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Spring 2017

Middle East & North Africa Coverage

Human Rights Brief

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Sectarian Oppression in Bahrain

January 31, 2017

by Maleeha Riaz

Bahrain's politics is characterized by sectarian dispute between the Sunni and Shia populations. Shia Muslims make up a majority of Bahrain's population, constituting [seventy-three percent](#) of the total, while Sunni Muslims make up twenty-one percent. The rift between Sunni and Shia Muslims in Bahrain dates back to when Bahrain was a [British protectorate](#). Britain recognized a royal Sunni family, Al-Khalifa, as the local rulers. The Iranian revolution in 1979 encouraged the Shia majority in Bahrain to protest against the Sunni monarchy. Bahrain transitioned to a constitutional monarchy in 2002. The Sunnis in power have been reluctant to allow proportional representation of the Shia majority in fear of [Iranian influence](#) in the Sunni-dominated Gulf region, and the Shia claim they are systemically oppressed.

In 2011, the political environment that sparked the Arab Spring reached the island kingdom, and the Shias in Bahrain comprised a majority of the protestors. After a few weeks of demanding [greater economic opportunities](#) including jobs, housing, and political rights, the protestors were met with a [violent crackdown](#) by Bahraini police. After a month, Bahrain allowed [1,500 troops](#) from Saudi Arabia and the United Arab Emirates to enter the country. Thousands of people were detained, tortured, and many [died in custody](#). Two people detained were [elected officials](#). Others included doctors who were treating [protestors](#), journalists, and lawyers who defended the protestors. [Police acted brutally](#) with impunity against protestors and anyone who supported them, including doctors, journalists, and bloggers, which effectively quashed the uprising. King Hamad bin Isa Al-Khalifa allowed an investigation by international jurists, but no high-ranking officials have had to answer for the deaths and torture endured by Bahraini civilians.

Since the uprising, many of the arbitrarily detained political activists have remained behind bars. The human rights abuses that occurred during the uprising have been [backed by the government](#). Anyone who criticizes the government as a human rights defender or a political activist risks detention and unfair trial. For instance, in November 2016, the state charged Ebrahim Sharif, a well-known political activist, for ["inciting hatred of the political system"](#) after criticizing the government in an interview. Similarly, in May 2016, Bahrain's High Court of Appeal increased the prison sentence of [Sheikh Ali Salman](#) to nine years, the Secretary-General of Al-Wifaq. Al-Wifaq is the main opposition group in the country. In June, a court ordered the dissolution of the group and confiscated its funds.

These actions by the state violate Bahraini citizens' rights to freedom of speech and assembly. Bahrain is a party to the United Nations Covenant on Civil and Political Rights. Bahrain violated [Article 21](#) – granting freedom to peaceful assembly – by its violent suppression of the protests in 2011. Furthermore, it continues to violate [Article 19](#), which guarantees the rights of citizens to express themselves freely. The government violates this provision when it arbitrarily charges and detains citizens who criticize the government. With the dissolution of Al-Wifaq, Bahrain violated [Article 22](#), which grants individuals the freedom to associate with others. Because these actions disproportionately affect followers of the Shia sect of Islam, Bahrain is indirectly

violating [Article 18](#), Section 2, which protects individuals from coercion that would impair them from religious freedom, as Shias in Bahrain continue to face discrimination and systemic oppression, yet cannot protest their status in society.

Bahrain has stifled any form of opposition to the monarchy and government policies. This has provided temporary stability for the government, but history demonstrates that repression is not an effective means of maintaining a strong leadership. For Bahrain to ensure lasting stability, there must be gradual political reform that considers human rights, including space for free public dissent.

Bacha Bazi: Afghanistan Sex Trade in “Dancing Boys”

February 13, 2017

by Alice Browning

Bacha Bazi, literally translated as “child play,” is the slang term used for the sexual activities between boys and older men in Afghanistan.

Pederasty has been practiced throughout Central Asia for centuries and *Bacha Bazi* has been practiced in Afghanistan since the 1800s. *Bacha Bazi* was common during the Soviet invasion and the following civil war in the [1980s](#). Once the Taliban consolidated power after defeating opposing factions in the civil war, they outlawed the sexual exploitation of boys in the 1990s. The practice returned after the Taliban lost power in [2001](#). The boys typically range in age from prepubescent to young adult men. These arrangements occur between rich men and impoverished children throughout Afghanistan and include a range of sexual services from dancing to pornography to sex. The boys are oftentimes pimped out as entertainment for parties of adult men. Sometimes the boys are sold into *Bacha Bazi* by their families; on other occasions they are kidnapped. Regardless, they generally come from vulnerable and impoverished circumstances. Some of the men who take on boys as *Bachas* are not attracted to women or do not want the added expense of taking on a wife and future [family](#). The boys are considered property to be bought, sold, rented, or [traded](#). Once the boys reach a certain age they are often cast aside. Some are lucky enough to find jobs but many are social outcasts due to the stigma of sexual [abuse](#). Many of the boys become pimps or prostitutes for a lack of other vocational [options](#). The boys receive little if any protection from the Afghan judicial [system](#). They are prime targets for prosecution as the practice is not [legal](#). The Afghan dancing boys’ dilemma has received international attention, but the enforced entertainment and sexual slavery continues unhindered.

