HUMAN RIGHTS WATCH

GROUNDS FOR CONCERN

Belgium's Counterterror Responses to the Paris and Brussels Attacks

HUMAN RIGHTS WATCH

Grounds for Concern

Belgium's Counterterror Responses to the Paris and Brussels Attacks

Copyright © 2016 Human Rights Watch
All rights reserved.
Printed in the United States of America
ISBN: 978-1-6231-34174
Cover design by Rafael Jimenez

Human Rights Watch defends the rights of people worldwide. We scrupulously investigate abuses, expose the facts widely, and pressure those with power to respect rights and secure justice. Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all.

Human Rights Watch is an international organization with staff in more than 40 countries, and offices in Amsterdam, Beirut, Berlin, Brussels, Chicago, Geneva, Goma, Johannesburg, London, Los Angeles, Moscow, Nairobi, New York, Paris, San Francisco, Sydney, Tokyo, Toronto, Tunis, Washington DC, and Zurich.

For more information, please visit our website: http://www.hrw.org

HUMAN RIGHTS WATCH

NOVEMBER 2016

ISBN: 978-1-6231-34174

Grounds for Concern

Belgium's Counterterror Responses to the Paris and Brussels Attacks

Map I

Summary 1

Recommendations 5

To the Authorities of Belgium 5

To the European Union 6

To the Council of Europe 7

To the United Nations 7

Methodology 8

I. Background 9

Muslim Minorities 9

Armed Extremism 10

Government Challenges 12

Belgian Police Forces and Minorities 14

II. Problematic Laws and Policies 17

Prolonged Solitary Confinement 17

Military in the Streets 22

Counterterrorism Laws and Measures 24

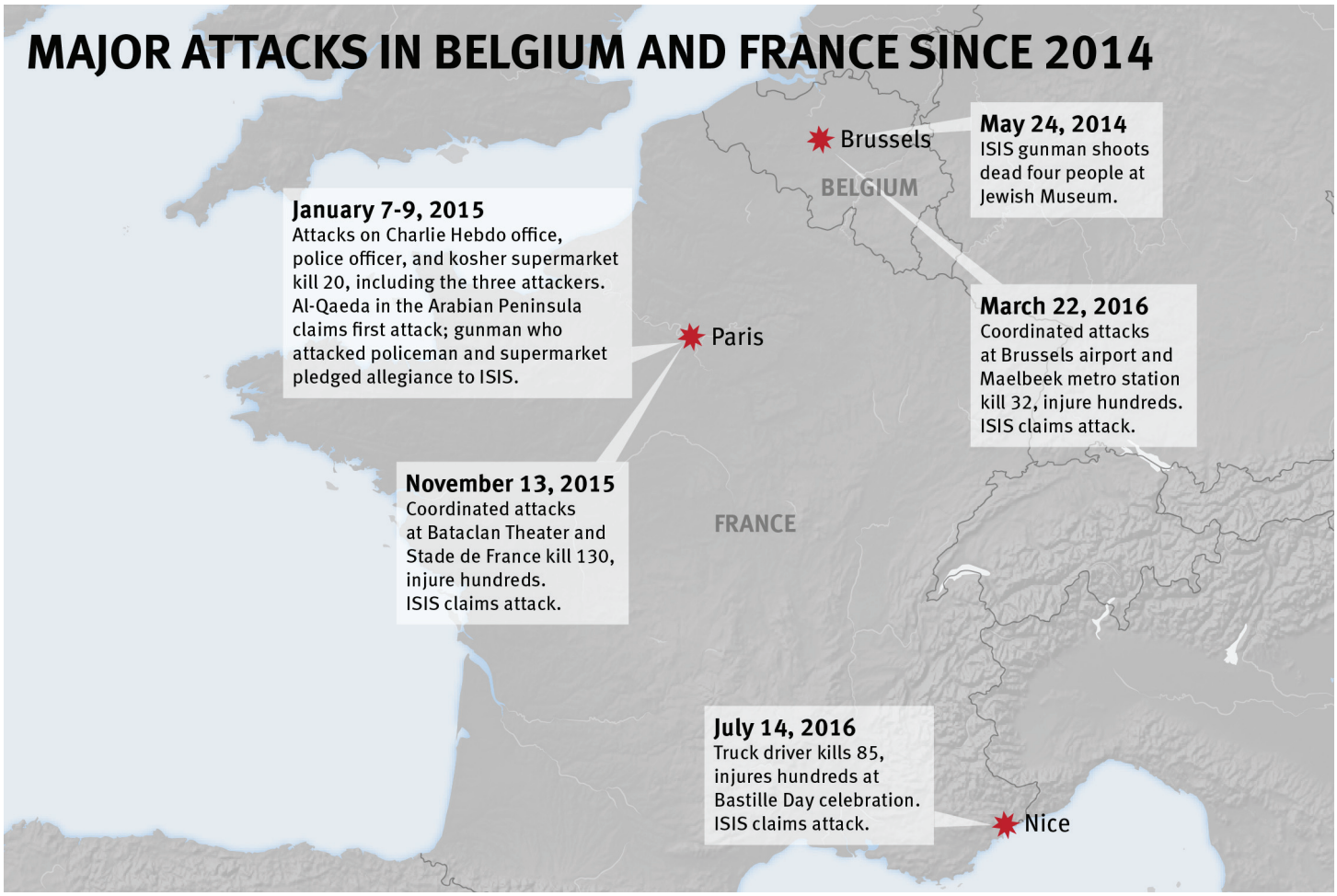
III. Allegations of Police Abuse 34

Excessive Force in Raids, Arrests, Detentions 36

Stops and Searches 49

Difficulties Obtaining Compensation 53

IV. Acknowledgments 56


MAJOR ATTACKS IN BELGIUM AND FRANCE SINCE 2014
Brussels
BELGIUM
May 24, 2014
ISIS gunman shoots dead four people at Jewish Museum.
January 7-9, 2015
Attacks on Charlie Hebdo office, police officer, and kosher supermarket kill 20, including the three attackers. Al-Qaeda in the Arabian Peninsula claims first attack; gunman who attacked policeman and supermarket pledged allegiance to ISIS.
Paris
March 22, 2016
Coordinated attacks at Brussels airport and Maelbeek metro station kill 32, injure hundreds. ISIS claims attack.
November 13, 2015
Coordinated attacks at Bataclan Theater and Stade de France kill 130, injure hundreds. ISIS claims attack.
FRANCE
July 14, 2016
Truck driver kills 85, injures hundreds at Bastille Day celebration. ISIS claims attack.
Nice

Summary

On November 13, 2015 coordinated attacks in Paris at sites including a concert hall and sports stadium killed 130 people and injured hundreds. The extremist armed group Islamic State, also known as ISIS, claimed responsibility. Four months later, on March 22, 2016, coordinated attacks at the Brussels international airport and a metro station killed 32 people and injured hundreds. ISIS again claimed responsibility. The attacks were the deadliest in the two countries in decades.

