I Cannot Bear It’ ‘Anymore
Torture in prisons and detention centers in the Middle East and North Africa

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Thirty-seven years have passed since the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment came into effect on June 26, 2021. However, the reality in most countries of the world, especially countries in the Middle East and North Africa, remains bleak in relation to what happens behind bars in the prisons of repressive governments and parties to conflicts.

Today, although 162 countries around the world have ratified the Convention, the international community, including the governments of countries that have ratified the Convention, is still unable to put an end to torture as a crime of inhuman punishment.

The reality of torture has only got worse since the outbreak of Coronavirus pandemic. The world’s preoccupation with fighting the virus made room for repressive authorities to practice various methods of torture and extortion against their detainees and prisoners, especially prisoners of conscience, away from media spotlight.
Hundreds of thousands of detainees have been imprisoned in miserable conditions without means of protection from COVID-19, physical distancing or health care, as prison authorities use such conditions a torture method. Torture is not only practiced in prisons. For the past years, the disproportionate government response in dealing with peaceful protests that took place in some countries of the Middle East and North Africa, such as Iraq, Algeria, Bahrain, Morocco and Lebanon, have intensified. These dealings included excessive use of force at the hands of the police, army, security forces, in addition to unofficial armed personnel.

In some countries experiencing internal conflicts, such as Syria and Libya, arbitrary detention and torture have become common practices by all parties to the conflicts with varying degrees.

According to Nils Melzer, the Special UN Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment, 9 out of 10 allegations of torture and ill-treatment that were formally conveyed to the authorities around the world were ignored or the authorities did not respond effectively to the allegation by opining an investigation into the violation in question.

The impunity enjoyed by the perpetrators of torture remains a major challenge. Although most countries have expressed agreement with international standards for investigation, prosecution and accountability for torture and ill-treatment, the number of torture prosecutions in the region does not reflect the actual number of torture cases, since investigations related to torture cases are mostly sham. Therefore, their results are
ultimately ineffective, because most of these violations were committed under the cover of the ruling authority from the first place.

In this report, Euro-Mediterranean Human Rights Monitor sheds light on cases, methods and tools of torture used by the ruling authorities in some Arab countries against detainees in prisons and highlights the conditions of practicing torture for each country separately. The report provides a legal framework for such violations in relation to international law and a set of recommendations aimed at curbing humiliating and degrading practices through the use of different forms of torture.
Methodology

This report examines the practices of torture in MENA countries that are pursued by governments and parties to the conflict in prisons and detention centers against detainees and prisoners, especially prisoners of conscience. These practices often aim either to extract confessions from victims after accusing them of false charges or to spread terror and fear among them.

The report is based on 17 months’ worth of research, documentation and fieldwork carried out by the Euro-Med Monitor’s field team in MENA region from January 2020 to June 2021.

During this period, Euro-Med Monitor’s field team conducted 32 interviews with families of detainees who were subjected to various forms of torture in prisons and detention centers in 15 countries in MENA. The team obtained detailed information about the nature of the torture methods and tools, charges brought against the detainees, and prison conditions and places of detention in which they were located.

This report provides informational and statistical details about the victims of torture in several Arab countries and demonstrates the extent to which governments and parties to the conflict adhere to international conventions that absolutely prohibit torture and desire to include provisions prohibiting torture in their domestic laws, in line with international conventions and norms.

This report provides recommendations, to the governments of countries in
which torture violations have been documented, that aim to stop torture in all its forms against detainees and prisoners, regardless of the charges against them and the extent of their relationship to those charges. The report recommends governments to abide by treaties that criminalize torture as part of an international custom that is binding to all countries, whether they have ratified it or not.
Methods and Tools of Torture Used in Prisons and Detention Centers

Torture Methods

- Beating
- Suspension
- Waterboarding
- Verbal abuse
- Electric shocks
- Sleep deprivation
- Covering the head with a dirty bag
- Threatening to arrest a family member
- Sexual assault threat
- Hands and feet tied so tight to prevent blood circulation

Torture Tools

- Electric shock vests
- Metal spiked batons
- Pepper spray
- Hand and foot cuffs
Definition and forms of torture

According to Article 1 of the Convention against Torture, torture is “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person with the intent to obtain from that person, or from a third person, information or a confession, to punish them for an act they or a third person has committed or is suspected of having committed, or intimidating or coercing them or any third person - or when such pain or suffering is inflicted for any reason based on discrimination of any kind, or
at the incitement, approval or acquiescence of an official employee or any other person acting in an official capacity. This does not include pain or suffering arising only from, inherent in or incidental to legal sanctions.”

According to this definition, torture occurs when a person in an official position inflicts physical or psychological pain or causes severe suffering to another person for a specific purpose – mostly to extract confessions of committing certain crimes from the victims or to spread fear and terror in the society.

Torture methods vary. They include physical torture, such as beating, slapping, kicking, suspension, electrocution, and waterboarding; sexual torture, such as rape, rape threats and sexual insults; and psychological torture, such as deprivation of sleep or prolonged solitary confinement.

According to International Law, torture and other humiliating and degrading treatment are always prohibited and illegal, and there are no exceptions that justify torture. Because, torture is a brutal behavior, inhuman in nature, and aims to intimidate and spread terror among its victims.

The prohibition of torture in international law is a part of the customary international law, which means that it is binding to every member of the international community, whether they have ratified the treaties expressly prohibit torture or not. Despite this, many countries have failed to criminalize torture in their national laws, and they continue to routinely and systematically practice torture. This ultimately constitutes a crime against humanity.
This report documents torture practices in 16 countries, nine of which are in the Middle East and seven in North Africa. The report addresses governments and parties to conflicts’ pursuing torture at their prisons and detention centers. The report also sheds the light of the extent of the suffering experienced by detainees inside places of detention while being subjected to the most horrific forms of torture, which leave a severe physical and psychological impact on victims that continues for a long time.
First: The Middle East

1. Bahrain

Since the outbreak of the popular movement in February 2011, the Bahraini authorities have not stopped carrying out mass arrests against peaceful protesters and activists accompanied by ill-treatment and torture of detainees. “Americans for Democracy and Human Rights Organization” in Bahrain documented the direct involvement of the Bahraini Ministry of Internal Affairs in 570 cases of torture since the outbreak of the movement. Looking at practices related to ill-treatment in prisons in Bahrain, the Bahraini authorities follow a systematic policy with their prisoners, especially those of conscience. The authorities hold prisoners in prisons that do not meet the minimum standards for the proper treatment of prisoners. This provides a fertile environment for torture and ill-treatment to take place and allows the authorities to extract confessions from detainees under torture in preparation for issuing arbitrary sentences that may amount to execution or life imprisonment against them.

There are 21 prisons in Bahrain. The four most prominent prisons are Al-Qurain Prison, Hidd Prison, Jaw Prison, and Issa Town Prison (a women prison). Except Al-Qurain Prison, which is run by the Bahraini Defense Force, all prisons are run by the Ministry of the Internal Affairs.

As for international and domestic laws, Bahrain acceded to the Convention against Torture by Decree-Law No. 4 of 1998. The Kingdom also criminalizes torture in its domestic laws. The Bahraini Constitution stipulates in Article 19...
paragraph (d) that “No person shall be subjected to physical or moral torture, temptation, or degrading treatment and the law specifies the punishment for those who do so. Every statement or confession that is proven to have been issued under torture shall be null and void.”

This confirms that all violations committed by the Bahraini authorities, especially torturing prisoners, violate the Kingdom’s Constitution in the first place, as well as its international obligations.

Euro-Med Monitor’s field team documented testimonies of families of Bahraini detainees sentenced to death. The families indicate that the detainees were subjected to severe torture to extract confessions from them about committing crimes that they say they have nothing to do with.

Relatives of detainee Zuhair Ibrahim Jassim Abdullah, 41, a civil rights activist detained in Bahraini prisons and sentenced to death, told Euro-Med Monitor in an interview: “Zuhair was arrested on November 2, 2017, on charges of participating in the killing of members of the security forces, where he was placed in solitary confinement for 55 days. During his detention, Zuhair was subjected to various forms of torture and ill-treatment such as electric shocks, sexual harassment, and was forcibly stripped of his clothes. During Zuhair’s arrest, his wife was also beaten in her home by a group of officers and was threatened with rape, to pressure Zuhair to sign confessions prepared in advance by the security authorities.”

“After 13 days of detention, torture and inhuman treatment, Zuhair signed a forced confession that included a series of charges allegedly committed
between 2012 and 2017, consisting of joining terrorist groups, participating in the killing of security forces members and manufacturing explosives. A death sentence was issued against him based on these confessions that were extracted under torture and cruel treatment,” they added.

