

# TOWARD A MENA Prison Forum



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UMAM DOCUMENTATION and RESEARCH

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|| And now it remains for me to remind you of the endless injustice, tyranny, oppression, and enmity that you inflicted on my brother Assaad.

You put him in prison [...] for close to six years. After striking him with every kind of degradation, ignominy, misery and wretchedness, confined to a tiny cell reached by no ray of light nor breath of air, God's blessing to all his creatures, be they pious or debauched, he passed away, imprisoned not for matters that demand censure and punishment but for disagreeing with you.

[...] Though my brother may have differed with you on religion and held that you were wrong, you have no right to kill him for this. Rather, you should have negated his proofs and refuted his arguments in writing and speech.

[...] If you were truly wise and knowing, you would realise that persecution and coercion serve only to confirm the convictions of the persecuted for which they suffer. ||

Ahmad Faris ash-Shidyq

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In 1829, in a Maronite monastery in northern Lebanon, after nearly six years of *detention* or of *abduction*, as we would call it nowadays, Assaad ash-Shidyak, a young man in his thirties, died *under torture*.

Ash-Shidyak earned this fate not for any breach of the Ten Commandments, but for having defected from the fold of the church in which he was raised and for having — despite the cruelty of his treatment — refused to renounce his new, also Christian, faith.

Ash-Shidyak was neither the first *prisoner of conscience* in this part of the world, nor the first to pay for his ideas with his life. Nor was the monastery where he was held and died the worst *incarceration facility* of the region.<sup>(1)</sup> However,

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<sup>(1)</sup> We refer to the MENA region as the "region" without further delimitation, for two reasons which may seem contradictory: on the one hand we do not pretend, at this point, to cover all the countries (and former countries) falling under the category MENA, and on the other we do not theoretically exclude the possibility of some day including non-Arabic speaking countries such as Turkey and Iran.

from today's vantage point, we cannot help but note that the end of ash-Shidyak's days coincides with the opening of a new chapter in the region's history as the Ottoman empire grappled with the challenges of *modernity* and foreign interventions accelerated, from the French conquest of Algeria to the French-backed Egyptian campaign in "Syria" (which at the time included Mount Lebanon) and the growing internationalisation of local conflicts.

Ash-Shidyak's misfortunes are echoed in contemporary news about arrested bloggers, detained poets and imprisoned women's rights activists across the region. Such echoes could drive us to quick conclusions about the endless repetitions of history. But we must recall that the arrival of "modernity" also had repercussions in the penal field, and, to a great extent, the prison gained the central status that it still holds today during this period. Prisons were an area of innovation... As one scholar put it regarding Egyptian, for instance:

"one of the most striking developments of the Egyptian penal system in the nineteenth century is the shift towards imprisonment as the main form of punishment at the expense of corporal and capital punishment."<sup>(2)</sup>

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<sup>(2)</sup> Rudolph Peters, "Egypt and the Age of the Triumphant Prison: Legal Punishment in Nineteenth Century Egypt," *Annales Islamologiques*, 2002, (36).



Less than a century after ash-Shidyak's ordeal, in the wake of the First World War, the collapse of several empires, and the rise of new national dreams in their ruins, Najib ar-Rayess, a young Syrian *political activist*, journalist and poet, opposed the French mandate authorities and soon found himself in prison on Arwad Island, three kilometres off the coast of Tartous. From his prison cell reveries, ar-Rayess penned *O Prison Darkness*, one of the most renowned prison poems of modern Arabic literature, which reached even larger audiences after being put to song by several famous musicians.

Neither was ar-Rayess the first poet to be inspired by his prison experience. Nonetheless, his ordeal as commemorated through poetry can be considered a landmark in prison history in the MENA region. In the post-WWI era it has become more commonplace for individuals to be *citizens* of a *nation-state*, and in this capacity to risk prison, whether for the freedom of their country or for domestic contestations, and new values and meanings were added to the political glossary of this region.

In February 1958, at the height of the brutal repression in Algeria and shortly before the collapse of the French *Quatrième République*, a slim book titled *The Question* was published in Paris. The author Henri Alleg, editor of *Alger Republicain* and an overt supporter of the Algerian

revolution, narrates his arrest by paratroopers under the command of French General Massu and the various torture techniques applied to him in all their detail, shaking up the great Republic and weakening its moral self-esteem.