Perpetrators of both sets of attacks were linked to Belgium, the country with the highest reported number of recruits to Islamist armed groups per capita in Western Europe.

In response the Belgian government has enacted a raft of new counterterrorism laws and regulations, and deployed more than 1,800 soldiers in major cities. The Belgian police have carried out several hundred raids, detentions and stops and searches, many in Molenbeek, the neighborhood of Brussels that was a home or way station to many of the Paris and Brussels attackers. These actions have helped the authorities convict 43 suspects and charge 72 others for terrorism-related crimes.

Governments have a duty to protect people from atrocities such as the attacks in Paris and Brussels and to hold those responsible to account. But Belgium's measures raise serious human rights concerns and in some cases the police operations have resulted in apparent abuse including beatings or other excessive use of force, a Human Rights Watch investigation found.

The Belgian government said its counterterrorism measures were grounded in human rights. "Belgium is an open and democratic society with human rights and fundamental freedoms at its core," the government said in a written response to Human Rights Watch's findings. "We remain firmly resolved to protect those values in our response to terrorism." The statement asserts that the government has adopted a "resolutely holistic approach" to counterterrorism that includes programs to deter youths from violent extremism, ease tensions in communities where operations take place, and promote diversity.

However, Human Rights Watch's analysis indicates that at least six of the government's newly adopted laws and regulations threaten fundamental rights. A law allowing the stripping of Belgian citizenship from dual nationals could create perceptions of a tier of "second-class" citizens based on their ethnicity and religion. An amendment to the penal code that criminalizes the act of leaving Belgium "with terrorist intent" contains vague language that could restrict the travel of people without evidence that they intend to commit or support extremist armed acts abroad. A measure empowering the government to suspend or withhold passports and national identity cards for up to six months lacks the important protection of prior judicial review.

A data retention law that compels telecommunications firms to provide the government with information about their clients upon demand raises serious privacy concerns. A provision that reduces the evidentiary requirements for placing terrorism suspects in pre-trial detention could disproportionately restrict the right to liberty. And a broad measure criminalizing indirect incitement to terrorism could stifle freedom of expression.

A policy that places all prisoners accused or convicted of terrorism-related offenses in prolonged solitary confinement—35 detainees at time of writing—is cruel, inhuman and degrading treatment, and may amount to torture. In one case that Human Rights Watch documented, the prison authorities held a detainee in isolation for 10 months even though by the third month he had tried to slit his wrists. In another the authorities held a prisoner in isolation for eight months despite warnings from prison-appointed psychiatrists that the detainee was "talking to walls."

The deployment of armed forces may well be a justified and proportionate measure. However, extended deployment of the military in a civilian policing context is undesirable. In times of armed conflict soldiers' goal is to neutralize an enemy force through means including lethal force. The role of the police, in contrast, is to restrict use of force to the minimal amount necessary to keep order, and to take human life only as a last resort.

As for the police, during research visits to Belgium in February, May, June and September, 2016 Human Rights Watch documented 26 incidents in which Belgian federal or local police appeared to engage in abusive or discriminatory behavior during counterterrorism operations. Ten cases apparently involved excessive use of force, including four beatings.

In 25 cases those alleging abuse were Muslims, all but one of North African descent. Only one of the suspects was charged with terrorism offenses but in a case of mistaken identity.

Five men targeted in raids and a lawyer for a sixth man described federal police breaking down doors, shouting ethnic or religious slurs, or roughly restraining them although they did not resist arrest. Four cases included allegations of police beatings. The lawyer alleged that the police struck his client in the head with an assault rifle while he was feeding his 2-year-old son a bottle of milk, knocking the man unconscious and sending the child hurtling toward a wall. Human Rights Watch reviewed medical records in three of these cases; all described bruises and other trauma consistent with beatings. One described bruises and cuts to the face of the 2-year-old child.

Human Rights Watch interviewed 15 men and adolescent boys who alleged that federal or local police insulted, threatened and in four cases slammed them against cars or struck them while carrying out counterterrorism stops-and-searches following the Paris and Brussels attacks. One 16-year-old boy described being picked up by police and held for six hours soon after the Paris attacks because he was running down a street. He said he was running because he was late to meet a family member.

Many of those targeted said the abusive behavior had traumatized them, some to the point that they sought psychological counseling. Some said their employers had dismissed them upon learning their homes had been raided or that they had been detained, even though they had not been charged with any crime. Parents or lawyers in three cases in which young children were present during raids said the children showed signs of distress for months, including nightmares or fear when seeing police or hearing noise at their doors.

In its written response to Human Rights Watch, the Belgian government said it was investigating “a number of incidents” of alleged “verbal or physical violence” by police officers in the aftermath of the attacks, and that “appropriate sanctions and compensation will be provided” in the case of any wrongdoing. “These are isolated incidents and by no means the result of a deliberate policy,” the statement said.

Human Rights Watch is not in a position to determine the extent of abuse by the police. However, the multiple complaints we heard from citizens and residents of North African heritage, as well as national and local human rights defenders, suggested a broad mistrust

and reluctance to cooperate with the police in minority communities, where a majority of counterterrorism operations have taken place.

“These days it is not easy to be Arab, Muslim and living in Molenbeek,” said “Omar,” who alleged the police beat him after detaining him on suspicion of involvement in the Brussels attacks, then released him without charge. “We are attacked by the Islamic State, which considers us disbelievers when we have nothing to do with them. And we are attacked by the state, which says, ‘You are involved with the Islamic State.’”

Nearly all of those interviewed emphasized that they did not object to the police operations but rather the way they were carried out.

“I am certain that if I were blond with blue eyes and a Gucci bag, they would have treated me in a different manner,” said Zouzou Ben Chikha, an actor who accused the police of insulting him and making him remove his shoes in a rainstorm in the city of Ghent, as security forces scoured the country for suspects in the Paris attacks.

Belgian law allows individuals to seek compensation for disproportionate property damage during raids even if the police actions were lawfully executed. In the cases Human Rights Watch investigated, compensation was erratic, varying from one case to another, and often was delayed or appeared to be insufficient.

