeed, Palestinian armed groups [launched](#) approximately twenty rockets into Israel from Gaza in 2015, allegedly tortured or ill-treated 258 people, and killed at least twenty Israeli civilians and soldiers. However, [Article 2](#) of the CAT emphasizes the non-derogability of torture: “No exceptional circumstances whatsoever . . . may be invoked as a justification of torture.” Despite Israel’s blatant disregard for international law, the United States remains Israel’s [largest military donor](#). The remainder of the international community must step up in its place and maintain collective pressure to compel Israel to end its crackdown against Palestinian children.

# Crime Against Humanity or Isolated Incidents: Torture in Egypt

November 13, 2017  
by Brittany Stanek

In July 2013, [a military coup in Egypt](#) ousted the country's first democratically elected president, Mohammed Morsi. Almost a year later, Abdeh Fateh Al-Sisi became the [new president](#) of Egypt after an election that observers criticized for failing to be free, and fair, and lacked votes from more than half the population. Since then, Al-Sisi has given the Egyptian Security Forces [free reign to crack down](#) on anyone suspected of being against him or who are alleged members of the Muslim Brotherhood Party. While there have been reported allegations of torture in Egypt for decades, [reported incidents of torture](#) against detainees by the Egyptian Security Forces has become an epidemic since the election of Al-Sisi.

The use of torture against detainees in Egypt has become so frequent and widespread that some human rights observers say it has risen to the level of a crime against humanity. In 2017, [Human Rights Watch](#) (HRW) released the [report](#), "We Do Unreasonable Things Here: Torture and National Security in al-Sisi's Egypt," which contends that the use of torture in Egypt constitutes crimes against humanity. A [crime against humanity](#) is covered under Article Seven of the Rome Statute of the [International Criminal Court \(ICC\)](#) and is defined as an act "when committed as part of a widespread or systemic attack directed against any civilian population, with knowledge of the attack." One of the many acts covered under this article is torture. The Rome Statute [defines torture](#) as "the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused."

While Egypt has not ratified the Rome Statute, 124 other states are parties to the statute. The Rome Statute states that grave crimes, such as [crimes against humanity](#), "threaten the peace, security, and well-being of the world." The states have agreed that these crimes "must not go unpunished and their effective prosecution must be ensured by taking measures at the national level and by [enhancing international cooperation](#)."

Despite these national and international obligations, [HRW](#) has documented the repeated use of [torture in Egypt](#) since at least 1992. The use of torture has only worsened since Al-Sisi came into power, and the [lack of accountability](#) has fueled this human rights crisis. The [2017 HRW report](#) on the increase of torture in Egypt since Al-Sisi took power explicitly details the Egyptian Security Forces use of gruesome torture under Al-Sisi's authority. In interviews with nineteen victims and two family members of a twentieth victim, these victims reported that the Egyptian Security Forces tortured them because they were [suspected](#) of not supporting Al-Sisi's presidency or for being a member of the Muslim Brotherhood.

This widespread implementation of torture continues to occur because there are no repercussions. The [report](#) explained how all but one of the victims told prosecutors about their torture and every time they complained, they "saw no evidence that prosecutors took any action to investigate their allegations, as required by international law." The [Egyptian government continues to deny](#) the

widespread use of torture, stating that these are just isolated incidents that lone officers committed. In modern Egyptian history, there has [never been a guilty verdict](#) issued against a Security Officer for committing torture.

The widespread nature of the use of torture in Egypt meets the criteria of a crime against humanity, requiring international intervention and prosecution according to international law. Egypt seems to be [unwilling and/or unable](#) to properly investigate reports of torture and adequately prosecute the suspects. An act is a [crime against humanity](#) only when there is a state or organizational policy that implemented a policy to commit the crime. A state that has commissioned crimes against humanity cannot hold itself accountable for its offense.

Egypt's [inadequate legal framework](#) has created an environment where the police and security officers are able to evade accountability. The [international community must step in](#) to ensure these crimes against humanity are stopped. The [HRW report](#) was released just two weeks after the [United States pledged to cut off aid to Egypt](#) due to their poor human rights record. The international community must cooperate [under universal jurisdiction](#) to investigate, and when appropriate, prosecute all allegations of the Egyptian Security Forces using torture.