Bacha Bazi is a form of human trafficking as defined by the UN resolution Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of [Others](#) (“UN Convention on Traffic in Persons”). The UN Convention on Traffic in Persons has been in effect since 1951 and clearly states, “Whereas, with respect to the suppression of the traffic in women and children, the following international instruments are in force:...Article 1 The Parties to the present Convention agree to punish any person who, to gratify the passion of another: (1) Procures, entice or leads away, for purposes of prostitution, another person, even with the consent of that [person](#).” Article 34 (b) of the UN Convention on Traffic in Persons prohibits the inducement or coercion of a child to engage in unlawful sexual activity, in prostitution, or in pornographic performances and [materials](#). Afghanistan has yet to ratify the UN Convention on Traffic in Persons, so it cannot be bound by its requirements.

Afghanistan has ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography. The UN formed an agreement with Afghanistan in 2011 to end the recruitment and sexual exploitation of Afghan dancing [boys](#), but five years later the Afghan government has yet to take action on this issue. Child molestation is an

illegal practice within Afghanistan, and the Afghan government has promised to protect the rights of these children.

The Afghan government needs to ratify the UN Convention on the Traffic in Persons. They need to fulfill their legal obligations under the Optional Protocol to the Convention on the Rights of the Child. It is the responsibility of the international community, nation-states, and human rights and civil rights organizations to hold Afghanistan accountable for the continuation of *Bacha Bazi*.

In 2015, it became public knowledge that the U.S. military told American soldiers to ignore the pedophilia of its Afghan [allies](#). In response, the Defense Department's Office of the Inspector General opened an investigation into whether U.S. soldiers were discouraged from reporting the rape and sexual abuse of children by their Afghan [allies](#). The rumors were validated, finding that some soldiers were even punished for disobeying what they said was an unwritten rule in the military to ignore the [abuse](#). Former Captain Dan Quinn was relieved of his Special Forces command after a fight with a U.S.-backed Afghan militia leader who had a boy chained to his [bed](#). In an effort to focus only on fighting the Taliban it became wide-spread military policy to ignore child molestation and chalk it up as a part of Afghan [culture](#). Soldiers were told to ignore it, even when they could hear children [screaming](#). American soldiers were training Afghan militia in opposition to the Taliban and in doing so supporting traditional practices of child molestation.

Today *Bacha Bazi* is not allowed on any of the few remaining U.S. military bases in Afghanistan. The U.S. military discharged any Afghan ally caught participating in *Bacha Bazi* entertainment. The practice of *Bacha Bazi* has not been addressed by the Afghan government or directly condemned by the U.S. government. As the remaining U.S. military bases are turned over to Afghan army or police forces, there is little chance that this practice will be addressed in the near future. *Bacha Bazi* is a blatant violation of children's rights. The U.S. government has a unique opportunity to pressure Afghanistan to enforce the prohibition of *Bacha Bazi*. This requires the U.S. government to take a position on this issue and use that position to hold the Afghanistan government accountable. Respecting cultural practices is one thing, but when doing so has allowed even supported gross travesties of human rights violations in Afghanistan, there is a need for immediate action. The American public needs to weigh in on this issue, bringing focus to the U.S. government's responsibility to further prohibit the practice *Bacha Bazi* on American bases and by Afghan contractors and sub-contractors. The international coverage has been the equivalent of a limited scandal. International human rights and civil rights organizations need to bring the attention of the world to the issue in an effort to end *Bacha Bazi* in Afghanistan. Additional follow-up is needed to ensure that in the next few years the practice is severely diminished if not ended completely. It is only through the confluence of law and policy that this illegal practice will finally be ended. A country trying to gain its political and economic independence will do well to eradicate practices that prey upon and injure future leaders.

Minor Girls Escape Homosexuality Charges in Morocco

February 14, 2017
by Matthew Reiter

On October 27, 2016, 16-year-old Sanaa and 17-year-old Hajar were arrested and detained after they were caught kissing and hugging on the roof of a [house](#).

Photographs were sent to Sanna's mother, who brought them directly to the police. Same-sex relationships are a crime in Morocco punishable by up to three years' [imprisonment](#), and oftentimes those accused are charged and convicted through coerced written confessions, without proper legal counsel, or with no counsel at all. Morocco's treatment of the LGBTQ community is in direct conflict with its own 2011 [Constitution](#), the International Covenant on Civil and Political Rights ([ICCPR](#)), and (in this case) the UN Convention on the Rights of the Child ([CRC](#)). The girls were released after a week of detainment and, ultimately, charges were dropped in December 2016. However, the issue of state-sanctioned violations of human rights against the LGBTQ community and those placed in custody remains rampant in Morocco.

When Sanaa's mother discovered the photographs of her daughter kissing Hajar, she brought both directly to the police, where they were promptly detained for forty-eight hours on suspicion of homosexual [conduct](#). Under Article 489 of Morocco's Penal Code, they faced charges of "licentious or unnatural acts with an individual of the [same sex](#)." This immediate arrest violates Morocco's obligations under the ICCPR, ratified in 1979. [Article 17](#) reads: "No one shall be subjected to arbitrary or unlawful interference with his privacy," and the girls' arrest based off a photograph surreptitiously taken and brought to the police is a clear violation of that provision. There is a clear disconnect between Morocco's Penal Code and new 2011 Constitution, which reads in [Article 22](#): "no one shall inflict upon another, under any pretext whatsoever, any cruel, inhuman or degrading treatment which undermines their dignity."