Belgium’s federal government and Parliament should promptly scrutinize their new and proposed counterterrorism laws and measures to remove overly broad language and ensure adequate judicial oversight. Belgium’s director of prisons should immediately end the blanket application of prolonged solitary confinement for terrorism-related detainees. Federal and local authorities should apply zero tolerance for any police abuse and ensure victims have prompt and impartial access to remedies provided under Belgian law.

As the United Nations and European Union have noted, human rights abuses are not only unlawful but can be drivers of terrorism, playing directly to the desires of groups like ISIS to divide the world along the stark lines of Western oppressors versus Muslim oppressed.

Recommendations

To the Authorities of Belgium

Federal government

- Immediately end the policy of prolonged, automatic solitary confinement for prisoners detained in terrorism-related cases. Activate and implement a provision in Belgium's 2005 Law on Prison Administration and Prisoners' Legal Status that creates a special procedure to improve prisoners' ability to challenge the lawfulness of their conditions of detention.
- Ensure the deployment of soldiers in public places is limited to the levels and duration strictly required to address extraordinary circumstances. Monitor the military's actions with the same scrutiny as those of the police to ensure adherence to international human rights law.
- Work with the federal Parliament to revise overly broad provisions in counterterrorism laws and regulations. Ensure sufficient judicial oversight in the 2016 data retention law and in the 2016 regulation allowing suspension of passports and identity cards, and clarify vague language in the 2015 law criminalizing travel with "terrorist intent."
- Promptly process cases of suspensions without pay from high-security sites in which complainants allege religious or ethnic discrimination. Ensure employers provide back wages in cases where there is no finding of wrong-doing.
- Take measures to ensure the independence of the Standing Police Monitoring Committee (Comité P). Instruct the Comité P to gather and include in its annual reports statistics on police conduct during counterterrorism operations.
- Adopt guidance for the police with respect to identity checks, including requirements to inform all individuals of their rights and the legal basis for a stop, and to provide them with a "stop" form as documentation of the identity check. Regularly publish statistics on identity checks, including by location, legal basis, age of person stopped, outcome of stop, and where possible by ethnic identity.
- Publish results of the government's report on ethnic profiling by the police and implement comprehensive, national programs to increase diversity in the federal and local police forces.

- Establish a Belgian human rights institution, in full compliance with the Paris Principles, following meaningful consultation with civil society members including representatives of religious, ethnic and racial minorities.

Federal, regional and local authorities, including federal and local police

- Thoroughly investigate allegations of abuse by the police forces, including acts that are racially, ethnically or religiously motivated; hold those responsible to account through appropriate disciplinary actions or prosecutions.
- Emphasize training for police forces, including for senior members, on international human rights standards, including the absolute prohibition on inhuman and degrading treatment and punishment as well as on torture, respect for diversity, and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- Ensure that people whose property was damaged during police actions have prompt access to compensation or redress as provided under Belgian law. Increase availability of information on compensation rights. Return confiscated belongings as promptly as is feasible.
- Provide an official document—for example from a judge or a police commissioner—to people who are no longer under suspicion after they were detained or their homes were searched, to assist them in repairing any damage to their reputation.

Parliamentary Commission investigating responses to the Paris and Brussels attacks

- Investigate the impact of Belgium's counterterrorism laws and policies, including operations by the police and the military, on human rights including the rights to freedom of religion, movement and privacy, and freedom from torture, ill-treatment, and racial or ethnic discrimination.

To the European Union

European Commission Directorate-General for Home Affairs, European Council Counter-Terrorism Coordinator, and European Parliament Civil Liberties, Justice and Home Affairs Committee

- Press Belgium to ensure that its counterterrorism measures, including its laws, and its responses by the police, the military, the National Security Authority, and prison

authorities, uphold regional and international human rights including the rights of freedom of movement; freedom of expression and assembly; freedom from torture or inhumane or degrading treatment; and freedom from discrimination on the basis of religion, ethnicity, or race; and privacy.

To the Council of Europe

Commissioner for human rights

- Monitor and report on Belgium's record on protecting human rights in countering terrorism, including on the prohibition of torture and inhuman or degrading treatment; the right to freedom from discrimination; and surveillance, data retention and privacy rights.

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

- Press Belgium to immediately end automatic placement of detainees in terrorism-related cases in solitary confinement, and to activate and implement the provision in Belgium's 2005 Law on Prison Administration and Prisoners' Legal Status that creates a special procedure for prisoners to challenge the lawfulness of their conditions of detention. During the committee's visit to Belgium in 2017 to examine the treatment of persons deprived of their liberty, investigate and report on the conditions of detainees in terrorism-related cases.

To the United Nations

Special Rapporteurs on the promotion and protection of human rights and fundamental freedoms while countering terrorism; on torture and other cruel, inhuman or degrading treatment or punishment; and on the right to privacy

- Request a country visit to Belgium and monitor Belgium's protection of fundamental freedoms while countering terrorism in the context of policing, progress in addressing allegations of torture and other cruel, inhuman or degrading treatment in police custody or prisons, and in enacting and implementing counterterrorism laws and regulations. Press Belgium to ratify the Optional Protocol to the Convention Against Torture and to create an independent human rights commission according to the Paris Principles.

Methodology

This report is the result of field research by Human Rights Watch in areas of Belgium including Antwerp, Brussels, Charleroi, Ghent, and Vilvoorde in February, May, June, and September, 2016. Human Rights Watch conducted additional interviews by telephone and email from June through October, 2016.

Human Rights Watch interviewed 23 people alleging physical or verbal abuse, and 10 family members or lawyers representing people who alleged abuse, by the police, soldiers on patrol, or prison authorities. We also spoke with more than 30 national and local human rights activists, government officials and legislators, Belgium-based security experts, policemen, and journalists. In addition, we reviewed dozens of media clips and social media postings.

Human Rights Watch has changed the names of most people we interviewed who alleged abuse by the police, military or branches of government, as they said they feared retaliation from the Belgian authorities or anti-Muslim groups. All aliases used in this report are first names that appear in quotation marks on first reference. In many cases, we omitted additional details such as specific dates and locations, including of interviews, to further protect those interviewed. Several people who had filed complaints with local human rights defenders declined to speak with us for fear of retaliation; in some cases, their lawyers told them not to speak with us. One man said the police threatened retaliation if he spoke to anyone about his mistreatment.

Human Rights Watch researchers conducted interviews in English, French or Flemish, at times using an interpreter.

All participants verbally consented to the interviews after being informed of the purpose of the interview, its voluntary nature, and the ways in which the data would be collected and used. We informed all those with whom we spoke that they could decline to answer questions or end the interview at any time. We did not offer or provide compensation, apart from modest travel costs, to anyone we interviewed.

