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MIDDLE EAST & NORTH AFRICA

TREATMENT OF PALESTINIAN REFUGEES IN LEBANON

The massive Palestinian refugee population in Lebanon has had limited economic and social rights in the country for the last sixty-five years. Lebanese laws that relegate the long-time Palestinian refugee community to second-class status may be inconsistent with international law.

Since the 1948 partition of Palestine, there has been a substantial Palestinian refugee population in Lebanon. According to the United Nations Relief and Works Agency (UNRWA) for Palestine Refugees in the East, there are 450,000 registered Palestinian refugees in Lebanon making up ten percent of Lebanon's population. The UN also reports that the twelve registered Palestinian refugee camps in Lebanon lack resources such as housing, education, and access to health care. Refugee camps in Lebanon suffer from overcrowding, often lack basic plumbing, and frequently experience electrical blackouts. The New York Times reported in 2013 that one camp in South Beirut covers just a third of a mile, but is home to tens of thousands of people. The conditions of these camps are filthy and bear the telltale signs of poverty such as dilapidated housing and rampant unemployment. Poor living conditions and unemployment have led the camps to become a breeding ground for militant Islamic groups, including Hezbollah.

Although many Palestinian refugee families have lived in Lebanon for generations, they are still not allowed to work legally and are largely excluded by law from Lebanese society. Despite the fact that hundreds of thousands of foreign workers from African and Asian countries are legally allowed to work in Lebanon, it is extremely difficult for Palestinian refugees to get work visas. A study in 2012 found that only two percent of Palestinians hold a work permit to legally work in Lebanon. Refugees largely subsist off of services provided by UNRWA and

receive no assistance from the state of Lebanon. Palestinian refugees are also not allowed to legally buy property in Lebanon and do not have access to state run educational or medical facilities. The refugees often have subpar housing, limited legal status, and there are few opportunities for young Palestinians according to Al-Jazeera.

Although Lebanon passed legislation in 2010 making it easier for Palestinians to get work visas, it is still a difficult process and Palestinians continue to be legally barred from practicing law and medicine, or becoming engineers. Even with the new legislation, most Palestinian refugees are forced to work menial, low-paying jobs or resort to illegal black market labor.

In 1977 Lebanon ratified the Discrimination (Employment and Occupation) Convention and the exclusion of Palestinian refugees from employment is a violation of Article 1(a) of the treaty, which states that "discrimination includes any distinction, exclusion or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation." National origin is included on the list of characteristics that employers from signatory nations cannot discriminate against. It is possible that Lebanon's legalization of employment discrimination against Palestinian refugees, whose families have lived in the country for over half a century, contradicts the Discrimination (Employment and Occupation) Convention. Article 3(c) of that treaty states that member nations must "repeal any statutory provisions and modify any administrative instructions or practices" which are inconsistent with the provisions of the treaty.

Institutional discrimination against Palestinian refugees that leads to general poverty could be a violation of the International Convention on Elimination of All Forms of

Racial Discrimination. Lebanon has been a party to this treaty since 1971. Article 1 of the treaty defines racial discrimination as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life.” The legal restrictions that Palestinian refugees in Lebanon face preventing them from employment and access to adequate medical care could qualify as racial discrimination under this treaty. If this is true then the Lebanese government would be contradicting the principles enshrined in the International Convention on Elimination of All Forms of Racial Discrimination.

KURDISH YOUTH RISKS EXECUTION IN IRAN

The Iranian government is likely to execute, Saman Naseem, a twenty-two year old Kurdish prisoner arrested as a minor. Naseem is a member of Iran’s Kurdish minority and was arrested in July 2011, at age seventeen, after allegedly participating in a political demonstration that turned violent. The young man was a member of the political organization, Party For Free Life of Kurdistan (PJAK), which the Iranian government categorizes as a terrorist organization.