*The Question* is not only a significant publication for Franco-Algerian relations, but read today it also gives indirect insight into the state of prisons in MENA countries that gained their independence before Algeria, and in Algeria too once it won independence.

In this sense *The Question* is a testimony of a double failure: that of the colonial powers to live up to the values of their supposed "civilising mission," and of the decolonized, who used nationalist and progressive slogans to reach power before reproducing colonial systems of oppression.

Najib ar-Rayess should not be reproached for the cosmological confidence he had lent to the prison darkness, nor for failing to predict that prisons in his own country would one day become a "kingdom of death and madness," as Faraj Bayraqdar, another Syrian poet who served prison under the Assad dynasty, later put it. The issue at hand is less the praising or cursing of prison darkness than the exploration of what makes it so resistant to attempts to tame it, whether practically or conceptually!

With the end of the Cold War, accompanied by excited claims of the "end of history," the victory of one superpower's ideology over the other, and renewed enthusiasm for human rights and freedoms, it became impossible for the West to remain fully silent over the behaviour of some "friendly tyrants," despite their good services and loyalty during the Cold War.<sup>(3)</sup>

Thus, in the early 1990s, King Hassan II of Morocco found himself forced to relax the security grip he exerted over the political life of his country through a series of constitutional reforms; it is no coincidence that this process began just a year after the closing of the infamous Tazmamart prison, whose existence Hassan II and other officials had denied for years.

Morocco represents a special case when it comes to *transition* and to *political liberalisation*. Nonetheless, while other "well-behaved" dictatorships in the region did not publicly shut down their secret prisons or engage in public reforms, the pressure for them to open up their societies and economies grew to be considered as benevolent advice to maintain stability rather than the hostile plot of an enemy.

In Morocco, it took the death of Hassan II

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<sup>(3)</sup> M. Ledeen, "The Problem of the Friendly Tyrant," 2 February 2011.  
[www.fdd.org/analysis/02/02/2011/the-problem-of-the-friendly-tyrant/](http://www.fdd.org/analysis/02/02/2011/the-problem-of-the-friendly-tyrant/)

in July 1999 to bring about change. His son Mohammad VI rose to the throne, and established an "independent adjudication body... in order to specify the reparation for the victims and right holders of disappearance and unlawful detention," as he phrased it himself.<sup>(4)</sup>

Likewise, in Syria, it took the death of Hafez al-Assad and the rise of his son to power for promises of reform to reach the Syrian people. Mere months after taking office in 2000, Bashar al-Assad freed hundreds of detainees from various backgrounds in a presidential amnesty, and let it be known that his presidency intended to transform the notorious Mezze prison in Damascus into an "Academy for Historical and Archeological Sciences," no less!<sup>(5)</sup>

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<sup>(4)</sup> This promise to establish such an institution was made in Mohammad VI's speech on 20 August 1999, only his second royal address after becoming king.

<sup>(5)</sup> The amnesty in question that released around 600 Syrians and Lebanese took place in November 2000, (*Ash-Sharq al-Awsat*, 16 November 2000). However, according to the same outlet, some political prisoners had already been released in July that year, (*Ash-Sharq al-Awsat*, 27 July 2000). Regarding the shutting down of Mezze and its proposed transformation into an "Academy for Historical and Archaeological Sciences," see: *albahawaba.com*, 20 November 2000. Other sources suggested it would be transformed into a hospital: *Al-Jazeera*, 20 November 2000. Notably, on 31 August 2001 *al-Hayat* reported that the inmates of Tadmor military prison, mostly political prisoners, were transferred to another facility in preparation to shut down this prison too. According to the same article, shutting down Tadmor "would improve Syria's branding in foreign eyes!"

The remainder of the Syrian story up until 2019 does not need to be repeated. As for the rest of the region, the main landmarks are the 9/11 attacks in the US in 2001, followed by the series of social and political upheavals that continue to rock the region and beyond.