I. Background

The Kingdom of Belgium, a nation of 11.3 million, has a complex governmental structure involving seven parliaments, three official languages, and political divisions between its Flemish-speaking and French-speaking regions.[1] Its capital, Brussels, is host to both the North Atlantic Treaty Alliance (NATO) and European Union institutions.

Muslim Minorities

Belgium has small and growing populations of religious and ethnic minorities. Those from Muslim backgrounds account for six percent of the population.[2] Most Muslims are descendants of Moroccans whom the Belgian government encouraged to come to Belgium in the 1960s and 1970s to work in mining, manufacturing and construction industries. A smaller Muslim population is of Turkish heritage.

The manufacturing jobs for immigrants evaporated in subsequent years. Today second-and third-generation non-European immigrants lag far behind in employment, education and opportunities. Although Belgium is one of the wealthiest countries in Europe, its own statistics show that half the people of Moroccan heritage live below the poverty line.[3]

Most Muslims in Belgium live in impoverished municipal districts (communes) within the cities of Brussels, where they comprise nearly one-fourth of the population; in Antwerp, where they account for nearly one-fifth of the population; and in Charleroi, where they represent about 16 percent.[4] One of the largest concentrations of Muslims is in the Brussels district of Molenbeek.

---

[1] See, for example, "Belgium's Devolved Parliaments Explained," *BBC News*, September 27, 2014, http://www.bbc.com/news/world-europe-29384777; Chris Morris, "Belgium's Complex Web of Democracy," *BBC Online*, September 29, 2014, http://www.bbc.com/news/blogs-eu-29407445; and Ian Buruma, "In the Capital of Europe," *New York Review of Books,* April 7, 2016, http://www.nybooks.com/articles/2016/04/07/brussels-capital-of-europe/. Belgium also has a small German-speaking region.

[2] Conrad Hackett, "Five Facts About the Muslim Population in Europe," Pew Research Center, July 19, 2016, http://www.pewresearch.org/fact-tank/2016/07/19/5-facts-about-the-muslim-population-in-europe/.

[3] In its latest annual report, the Organization of Economic Cooperation and Development (OECD) called on Belgium to improve its "very low" employment rates and poor education for non-European immigrants, and said that "disadvantage extends to native-born children." See OECD, "OECD Economic Surveys: Belgium," February 2015, http://www.oecd.org/eco/surveys/Overview_Belgium_2015_Eng.pdf, pp. 23-24.

[4] "Muslims in Belgium by Region, Province and Municipality" ("Moslims in België per gewest, provincie en gemeente"), *Npdata.be*, September 18, 2015, http://www.npdata.be/BuG/286-Aantal-moslims/Aantal-moslims.htm.

National and local human rights monitors have warned of rising intolerance of ethnic and religious minorities in Belgium in recent years, particularly since the attacks in Brussels in Paris.[5] Some comments that prompted concern were made by government officials.[6]

Armed Extremism

In recent years more people per capita from Belgium are estimated to have joined or tried to join Islamist militant groups, including the extremist armed group Islamic State, also known as ISIS, than from any other country in Western Europe, according to a number of studies.[7] Although the flow ebbed in 2016, at least 457 Belgians have gone or tried to go abroad—primarily to Syria—with that aim, and 114 of them are presumed to have returned home, according to Belgium's Interior Ministry.[8] Some researchers believe the number is closer to 600.[9] Such figures should be treated as estimates given the potentially fluid standards of evidence for what constitutes membership in groups like ISIS. About four-fifths of people from Belgium identified by the authorities as having joined or tried to join Islamist militant groups are of Moroccan heritage, according Rik Coolsaet, a Belgian expert on violent radicalism.[10]

---

[5] Human Rights Watch interviews with 15 Belgium-based human rights defenders in February, May, and June 2016 including Hajib El Hajjaji, vice-president, Coalition Against Islamophobia in Belgium (CCIB), Brussels, May 23, 2016, and Michael Privot, director, European Network against Racism, Berlin, June 1, 2016. See also Unia (Belgium's anti-discrimination agency), "Annual Report 2015" ("Rapport annuel 2015"), June 21, 2016, http://unia.be/files/Annual_report_2015.pdf.

[6] For example, Human Rights Watch heard dozens of complaints from human rights defenders and Belgian Muslims regarding the unfounded assertion on April 16, 2016, by Interior Minister Jan Jambon, of the center-right, separatist New Flemish Alliance (Nieuw-Vlaamse Alliantie, N-VA) party, that "A significant section of the Muslim community danced when attacks took place." In a parliamentary hearing on his remark, Jambon produced no evidence to support his claim and said by "significant" he meant "meaningful" but not necessarily large numbers. See Bart Brinckman and Marjan Justaert, "Dancing After the Attacks. Throwing Stones at the Police. That is the Real Problem" ("Dansen na de aanslagen. Stenen gooien naar de politie. Dát is het echte probleem"), *De Standaard*, April 16, 2016, http://www.standaard.be/cnt/dmf20160415_02240440. See also Testimony of Interior Minister Jan Jambon before the Chamber of Deputies Joint Commissions on Foreign Affairs and National Defense, May 18, 2016, (Commissions réunies des relations extérieures et de la défense nationale), May 18, 2016, https://www.dekamer.be/doc/CCRI/pdf/54/ic425.pdf.

[7] See, for example, International Center for Counter-Terrorism–The Hague, "The Foreign Fighters Phenomenon in the European Union," April 2016, https://www.icct.nl/wp-content/uploads/2016/03/ICCT-Report_Foreign-Fighters-Phenomenon-in-the-EU_1-April-2016_including-AnnexesLinks.pdf, chapter 3.

[8] Human Rights Watch email correspondence with Anne Laure Mouligneaux, spokeswoman for the Belgian interior minister, June 23, 2016.

[9] See, for example, Pieter Van Ostaeyen, "Belgium's Foreign Fighters in Syria and Iraq–May 2016," posted to "pietervanostaeyen: Musings on Arabism, Islamicism, History and current affairs" (blog), May 7, 2016, https://pietervanostaeyen.com/2016/05/07/belgiums-foreign-fighters-in-syria-and-iraq-may-2016.

[10] Rik Coolsaet, "Facing the Fourth Foreign Fighters Wave: What Drives Europeans to Syria, and to Islamic State? Insights from the Belgian Case," *Egmont Papers*, Egmont - Royal Institute for International Relations, March 2016, http://www.egmontinstitutec.be/publication_article/facing-the-fourth-foreign-fighters-wave/, p. 9. Coolsaet is a professor at Ghent University and a fellow at the Brussels-based Egmont-Royal Institute for International Relations.