A joint statement obtained by Euro-Med Monitor from the families of Hussein Ali Musa Hassan, 35, and Muhammad Ramadan Issa, 39, both sentenced to death, said: “Muhammad Ramadan Issa was arrested from his workplace on February 18, 2014, on malicious charge of killing security personnel in a terrorist bombing operation in the Deir area. Following a non-transparent security investigation on the same charge, Hussein Ali Musa was arrested in a raid on his house in the Deir area three days after the arrest of Muhammad Ramadan on February 21, 2014”.

“After their arrest, both of them were transferred to the Central Investigation Department, where they were, during interrogation, tortured by electric shocks, sexual harassments, kicking their genitals, deprivation of sleep, forced standing for several days, deprivation of food and drinks for long hours. They were also deprived of legal assistance during the interrogation. Muhammad Ramadan suffers from back pain, about which he told the interrogators, but they threw him on the ground and hit him hard in the back.”

“All of this was done to them to extract specific confessions from them. Muhammad Ramadan refused to sign the confession, but Hussein Musa signed them under torture, which made Muhammad Ramadan lose the
ability to speak at the time as Hussain’s forced signature is a conviction for both detainees. A month after their arrest, they were transferred to Jaw Central Prison.”

On December 29, 2014, the High Criminal Court issued a death sentence against the two detainees based on confessions both denied during the trial sessions and said they were extracted under torture. The court also relied on the testimonies of some policemen. On July 13, 2020, the Court of Cassation issued the final, non-appealable death sentence after they appealed the previous sentence.

In an interview with the family of Sayed Ahmed Fouad Abbas Al-Abbar, 25, who is sentenced to death, they said: «Sayed Ahmed Fouad Abbas Al-Abbar was arbitrarily arrested from the street in his area of residence (Karana) on April 24, 2016, after a year-long pursuit.”

“Before his arrest, the security authorities raided his family’s house and searched it three times. The raids were carried out at about 3:00 AM. The forces started knocking on the door in a horrific manner that frightens the residents. When the door was opened the forces entered without the permission of the owners, and without taking into consideration the privacy of residents, especially women.”

Sayed Ahmed Al-Abbar was transferred immediately after his arrest to the Central Investigation Department, where he was interrogated under physical and psychological torture, such as electric shocks to his genitals, deprivation of sleep, deprivation food and drinks for long hours, and severe
beatings, especially on his left ear, which required treatment due to the severity of the injury.

He was also denied access to lawyer during the interrogation, then was threatened that there will be more beating if he told his family about being tortured during the interrogation during his phone call with the family hours after his arrest. He was also handcuffed for a long time, placed in solitary confinement, and forced to sign confessions without informing him of their contents.

During the first family visit to Sayed Ahmed in prison, he told his family about the torture he had been subjected to during interrogations and the damage to his left ear. The family subsequently filed a complaint with the Ombudsman. Sayed was subjected to ill-treatment and torture several times in the past, one of which was when he was taken to prison, his head was completely shaved, and then a policeman beat him hard on the head for no reason.

On one occasion, he had a court session and needed to use the bathroom urgently, he was not allowed to do so at first, then a policeman took him, and started beating him for no reason (noting that going to court from prison takes more than six hours, during which the detainee is not allowed to stop to use a restroom). He submitted complaints to the Ombudsman about both incidents and they were investigated.

A year after his arrest, he was transferred from the Hawd Al-Jaf Prison to the Jaw Central Prison, where he suffered lack of calcium which affected his
bones and teeth, and excessive hair loss in light of the deteriorating health situation in the prison. He was admitted to the prison clinic, and the doctor prescribed to him some medicine and hair oils which his family was allowed to bring in, but not a dental analgesic (painkillers) because the clinic doctor did not authorize it.

During his trial, Sayed Ahmed was denied legal representation while interrogated in court and was denied access to his family prior to court sessions. On May 21, 2018, the Court of Cassation terminated all degrees of judicial hearing in Ahmed’s case by issuing a final death sentence, the implementation of which pending the signature of the King.

2. Syria

Since 2011, Syria has been witnessing an armed conflict involving several parties. This conflict has been a major reason for the exacerbation of violations against Syrians, including killing, displacement, arrest and torture. During this period, almost all parties to the conflict resorted to practices related to torture in one way or another. However, the Syrian regime, which controls the army and security services, did most of these practices. According to a report issued by the Syrian Network for Human Rights in March 2021, at least 14,537 people were killed between March 2011 and June 2021, including 180 children and 92 women, due to torture in Syria at the hands of the parties to the conflict. The number of people were killed at the hands of the Syrian regime forces only is 14,338.
The Syrian regime used about 72 methods of physical, psychological and sexual torture against detainees inside prisons and detention centers throughout different stages of detention. The methods of torture used were the German chair, beatings, suspension, water torture, electric shocks, burning with acids or pesticides, breaking bones or teeth, and pulling out eyes and nails.

**Statistics on the victims of torture**
(March 2011 – June 2021)

<table>
<thead>
<tr>
<th>Party</th>
<th>Total victims</th>
<th>Women</th>
<th>Children</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Syrian regime forces</td>
<td>14338</td>
<td>74</td>
<td>173</td>
<td>98.63%</td>
</tr>
<tr>
<td>Syrian Democratic Forces</td>
<td>67</td>
<td>2</td>
<td>1</td>
<td>0.46%</td>
</tr>
<tr>
<td>Armed Opposition/ National Army</td>
<td>47</td>
<td>1</td>
<td>1</td>
<td>0.33%</td>
</tr>
<tr>
<td>ISIS</td>
<td>32</td>
<td>14</td>
<td>1</td>
<td>0.22%</td>
</tr>
<tr>
<td>Hay’at Tahrir al-Sham (HTS)</td>
<td>28</td>
<td>-</td>
<td>2</td>
<td>0.19%</td>
</tr>
<tr>
<td>Other parties</td>
<td>25</td>
<td>1</td>
<td>2</td>
<td>0.17%</td>
</tr>
</tbody>
</table>

Source: the Syrian Network for Human Rights

At the level of domestic and international laws, Syria ratified the Convention against Torture on August 19, 2004, while in its domestic laws, the Syrian Constitution of 2012 prohibits torture and punishes its perpetrators. Article
53 in Paragraph 2 of the Constitution stipulates: “No one may be tortured or treated in a humiliating manner, and the law shall define the punishment for those who do so.” Therefore, torture is a crime punishable by the domestic and international law, which applies to the Syrian regime and all parties to the conflict.

Euro-Med Monitor’s field team documented testimonies of Syrian detainees who were released after being arrested and imprisoned by the Syrian regime forces and parties to the conflict. The witnesses’ testimonies included horrific details of the torture practices they were subjected to in prisons and detention centers before they were released.

In a testimony to the Syrian Network for Human Rights, A.T., a vendor in the city of Aleppo who was arrested by the Syrian regime forces during a campaign of raids and then imprisoned, said that during the detention period he was subjected to various forms of torture before being released. He added: “On September 11, 2019, during a campaign of raids by the Syrian regime forces – in search of people wanted for military service – in the residential neighborhood in which I live, a group of members of the Military Security came and took me to their main headquarters.”

“At first, I thought I was wanted for military service, but I was surprised to be accused by the interrogator of belonging to an armed group. Five officers started beating and kicking me with their feet on my chest, head and genitals. They continued to beat me severely until I lost consciousness. The torture continued for four days. They sometimes used their hands and feet
and sometimes a metal stick. They were trying to get me to confess that I belonged to an armed group. Eventually, I had say that I was because of the severity of the torture, as I felt for a moment that I would die.”

“After ‘confessing’, the interrogator asked me: ‘Where is the weapon?’ Then a new phase of torture began, this time for a whole week. When I did not answer the questions because I do not have any weapon, the interrogator told me that I will complete my confession in another prison.”

“They, he forced me to sign papers while blindfolded. Later, I was transferred to ‘Branch 215’ in Damascus, where I stayed for 20 days, and then transferred to ‘Adra Central Branch’. I was held there until a lawyer released me on March 4, 2020, after my family paid him to do so.”

As for K.A., a media activist from the northern countryside of Homs, he was arrested by members of Hay’at Tahrir al-Sham (HTS) in the countryside of Idlib and placed in a detention center where he was tortured before his release. He said: “On Friday, June 14, 2019, six masked members of Hay’at Tahrir al-Sham raided my house, pointed weapons at me. Then, they beat and handcuffed me, confiscated my phone and started searching my house. After that, they took me in a van to a detention center at the Central Security headquarters. After 15 minutes, the officers pulled me out and dragged me towards a basement. Then they started asking for my personal information and took all my belongings and my medical glasses, which I cannot see without, and forced me to sign several papers blindfolded.”
“After that, they took me to the interrogation room where they charged me with several charges. One of them was belonging to ISIS and being responsible for killing a member of the organization [HTS]. When I denied these charges, the interrogator slapped me in the face, insulted me, and ordered shaving my hair.”