9/11 brought in the era of the "war against terror," which shows no sign of ending and has been heartily adopted as justification for all kinds of abuses in the region. The upheavals of the region, both superficial and profound, have a complementary and equally significant impact.

From the prison perspective, these developments deserve examination from at least three angles:

- Firstly, the boom in the number of prisons and detention facilities run by states and non-state actors, both in and by countries preserving their territorial integrity (such as UAE or Egypt) and those which lost it (such as Yemen or Syria).

- Secondly, there has been an accompanying boom in the number of individuals held at such facilities.

- Thirdly, and perhaps most importantly, *the centrality of the prison* has been unquestionably confirmed not only within specific country contexts (or "ex-country contexts," as one could term the many countries in the region where regimes no longer enjoy full sovereignty over their territory) but also in the region as a whole and beyond. Let us not forget that ISIS' roots can

be traced back to the Camp Bucca concentration centre in Iraq, and that prisons today are widely acknowledged and feared as jihadi academies.<sup>(6)</sup>

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2019 marks 190 years since the death in detention of the *prisoner of conscience* Assaad ash-Shidyak. As we compose these words, we can be sure that someone in the MENA region is being *abducted* or *forcibly disappeared* into a state or non-state carceral facility, detained for his or her opinions, held *outside any legal protection* framework, or tortured to the point of wishing for the relief of death.

In ash-Shidyak's day there were no *human rights organizations* to *document* and *denounce* such violations, and consequently it took decades before the ash-Shidyak case became a *case of public opinion*.<sup>(7)</sup> Today, in the age of human rights organizations, mass media and judicial mechanisms to hold abusers accountable, it is peculiar if not scandalous to note that modern-

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<sup>(6)</sup> "Camp Bucca: The US prison that became the birthplace of Isis," *The Independent*, 4 November 2014.

<https://www.independent.co.uk/news/world/middle-east/camp-bucca-the-us-prison-that-became-the-birthplace-of-isis9838905-.html>

<sup>(7)</sup> The "martyrdom" of ash-Shidyak was chronicled by Butrus al-Boustany, who in 1860 published *Kissat Assaad as-Shidyaq - Bakourat Souriyya* (The Story of Assaad Shidyaq - Syria's Harbinger).

day cases like Shidyak's are frequently treated as mere *pieces of news*, each of us free to contend with as we please.

Reviewing the catalogue of atrocities committed against human beings is never an agreeable exercise. Brutalities suffered by individuals tend to be denounced either by those individual victims themselves, or by third parties speaking on their behalf. Though advocacy around individual cases of suffering is often intended to illustrate the bigger picture, the overall scale of prison-related violations is so vast that such advocacy can inadvertently give the impression that these violations are individual and exceptional.

Yet collective prison traumas can be equally painful, though generally not equally acknowledged. For every one of the thousands of prisoners in Syria, Egypt, Iraq, Yemen and elsewhere, family members and societies are wounded by their absence, and some territories can even be considered prisons in themselves, such as blockaded Gaza or until recently ISIS-controlled lands whose residents were not permitted to leave. Perhaps one of the best characterizations was given by Kamal Joumbat, a Lebanese political leader assassinated in 1977. Shortly before his violent death, he was asked about the state of the Arab World, and gave an eminently descriptive response: "The big prison,

you mean?" Beyond individual suffering, such collective traumas will also demand efforts to heal on a societal scale.

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Broadly speaking, these are the premises that drove UMAM D&R to launch the MENA Prison Forum. From the outset, we chose not to focus exclusively on "political" imprisonment at the expense of "criminal" imprisonment, for the simple reason that there is no clear dividing line between political and criminal accusations, which merge into one another in rhetoric and in legal proceedings. Any focus on "political imprisonment" would involve accepting one narrative at the expense of another, building an inherent bias into our work.

Two further factors also influenced our decision to launch the forum: firstly, the overwhelming presence of the prison in our day-to-day praxis; and secondly, the initiatives and programs that UMAM D&R has already been involved in that address prison issues.