In recent years, several of the deadliest mass attacks in Western Europe were committed by individuals or cells with a connection to Belgium, and particularly to the Molenbeek district in Brussels.[11] Molenbeek was a home to one of the perpetrators of the 2004 train bombing in Madrid that killed 192 people and injured 2,000, and a way-station for the Frenchman who shot dead four people at the Jewish Museum in Brussels in August 2014. It was also a stopover for the knife-wielding Moroccan man who opened fire and wounded four people in a high-speed train from Brussels to Paris in August 2015. The French police suspected the weapons used in the kosher supermarket attack in Paris, which was linked to the attack on the *Charlie Hebdo* satirical weekly, both in January 2015, came from Molenbeek. Those two sets of attacks killed 16 people.[12]

In addition, the cell that carried out coordinated attacks claimed by ISIS in Paris on November 13, 2015, and on the Brussels Airport and the city's Maelbeek (Maalbeek in Flemish) metro station on March 22, 2016, also was based in Molenbeek.[13] (The Brussels attackers also operated out of Schaerbeek, another Brussels district.) The Paris attacks killed 130 and the Brussels attacks killed 32—the highest tolls for attacks by extremist armed groups in either country in decades.

Not all Islamist militants from or with links to Belgium came from impoverished or marginalized or, for that matter, fervently religious backgrounds. Their ranks have included home owners, former businessmen, and common criminals including members of criminal gangs. Some terrorism experts point to a history of disaffection and mistrust of state authorities within the Moroccan diaspora as a potential catalyst.[14]

---

[11] They include the killers of Afghanistan's anti-Taliban commander Ahmed Shah Massoud in 2001. Jean Pierre Stroobants, "Molenbeek: the Belgian Hub of Islamist Terrorism" ("Molenbeek, la plaque tournante belge du terrorisme islamiste"), *Le Monde,* November 16, 2015, http://www.lemonde.fr/europe/article/2015/11/16/molenbeek-la-plaque-tournante-belge-du-terrorisme-islamiste_4810617_3214.html.

[12] Julia Lynch, "Here's Why So Many of Europe's Terrorist Attacks Come through this One Brussels Neighborhood," *Washington Post,* April 5, 2016, https://www.washingtonpost.com/news/monkey-cage/wp/2016/04/05/heres-why-so-many-of-europes-terror-attacks-come-through-this-one-brussels-neighborhood/. Emma Graham-Harrison, "Why did the Attackers Target Belgium?" *Guardian,* March 22, 2016, https://www.theguardian.com/world/2016/mar/22/why-was-belgium-targeted-by-bombers.

[13] Ibid.

[14] Buruma, "In the Capital of Europe," *New York Review of Books*.

Nevertheless, a range of observers, from social scientists and security experts to grassroots activists, warned of a "push-and-pull" syndrome in Belgium.[15] Feeling shunned by or mistrustful of the status quo, some young Belgians of minority backgrounds may be "easily persuaded that they will be better off" joining ISIS, said Youssef Aouriaghel Kobo, a Belgian blogger and adviser to the Brussels Ministry of Equal Opportunities.[16]

Government Challenges

Belgium has convicted 43 suspects and charged 72 others for terrorism-related offenses since the Jewish Museum attacks of May 2014, according to the Justice Ministry. Despite repeated requests, the Justice Ministry did not provide data on charges and convictions since the Paris attacks.[17]

However, Belgium's multi-governmental structure has created challenges for its counterterrorism responses. A police oversight commission as well as the media have reported communications breakdowns among the patchwork of federal, regional and local Belgian entities in the aftermaths of the Paris and the Brussels attacks.[18] The Islamist militant threat also has overstretched the country's security and intelligence forces, according to counterterrorism experts.[19]

"The biggest challenge is the sheer size of the threat—foreign fighters, terror alerts—and limited personnel," said Rik Coolsaet, a terrorism expert at Ghent University. According to Coolsaet, since 2008 there has been a significant shortage of personnel at Belgium's

---

[15] Human Rights Watch interviews with more than 20 security experts, human rights defenders, grassroots activists, and parents of children who left for Syria, Brussels and Antwerp, March, May, and June, 2016. See also Coolsaet, "Facing the Fourth Foreign Fighters Wave," pp. 15-18.

[16] Human Rights Watch interview with Youssef Aouriaghel Kobo, Brussels, February 6, 2016.

[17] Human Rights Watch email correspondence with two Justice Ministry spokespersons, October 3-19, 2016.

[18] See, for example, Jean-Pierre Stroobants, "How the Failures of the Belgian Police Served the Terrorists of November 13" ("Comment les ratés de la police belge ont servi les terroristes du 13 novembre"), *Le Monde,* October 13, 2016, http://www.lemonde.fr/europe/article/2016/10/13/comment-les-rates-de-la-police-belge-ont-servi-les-terroristes-du-13-novembre-2015_5012970_3214.html#gfllqDH3JCJm8QA0.99, and Andrew Higgins, "Terrorism Response Puts Belgium in a Harsh Light," *New York Times,* November 24, 2015, http://www.nytimes.com/2015/11/25/world/europe/its-capital-frozen-belgium-surveys-past-failures-and-squabbles.html; and Rick Noack, "The Email that was Supposed to Prevent the Brussels Metro Attack was Sent to the Wrong Address," *Washington Post,* May 12, 2016, https://www.washingtonpost.com/news/worldviews/wp/2016/05/12/this-email-was-supposed-to-prevent-the-brussels-metro-explosion-but-it-was-sent-to-the-wrong-address/.

[19] Human Rights Watch interviews with Claude Moniquet, Brussels, May 23, 2016; and former ranking Belgian security official (name withheld), Brussels, June 6, 2016; email communications with Rik Coolsaet, August 30-31, 2016.

civilian intelligence and security agency, called the State Security Service (VSSE), that the government was only recently addressing.[20]

Belgium has up to 500 active terrorism files, including some related to planned attacks, but only 100 to 120 police specially trained to investigate them, according to Claude Moniquet, a Brussels-based security consultant.[21]

Like neighboring France, Belgium has responded to extremist armed attacks by deploying soldiers in major cities to help the police maintain public safety. In contrast to France, the Belgian government has not declared a state of emergency or otherwise empowered the police to carry out raids or to place suspects under house arrest without a judicial warrant. Human Rights Watch and Amnesty International have found that the French police conduct during warrantless searches was at times abusive and discriminatory.[22]

The Belgian federal government uses a four-tiered national warning system to alert the public to the likelihood of an Islamist militant attack or other major security threats.