“On the second day, the interrogator violently beat me all over my body with a water hose. Then they put me in solitary confinement for a week, then they interrogated me again. The interrogator asked me confess to the charges. When I denied the charges for the second time, they connected electrodes to my lips and ears and turned the electricity on, which made me scream in pain. Then, they put me back in solitary confinement. Three months later, I was transferred to another prison in Idlib governorate and stayed there until I was released on April 11, 2020.”

In another testimony, M.K., owner of a mobile phone repair shop in Raqqa governorate, said that the Syrian Democratic Forces (SDF) arrested him and put him in a cell where he was tortured before releasing him. He said: “On February 13, 2020, members of the SDF arrested me, after an argument broke out between me and one of the forces’ members in the shop. They took me to the General Security headquarters in Raqqa, and when I got there, they put me in a single cell, where they left me without food for two days”.

“After that, they took me to interrogation. During the interrogation, they accused me of belonging to ISIS, and that I was responsible for transferring
money to families affiliated with the organization. When I denied these charges, they took me to a room on the ground floor, and they suspended me for a whole hour. Then, they beat me all over my body, especially on my back and stomach. After that, they put me back in the cell, where I stayed for 10 days. Then, they transferred me to a group cell. On April 25, 2020, I was released after the mediation of my clan's elders."

3. Iraq
Since the beginning of the popular protests in Iraq on October 1, 2019, the security response to the protesters has been extremely violent, as hundreds of civilians were killed and thousands were injured and arrested, whether by government forces or by armed groups and militias affiliated with the political parties that reject these peaceful protests.
The Iraqi authorities follow a systematic policy with the detainees in official prisons, holding them in prisons that do not meet the most basic requirements of humane treatment. This creates a fertile environment for torture and ill-treatment. In addition, the authorities fail to deal firmly with the secret prisons that belong to some militias that are not subject to any control.
The number of prisons in Iraq is about 13 main official prisons run by the Ministry of Justice. Estimates indicate that the number of prisoners is approximately 60,000 people, including about 1,000 women, as well as dozens of secret prisons affiliated with militias, political parties, and various
popular and clan mobilization factions, which raises concerns that these detainees are subjected to torture during their detention. Regarding complaints related to torture, the National Centre for Human Rights in Iraq said that it received during 2020 about 960 complaints, including 22 complaints by protesters who claimed that they were tortured during their detention. This indicates an increase in the number of complaints of torture in 2018 and 2019, in which the number of complaints was 540 and 115 respectively, which indicates an increase in complaints of torture inside Iraqi prisons during the recent period.

As for international and domestic laws, Iraq has acceded to the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by Law No. 30 of 2008 where the instrument of

![Statistics on the number of complaints of torture during the past three years](image)

Source: The National Centre for Human Rights
accession was deposited on July 7, 2011. Iraq has not acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). Torture is also a criminal behavior according to domestic laws.

Article 333 of the Iraqi Penal Code criminalizes torture as it stipulates that “Any public official or public servant who tortures or orders the torture of a detainee or witness to make him confess a crime, give statements or information about it, conceal a matter or give a specific opinion about it with the use of force or threat shall be punished with imprisonment.” This confirms that all violations committed by the Iraqi authorities, especially the torture of prisoners, violate domestic laws in the first place, in addition to Iraq’s international obligations.

Euro-Med Monitor’s field team documented testimonies of Iraqi protestors who were arrested and later released. The testimonies indicate that the detainees were subjected to cruel and humiliating methods of torture, to extract confessions from them about committing certain crimes, which the detainees claim to be fabricated and of which they are not aware.

In an interview with Euro-Med Monitor, Mustafa Fadel Al-Alawi, a civil activist, said: “On Friday, January 24, 2020, I was arrested by a group affiliated with the security of the Popular Mobilization Forces while I was in the Karrada area in front of the National Theater in Baghdad, where the group was wearing a black military uniform, and they did not show me the arrest warrant. The incident happened when this group hit me with a car and beat me
with batons and metal tools accompanied by shooting over my head for three hours, which made me lose consciousness. Then they took me to an unknown place, blindfolded me and put a bag over my head.”

“While I was detained, they did not allow my family to see me or know where I was. They also prevented me from having a lawyer. I was not informed of any charges, nor referred to the judiciary. I was kept in solitary confinement for 13 days, as I was not brought before the court, and I was suffering from health problems as a result of the harsh torture I was subjected to,” he added.

In another interview conducted by the Euro-Med Monitor with Hussein Ali Khalaf, 20, a civil activist from Wasit Governorate, southern Iraq, he said: “On March 6, 2020, while I was going to the demonstrations, I was intercepted by masked men in several cars belonging to unknown parties. Six people got out and beat, blindfolded and took me to an unknown area, where I was detained from 10 AM to 8:30 PM. During the period of detention, I was kept blindfolded, severely beaten all over my body, repeatedly kicked on sensitive areas of my body, insulted with the worst slandering words, and my hands cuffed. They shaved my hair in a humiliating manner, and I was threatened with death if I continue to participate in the demonstrations. At the end of the day, I was thrown into one of their cars with a group of people, and they threw me on the side of the road and ran away.”

“I was blindfolded, and when I tried to remove the blindfold, they had already gone and I could not identify them. I went directly to the police station in my governorate to file a report about the incident, and then the
file was presented to the court in my area, but, until this moment, I have not received any response. I also informed a person working in one of the UN organizations, hoping to find out the perpetrators and seek protection, but I have not received any response too.”

4. Saudi Arabia
Torture is practiced systematically in Saudi prisons, whether to forcibly extract confessions from victims during interrogation or as a form of punishment during detention.
Although many detainees in Saudi prisons informed the courts during their trials about the torture they were subjected to while in detention, no investigation has been opened into these allegations, and confessions extracted from victims through torture are accepted and used as evidence against them in determining their penalties.
The absence of legal safeguards in Saudi Arabia paves the way for committing torture crimes, in addition to the fact that there are many legislations such as the counter-terrorism system that makes it easier for officials to commit more crimes of torture under the pretext of the seriousness of terrorism-related crimes.
The Bureau of Investigation and Prosecution in Saudi Arabia is the body responsible for conducting investigations with detainees inside prisons, where torture is regularly practiced by the Bureau elements. These elements often practice torture in order to extract confessions from victims, especially
since the Law of Criminal Procedures in the Kingdom supports confessions as a means of collecting evidence regardless they were extracted under torture or not. Confessions are therefore of great importance to the investigating authorities as they may determine the victim’s sentence.

Confessions are often written before the interrogation process begins. The investigating authorities inform the victims that torture will not end unless they agree to sign these confessions, and in many cases the victims sign the confessions without knowing what they are. When appearing before the judiciary, the judiciary does not take into account whether these confessions were coerced. They, furthermore, have no chance to retract these confessions.

In addition, the investigation and practice of torture is not limited to the Bureau of Investigation and Prosecution, but also include the intelligence services, and the Commission for the Promotion of Virtue and the Prevention of Vice.

Torture methods inside Saudi prisons take many forms including beatings, floggings, electric shocks, exposure to high temperatures, sleep deprivation, solitary confinement, sexual assaults, and threats to rape or kill the victim’s relatives.

Saudi Arabia ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in September 1997, but did not ratify the Convention’s Optional Protocol. On the domestic level, the only legislative provision that prohibits torture in Saudi laws is Article 2 of
the Law of Criminal Procedures of 2013, which states that «No person shall be arrested, searched, detained, or imprisoned except in cases specified by the law. A person under arrest shall not be subjected to any bodily or moral harm. Similarly, he shall not be subjected to any torture or degrading treatment.»

Although this article criminalizes torture, many details related to the crime of torture are missing such as the penalty for the crime, and the different patterns of participation in the crime such as ordering or inciting. This means that this only article does not include clear details of the concept of the crime of torture in the Saudi Law on Criminal Procedures, which paves the way for officials to exploit the legislative deficiency in committing more crimes of torture against victims in prisons.

Euro-Med Monitor was not able to obtain the number of victims of torture in Saudi prisons, but it documented detailed testimonies of detainees who had been tortured during their detention.