With no fear of being held accountable for their actions, Egyptian Security Forces are free to continue [the widespread practice of torture in Egypt](#). Crimes against humanity [threaten the peace and security of the world](#) and must be dealt with by the international community. If the systemic and widespread use of torture is categorized as crimes against humanity, falling under the jurisdiction of the [ICC](#), the international community should have an effective way to intervene and prosecute the crimes being committed in Egypt.

# Refugee Camp Choucha Cleared Out by Tunisian Authorities

November 20, 2017

by Dalya Kefi

In June 2017, Tunisian authorities unexpectedly evacuated the remaining residents of Choucha, a defunct transit camp in the desert near Ben Guerdane, a town on the Tunisia-Libya border. In July 2013, the United Nations High Commissioner for Refugees (UNHCR) ended its operation of [Choucha](#), shifting its resources to refugees in more urban areas. The population of the camp has steadily declined since 2011, when the camp received up to 18,000 people per day during the Libyan Civil War. Approximately 1 million people sought refuge in Tunisia within a six-month period. The majority of refugees in the camp voluntarily returned to their home countries with the support of UNHCR and the International Organization for Migration (IOM). Another 3,170 refugees were resettled from the camp to the United States, Norway, Sweden, Australia, Canada, and Germany.

When the camp was first closed, Tunisian authorities indicated that they would give residency permits to the refugees remaining in Choucha. Tunisia does not have an asylum framework so temporary residency is currently the only option for those who wish to stay in Tunisia. Around [700 people](#) remained in the camp after it officially closed, despite the fact that showers, toilets, running water, and electricity were removed with the UNCHR's departure. A former advisor with the Ministry of Social Affairs explains that many of the refugees did not meet the legal requirement for obtaining residency permits in Tunisia- such as having identification paperwork. He also said that many of the refugees expressed a desire to resettle in Western countries and were not interested in Tunisian residency. Refugees who chose to remain in the camp after it was closed did so because they had no other option.

[Conditions](#) in the camp are grossly inadequate and inhumane, lacking infrastructure and support for its inhabitants. In 2016, a Tunisian Ministry of Social Affairs official told Aljazeera that the camp is no longer the Tunisian government's responsibility, and that, in their eyes, it does not exist anymore.

On June 19, 2017, a group of Tunisian soldiers came to Choucha and began destroying the camp. The thirty-five individuals still living in the camp, all men, were each allowed to take one bag of their belongings and were taken to a train station to wait for relocation to a Tunis suburb, La Marsa. While in La Marsa, the former Choucha residents are free to come and go, and IOM and Tunisian Red Crescent provide meals. While the conditions in La Marsa are much improved from those in Choucha, human rights groups are criticizing the government's actions. Thirteen human rights organizations released a [statement](#) calling for the Tunisian government to "adopt a national legal framework on asylum and refugee protection." In the statement, EuroMed Rights accuses Tunisian authorities of forcibly transferring the Choucha camp residents and arbitrarily detaining them at the train station from July 19-20, 2017.

Under international law, refugees are given certain [rights](#) and protections by their host country. Under the 1951 Refugee Convention, a host country cannot expel a refugee from the territory or return them to a place where their freedom is threatened. The host country must also treat refugees as well as it treats other non-citizens. Additionally, [Article 26](#) requires that a state must “accord to refugees lawfully in its territory the right to choose their place of residence to move freely within its territory,” a right which was violated when authorities forced the Chouca camp residents to abandon their homes and move to Tunis. This right is further reinforced by [ICCPR article 12\(1\)](#), which states that, “Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.”