On January 15, 2015, Belgium's Coordinating Unit for Threat Analysis (OCAM) placed the country on Threat Level 3 ("serious"), one step below the maximum Level 4 ("very serious" and "imminent").[23] The measure came hours after police killed two men in the city of Verviers whom they accused of plotting imminent militant attacks.[24] The *Charlie Hebdo* and kosher supermarket attacks in Paris had taken place a week earlier.

On November 13 2015 following the Paris attacks, OCAM activated Threat Level 4 and placed Brussels under a five-day lockdown.[25] On March 22 following the Brussels attacks,

---

[20] Human Rights Watch email communications with Rik Coolsaet, August 30-31, 2016.

[21] Human Rights Watch interview with Claude Moniquet, May 23, 2016.

[22] Human Rights Watch, "France: Abuses Under State of Emergency," news release February 3, 2016, https://www.hrw.org/news/2016/02/03/france-abuses-under-state-emergency; and "France: Prolonged Emergency State Threatens Rights," news release July 22, 2016, https://www.hrw.org/news/2016/07/22/france-prolonged-emergency-state-threatens-rights. See also Amnesty International, "Upturned Lives: the Disproportionate Impact of France's State of Emergency," February 4, 2016, https://www.amnesty.org/en/documents/eur21/3364/2016/en.

[23] "Security Measures Enhanced as a Precaution" ("Mesures de sécurité renforcées à titre de précaution"), Belgian Crisis Center, January 15, 2015, http://crisiscentrum.be/fr/content/mesures-de-securite-renforcees-titre-de-precaution.

[24] "Terror Alert Level Raised in Belgium in Light of 'Foiled Attack,'" *Deutsche Welle,* January 16 2015, http://www.dw.com/en/terror-alert-level-raised-in-belgium-in-light-of-foiled-attack/a-18195383.

[25] Thomas Escritt and Alastair Macdonald, "Brussels Lockdown Ends but Manhunt Goes on," *Reuters*, November 26, 2015, http://uk.reuters.com/article/uk-france-shooting-belgium-idUKKBNoTE26K20151126.

the government reactivated Level 4 for two days, and suspended passenger flights from Brussels airport.[26] However the government did not curtail movement or impose a lockdown to the extent that it had following the Paris attacks.

Levels 3 and 4 triggered the deployment of solders and increased security at government facilities, ports and borders. A 2006 decree creating the warning system does not detail what actions the authorities can take under each level.[27] A government statement announcing the activation of Threat Level 3 in January 2015 said, "the security measures will not be detailed for reasons of efficacy and the security of the people involved."[28]

Belgian Police Forces and Minorities

The ranks of the Belgian federal and local police include almost no Muslims or people of North African or Turkish descent, including in minority communities that have been the focus of counterterrorism operations since 2015. Unia, Belgium's anti-discrimination agency, expressed concern in 2016 over police attitudes toward ethnic minorities:

> For some time … Unia has signalled the existence among certain police of prejudices against foreigners and Muslims in particular. Anti-racism and anti-discrimination laws remain insufficiently known or are downplayed. The culture of silence that prevails today and the lack of skills to respond appropriately to behavior that transgresses these laws prevent the police from intervening when they see colleagues committing acts or making remarks that are unacceptable.[29]

The issue of police bias is outside the scope of this report. Nevertheless, the repeated complaints to Human Rights Watch by Muslims, residents of North African and Turkish heritage, and anti-discrimination activists regarding police operations suggested a

---

[26] Paul Dallison, "Belgium Lowers Security Threat Level to 3," *Politico,* March 24, 2016, http://www.politico.eu/article/belgium-lowers-security-threat-level-to-3-brussels-attacks-jan-jambon/.

[27] Royal Decree Executing the law of 10 July 2006 relating to the threat analysis (Arrêté royal portant exécution de la loi du 10 juillet 2006 relative à l'analyse de la menace), No. 9957 of 2006, http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2006112833&table_name=loi, art. 11.

[28] "Security Measures Enhanced as a Precaution" ("Mesures de sécurité renforcées à titre de précaution"), Belgian Crisis Center, January 15, 2015, http://crisiscentrum.be/fr/content/mesures-de-securite-renforcees-titre-de-precaution.

[29] Unia, "Annual Report 2015" ("Rapport annuel 2015"), http://unia.be/files/Annual_report_2015.pdf. See also Tim Whewell, "Has Belgium Created 'a System of Apartheid'?" BBC News Magazine, http://www.bbc.com/news/magazine-35311422.

problematic mistrust of law enforcement in minority communities.[30] Four long-serving police officers, three of whom are Muslim, told Human Rights Watch that they believed the police engaged in ethnic or religious profiling.[31]

A federal parliamentary commission is investigating an allegation by one of the three Muslim policemen that anti-Muslim bias prompted a police chief in the Belgian city of Mechelen to block a report he had filed on December 7, 2015 regarding the possible hideout of the most-wanted suspect in the Paris attacks.[32] The suspect, Salah Abdeslam, was found on March 18, four days before the Brussels attacks, at the location in the blocked report. Abdeslam reportedly confessed to plotting attacks in Brussels during the time he was a fugitive.[33] The Mechelen police chief confirmed his department blocked the report but denied any wrongdoing.[34] The parliamentary commission was created to assess the government's responses to the Paris and Brussels attacks.

---

[30] Nearly all national and local human rights defenders, Muslim-rights activists, and residents of Muslim, North African or Turkish heritage who were interviewed for this report expressed concern about what they perceived as racial or ethnic profiling by the police.

[31] Human Rights Watch interviews with Cedric Smeets, a superintendent in the counterterrorism unit of the Belgian federal police, Molenbeek, May 28, 2016, and three Muslim police inspectors of North African heritage: Hamid A. and "Khalid," Brussels, June 7, 2016; and "Mehdi," Belgium (exact location withheld), July 1, 2016. Smeets said profiling was a "problem" but not endemic; the three Muslim police inspectors said they considered profiling to be systemic.

[32] "'Attack' Commission: Why was the Report on Abdeslam Side-Lined?" ("Commission 'attentats': pourquoi le rapport sur Abdeslam a-t-il été mis de côté?") *RTBF*, June 22, 2016, http://www.rtbf.be/info/dossier/attaques-terroristes-a-paris/detail_commission-attentats-pourquoi-le-rapport-sur-abdeslam-a-t-il-ete-mis-de-cote?id=9333589. Human Rights Watch interviewed the police inspector, Hamid A., in Brussels on June 7, 2016. Hamid A. has filed a lawsuit and a complaint with the Comité P, a panel that oversees police conduct, against the police chief. See "Salah Abdeslam's Safehouse: a Mechelin Inspector Files a Complaint against his Superiors ("Planque de Salah Abdeslam: un inspecteur de Malines dépose plainte contre ses supérieurs"), *La Libre,* June 6, 2016, http://www.lalibre.be/actu/belgique/planque-de-salah-abdeslam-un-inspecteur-de-malines-depose-plainte-contre-ses-superieurs-5755272635702a22d8126156. "Khalid," a second Muslim police investigator interviewed by Human Rights Watch on June 7, 2016, said that the Mechelen police chief had also blocked a report he had filed in December 2015, with a related tip about Abdeslam's possible whereabouts. Khalid similarly accused the police chief of doing so because of bias against Muslims.