Human Rights Watch documented the plight of those arrested in Morocco in a [2013 report](#), revealing the systematic imprisonment of countless detainees based off incriminating written confessions, which defendants were unable to contest despite accusations of inaccuracies, [torture, and coercion](#). This stands in sharp contrast to Morocco's Constitution, whose Preamble envisions a "society of solidarity where all enjoy security, liberty, equality of opportunities, of respect for their dignity and for [social justice](#)," as well as Article 293 of Morocco's Code of Criminal Procedure, which forbids evidence obtained through [coercion or torture](#). Sanaa and Hajar allege that they were both compelled after their arrest to sign identical documents they were not permitted to read, papers that turned out to be confessions to "[sexual deviancy](#)." [Article 290](#) of Morocco's Penal Code reads, "records and reports prepared by officers of the judicial police in regard to determining misdemeanors and infractions are to be deemed [trustworthy](#)," granting the judge in this case full authority to use those written confessions as sufficient evidence to detain the girls alongside adults.

In the case of Sanaa and Hajar, Hajar's mother did not even learn of her detainment for twenty-four hours, and was told by her daughter that she was "mistreated by other [prisoners](#)." Before 16-year-old Sanaa was eventually sent to a juvenile detention center (three days later), she was forced to undress for inspection in front of the other [adult prisoners](#). This is yet another violation by Morocco of its obligations under the ICCPR, as well as the Convention on the Rights of the Child. [Article 10](#) of the ICCPR reads, "Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status." The [CRC](#), ratified by Morocco in 1993, protects children from "cruel, inhuman or degrading treatment or punishment," and provides that "every child deprived of liberty shall be separated from adults...and shall have the right to maintain contact with his or her [family](#)."

Continued pressure from Moroccan and regional civil society institutions, along with international governments, is crucial to compel Morocco to abide by its Constitution and UN agreements, to decriminalize same-sex relationships, and to ensure that children like Sanaa and Hajar do not face the humiliation and trauma that comes with unjust detention.

Needs Over Nationality: A Plea for Equal Access to Aid in Jordan

February 15, 2017

by Chelsea Lalancette

In December 2015, Sudanese refugees and asylum seekers staged a month-long sit in outside the office of the UN High Commissioner for Refugees (UNHCR) in Amman, Jordan.

They were protesting what they see as race and nationality-based [discrimination](#) by the UNHCR and aid organizations against Sudanese and Somali refugees. It ended with the detention of some 800 protesters by Jordanian police and the deportation of hundreds of refugees in [violation](#) of the international legal principle of non-refoulement (the prohibition on returning a refugee to a country where he faces harm or persecution). Jordan has the second highest [population](#) of refugees per capita of any country in the world, but is not a party to the 1951 Convention on Refugees or its 1967 Protocol. Jordan's refugee policy is [dictated](#) instead by a 1998 Memorandum of Understanding ([MOU](#)) with UNHCR, which allows UNHCR to operate in Jordan and stipulates that refugees in Jordan must be treated according to international standards. The MOU and customary international law both [forbid](#) refoulement of refugees.

While the Jordanian authorities' crackdown received widespread [condemnation](#) at the time, the hardships which lead the refugees to protest have [not](#) been alleviated. Their plight highlights the global problems of extremely scarce [resources](#) for the many refugees in Jordan, and the unwillingness of other countries to donate money or accept refugees for resettlement. Approximately [4,000](#) Sudanese and Somali refugees reside in Jordan, a very small population compared to [two million](#) Palestinian refugees, and hundreds of thousands of Iraqis and Syrians. A [report](#) by the Middle East Research and Information Project argues that the acute hardship suffered by Sudanese and Somali refugees has resulted from the relatively small size of the populations, lack of awareness of their plight, the perceived inferiority of their race, and the UNHCR's practice of distributing aid based on nationality.

Most refugees and asylum seekers in Jordan have no legal right to [work](#). The Jordanian government [expanded](#) access to work permits for refugees in late 2016, but only Syrians working within certain industries are eligible. As a result, refugees rely heavily on aid to survive, but non-Syrian refugees are at a disadvantage for receiving it. An *Atlantic* [article](#) explains that, "A hungry child from Darfur gets as much 'concern' as one from Aleppo [Syria], but not the same access to blankets, water, and food." Aid organizations do not withhold aid to discriminate, but rather to honor the wishes of the many donors who earmark their donations for Syrian refugees only. Staff members of aid organizations point out that, given their severely limited resources, they must prioritize the most severe crises; however, individual refugees who are refused aid due to their nationality understandably find their de-prioritization unfair. Prior to the Syrian crisis, Iraqis were similarly identified as the neediest population and prioritized by donors and organizations for aid. A Sudanese client of Jesuit Refugee Services in Amman [reacted](#), saying, "Even if it is not meant to be racist, it feels like it is another form of discrimination against us."

In addition to limited access to aid, newly arriving non-Syrian refugees currently face additional barriers in their [legal processes](#). Because of the severity of the Syrian civil war, Jordan grants arriving Syrians prima facie eligibility for refugee status, which allows them access to protection, aid, and possible resettlement. Sudanese and other refugees, on the other hand, must apply for refugee status, a process which can take years. When viewed from the perspective of UNHCR, this system makes sense: Iraqis were offered prima facie refugee status in Jordan from 2007 to 2012, and Sudanese were offered prima facie eligibility during the war in Darfur. However, in practice this difference in legal process has a serious effect on refugees' lives.