Euro-Med Monitor documented the testimony of the family of Loujain Al-Hathloul, 31, a women’s rights activist who was arrested for conducting a campaign against driving ban on women and the male guardianship system in the Kingdom. She was imprisoned for several years before being released in February 2021. Her family said: “In March 2018, Loujain was arrested in Abu Dhabi while she was coming from Geneva to speak before the United Nations Committee on the Elimination of Discrimination against Women on Saudi Arabia, where the UAE authorities handed her over to the Saudi
authorities, who launched an investigation with her about campaigning against driving ban on women and the male guardianship system in the Kingdom. Loujain was interrogated for three continuous days and then released. Two months later, on May 15, 2018, the Saudi authorities arrested her again, along with a group of human rights activists and women’s rights defenders. For the first three months, she was held incommunicado and was not allowed to communicate with any lawyers or family members, and she remained without trial or a charge for 10 months.»

«During the investigation, Loujain was held in an unofficial detention center, and charged with communicating with foreign journalists in the Kingdom, and participating in digital security training. She was subjected to physical torture, as she was sexually harassed and subjected to electric shocks and waterboarding, flogged and threatened with rape and murder. Then she was transferred to Al-Hair prison, where she was kept in solitary confinement for too long. When we visited her, we saw the signs of torture on her body, and she was in a poor psychological condition. We noticed bruises on her body. Her thighs were blackened, and she was unable to walk or sit normally, uncontrollably trembling, and deprived of health care, and daily sleep for long hours,» her family added.

The court looking into the Al-Hathloul case refused to acknowledge practices of torture during her detention, and sentenced Al-Hathloul on December 28, 2020, to five years and eight months in prison. The court re-considered Al-Hathloul’s sentence, releasing her on February 10, 2021.
The family of Ibrahim al-Shamsani, 35, a first lieutenant who participated in the military operations against the Houthi group in Yemen, and died while being held in Jazan prison, said: “In mid-June 2019, a group of Saudi officers arrested Ibrahim while on duty in Mayun Island next to the Bab al-Mandab Strait, where the group covered Ibrahim’s face and took him to a Saudi navy ship. We did not know anything about him after his arrest. We communicated with him for the last time on June 17, 2019. After a month and a half, we received a message that Ibrahim committed suicide in prison. We were shocked because the Saudi authorities did not inform us of his detention.

“We did not know the reason for his arrest, but some of his colleagues believe that he was leaking information to the Houthi group. When we learned of his death, we asked the authorities to release his body, but the authorities refused to do so. After many attempts, we were able to receive Ibrahim’s body, where we noticed bruises on his body, especially in the nail area and the feet as a result of beating. The forensic report results confirmed that he had been subjected to torture and that the death was due to suffocation from severe pressure on the neck using a sharp object, in addition to the appearance of signs of torture noted in the report’s results,” his family added.

5. Lebanon

Demonstrations that have erupted in Lebanon since October 17, 2019, have led to an escalation of violations committed by the Lebanese authorities against
peaceful demonstrators. These violations include torture accompanying the arrest of demonstrators, as well as during detention in prisons and detention centers.

The attacks of the Lebanese authorities did not differentiate between anyone, as women also had a large share of these violations, which was represented by physical violence. Euro-Med Monitor documented an incident of assault on a female activist participating in the Sidon sit-in in early May 2020. The woman was beaten with batons, rifle butts and suffocated during her arrest by the army intelligence forces and during her transfer to an army vehicle. While she was detained, they threatened her with enforced disappearance, sexually harassed her and threatened to rape her if she participated in the sit-ins again.

Another activist who participated in the demonstrations in January 2020, also reported that during her arrest, a member of the Internal Security Forces threatened to rape and beat her.

The sexual attacks were not limited to the women participating in the protests, but also affected some men and minors who were beaten on their genitals and sexually harassed.

Members of the Internal Security also assaulted a minor by beating him in the face and eyes, and he was not given a chance to communicate with his family. When they released him, his family was not informed, and he returned home with serious injuries in his face and large bruises around his eyes.
Euro-Med Monitor also documented the testimony of a 15-year-old minor who was tortured by the Parliament police after he was dragged from the demonstration to the Najma Square in front of the Parliament and they violently beat him. He was forced to the ground during the assault, and they took turns beating and kicking him before he was handed over to the Internal Security Forces, with his head bleeding, for interrogation and detention.

There are various places where the Lebanese military forces practiced all kinds of torture, some of which occurred in detention centers, some were during investigations to extract confessions and information, and some were in transport vehicles and barracks.

At least 22 people were tortured inside places of detention by members of the army and army intelligence during detention and interrogation.

In addition, the intelligence services arrested some protesters in a kidnapping-like manner, threatened them with enforced disappearance and killing, assaulted them physically and sexually, handcuffed them and dragging them to hidden streets, and transporting them in the security services’ vehicles until they were detained in cells and police stations.

In a testimony obtained by the Euro-Med Monitor from six people, they said that the army intelligence branch in Sidon arrested them on April 30, 2020, under the pretext of protesting against banks, and confirmed that they had been forced to confess under torture, including electrocution.

In an interview with the Euro-Med Monitor, Ali Basal said that he was
tortured while in the army vehicle and during the investigation, and added: “In January 2020, I went to the Ring Bridge to participate in a sit-in, and one of the people tried to cause trouble to activist Samer Mazeh and it turned out that this person was from the Army Intelligence. Samer was able to avoid trouble, and went to Gemmayzeh to reach the main street, where there was an Army Intelligence ambush there, so one of the soldiers pursued Samer and I tried to prevent him from kidnapping Samer.”

“At this moment, two army intelligence vehicles arrived, and there were three members on board of each vehicle. They got off the vehicles and started hitting me on the back, which caused the breaking of two vertebrae bones in my spine. Then they put me and Samer in the intelligence vehicle, blindfolded us, and started hitting us on our heads and ribs. This resulted in a fracture of one of my ribs, in addition to the barrage of insults we were subjected to,” he added.

“We were put in prison, and on the second day, during my interrogation, one of the officers came to cut my hair and beard, but an officer came and prevented him from doing so and brought us food and water. After that, they transferred us to the military police, and the lawyer came and told us that to drop the charges, we would have to deny being beaten. This indeed is what happened, as after leaving prison, I filed a complaint against the army intelligence and the security forces, so the complaint was referred to the military court, and the incident was deemed nonviolent, although the doctor confirmed the two vertebrae bone fractures.”
The Lebanese Penal Code Law No. 652017/ of Criminalizing Torture, the Convention against Torture ratified by Lebanon under Law No. 185 of October 5, 2000, and the codes of conduct approved by the security forces and the military in Lebanon, all criminalize torture methods without any exceptions.

6. Jordan
Torture practices in Jordanian reform and rehabilitation centers, in particular, are witnessing a remarkable increase. According to a report issued by the National Center for Human Rights in 2019, the center received complaints from citizens stating that they or their families were subjected to torture and ill-treatment at the hands of law enforcement officials in various security departments. The number of complaints in 2019 reached 98 while the number was 86 in 2018.

Euro-Med Monitor was unable to obtain more recent statistics on torture practices in Jordan, given that none of the civil society institutions were allowed to conduct monitoring visits to rehabilitation and reform centers or temporary detention centers.

International bodies are not allowed to inspect detention centers except in rare cases and according to very complex prior arrangements. Individual visits are also not allowed, which makes it impossible to achieve the required oversight. In addition, many prisoners who have survived torture often refuse
to talk about what they have been exposed to for fear of prosecution, re-arrest, torture, and the ineffectiveness of complaints submitted. The role of governmental human rights bodies such as the National Center for Human Rights is limited to receiving complaints without providing protection. In many cases, complaints from the center are not answered and they are not provided with investigation records.

The number of correction and rehabilitation centers in Jordan is 18 managed by the Correction and Rehabilitation Centers Department of the Public Security Directorate.

Despite Jordan’s accession to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of 1984 and its publication in the Official Gazette No. 4764 of 2006, the legislative shortcoming stands in the way of adequately activating the provisions of this convention, as the criminalization of Torture in Article 208 of the Penal Code is limited to cases in which confessions or information are extracted from detainees, without including cases in which torture may have taken place.

Torture crimes are considered misdemeanor crimes, which leads to the possibility of dropping the penalty by amnesty and statute of limitations, in addition to the fact that investigations carried out by law enforcement agencies lack the independence required by international standards, as the investigation is not assigned to the regular judiciary but special courts and their own prosecution. In many cases, the criminal description is changed, and this is another shortcoming of national legislation in the scope of
compensation for victims of torture, as there is no explicit legal provision for compensation or rehabilitation for victims of torture or a national fund for victims’ compensation.

The Euro-Med Monitor documented the killing of the citizen Omar Al-Nasr under torture, in which a court ruling was issued on August 12, 2020.