[33] Elise Vincent, "November Attacks: What Salah Abdeslam Told the Investigators During His Two-Hour Hearing" ("Attentats de novembre: ce que Salah Abdeslam a dit aux enquêteurs lors de ses deux heures d'audition"), *Le Monde,* March 27, 2016, http://www.lemonde.fr/attaques-a-paris/article/2016/03/25/ce-que-salah-abdeslam-a-dit-aux-enqueteurs-lors-de-ses-2-heures-d-audition_4890001_4809495.html. Vivienne Walt, "Belgium's Security Failures Made the Brussels Attacks All but Inevitable," *Time,* March 23, 2016, http://time.com/4269505/brussels-attacks-security-failure-belgium/.

[34] "Mechelen Police Chief: 'Mistakes Made in the Corps'" ("Korpschef Mechelen: 'Fouten gemaakt binnen het korps,'") *HLN.be*, March 25, 2016, http://www.hln.be/hln/nl/36484/Aanslagen-Brussel/article/detail/2657653/2016/03/25/Korpschef-Mechelen-Fouten-gemaakt-binnen-het-korps.dhtml; Joris van der Aa, "Why the Mechelen Police Chief Blocked Important Information about Terrorist Salah Abdeslam" ("Waarom de Mechelse korpschef belangrijke informatie over terrorist Salah Abdeslam tegenhield"), *Gazet van Antwerpen*, May 15, 2016, http://www.gva.be/cnt/dmf20160515_02290151/waarom-de-mechelse-korpschef-belangrijke-informatie-over-terrorist-salah-abdeslam-tegenhield.

Concerns about racist or anti-immigrant attitudes within Belgian law enforcement arose during a United Nations Human Rights Council examination in 2016 of Belgium's human rights record—a process known as a Universal Periodic Review (UPR).[35] In a written response, Belgium agreed to adopt a national action plan against racism, xenophobia and intolerance, and said it has conducted an evaluation on ethnic profiling within the police organization.[36] "Racism, discrimination and incitement to racial or religious hatred are prohibited in Belgium and punished accordingly," it said.[37]

In a written response to Human Rights Watch's summary of the research findings in this report, the Belgian federal government wrote that "ethnic/religious diversity within the police force has indeed been identified by a number of observers as a key challenge" since the March 22 attacks. The statement said government initiatives to address this challenge include a pilot project in Antwerp to recruit youths from minority backgrounds into the police forces.[38] Respect for diversity is a "key axis" of increased human rights training for the police forces, and is also a focus of broader counterterrorism campaigns including religious dialogue, the government said.[39]

---

[35] United Nations Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Belgium* ("Universal Periodic Review"), A/HRC/32/8, April 11, 2016, http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session32/Pages/ListReports.aspx, paras. 30, 32, 138.74, 139.8, 139.9, 139.10, 140.25, 141.14, 141.16. See also "Punching Below Its Weight: Laws and Practices Provide Inadequate Human Rights Protection – Amnesty International Submission to the UN Universal Periodic Review, January-February 2016," Amnesty International news release, October 6, 2015, https://www.amnesty.org/en/documents/eur14/2497/2015/en/.

[36] United Nations Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Belgium, Addendum 1 ("*Universal Periodic Review, Addendum 1"), A/HRC/32/8/Add.1, June 1, 2016, http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session32/Pages/ListReports.aspx, paras. 3-5, 8.

[37] Ibid., para. 23.

[38] Consolidated response to Human Rights Watch from Belgian Ministries of Foreign Affairs, Justice, Interior, and Defense, and the Federal Police ("Consolidated Government Response"), October 10, 2016. On the Antwerp project, see Alan Hope, "Antwerp to Recruit its own Police Force," *Flanders Today,* October 16, 2015, http://www.flanderstoday.eu/current-affairs/antwerp-recruit-its-own-police-force.

[39] Ibid., as well as Human Rights Watch email correspondence with Anne Laure Mouligneaux, June 23, 2016.

II. Problematic Laws and Policies

The Belgian government has carried out an array of counterterrorism measures in response to attacks in France and Belgium since 2015. This chapter highlights four areas of concern: the prolonged solitary confinement of all prisoners charged or convicted in terrorism-related cases; the prolonged deployment of soldiers in the streets; new counterterrorism laws containing overly broad language that could disproportionately restrict rights including freedom of movement, privacy, liberty, and expression; and the suspensions of Muslim employees from high-security work sites.

In its statement to Human Rights Watch, the government said its laws and measures were grounded in human rights and rule of law. "Belgium is an open and democratic society with human rights and fundamental freedoms at its core," it said. "We remain firmly resolved to protect those values in our response to terrorism."[40]

Prolonged Solitary Confinement

In April 2015, in an effort to prevent violent radicalization in prisons, the director general of Belgium's penitentiary system, Hans Meurisse, issued a directive to place all detainees suspected or convicted of terrorism-related acts in isolation for up to 23 hours per day.[41]

The directive also retroactively extended the isolation regime, called the Special Individual Security Regime (RSPI), and its accompanying Special Individual Security Measures (MSPI), to prisoners detained on terrorism-related charges since January 1, 2015.

The directive requires each detainee's conditions of isolation to be reviewed every two months by the prison director and a member of the prison's psycho-social services. A pre-existing law permits a lawyer to attend the hearings to represent the detainee.

---

[40] Consolidated Government Response, October 10, 2016.

[41] General Directorate of Penitentiary Institutions, Instructions Regarding Extremism, April 2, 2015. Copy on file with Human Rights Watch.

"We insist on the fact that 'good behavior' or 'absence of a disciplinary incident' cannot in any case be the exclusive criteria to decide to lift the MSPI/RSPI," says a follow-up, internal directive that Meurisse issued in April 2016.

In the April 2016 directive, Meurisse also ordered the transfer of "'terro' detainees" considered to present the greatest risk of violent radicalization to special wings in two prisons, Ittre and Hasselt.[42] Those prisoners are in a program called "D-Rad:ex" (for deradicalization) where they are allowed to mingle with other "terro" detainees in their wings for at least an hour or two a day, a spokeswoman for the prison system told Human Rights Watch.[43] However, the April 2016 directive also reduces the prison system's review of prisoners in D-Rad:ex to every three months, with no participation from the detainee's lawyer.