In addition to the practical challenges faced by Sudanese and Somali refugees, Sudanese residents of Jordan also report facing widespread [racism](#), harassment and discrimination on a personal level throughout Jordanian society. The [MOU](#) between the UNHCR and Jordan establishes that UNHCR should handle legal processing and humanitarian aid and enumerates some basic rights for refugees such as freedom from racial discrimination, the right to work wherever regulations permit, and equal access to justice. Nevertheless, the experiences of refugees, especially those from Sudan and Somalia, often fall short of these ideals.

Arab Renaissance for Democracy and Development ([ARDD](#)), a Jordanian legal services NGO and UNHCR implementing partner, released a [report](#) advocating for a fairer aid system which addresses "needs over nationality." The authors urge service providers to prioritize individuals with the greatest need, regardless of their nationality, pointing out that Somali and Sudanese refugees receive little aid despite being among the most vulnerable people in Jordan. Restructuring systems of aid would require actions on the part of UNHCR and NGOs, as well as changing attitudes of donors, but would make a big difference in the lives of the most vulnerable refugees. The root problem, of course, is the scarcity of resources overall. While NGOs and the UNHCR are underfunded and other countries do not step up to resettle vulnerable refugees living in Jordan, there will never be enough aid to meet refugees' needs.

Lebanon's Education Program for Syrian Children

February 23, 2017

by Stephanie Macinnes

“Education is the first block in building a strong society, and without it there will be no doctors, teachers, or engineers to help rebuild Syria.”

–[Alaa, Syrian student at Za'atari refugee camp in Jordan](#)

Now in its sixth year, the Syrian conflict has displaced roughly [4.8 million](#) refugees into the surrounding nations of Turkey, Lebanon, [Jordan](#), Iraq, and Egypt. Due to this influx, host countries have struggled to provide adequate services to refugees in need.

In Lebanon, the Syrian population makes up about [twenty percent](#) of the total population. While Lebanon and the international community has continued efforts and funding to enroll more Syrian refugee children in school, many children are still not getting the education they need. The impact of being denied a proper education will likely be exacerbated in children who are still dealing with the impacts of trauma. Children not enrolled in school are more likely to be at risk of child labor, child marriage, exploitation, and recruitment into violent extremist organizations.

[In Lebanon, an estimated 250,000 Syrian children](#) are not enrolled in formal education, including at least ninety-five percent of children aged fifteen through eighteen. Lebanon's Ministry of Education and Higher Education (MEHE) initiated a program called Reaching all Children with Education (RACE) in 2013 to facilitate access to education for both Syrian children and low-income Lebanese children. RACE has achieved some success, contributing to a [significant increase in enrollment of Syrian children](#) in public education, from 18,780 children to 141,722. The World Bank has recently [approved a loan](#) to Lebanon of 100 million USD for the RACE program, alongside a grant of 120 million USD from the Lebanon Syrian Crisis Trust Fund and 4 million from a trust fund financed by Norway, Germany, and the U.S.

Still, a significant number of Syrian children are not getting the education owed to them in Lebanon as enshrined by international law. Human Rights Watch documented local schools' noncompliance with Lebanon's policy requiring the enrollment of children regardless of if they possess citizenship documents. One mother who was [interviewed](#) by Human Rights Watch recounted, “I tried to explain that UNICEF said I could enroll my kids. She told me to ‘go boil the [documentation] paper and drink it with UNICEF’ [and] then she kicked me out and called the police.”

Additionally, the [Lebanese Ministry of Education](#) published a decree in 2015 implementing population ratios that required the number of Syrian children in school not to exceed the number of Lebanese children. [This has resulted in](#) many areas with a significant concentration of Syrian refugees having schools that have rejected any more Syrian enrollment. This has conflicted with the inclusive policy introduced by the RACE program. Often, [the cost of transportation to schools](#) is prohibitive when combined with the initial fees for enrollment, and some Syrian students reported facing violence and harassment during their commute. Other students reported that

teachers would not allow Syrian students to use the sanitation facilities, which poses a particular barrier to girls during menstruation, highlighting the issue of gender discrimination. Many Lebanese schools do not offer classes for older Syrian students because the number of enrolled students needs to reach a certain threshold to meet the quota established by the Ministry of Education in its Decree No. 719/M/2015. Lastly, Lebanese classes are typically taught in either English or French, thus significant language barriers cause many students to drop out.

The [Universal Declaration of Human Rights](#) (UDHR) guarantees an individual's right to both asylum and education (Articles 14 and 26), and Lebanon has incorporated its responsibility to abide by the UDHR into its own [constitution](#). Lebanon also has ratified the Convention on the Rights of the Child (CRC), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the International Covenant on Civil and Political Rights (ICCPR) without reservations. Article 28 of the [CRC](#) recognizes the right of the child to education, including secondary education, while Article 29 explains a state's obligation to respect the child's language and values. The [ICESCR](#) lists almost identical obligations in Articles 2 and 13. Article 2 of [CEDAW](#) demands that state parties "adopt all appropriate legislative and other measures . . . prohibiting all discrimination against women" and "take all appropriate measures . . . to modify or abolish existing laws, regulations, customs[,] and practices which constitute discrimination against women." While the [ICCPR](#) explains that in times of "public emergency which threatens the life of the nation" state parties may take measures to "derogate from . . . obligations . . . to the extent strictly required by the exigencies of the situation," the ICCPR explains that the state of emergency must be "officially proclaimed."