Naseem was arrested for allegedly opening fire at Iranian forces during an armed clash between the PJAK and the Revolutionary Guards in July 2011, during which three Revolutionary Guards were killed. After Naseem’s arrest, he was held in a Ministry of Intelligence detention center and denied access to a lawyer; Naseem was also not allowed any contact with his family during this time. During Naseem’s first trial in January 2012, the court referred to a signed confession by Naseem in which he admitted to firing at Guard members. However, during the trial Naseem recanted his confession on the grounds that he was tortured and then forced

to sign the confession. In a letter to Amnesty International, Naseem describes being physically tortured by Iranian authorities in order to obtain his confession. Naseem claims that he spent hours hanging from the ceiling after his arrest and that interrogators deprived him of sleep and constantly threatened the safety of his family while in captivity.

Naseem’s original execution date was scheduled for the 19th of February. International human rights organizations have expressed outrage over the planned execution and several social media and letter-writing campaigns have been launched to pressure the Iranian government to halt the execution. The Iranian government has postponed Naseem’s execution due to international pressure, but the young man is still in danger of being executed at a later date. If Saman Naseem is executed, then the Iranian government could be contradicting the International Convention of Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child, both of which Iran has acceded to.

Part III of Article 6 of the ICCPR, states that “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” Section 5 of Article 6, specifically states that “sentence of death shall not be imposed for crimes committed by persons below eighteen years of age.” Thus, parties to the ICCPR are barred by international law from executing individuals for crimes they committed before reaching adulthood. The Iranian government could be in violation of the ICCPR if it executes Naseem for a crime he committed before reaching the age of eighteen.

Article 7 of the ICCPR also strictly forbids member states from torturing prisoners, “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” The Iranian government’s inhumane treatment of Naseem while he was in the custody of the Ministry of Intelligence could also be considered contradictory to the ICCPR.

If Saman Naseem is executed, the Iranian government could also be in violation of the

Convention on the Rights of the Child. Article 37 of the Convention explicitly states that “State Parties shall ensure that (a) no child shall be subjected to torture or other cruel, inhuman or degrading treatment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age.” The execution of Saman Naseem and the alleged use of torture against him directly contradict the Convention on the Rights of the Child.

If the Iranian government executes Saman Naseem for a crime that he allegedly committed while still a minor, it would be inconsistent with international law.

THE “DISAPPEARED” IN SYRIA’S CIVIL WAR

Since the outbreak of Syria’s civil war in March 2011, thousands of Syrian citizens have “disappeared” from the war torn country. The civil conflict in Syria between supporters of President Bashar al-Assad and various rebel groups, which range from pro-democracy moderates to ISIS, has de-stabilized the country and led to the deaths of approximately 200,000 Syrian citizens. As many as 28,000 other Syrian civilians have been kidnapped or “disappeared” according to human rights groups monitoring the situation.

News sources and human rights groups report that the Syrian government is largely responsible for the kidnapping and forced imprisonment of government dissidents, protestors, human rights workers, and journalists. The United Nations reported that as of August 2014, tens of thousands of civilians taken by the Syrian government have been subjected to ill-treatment and torture. Government methods of torture include severe beatings, electrocution, and the hanging of prisoners by the wrists. Human Rights Watch also reports that prisoners have been denied access to counsel and communication with family members.

Reports surfaced in 2012 that many of the disappeared are being held indefinitely

in Syrian prisons and are subject to torture. Activists report that many of the kidnap victims were not members of rebel groups, but are instead civilians. The spate of kidnappings appears random and has cut across all sections of Syrian society. Critics say that government forces have intentionally done this to create a sense of fear among the populace. Human rights activists say that the Syrian government is “disappearing” people in an attempt to stem protests during the civil war and to intimidate the population in order to hold onto power.