On September 23, 2015, Omar was at his home in Jabal Amman, where a security member was killed in the area. The security forces suspected him, but he said he had nothing to do with the crime. They arrested him and transferred him directly to the Criminal Investigation Department in central Amman, where he was interrogated by three officers. Throughout his detention, which lasted for eight days, Omar was subjected to multiple forms of violence, including continuous severe beatings. He was also denied access to any medical treatment and assistance nor was he referred to any doctor or hospital until he died.

The forensic report issued by the National Center for Forensic Medicine stated that there were multiple areas of wide and deep bruises in different and large areas of the body.

The bruises covered about 40% of the surface area of the body. The autopsy showed swelling of the heart, weighing 805g with minor coronary sclerosis. Histological examinations revealed hemorrhage in the skin, skin tissue and testicles, and that the wide, deep and multiple bruises on the body occurred at different times, the most recent of which was about 24 hours before his death, and the oldest of which was less than ten days old. The report
showed petechial hemorrhaging under the skin and skin tissue which led to his death. It was found that the hemorrhaging was the result of hitting by a hard object. On August 13, 2020, three members of the security forces were sentenced to three years' imprisonment for behavior resulting in his death.

7. The UAE
For years, the Emirati authorities have extensively tightened their control over activists and opponents and launched arrest campaigns against dozens for exercising their right to expression. The authorities placed severe restrictions on licensing media platforms and enacted penal laws to combat cybercrime and terrorism-related crimes, which include provisions criminalizing any criticism of the ruling family, or any opposition groupings that go against the authority.

The intensive arrest campaigns began in 2011, when in April 2011 the authorities arrested five Emirati activists known as the «UAE Five», whom it accused of publicly defaming state officials, followed by the arbitrary withdrawal of the citizenship of seven Emirati citizens, and then arbitrary arrests that began in March 2012 which included enforced disappearances and practices related to torture according to detainees' statements in their first court sessions, without the judiciary taking any action to investigate these allegations.

In 2013, 94 Emirati defendants, in the case known as «UAE 94», stood
before the court. The detainees told the court that during their detention, they witnessed various types of torture by the prison authorities which includes, severe beatings, pulling nails, suspension in reverse for long hours, electrocution, rape, death threats, as well as plucking the hair of their beards and chests, which prompted the court’s judge at the time to conduct a medical examination of the defendants.

Among the most prominent detainees who stated to the court that they had been tortured was economist Ahmed Ghaith Suwaidi, who was forced, due to cruel torture, to sign confessions stating that he was planning a coup to overthrow the government. Other prominent detainees are human rights lawyers Mohammed Al-Rokn, Mohammed Al-Mansoori, former judge Ahmed Al-Zaabi, Ahmed Rashid Al-Tabour, Saud Kulaib, and Mohammed Abdel-Razek Al-Siddiq, whom the Euro-Med Monitor documented his daughter’s testimony about his arrest during which he was tortured.

Torture practices in UAE prisons were not limited to Emirati detainees, but also included foreign detainees in the UAE, some of whom reported being subjected to severe torture during their detention. Among these are, Qatari doctor Mahmoud al-Jaida, who was arrested in 2013, who claimed that he was tortured by severe beatings on the face and feet, pulling nails, reversed suspension, deprivation of sleep and forcefully drinking an unknown drink. In addition to Egyptian citizen, Mosab Abdul-Aziz, who was arrested in 2014, and claimed that he was tortured during his three-year detention, especially in the ears where he complained that he suffered permanent damage due
to torture. Three Libyan citizens also said that they were tortured inside Emirati prisons, namely, Kamal Al-Darrat, Salim and Muhammad Al-Aradi, who were arrested in 2014, claimed that the methods of torture included rape threats, waterboarding, beatings, and forceful standing for several days. In 2019, the UAE ranked 128 out of 162 countries around the world in the Human Freedom Index. This decline coincided with the data and facts reported by the European Parliament in 2018 stating that several human rights violations had occurred in Emirati prisons, especially in Al-Razeen prison where torture methods against detainees included electrocution, solitary confinement and other forms of torture.

Although the UAE ratified the Convention against Torture on July 19, 2012, this accession was not reflected in its national laws, which have not changed at the level of legislations and texts related to torture. The UAE, from the moment of its ratification, has not enacted any laws in line with its international obligations concerning crimes of torture. In addition, the UAE has not ratified the Optional Protocol to the Convention against Torture, which gives authority to the Subcommittee to prevent the use of torture during interrogations.

Articles 26 and 28 of the UAE Constitution prohibit torture and degrading treatment, but the UAE authorities disregard their domestic laws, as well as their international obligations by repeatedly practicing torture against detainees in prisons, and not opening any investigations into cases of torture, whether by judicial authorities or state authorities.
Euro-Med Monitor documented the testimony of Emirati researcher Alaa Al-Siddiq (she passed away in a car accident on June 19, 2021), in which she spoke about the arrest of her father, Mohammed Abdel Razek Al-Siddiq, who was subjected to enforced disappearance and torture since April 2012. Alaa reported that her father, who has been detained for nine years, was sentenced to 10 years in prison on charges of establishing a secret organization, his citizenship was withdrawn, and he was arrested in the case known as “UAE 94”. He was forcibly disappeared for two months and his family was able to communicating with them intermittently. He appeared in March 2013 during his court hearing.

She added that her father informed the court that he was tortured during his detention. He indicated that he was severely beaten on the face and neck, and suffocated and that the jailer told him that he would stomp on his face and neck and would shoot him in the head. He also said in a call to his family that he is now in the notorious Al-Razeen prison where he was treated badly and given food full of insects.
8. Israel/Palestinian Territories

• Israel

Since its occupation of the Palestinian territories, Israel has practiced various repressive methods against Palestinians, including killing, arrest, torture, forced displacement, and other illegal practices. Israel widely uses the policy of detention and torture to subdue the Palestinians. Over the years of the occupation, it has arrested hundreds of thousands of Palestinians and used various forms of physical and psychological torture against them. Torture in the occupied Palestinian territories is not an isolated or individualized practice, but rather a systematic policy followed by the Israeli authorities, in which violence and methods of repression and humiliation are used, which has led to the death of a large number of Palestinians in prisons, and caused thousands of others to permanent physical and psychological disabilities.

In early 2021, the Palestinian Prisoners Club said that 226 Palestinians have died in Israeli prisons since 1967, including 75 detainees who died because of premeditated murder, seven of them were shot, and 71 died due to medical negligence. Physical and psychological torture constituted the most prominent systematic policies that led to the killing of 73 detainees over the past decades.

Among the common methods of torture in Israeli prisons are severe beatings all over the body with especially sensitive areas, suspending, placing a plastic bag over the head, pulling out nails, sexual harassment and threats of rape,
loud music, and other violent methods.

Euro-Med Monitor has seen testimonies highlighting some of the torture methods inside Israeli prisons, and the physical and psychological effects they leave on Palestinian detainees.

Mays Hanatsheh, the daughter of Palestinian Walid Hanatsheh, 50, detained since September 2019, told Euro-Med Monitor: «My mother was shocked, she could not recognize my father because of the many bruises on his face and head. They did not just beat and suspend him, but also plucked his beard, every part of his body turned to blue, his fingers and toes turned black from the severity of the beatings.”(1)

According to his daughter, Hanatsheh repeatedly lost consciousness during torture. For most of the interrogation period, Hanatsheh was prevented from meeting his lawyer by a decision upheld by the Israeli Supreme Court, claiming that his file was «top secret».

Although Israel ratified the Convention against Torture in 1991, and the Israeli Supreme Court affirmed in 1999 a decision that prohibits torture, Israeli law permits the exercise of «moderate physical pressure» in cases of «defense when necessary.» It is clear from this that the Israeli authorities provide a legal cover for interrogators and intelligence and security personnel to torture Palestinian detainees during interrogation in order to extract confessions from them, without incurring any legal consequences.

In the most recent example of the Israeli authorities protecting those involved in torture crimes and allowing them to escape punishment, the
Attorney General of the Israeli Government, Avichai Mandelblit, announced on January 2021 the closure of investigations against a number of Israeli Internal Security Agency (Shin Bet) interrogators in the case of the use of torture during the interrogation of detainee Samer Al-Arbeed under the pretext of lack of evidence.

According to identical testimonies obtained by the Euro-Med Monitor, Samer Al-Arbeed, who was arrested by the Israeli army in September 2019, was subjected to severe torture during his interrogation at the Russian Compound in Jerusalem, including brutal beatings and suspending. As a result, he was transferred only two days after his arrest to the Israeli Hadassah Hospital in a serious condition. He was admitted to the intensive care unit, where tests revealed that he had fractures in 11 ribs in his chest, in addition to acute kidney failure, and bruises all over his body that caused swelling of his limbs.