Lebanon and the international community are obligated to uphold their responsibility to provide education for Syrian refugees during emergencies. While Lebanon has made impressive progress towards implementing the required education is accessible to Syrian children, more improvement is needed if Lebanon hopes to meet its international obligations. Currently, children who live in areas concentrated with a large refugee population can be denied an education due to the quota protocol. Children who require transportation may not be able to attend school if their parents cannot afford to pay for it. Children without the proper documentation can be denied entry by schools that are not following RACE protocol.

Lebanon should ensure the cost of enrollment and transportation are not prohibitive, schools are following the policies laid out under the RACE, and that schools are providing adequate sanitation facilities to Syrian students. Syrian children should either have classes taught in a familiar language or receive adequate resources to enable their full participation in classes. Lastly, the international community should uphold its funding obligation to ensure resources are available to refugees. These concrete steps will greatly improve Syrian refugee children's ability to receive adequate education guaranteed to them under international law.

Security Council Resolution 2334 and Israeli Settlement Expansion

March 2, 2017
by Maleeha Riaz

Since the 6-Day War in 1967, Israel has maintained its military occupation of the West Bank.

The West Bank constitutes the largest portion of the territory allocated to Palestine under the 1947 UN Partition plan. Since Israel began its military occupation in the West Bank, a vast Israeli settlement enterprise has taken root. Approximately 400,000 Israeli settlers live in the West Bank today, and they are spread over [130 distinct settlements](#). The settlements effectively create a system of oppression and [segregation](#) – a system often analogized to the [apartheid regime](#) that governed South Africa. Many restrictions are placed on Palestinians, among which include housing and property rights. As Palestinians vie for recognition of its statehood and sovereign rights, the Israeli occupation and settlements pose an insurmountable barrier for them.

The United Nations Security Council voted on Resolution 2334 in late December. The Resolution [condemns](#) Israel's actions aimed at changing the demographic composition of the Palestinian Territory it has occupied since 1967. With a 14-0 vote (United States abstaining), the Security Council adopted Resolution 2334 under Chapter VI of the United Nations Charter. Chapter VI authorizes the Security Council to issue recommendations to states regarding disputes. The U.S. veto power as a member of the Security Council allows it to strike down any resolution presented in the Security Council. Rather than using this power to prevent condemnation of Israel's actions, the United States abstained from the vote.

The U.S. abstention led to widespread criticism by the anti-Resolution front. Those who oppose the move claim the Resolution [harms peace negotiations](#) because it deters from direct, bilateral negotiations between the Palestinians and Israelis. However, those who supported the move characterize the Resolution's adoption as a step towards the creation of a Palestinian state. Mahmoud Abbas, the Palestinian president, claimed this act showed [strong support](#) for the two-state solution. U.S. leaders including former U.S. ambassador to the UN, Samantha Power, explained the U.S. abstention from the vote. She focused on Israel's interests when she claimed the Israeli settlements undermine [Israeli security](#). Former Secretary of State, John Kerry, gave a speech [criticizing](#) Israel's expanding settlement practices since the Oslo Accords of 1993 and 1995 – peace agreements arising from bilateral negotiations between Palestinian and Israeli leaders.

Israeli settlements on Palestinian territory violate the Fourth Geneva Convention. Article Two states that the Convention applies to cases of [occupied territories](#), even if the occupation does not meet with resistance. Article Forty-Nine of the Fourth Geneva Convention regards the protection of civilians during a [time of war](#). Paragraphs One and Six of Article Forty-Nine prohibit the [forcible removal](#) of people from occupied territories and the transfer of the occupying power's civilians into occupied territories. During 2016, Israeli officials seized 1,089 Palestinian owned structures in the [West Bank and East Jerusalem](#) displacing 1,593 Palestinians. Article Fifty-Three of the Fourth Geneva Convention prohibits the destruction of real or personal property belonging

to an individual or collectively to private persons. In the West Bank, Israel displaces Palestinians by demolishing their homes as a [form of punishment](#) or to expropriate the land to build new settlements. In the first week of 2017, Israel demolished the homes of [151 Palestinians](#) in the West Bank.

Ultimately, the implications of the Security Council Resolution are uncertain. The Resolution, adopted under Chapter VI of the UN Charter, is not binding on any state, so it acts as a recommendation to Israel. In the months since Resolution 2334 passed, Israel has not shown signs of deference to it. Israel announced plans to build approximately [6,000 new settlement homes](#), and Israel's parliament, the Knesset, legalized Jewish settlements built on Palestinian land. With continued settlement in the occupied territories, the prospect of reaching a peaceful agreement remains remote. The Security Council members have the option to pass a binding Resolution mandating economic pressure on Israel to halt settlement growth. This proved to be effective in the case of South Africa when the Security Council adopted [Resolution 418](#), placing an arms embargo on the government to dismantle the system of apartheid. Such an act would require significant political pressure on all members of the Council, and does not seem likely to occur in the near future.