The abduction and torture of civilians during wartime is a violation of the Fourth Geneva Convention, which protects civilians during external and internal conflict. Article 3(1)(c) of the Convention forbids “outrages upon personal dignity, in particular humiliating and degrading treatment” of detained civilians during a time of war. Article 76 of the Fourth Geneva Convention states that all civilians detained during conflict “shall receive the medical attention required by their state of health” and “protected persons who are detained shall have the right to be visited by delegates of the Protecting Power and of the International Committee of the Red Cross.” Article 25 of the Convention states that “all persons in the territory of a Party to the conflict, or in a territory occupied by it, shall be enabled to give news of a strictly personal nature to members of their families.” The Syrian Arab Republic has been a party to the Geneva Conventions since 1949.

If the Syrian government continues to kidnap and detain civilians without allowing them access to legal representation or contact with family, it could risk perpetrating policies that counter the Fourth Geneva Convention.

By Meghan Monahan, staff writer

OROMO: HRLHA PLEA FOR RELEASE OF DETAINED PEACEFUL PROTESTORS

From March to April 2014, members of Ethiopia’s largest ethnic group, the Oromo, engaged in peaceful protests in opposition to the Ethiopian government’s implementation of the

“Integrated Regional Development Plan” (Master Plan). The Oromo believe that the Master Plan violates Articles 39 and 47 in the Ethiopian Constitution, by altering administrative boundaries around the city of Addis Ababa, the Oromia State’s and the federal government’s capital. The Oromo fear they will be excluded from the development plans and that this will lead to the expropriation of their farmlands.

In response to these protests, the Ethiopian government has detained or imprisoned thousands of Oromo nationals. In a January 2005 appeal, the Human Rights League of the Horn of Africa (HRLHA) claimed that the Ethiopian government is breaching the State’s Constitution and several international treaties by depriving the Oromo prisoners of their liberty. Amnesty International reports that some protestors have also been victims of “enforced disappearance, repeated torture, and unlawful state killings as part of the government’s incessant attempts to crush dissent.”

Under the Ethiopian Constitution, citizens possess the rights to liberty and due process, including the right not to be illegally detained. Article 17 forbids deprivation of liberty, arrest, or detention, except in accordance with the law. Further, Article 19 provides that a person has the right to be arraigned within forty-eight hours of his or her arrest. However, according to the HRLHA, a group of at least twenty-six Oromo prisoners were illegally detained for over ninety-nine days following the protests. The HRLHA claims that these detentions were illegal because the prisoners were arrested without warrants, and because they did not appear before a judge within forty-eight hours of their arrest. The Ethiopian authorities’ actions also disregard the United Nations International Covenant on Civil and Political Rights (ICCPR), which requires that no one be subject to arbitrary arrest, and that those arrested be promptly brought before a judge. Ethiopia signed and ratified the ICCPR in 1993, and is thus bound to uphold the treaty.

Additionally, the Ethiopian Constitution deems torture and unusual punishment illegal and inhumane. According to Article 18, every

citizen has the right not to be exposed to cruel, inhuman, or degrading behavior. Amnesty International reports that certain non-violent Oromo protestors suffered exactly this treatment, including a teacher who was stabbed in the eye with a bayonet for refusing to teach government propaganda to his students, and a young girl who had hot coals poured onto her stomach because her torturers believed her father was a political dissident. Amnesty International further recounts other instances of prisoners being tortured through electric shock, burnings, and rape. If these reports are an accurate account of the government’s actions, the Ethiopian authorities are not only acting contrary to their constitution, but also contrary to the United Nations Convention Against Torture (CAT). According to Article 2 of the CAT, a State Member must actively prevent torture in its territory, without exception. In addition, an order from a high public authority cannot be used as justification if torture is indeed used. Ethiopia ratified the CAT in 1994, and is thus obligated to uphold and protect its principles.

The HRLHA pleads that the Ethiopian government release imprisoned Oromo protestors. This would ensure that the intrinsic human rights of the Oromo people, guaranteed by the Ethiopian Constitution and several international treaties ratified by Ethiopia would finally be upheld. Furthermore, it would restore peace to and diminish the fear among other Oromo people who have abandoned their normal routines in the wake of government pressure, and have fled Ethiopia or have gone into hiding.

By Stefania Butoi-Varga, staff writer