- The West Bank

In the areas under its security control in the West Bank, which include most of the Palestinian population, the Palestinian Authority practices various forms of freedom restrictions, and almost prohibits any activities that do not comply with its policy. The security services of the Palestinian Authority in the West Bank, in particular, adopt the method of arrests on political grounds.

Despite the Palestinian Basic Law banning all forms of torture, Palestine’s accession in 2014 to the Convention against Torture, and its accession to the
Optional Protocol to the Convention in 2017, the security services in the West Bank continued to torture political detainees, for the purpose of extracting confessions from them.

In a testimony to the Euro-Med Monitor team, former detainee in the Palestinian Authority prisons Suha Jbara said that the Palestinian security forces arrested her from her family’s home in the town of Turmusaya, northeast of Ramallah, on November 3, 2018, and took her to the Investigation Department in Ramallah. She had a nervous breakdown and was subsequently taken to the hospital, then returned to the Investigation Department, and then transferred to the headquarters of the Joint Security Committee in Jericho, where Jbara says that the security officer greeted her with the words: “Welcome to the Jericho slaughterhouse.”

Jbara added, «On the first night in prison, they put a piece of cloth over my eyes, so I couldn’t see anything, my hands were tied, and I could only hear the screams and insults of the interrogator, who beat me in my shoulders and hands like crazy, shook my body and hit me against the wall with full force.»

«The torture continued for the first four days of detention, and the interrogator was telling me: “Your file is ready, it doesn’t matter if you confessed or not,” she added.

She continued, “I was prevented from entering the bathroom for two days, threatened with rape, and deprived of custody of my children. I was taken to the basement to see dozens of young men suspended at the doors of their
cells and subjected to severe torture.”

- The Gaza Strip

Since its takeover of the Gaza Strip in 2007, Hamas, through its security services, has pursued and arrested political opponents, and suppressed party gatherings which oppose it, or even popular movements, and this included arbitrary detention and torture in detention centers. In March 2019, the security services in Gaza violently suppressed a popular movement that demanded the abolition of taxes and allowing freedoms, and arrested dozens of its participants in various governorates of the Gaza Strip, some of whom were subjected to humiliating treatment inside detention centers.

Euro-Med Monitor reviewed two testimonies of the father and brother of the detainee on criminal grounds, Jihad Fathi Jumaa, 30, who said that he was beaten while he was detained at the Correction and Rehabilitation Center in Khan Yunis, in the southern Gaza Strip.

Jumaa’s father said that in April 2019, eight months after his son’s arrest, he received a call from a hospital stating that his son Jihad was suffering from internal bleeding in the testicle and needed urgent surgery, and that he had to come as quickly as possible to approve the operation. According to the detainee’s brother, the cause of the bleeding was that he was beaten with plastic hoses on the legs and hands, while his hands and feet were tied. The medical report of the detainee confirmed that he had experienced internal bleeding in the testicle.
• Second: North Africa

1. Libya

The Libyan armed groups in particular practice systematic torture in unofficial places of detention with impunity. The conditions that arose after the popular protests in Libya in 2011, greatly helped in the emergence of armed groups inside the country, which in turn practiced many violations against peaceful citizens in the absence of a legal deterrent.

The crime of torture and other forms of ill-treatment is one of the crimes that are widely spread in many official and unofficial detention centers in Libya, where militias and armed groups from governmental and non-governmental forces use various methods of torture against detainees. This includes beatings on the head and body with various objects including metal rods, water pipes, rifle butts, whipping on the soles of the feet, kicking, punching, hanging in painful positions, electric shocks, mock executions, sexual violence and other methods of torture.

In the Libyan prisons of all regions, political detainees are subjected to torture, especially in the initial period of their detention and during interrogation, to extract confessions or other information from them, and to punish them for allegedly committing crimes.

According to the report of the International Commission of Inquiry on Libya, which was issued after it visited several places of detention in Misrata, Tripoli, Al-Zawiya, Tajoura and Zintan run by armed brigades, security committees,
military councils or the former government. After interviewing more than 100 current and former detainees, the commission found compelling evidence pointing to torture and ill-treatment. It also concluded that methods of torture, including beatings with objects such as electric wires, rubber hoses, and wooden sticks, electric shocks, or suspension in deformed positions were used against detainees.

The Libyan Government of National Accord (GNA) said it had discovered 27 mass graves in Tarhuna since June 2020, in which residents reported that the so-called Kanyat militia often kidnapped, detained, tortured, and killed its opponents.

In June 2020, the Libyan army announced the exhumation of 208 bodies found in mass graves south of the capital, Tripoli, and in the city of Tarhuna and its surroundings. Of them, 106 bodies were found in the refrigerator of a hospital in the city of Tarhuna – southeast including women and children. Five of the bodies were buried in a well 45 meters deep, in the Al-Awatah area between the city of Tarhuna and Souq Al-Khamis area, south of Tripoli. As for international and domestic laws, Libya ratified the Convention against Torture on May 6, 1989, while the domestic law criminalizes torture, especially Law No. 10 of 2013 relating to crimes of torture and enforced disappearance. Article 2 of the law stipulate that “Whoever personally, or orders someone else to, inflict physical or mental suffering on a detainee under his control to force him to confess what he did or did not commit or because of any discrimination whatsoever shall be punished with imprisonment for a period
of no less than five years. Whoever practices torture despite his ability to stop it shall be imprisoned for a period of no less than eight years if it results in no serious harm, and the penalty shall be imprisonment for a period of no less than ten years if the act results in serious harm, and in the event the victim dies due to torture, the penalty shall be life imprisonment.”

These legislations confirm that crimes of torture committed by militias and armed groups against detainees in prisons and detention centers in Libya are prohibited in international and domestic laws and expose their perpetrators to the most severe penalties in accordance with these laws.

Euro-Med Monitor documented the killing of the detainee Tarek Abdel Hafeez while being tortured in detention. On June 26, 2020, men from Battalion 128, affiliated with the forces of retired Major General Khalifa Haftar, kidnapped Tarek Abdel Hafeez from in front of his store. They took him to the brigade’s base in the town of Hun in southwestern Libya, and investigated him.

During the interrogation, he was severely beaten, suspended for long periods from his wrists, and deprived of food and water. This torture continued throughout the interrogation period. Two weeks later, Tarek was found dead and his body dumped in front of one of the town’s hospitals. According to the forensic report, torture was the main cause of Tarek’s death.
2. **Tunisia**

Torture at Tunisian prisons has increased significantly during the recent period as the protests in January of this year revealed the extent of torture practices at Tunisian security institutions. It was found that security forces do not comply with international standards and do not conform to the guarantees of Tunisian law guaranteed to prisoners.

Most prisons in Tunisia, except for the women’s prison in Manouba, have exceeded their capacity of prisoners, while torture is practiced against all age groups.

Many former detainees in Tunisian prisons complained of the physical violence practiced by the security forces against prisoners inside their rooms. This includes verbal insults and abuse in punishments, such as deprivation of visits and food provided by their families and imposition of solitary confinement for the simplest reasons.

The main reason behind the persistence of torture in Tunisian prisons is that the perpetrators go with impunity. When it comes to ill-treatment or suspicions of torture by security men or interrogators against prisoners, an investigation is opened against an unknown person. The prisoner’s family does not know who did it.

The torture of prisoners begins from the moment they are arrested. First, they are stripped of their clothes in front of all prisoners, with the security men deliberately touching the prisoners’s genitals to degrade their dignity. Then, if they attempt to object, they are subjected to violence, direct transfer
to the punishment ward, put in chains, and beaten up. After this, prisoners are placed in a queue of about 100 prisoners and crowded into a room of no more than five meters. All stacked on top of each other, and the process of shaving their hair and beard begins. Later, they are transferred to the shower room, an open courtyard equipped with sprinklers installed in the wall. The prisoners get often completely naked because the prison system does not provide underwear, cleaning materials, or towels.

The lack of health care in prisons, which takes the form of medical negligence, is a type of torture that has caused the death of some prisoners. Such as Al-Hashimi Al-Makki, Lakhdar Al-Sudairi and Al-Muldi bin Omar, who was crying out for help despite being tortured by the security forces in the prison until he died without being treated.

The punishment wing in prisons in Tunisia is often characterized by humidity, darkness, and no bathroom. All they have to relieve themselves is a hole in the floor usually swarm with mice. Each prisoner in this wing is stripped of his clothes and given a moldy blue suit, often filled with insects such as bedbugs and lice. The prisoner is chained to a metal bed without using any mattress, and the prison administration sometimes chains prisoners while they are naked, stripping them of their clothes.