The Human Consequences of the US Arms Deals with Yemen

March 15, 2017

by Stephanie Macinnes

The United States is reportedly [finalizing](#) arms deals with Saudi Arabia and Bahrain in a reversal of President Obama's [blockage](#) of certain weapons deals during the final months of his administration. The weapons package includes [\\$300 million](#) worth of precision-guided weapons. Human rights groups are reiterating concerns that these arms deals contribute to human rights [abuses](#) in Yemen, perpetrated in part by the Saudi government.

A rebel Shia group, [the Houthis](#), overtook the Yemeni capital of Sanaa in March 2014 and successfully ousted Yemen's existing government in January 2015. A Saudi-led coalition responded with a bombing campaign against the Houthis and allied forces. Now, two years into this civil war, 10,000 people have been [killed](#), and Human Rights Watch (HRW) reports that the Saudi bombing campaign has targeted schools, hospitals, and other essential structures. Evidence collected by HRW also suggests some of these bombings were carried out with weapons [provided by the United States](#).

Thus, some raise questions of whether the United States can be considered complicit in the violations of international law occurring in Yemen, particularly considering that the United States has provided both [intelligence and plane fuel](#) to the Saudi military. In addition, parties to the conflict have blocked relief supplies from reaching civilians, and as of February 2017, the UN has [declared](#) that Yemen is on the brink of famine. A former UN official and chair of the Norwegian Refugee Council, [Jan Egeland](#), provided sobering commentary, stating "if bombs don't kill you, a slow and painful death by starvation is now an increasing threat."

International law regulating whether a State can be held to be complicit in war crimes due to the sale of weapons is [still developing](#). Article 25 of the [Rome Statute](#), to which the United States is a signatory, assigns criminal liability to individuals for aiding, abetting, or assisting in the commission of a war crime, including providing weapons for the commission of such a crime. Under Article 8, an actor commits a war crime if it "intentionally direct[s] attacks against the civilian population" or "buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected." If Saudi Arabia is committing war crimes, the International Criminal Court (ICC) has jurisdiction to decide its criminal liability. The Rome Statute is unclear on whether states can be held similarly liable as compared to individuals. Additionally, the United States is [not a party](#) to the ICC.

In [2001](#), the International Law Commission—established by the General Assembly of the United Nations—codified the [Articles of Responsibility of States for Internationally Wrongful Acts](#), which states that "a State which aids or assists another State in the commission of an internationally wrongful act by the latter is internationally responsible for doing so if: (a) that State does so with knowledge of the circumstances of the internationally wrongful act and (b) the act would be internationally wrongful if committed by that State." The Articles are only persuasive authority,

but they may lend support to the idea that States have a legal obligation (i.e. *opinio juris*) to refrain from aiding or abetting in war crimes. However, States would need to act consistently within these legal obligations before the Articles could become binding customary law.

The United States should cease arms deals with Saudi Arabia to avoid complicity with war crimes and crimes against humanity. A moral obligation, if not a binding legal obligation, should guide President Trump's future policy regarding weapons deals.

Discussion with Professor Paul Williams: The Responsibility to Act on Behalf of Syrian Individuals

March 27, 2017

by Alice Browning

The following is based on a discussion with Professor Paul Williams concerning the current conflict in Syria. Professor Williams teaches at the American University School of International Service and the Washington College of Law, and also directs the joint JD/MA program in International Relations. Professor Williams is co-founder of the Public International Law & Policy Group (PILPG), a global pro bono law firm, which provides free legal assistance to states and governments involved in peace negotiations, post-conflict constitution drafting, and war crimes prosecutions.

It is in the best interest of the United States (U.S.) and the international community for Syria to find peace. The only thing necessary for the triumph of evil is for good men to do nothing. There is no neutral ground when crimes against humanity are committed unhindered. During his acceptance of the Nobel Prize for Peace, [Eli Weisel](#) said: “We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented.” In the decentralized world of international relations, politics, and law, it is difficult at times for nation-states to act out of conscience. Democratic nation-states seek a balance between self-interest and humanitarian interest. It is possible that the two coincide at the same time. Foundational to international human rights law is the recognition that all people have certain inalienable rights simply because they are human. The question is: whose role and responsibility is it to protect and enforce such rights? Pursuant to the [Responsibility to Protect Doctrine](#), nation-states must [protect](#) those who cannot protect themselves. Promoting peace in Syria may require humanitarian intervention from the international community, which, by definition, must exclude nation-states that would control the peace process in Syria for their own benefit. Syrian-on-Syrian dialogue must be facilitated in order for the country and its people to find future accountability and, ultimately, peace. It is in the United States’ interest to at least partake in the peace process moving forward.