Although at face value the Tunisian authorities’ actions seem to violate their international legal obligations, the important component is the word “refugee.” If an individual is officially designated a “refugee” by UNHCR, according to the definition in the 1951 Refugee Convention, they are guaranteed certain protections. Unfortunately, only three of the thirty-five men transferred to La Marsa have valid refugee claims according to IOM. This fact reduces the threshold for protections and services that Tunisia must provide for the men. It also provides greater motivation for Tunisia to establish an asylum-framework to allow the Choucha residents an [alternative](#) means of protection and residency in Tunisia. UNHCR is currently supporting Tunisia in the drafting of a national asylum law. Until the new law is implemented, UNHCR is responsible for conducting all of the refugee [status determination](#)s in Tunisia. In the coming months, the adoption of an asylum law will position Tunisia as a more hospitable country for refugees and asylums seekers, contrary to the forcible transfer and blasé treatment of the Choucha camp residents this year.

# Syria is Murdering Journalists

November 27, 2017

by Alice Browning

On [February 22, 2012](#), the Syrian military deliberately targeted and killed by [artillery fire](#) American war correspondent Marie Colvin. She was on assignment in [Homs](#), Syria reporting for the London *Sunday Times*. Colvin's [relatives](#) filed a [wrongful-death lawsuit](#) against the Syrian government, accusing it of targeting and killing her as part of a systematic strategy to silence civilian journalists covering the war. The lawsuit contends that high-ranking Syrian officials, including [President Bashar al-Assad's brother Maher](#) worked together to track and target foreign journalists.

Marie Colvin was only one of many journalists who have sacrificed their lives to bring international attention to the atrocities committed by the Syrian government. According to the Committee to Protect Journalists ([CPJ](#)), an independent, nonprofit organization that promotes freedom of the press worldwide and defends the right of journalists to report the news without fear of reprisal, [113](#) journalists have been killed in Syria since 2011. CPJ investigates the death of every journalist to determine whether it is work-related or not. They consider a case "confirmed" only if they are reasonably certain that a journalist was murdered in direct reprisal for his or her work, was killed in crossfire during combat situations, or was killed while carrying out a dangerous assignment such as coverage of a street protest. The CPJ [database](#) does not include journalists killed in accidents such as car or plane crashes.

There are only two explicit references concerning media personnel in the Geneva Conventions and their Additional Protocols, but when those references are read in conjunction with other humanitarian rules, IHL protections for journalists are apparent. Robin Geiss, legal expert for the International Committee of the Red Cross ([ICRC](#)) claims that there are international humanitarian law protections for journalists. The explicit media personnel references are found in [Article 4A\(4\)](#) of the Third Geneva Convention and within [Article 79](#) of Additional Protocol I. In [1953](#), the Syrian Arab Republic ratified the Third Geneva Convention and Additional Protocols. Most importantly, Article 79 of Additional Protocol I provides that journalists are entitled civilian status in international armed conflicts.

Although the Syrian government is currently responsible for several grievous breaches of IHL, that does not diminish the suffering and sacrifice of foreign journalists. It does not diminish Syria's commitment under IHL. [Article 79\(1\)](#) provides civilian status for, "Journalists engaged in dangerous professional missions in areas of armed conflict." Syria is liable for strategically and systematically murdering foreign civilians.

The same holds true in non-international armed conflicts by virtue of customary international law. This is explained in [Rule 34 of the ICRC's Customary Law Study](#), "Civilian journalists engaged in professional missions in areas of armed conflict must be respected and protected as long as they are not taking a direct part in hostilities." They were non-combatants, and they did not engage in hostilities directly or indirectly.

In an effort to further codify protections for journalists against direct reprisal, the International Press Institute ([IPI](#)), [Al Jazeera](#) Media Network, the International News Safety Institute ([INSI](#)) and the Africa Media Initiative ([AMI](#)), have worked together to draft the [International Declaration on the Protection of Journalists](#). The International Declaration on the Protection of Journalists summarizes international principles related to the protection of journalists operating in dangerous environments, emphasizing the responsibilities of states to guarantee journalists' safety and combat impunity.

To elevate the International Declaration on the Protection of Journalists to the level of customary international law would be a first step to protecting war correspondents and journalists working in places of conflict. The international community needs to bring civil and criminal prosecutions on behalf of their foreign journalists and their families. Journalists, like Maria Colvin, who routinely put suffering lives above their own, deserve representation, and their families deserve reparation. The Syrian government deserves to be held accountable for the war crimes they have routinely committed against journalists.