According to the Truth and Dignity Commission, an independent Tunisian governmental body aims to supervise transitional justice in Tunisia, the director of Al-Roumi prison, Mohamed Al-Zaghlami, deliberately puts anyone who cuts his arteries in a large container of water and then puts salt
on the wound to increase the pain. He does not present him to the doctor for any wound treatment until the pain reaches its peak. In addition, the director of the prison deliberately throws razor blades at the prisoners in the punishment ward. For prisoners of conscience, he deliberately uses very humiliating methods such as swearing and spitting in addition to stripping. Tunisia ratified the Convention against Torture on September 23, 1988, and Tunisian domestic laws criminalize torture, especially in the 2014 Tunisian Constitution, which states in Article 23, “The state protects human dignity and physical integrity, and prohibits mental and physical torture”.

Euro-Med Monitor has documented the testimony of civil activist Ahmed Qom, 21, who was accused of shoplifting during the protests in the Banan region, which he denies any involvement in. He said that the police’s treatment was brutal and that his hands were tied and hung between two tables and beaten everywhere on his body. Furthermore, he asserted that his torturers took off his pants and lit a lighter under his testicles several times. The young man in Sahloul Hospital in Susse presented a medical certificate indicating that one of his testicles had been removed, and the hospital confirms his account. Following this incident, a judge in the Monastir Court decided to open an investigation of torture. It was directed on February 12, 2021, to summon three people to hear their statements after three people who were with the complainant during the incident have been identified.
3. Algeria

Algeria has recently witnessed a noticeable increase in the number of cases related to torture in prisons and detention centers. Many activists, especially after the recent demonstrations, filed complaints stating that they were tortured in the security and intelligence services headquarters over their participation in the demonstrations and freedom of expression. Torture took place through sexual harassment, rape attempts, and violence. This prompted many human rights organizations to demand opening investigations into these cases and the prosecution of the security personnel involved in those acts.

On February 3, 2021, Algerian activist Walid Naqish confronted the Casablanca court, during his trial session, 14 months after his arrest during a student demonstration. As a result, the court sentenced him to six months in prison on charges of distributing leaflets that harm the national interest and conspiring against the state’s authority. During this session, Naqish revealed that he had been tortured and sexually assaulted during his detention at the Intelligence Security Center headquarters, known as the notorious Antar Center, in the capital. Naqish’s lawyers told the court that Naqish was subjected to abuse and violence and demanded the court to open investigations into the crimes of torture committed. However, the court refused to respond to these demands.

More than four activists from the National Youth Assembly and the Democratic and Social Movement also complained of being stripped
naked in a police station in Baraki during the inspections that came after their arrest near the central post office, as they were preparing to organize a march within the popular movement demanding the departure of all officials from the previous Algerian government.

The Ministry of Interior did not issue any statement or comment on the incident.

Algeria ratified the Convention against Torture and other Cruel, inhuman or degrading treatment or punishment on September 12, 1989. In line with its commitment to the Convention against Torture, the Algerian authorities amended the Penal Code in 2004 by Law No. 0415/ of November 10, 2004, which provides for the criminalization of torture in Articles 263 and 1 with penalties for those who commit or participate in torture acts with imprisonment of up to twenty years and a fine of up to 500,000 Algerian dinars. However, the practices committed by the Algerian authorities against detainees inside prisons point to clear violations of the domestic penal code and international obligations.

Moussa Rahmani, a retired professor of forensic sciences from the city of Setif, confirmed to Euro-Med Monitor that he was subjected to many harassments during his participation in the popular movement by police officers who did not abide by the laws. He said: “I was brutally assaulted and beaten without any reason while I was arrested because I participated in the popular demonstration in February 2021. I was beaten in the eye inside the police headquarters. I will sue everyone who violated the law and attacked me”.
4. Morocco

In recent years, Morocco has witnessed a noticeable escalation in the number of violations that the Moroccan regime has been practicing against its opponents. This includes enforced disappearance, torture, and arrests without trial. All led to an increase in hunger strikes due to the unjust sentences against detainees, their ill-treatment in prison, the absence of legal oversight and neglecting complaints related to torture submitted by prisoners to the Public Prosecution Office.

According to the report issued by the Institute for Criminal Policies for 2020, Morocco ranks first in the list of countries whose prisons are the most overcrowded. There are a total of 76,000 prisoners in these prisons.

On the other hand, Moroccan prisons witness various forms of torture practiced against detainees, such as slapping, kicking, tying to a chair, sexual harassment, and rape, as well as insulting and using degrading words.

Although Morocco ratified the Convention against Torture on June 21, 1993, and included in its criminal code a criminalization of torture in Articles 18- of Chapter 231, torture practices still continue in prisons and detention centers, which means Moroccan authorities are ignoring both domestic and international laws.

On November 25, 2020, the Moroccan Court of Cassation upheld the Court of Appeals ruling convicting 19 Sahrawi men accused of killing 11 members of the security forces. During clashes that erupted after security forces dismantled a protest camp in the Moroccan Sahara. The defendants were
convicted after two trials. The defendants declared that they had signed confessions condemning them after being subjected to severe torture at the hands of the prison authorities. However, the Moroccan judiciary relied entirely on confessions obtained under torture without investigating the allegations of torture by the defendants.

5. Egypt

Despite the existence of legal articles and constitutional and legislative guarantees as well as international charters, declarations, and conventions that criminalize and prohibit torture. Torture in Egypt is widespread. It is practiced systematically, deliberately, and continuously by the official authorities in detention, prisons, police stations, security headquarters, military police, and intelligence headquarters.

The number of Egyptian prisons is about 68, 26 of which were established after the arrival of Egyptian President Abdel Fattah al-Sisi to power. In addition, there are about 382 detention centers distributed within police departments and stations in various governorates and secret prisons located inside military camps.

According to a report issued by the National Council for Human Rights, Egyptian prisons and detention centers suffer from frightening overcrowding, with a rate of over 160% in prisons, and 300% in detention centers, in addition to an unprecedented deterioration in prison infrastructure and the lack of health care.
Number of prisons and detention centers and the percentage of prisoner overcrowding

<table>
<thead>
<tr>
<th>Place of Detention</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prisons</td>
<td>68</td>
<td>160%</td>
</tr>
<tr>
<td>Detention Centers (Police Departments)</td>
<td>382</td>
<td>300%</td>
</tr>
</tbody>
</table>

There are many methods of torture inside Egyptian prisons and places of detention, the most prominent of which are violent physical attacks such as beating, kicking, beating with sticks, guns and sharp instruments, and electric shocks, including sexual assaults such as rape, as well as moral, psychological and verbal torture associated with threats to harm or kill detainees or any member of their families.

The methods of torture in prisons and places of detention in Egypt range from suspension from the ceiling, electric shocks, sexual assaults, slapping of the face, beating on sensitive parts of the body, and breaking limbs, including fingers.

Egypt ratified the Convention against Torture by virtue of Presidential Decree No. 154 in the year 1986, and this convention has the force of internal law after its ratification. The Egyptian Constitution also criminalizes torture in its articles 51 to 60, as well as the Penal Code criminalizing torture and anyone who performs or contributes to it in articles 126, 127, 129 and 282. Although the criminalization of torture is agreed upon in Egyptian
domestic law, whether in the constitution and the Penal Code or the Convention against Torture, which Egypt ratified, the practices related to torture are common in Egypt, given that these crimes are practiced under the supervision of the authority.

Although many human rights reports confirmed the existence of mass torture inside Egyptian prisons, the Egyptian authorities have each time denied these allegations claiming that they are misleading and aim to spread rumors and lies and incite public opinion. At the same time, the authorities almost never effectively respond to these allegations.

Egyptian citizen Ayman Sayed Ahmed was tortured while being held at the National Security headquarters. He told Euro-Med Monitor: “At the beginning of July 2020, the security forces arrested me when I was in my workplace in the Marj area, where I work as a Director of the Technology Development Center. After they arrested me, they searched my house and confiscated my computer. They did not show me any arrest warrant. Later, they took me to the National Security headquarters in Abbasiya, where I was held there for 45 days. I was tortured physically and psychologically, as I was beaten with a big stick. They electrocuted me and exposed me to very hot air, which eventually caused me many burns all over my body, including my genitals”.

On August 18, 2020, the State Security Prosecution said that its investigations proved that Ahmed had been tortured and that traces of torture were on his body. The State Security headquarters in Abbasiya demanded the Public
Prosecution to transfer Ahmed to forensic division for his wounds to heal quickly.

6. Sudan

The history of Sudan is full of practices related to torture in prisons and detention centers. These practices and violations continued during the various periods of rule that passed over Sudan where torture was adopted as a tool for governance and control. Impunity for crimes of torture has become the fertile ground for the growth and spread of this phenomenon until it became a standard procedure among the procedures adopted during investigations and places of the arrest.