Russia and Iran have self-serving interests in controlling the Syrian ceasefire talks. On December 30, 2016, Russia and Turkey negotiated a ceasefire among the parties to the Syrian conflict and had them agree to continued tentative ceasefire talks in Astana, [the capital of Kazakhstan](#). In Astana, the Russians, Iranians, and Turks are hosting ceasefire negotiations, while in Geneva the U.N. is hosting political negotiations. In both of these discussions, the U.S. has come to play an auxiliary role. Without the direct involvement of the U.S. and the U.N. in the ceasefire negotiations, there is less accountability for President al-Assad’s regime, and humanitarian interests and the interests of the Syrian opposition are not well represented. It is troubling that Russia is acting as guarantor of the peace talks in Astana, in part because it has perpetuated the unauthorized use of force in the Syrian conflict, in support of its client, President Bashar al-Assad. Russia – along with Iran – has persistently discouraged meaningful Security Council action against the Syrian

government and continued to provide the Syrian government with [military assistance](#). Moreover, Russia has benefitted from the Syrian conflict by establishing a naval base in Tartus, Syria and air base at Hmeimin, near Latakia, with future plans for the bases' [improvement and expansion](#). Russia has stayed loyal to President al-Assad and created permanent strategic interests in the Middle East, thereby ensuring [greater stability for Russia](#).

It is Iran's top priority to keep the current Syrian government in power. Iran has had a growing and increasingly visible presence in Syria since the [Arab Spring in 2011](#); its interests are religious, political, and economic. What began as technical assistance and encouragement to the Lebanese armed group Hezbollah has gradually evolved into thousands of Iranian combatants crossing the border into Syria to [fight in a religious war](#).

Turkey has consistently supported the Syrian opposition, but they have shifted their demands that President al-Assad step down in order to focus on limiting [Kurdish autonomy in northeastern Syria](#). Of course, President al-Assad and the Syrian government have every interest in staying in power, in part, to avoid retribution from the international community for the war crimes and crimes against humanity they have committed.

Russia's goal was to help Syrian forces retake Aleppo so that Russia could pursue a political settlement on stronger terms. In February 2017, the rebel stronghold in eastern Aleppo fell to pro-government troops [backed by Russian air power](#). From Russia's perspective, its investment has provided good returns and it is now time to promote a peace agreement while the terms are in President al-Assad's favor.

The Syrian government and its allies have committed egregious human rights violations during Syria's six-year civil war. In 2016, Human Rights Watch (HRW) generated a [report](#) capturing such abuses in detail. The Syrian government has made deliberate and indiscriminate attacks on civilians, including [women and children](#). Isolated detention and torture practices are rampant. The Islamic State of Iraq and Syria (ISIS) and Al-Qaeda's affiliate in Syria, Jabhat al-Nusra, have targeted civilians for kidnappings, and [execution](#). According to the Syrian Center for Policy Research, an independent Syrian research organization, the death toll in Syria reached [470,000 by February 2016](#). There are at least 6.1 million internally displaced people within Syria and 4.8 million Syrians seeking refuge abroad, according to the U.N. Office for the Coordination of [Human Affairs](#). Non-state armed groups opposing the government have also carried out serious abuses, including indiscriminate attacks against civilians, using child soldiers, kidnapping, torture, and [blocking humanitarian aid](#). The [Joint Investigative Mechanism](#) between the Organisation for the Prohibition of Chemical Weapons (OPCW) and the U.N. concluded that Syrian government forces used chemicals in an attack in Idlib in March 2015. HRW recently documented Syrian government helicopters targeting residential areas in Aleppo, dropping chlorine on at least eight occasions between November 17 and December 13, 2016. These attacks have injured around 200 people and killed at least nine civilians, including [four children](#). These are just a few of the recorded human rights violations.

The Syrian Arab Republic has ratified and is therefore obligated by the following provisions in these international treaties:

- [Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment](#)
 - “**Article 2** Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction. 2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”
- [International Covenant on Civil and Political Rights](#)
 - “**PART III Article 6** Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”
- [International Covenant on Economic Social and Cultural Rights](#)
 - “**Article 5** Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant. 2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.”
- [Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict](#)
 - “**Article 3** States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.”
- [Geneva Conventions](#)
 - “**Convention I:** This Convention protects wounded and infirm soldiers and medical personnel, who are not taking active part in hostility against a Party, ensuring humane treatment without adverse distinctions founded on race, color, sex, religion or faith, birth or wealth, etc. To that end, the Convention prohibits execution without judgment, torture, and assaults upon personal dignity (Article 3). It also grants them the right to proper medical treatment and care.”
 - “**Convention IV:** Under this Convention, civilians are afforded the protections from inhumane treatment and attack afforded in the first Convention to sick and wounded soldiers. Furthermore, additional regulations regarding the treatment of civilians were introduced. Specifically, it prohibits attacks on civilian hospitals, medical

transports, etc. It also specifies the right of internees, and those who commit acts of sabotage. Finally, it discusses how occupiers are to treat an occupied populace.”

The Syrian government has repeatedly violated Security Council [resolutions](#) demanding safe and unhindered humanitarian access. All parties must cease “indiscriminate employment of weapons in populated areas, including shelling and aerial bombardment, such as the use of barrel bombs.” The practices of arbitrary detention, disappearance, and abductions [must end](#). In October 2016, the U.N. Human Rights Council adopted a resolution which calls for an end to aerial bombardments, affirms the need for humanitarian access, and highlights the need for accountability. It also mandates the Syria Commission of Inquiry to conduct a “comprehensive, independent special inquiry into the events in Aleppo,” identifying perpetrators of alleged violations and abuses, and reporting to the Council no later than [March 2017](#).