From whichever vantage point we examine the region, the prison looms large. From a human rights perspective, the violations are countless, and prison is a key tool in the suppression of freedom of expression. From the artistic and literary perspective, prisons have inspired



an impressive body of work. Social violence and extremism lead to and are fed by prisons. However laughable it may seem, accusations and counter-accusations centring around human rights and especially prison-related concerns are gaining currency in exchanges between competing MENA tyrannies.<sup>(8)</sup> Even in the case of MENA "success stories" and transitions from repression, (Morocco and Tunisia), dealing with the past and helping victims heal from their trauma does not seem to be an easy or smooth task.

Before embarking on the launch of the forum, UMAM D&R consulted with friends and colleagues to confirm we were not wasting time and energy by replicating any existing initiative, and to gauge the interest in and relevance of such a platform. Once reassured by their feedback, we began a quiet launch phase for the *MENA Prison Forum*, reaching out to individuals and organisations concerned with prison issues in the MENA region from various angles.

UMAM D&R's starting point in establishing a multidisciplinary forum dealing with prison-related problems was that "prison" in each country, as well as prison on a MENA regional scale, deserves to be addressed as a standalone

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<sup>(8)</sup> For instance, regular media jousts occur between Saudi Arabia and Qatar and between Egypt and Turkey over prison-related matters.

issue that cannot be reduced to any single one of its various judicial, political, artistic, historical and social expressions and emanations. Nonetheless, taking note of the sheer variety of these expressions and emanations is a necessary precondition to meaningful engagement with the prison in individual country contexts or regionally.

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In line with the approach adopted by UMAM D&R since its early days, the first item on the MENA Prison Forum's agenda is to create a pool of prison-related documentation, made available on a digital platform.

The platform will gather this information along three main axes: chronologically, to show the development of the prison over time; by country, to show country-level specificities and commonalities; and thematically, to highlight topic such as secret prisons, prison and gender, torture, and so forth. In our view, there can be no stronger statement on an issue than a well-organized collection of documents, even raw documents, made available to the public.

In addition to hosting the documented works, the platform will also serve as a virtual platform allowing communication between its various users.

Though the platform will play a key role in the initial phase of the Forum's career, in future we hope for it to be just one component of the project, one of many tools in our toolbox. Since none of the various approaches (judicial, political, artistic, historical...) can fully account for the institution's prominence in our region alone, we aim to initiate a synergy among these expressions and approaches. This interdisciplinarity would highlight the explanatory power of each approach, as well as the gravity of the prison issue among the region's other plagues. First steps were taken in this direction in autumn 2018, when UMAM D&R held a closed meeting in Berlin attended by diverse stakeholders from across the region and beyond, including former prisoners, human rights activists, artists and scholars.

In addition to these two faces of the initiative, the human and the virtual, UMAM D&R hopes to see the forum serve as an incubator for academic research and artistic examinations of the prison in the MENA region, exploring prison culture in the region and the circulation of "prison knowledge," (shared experiences of suffering, secret detention schemes, exchange of torture techniques) within the region and between it and the rest of the world. Such research and examinations — both those to be conducted and published by the MENA Prison Forum itself and those pursued by others — are vital to challenge

the prison narrative at large, and to push for acknowledgement of the prison as one of the region's worst evils.

Put differently, efforts are needed to unpack the ongoing centrality of the prison within the MENA region. This requires a step backward, to look at the issue holistically and not only in its fragmented ugly details, as an underlying pillar of society and politics, not an issue to be solved via human rights trainings for a few policemen here, or adopting a law or two there.

For both the late Hassan II and Bashar al-Assad, notwithstanding all the differences separating their respective profiles and contexts of authority, prisons represent both an attribute of power and a negotiating chip, which can be employed to signal either willingness to negotiate with adversaries or to confirm a hardline stance against them. Should we take them — and others who follow in their footsteps — at their word when they talk of shutting down their prisons?

Finally, a disclaimer that should be redundant: the MENA Prison Forum is not a covert political gathering, nor a secretive sect. It is nothing more than a forum, but one that takes itself seriously as such. For now, it falls under the umbrella of UMAM D&R. But in the future, we hope it will develop into an autonomous entity.

In the meantime, we thank our partners who

saw the potential and the relevance of this endeavour and offered generous financial support: AFAC (The Arab Fund for Arts and Culture), which provided seed funding, and IFA/Zivik whose subsequent support allowed the forum to start taking its full dimensions.