Torture methods vary in Sudan, which are similar to those practiced in the rest of the Arab countries, most notably, beating and violent, cruel treatment during the arrest until up to moving them to detention. This process is accompanied by various verbal and moral insults and threats to victims that their family members might be harmed.

Detention in small and cramped rooms that do not meet international standards, with deprivation of the most basic needs such as food, drink, medicine, toilet and others, has also increased in Sudan. Among the standard methods of torture widely used in Sudan is to blindfold the detainee to prevent him from recognizing his tormentor and other common methods such as electric shocks, suspension from the limbs,
drowning, dragging, and other dangerous, innovative methods. In addition to all these inhumane methods, sexual assaults of all kinds are practiced against the victims or their family members, such as their wives, through rape, threats of rape or harassment and forcing them to take off their clothes in open spaces.

Sudan recently announced on February 24, 2021, its accession to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention for the Protection of All Persons from Enforced Disappearance. This took place in a speech delivered by the Permanent Representative of Sudan to the United Nations in Geneva, Ali bin Abi Talib Abd Rahman Mahmoud, before the plenary session of the 46th session of the Human Rights Council.

Sudan had criminalized torture in the Sudanese Criminal Code of 1991, where Article 115, Paragraph 2 of the Criminal Code stipulates: “Any person of public authority who seduces, threatens, or tortures any witness, accused or opponent to testify or not, shall be punished with imprisonment for a term not exceeding three months or with a fine or with both.”

It is noted from the previous article that Sudan set a light punishment for those who practice torture against detainees, which explains the significant increase in torture cases in Sudan. In addition to the fact that Sudan, over the past years, had not agreed to join the Convention against Torture, contributing to the absence of international commitment in addition to ignoring local law.
The death of two people, believed to have died under torture by security and military agencies in Sudan, sparked a wave of anger and demands to identify the perpetrators and bring them to justice. Meanwhile, the Rapid Support Forces and the police announced the detention of a number of their employees on suspicion of participating in torture that led to death. Bahaa El-Din Nouri, a young man living in the suburb of Al-Kalakla, south of Khartoum, was killed after he was taken onboard a vehicle without plates by unknown persons to an unknown destination on 16 December, 2020. The next day, his sister filed a report of his disappearance. However, on December 21, 2020, she received a call from a member of the Rapid Support Forces of the Sudanese army informing them of his death in one of the medical centers affiliated with the force.

His family said: “When we went to the hospital morgue to see his body, traces of torture were visible on his body, and blood was everywhere on his body.” According to his family, this confirms that he died under torture.

Euro-Med Monitor documented the testimony of Ali Muhammad Othman, who was arrested over the February 2021 protests. He was arrested on February 14, 2021, while carrying leaflets calling for the release of detainees in prisons arrested by the security authorities. A group of security apparatus members, the National Committee in Omdurman, arrested him and subjected him to interrogation that lasted more than 24 hours. Othman said that he was tortured during his transfer to the detention center and during interrogation when officers blindfolded him and drove him to the
detention center. During the interrogation, he was beaten on the back and shoulder with sticks and plastic water hoses, threatened, and forced to stand all night long.

He added that the torture he was subjected to caused severe injuries that required urgent medical care after his release.
Legal background

Torture is one of the most serious violations of human rights, as it constitutes a direct attack on human dignity. In addition to the dire psychological and physical effects that it leaves, and it causes countless problems. The effects of torture extends to the society whose members would live in constant fear and unsafety.

Given the seriousness of this crime, the international community has sought to devote a legal arsenal capable of putting an end to this violation. Over the past years, the international community's effort aimed at creating a set of conventions and treaties to prohibit torture, whether at the level of international human rights law, or the level of international humanitarian law.

- **First: Protection from torture in international human rights law**

International human rights law, one of the branches of contemporary international law, came to protect individuals from torture. Many conventions and treaties came to absolutely prohibit torture and give full protection to individuals from falling victims to this crime.

Article 5 of the Universal Declaration of Human Rights explicitly prohibits torture stating, “No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.” The International Covenant on Civil
and Political Rights stipulates in Article 7 that, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation”.

Article 10 of the same convention states that, “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”.

Likewise, the Tehran Declaration issued by the United Nations in 1968 enshrines a significant goal in human rights: every person shall be provided with the maximum degree of freedom and dignity.

The Economic and Social Council also approved the Standard Minimum Rules for the Treatment of Prisoners, as adopted by the United Nations in its Resolution No. 663 C (D-24) dated July 31, 1957. One of its most prominent points was the prohibition of corporal punishment and any cruel or degrading punishment, and it also prohibited its signature as a disciplinary penalty.

The United Nations General Assembly also adopted the 1979 Code of Conduct for Law Enforcement Officials, Article 5 of which states: “No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.”
These efforts culminated in the conclusion of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment on December 10, 1984, in which Article 1 defines torture as follows: “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions”.

The United Nations General Assembly adopted the Optional Protocol to the Convention against Torture on December 18, 2002. The objective of this protocol was to authorize independent national and international bodies to carry out inspections of places where people are deprived of their liberty, in order to prevent torture and all forms of cruelty and degradation.

• Second: Protection from torture in international humanitarian law

International humanitarian law also came to absolutely prohibit torture, given that international humanitarian law aims at the end to protect the victims of armed conflicts, alleviate their suffering, and ensure that they are
treated humanely.

International humanitarian law completely prohibits torture, meaning that this behavior is criminalized in all cases and there are no exceptions to it. Even during armed conflicts torture is considered as violating the dignity of any human being.

As in international human rights law, international humanitarian law came with several treaties and conventions that prohibit torture and criminalize its perpetrator. This prohibition is highlighted in the Geneva Conventions of 1949 which filled the international humanitarian law system gaps in both parts of Hague Conventions of 1899 and 1907 and the Geneva Conventions preceding the years 1864 and 1929.

The First Geneva Convention for the amelioration of the condition of wounded and sick in armies in the field prohibits torture, as Article 3 stipulates that, “In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions: (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:
(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;"

Article 12 of the same convention stipulates: “Members of the armed forces and other persons mentioned in the following Article, who are wounded or sick, shall be respected and protected in all circumstances. They shall be treated humanely and cared for by the Party to the conflict in whose power they may be, without any adverse distinction founded on sex, race, nationality, religion, political opinions, or any other similar criteria. Any attempts upon their lives, or violence to their persons, shall be strictly prohibited; in particular, they shall not be murdered or exterminated, subjected to torture or to biological experiments; they shall not willfully be left without medical assistance and care, nor shall conditions exposing them to contagion or infection be created.”

As for the Second Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Articles 3 and 12 in it are similar to the First Convention regarding the prohibition of torture. In addition, it stipulates in Article 50: “The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.” Article 51 indicates that torture is one of the serious breaches of this Convention.

The Third Geneva Convention prohibits torture in Article 130. The Fourth
Geneva Convention also does in Article 32, which states: “The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishments, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.”
Recommendations

Based on what was mentioned in this report, Euro-Mediterranean Human Rights Monitor recommends:

**governments:**

- to take all necessary measures to amend or adopt new national legislation that includes a clear criminalization of torture, and this should be in line with the definition of the term torture in Article 1 of the Convention against Torture, or the obligation not to commit the crime of torture for countries that have already included in their national legislation the criminalization of torture;
- to take all necessary steps to ensure basic legal protection for persons in detention and not to expose them to any form of torture prohibited in accordance with the rules of international law;
- to enabling international special rapporteurs to supervise and monitor prisons and detention centers to ensure that the rights of detainees are respected in practice;
- to raise awareness and train prison and detention centers officials on international standards on the treatment of prisoners;
- to enable detainees to have all their necessary legal rights during investigation and during periods of detention and impose severe penalties.
on officials who practice torture against detainees;
• to eliminate immunities granted to investigative officers or individuals affiliated with the state that allows them to practice torture with impunity, under the pretext of emergency circumstances or acts of national security or terrorism;
• to investigate all torture complaints and allegations to limit and prevent further incidents;
• to ensure that victims of torture and ill-treatment receive appropriate compensation, and receive physical and psychological rehabilitation in accordance with national laws and international obligations;

the international community:
• to taking a strict stance against countries that allow torture to be practiced in their lands on a routine and systematic basis;
• to create an effective mechanism that enables teams concerned with torture and other cruel treatment to access prisons and detention centers of the Member States of the United Nations to supervise and monitor the conditions of both detainees and places of detention;
• to urge governments to abide by international conventions related to the prohibition of torture and put pressure on them to include legal texts criminalizing torture in their national law;
• to ensure that investigations are opened into all allegations of torture and ill-treatment;
• to impose sanctions on countries that practice torture and tighten these penalties until they commit to ending torture practices once and for all.