It is never too late for humanitarian intervention. Pain and suffering of the innocent is never justified, and the perpetuation of such abuses incriminates nation-states that stand by and watch. The end of conflict in Syria will promote global stability in the face of the war on terror and the international community – including the U.S. – must hold the Syrian government accountable. A new Syrian government must expel ISIS and other terrorist groups from the country. Such groups have taken advantage of the Syrian conflict to grow in strength and numbers. Nation-states that stand by are at risk because ineffective action has allowed ISIS, its supporters, and the Syrian government to engage in war crimes and crimes against humanity around the world.

It is in the United States’ interest to hold Russia accountable for the war crimes its military has committed. It is in the United States’ interest, too, to contain Iran and to reaffirm relations with Turkey. Needless to say, it is in the interest of the U.S. and all allies that oppose ISIS to assist Syria in short-term conflict resolution and finding long-term peace.

The [Responsibility to Protect Doctrine](#) outlines issues that have growing international support:

“(1) sovereignty entails the inherent responsibility to protect populations from mass atrocity crimes, the prohibition of which is fundamental to the international system; (2) the protection of populations from mass atrocities is primarily the responsibility of the state; (3) when a state is unable to prevent atrocity crimes from occurring, the international community should encourage and help that state to meet its sovereign obligations; (4) when a state manifestly fails to protect its population, the international community should first attempt to protect populations through peaceful means; and (5) once peaceful measures have been exhausted, the international community has the right to use force to bring an end to mass atrocities.”

The Syrian government has failed to protect its citizens; in fact, it is the main perpetrator of violence against Syrian citizens. The international community has encouraged the al-Assad regime to reform but to no avail. The international community has supported numerous failed Syrian peace talks over the years. International humanitarian aid has been withheld from citizens in crisis. Peaceful measures have been exhausted. It is the right and responsibility of the international community to end mass atrocities occurring in Syria. As a powerful member of the international community, the U.S. has the responsibility to protect Syrians, and to secure peace, accountability, and transparency in Syria.

Sustainable peace is only possible through a dialogue between the Syrian government and the Opposition. There will be no long-term peace agreement without it. Self-serving nation-states will not adequately facilitate reconciliation. A ceasefire will not be maintained without true commitment on both sides. There will not be restoration unless the dialogue is mutual, free flowing, and open. The consequences are great: if peace talks continue to fail, war will continue for years. There is a responsibility for the international community to intervene when all other options have been exhausted, and it is in the United States' interest to be a part of that community effort.

Iran's Justice System: Sentencing Children to Death

March 30, 2017
by Maleeha Riaz

The prevailing use of the death penalty in Iran intersects with [several issues](#) including poverty, drug trafficking, as well as racial and ethnic divisions.

Often, alleged criminals do not have access to a fair trial and due process before being placed on death row. Children constitute a particularly vulnerable demographic, and authorities do not exempt children under 18 from receiving the death penalty. Boys as young as fifteen and [girls at nine](#) can be tried as adults in Iran, and in 2014, the [United Nations](#) estimated that at least 160 children were on death row. In 2016, Amnesty International definitively named and located [forty-nine children](#) at risk of the death sentence. The children spend an average of seven years on death row, and many spend more than a [decade](#). Despite being a party to the Convention on the Rights of the Child, Iran maintains the death sentence as a form of punishment for convicted minors.

Recently, Iran amended its 2013 Penal Code to allow for judges to replace the death penalty with an alternative punishment that would be based on discretionary assessments of the child's [mental capacity and maturity](#). Despite these reforms, the death penalty remains a potential form of punishment for juvenile offenders in Iran. Maintaining the death penalty as punishment for juvenile offenders is a direct violation of international standards for children's rights codified in the [Convention on the Rights of the Child](#). Those convicted before the 2013 reforms can request a [new trial](#), but many are unaware of that right. In practice, these reforms have done little to protect children as abuse [pervades](#) the justice system. Often, children will be held without access to a lawyer, and some face coercion to confess to crimes using methods of [torture](#).

International human rights advocacy organizations have reported particularly egregious cases. For example, in July 2016, Amnesty International reported on the execution of [Hassan Afshar](#), who authorities arrested at 17 for "forced male to male anal [intercourse](#)." Another case involves a young woman, [Zeinab Sookian](#). She is in prison for confessing to killing her husband, whom she married when she was 15. She was arrested and convicted at 17 years old. She claims authorities coerced her to confess to killing him by means of torture and beatings, but the court ignored her claims and sentenced her to death. She married a fellow inmate who fathered her child. Under [Iranian law](#), a conviction of murder results in the death sentence, but the law prohibits the execution of a pregnant woman. Since giving birth to a stillborn child on September 30, 2016, she faces imminent execution. The cases of Hassan and Zeinab are exemplary of the injustices children face in Iran's justice system.

The [Convention on the Rights of the Child](#) codifies protections for individuals under the age of 18. The Convention has provisions to protect children accused of violating the state's penal law under Article 40. Iran violates specific provisions under this article including several of the guarantees provided [under Article 40\(2\) b](#). These include the child's right to legal assistance and the right not to be compelled to give testimony. Amnesty International reports evidence of children in Iran being

forced to confess, and that they often are sentenced to death without having access to a lawyer. Under Article 40 (4), the Convention [states](#) a child should be “dealt with in a manner appropriate to their well-being and proportionate to both their circumstances and the offense.” The death penalty is not only inappropriate, but inhumane as a punishment for children who have committed even the gravest offense. As such, Iran should make its use of the death penalty against minors unlawful.