At time of writing, approximately 35 "terro" prisoners were in the isolation regime, another 18 were in the D-Rad:ex regime at Ittre and Hasselt, and 2 others were being transferred into D-Rad:ex, a spokeswoman for the prison system told Human Rights Watch.

Human Rights Watch recognizes that prisons can be centers for violent radicalization and acknowledges the challenges this poses to governments. One of the Paris attack planners—later killed in a police raid—met Salah Abdeslam, a key suspect in the Paris attacks, in a Belgian prison. Abdeslam's brother, who blew himself up in the Paris attacks, as well as two of the suicide bombers in the Brussels attacks, also served time.[44]

Nevertheless based on years of analysis and research, Human Rights Watch opposes indefinite or prolonged solitary confinement as a violation of the prohibition against cruel, inhuman and degrading treatment, and believes the practice may amount to torture.[45] The

---

[42] General Directorate of Penitentiary Institutions, Instructions Regarding Extremism, April 2016. Copy on file with Human Rights Watch.

[43] Human Rights Watch email communication and telephone interviews with Kathleen Van de Vijver, spokeswoman for the Belgian prison system, October 10-11, 2016.

[44] Steven Mufson, "How Belgian Prisons Became a Breeding Ground for Islamic Extremism," *Washington Post,* March 27, 2016, https://www.washingtonpost.com/world/europe/how-belgian-prisons-became-a-breeding-ground-for-islamic-extremism/2016/03/27/ac437fd8-f39b-11e5-a2a3-d4e9697917d1_story.html?hpid=hp_no-name_brusselsprisons750p_2%3Ahomepage%2Fstory.

[45] "US: Look Critically at Widespread Use of Solitary Confinement," Human Rights Watch news release, June 18, 2012, https://www.hrw.org/news/2012/06/18/us-look-critically-widespread-use-solitary-confinement. Torture and other inhuman or degrading treatment are prohibited under Article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR

UN special rapporteur on torture Juan Mendez has called for a ban on indefinite or prolonged solitary confinement, which he defined as a period exceeding 15 days, saying it amounts to torture or cruel, inhuman, and degrading treatment prohibited under international treaties including the European Convention on Human Rights (ECHR).[46]

The Belgian prison system spokeswoman, Kathleen Van De Vijver, told Human Rights Watch that not all prisoners in the MSPI/RSPI regime were isolated for 23 hours per day, although she could not provide figures. She said all prisoners in the isolation regime were allowed visits with immediate family at least three times weekly—though usually through a glass partition for at least the first few months—and two hours of sports a week.[47]

The prison authorities had implemented measures to ensure that the isolation was not harmful, including regular reviews and visits from doctors and psychiatrists, who could submit recommendations for changes in treatment, Van De Vijver said. "If the doctor or the psychiatrist says it is not good for [a prisoner's] mental health to remain in isolation, we always reduce it," she said.

In two of three cases of prisoners subjected to "MSPI/RSPI" that Human Rights Watch examined, however, the prison authorities continued nearly all harsh isolation provisions even after prison psychiatrists recommended psychiatric monitoring, and after family members and lawyers notified authorities of deteriorations in the detainees' mental health—including suicide attempts by one detainee.[48]

The two prisoners' conditions of confinement included eating alone, bathing alone, and having one hour per day outdoors in a tiny courtyard, also alone, their family members and lawyers said. For the first few months, the prisoners were barred from physical contact with visiting family members by a glass partition. The prisoners were offered no organized

---

Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx.

[46] "Solitary Confinement Should be Banned in Most Cases, UN Expert Says," *UN News Centre*, October 18, 2011, http://www.un.org/apps/news/story.asp?NewsID=40097#.V7dflSgrKUm.

[47] Human Rights Watch email communication and telephone interviews with Kathleen Van de Vijver, October 10-11, 2016.

[48] Human Rights Watch interviews with lawyers for the three detainees, as well as relatives of two of the three detainees, Brussels, May-June 2016. Human Rights Watch also examined legal documents related to the prisoners' solitary confinement.

activities. Every night on the hour, guards disrupted the prisoners' sleep when they checked on them by shining lights on them through the slot in the cell door.

'Talking to Walls'

"Ahmed," a 26-year-old detainee, was placed in solitary confinement for eight months at St. Gilles Prison in Brussels following his arrest in July 2015, despite reports presented in court from his lawyer that he was "suicidal."

Within a few months of his solitary confinement, "He lost an enormous amount of weight. There were circles under his eyes … he was incoherent," Ahmed's fiancée told Human Rights Watch. "I was shocked."[49]

Bimonthly reports from a prison psychiatrist noted progressive deterioration in Ahmed's mental state and recommended that he receive psychological monitoring. However as of February 2016, Ahmed had received no psychological care, and the prison doctor checking Ahmed's condition only spoke with and examined him through the slot in the cell doorway, according to his attorney Nicolas Cohen, co-president of the Belgium chapter of International Prison Watch.[50]

A report from a prison psychiatrist in February said Ahmed had "no sense of night and day" and that the prisoner was calling his isolation "hell." In April, the psychiatrist said Ahmed described "talking to walls, cupboards" and expressed a "wish to die." The psychiatrist said the isolation regime was "poorly tolerated and must be adapted."[51] Cohen said prison authorities then transferred Ahmed to Arlon Prison in southeast Belgium, where he found the treatment less harsh, but only lifted the isolation conditions two months later.

Ahmed was among a ring of 10 people charged with attempted violent theft for trying to steal money from a drug trafficker on behalf of a recruiter sending youths to Syria. But only one of the ten accused, who is not Ahmed, was charged with terrorism, Cohen said.

---

[49] Human Rights Watch telephone interview with the fiancée of "Ahmed," Brussels, June 10, 2016.

[50] Human Rights Watch interview with attorney Nicolas Cohen, Brussels, May 24, 2016.

[51] Copy of the report on file with Human Rights Watch.

Attempted Suicide

Another detainee, "Mohamed," spent 10 months in isolation at Namur prison, south of Brussels, after he was detained in February 2015 and convicted the following December of assisting departures of Belgians to Syria. After Mohamed tried three times to slit his wrists, the prison authorities put Mohamed on psychiatric watch but continued the isolation regime, his lawyer and two family members told Human Rights Watch.[52]

"Every time we see him his situation is worse," said Mohamed's daughter, "Yasmine." Mohamed's lawyer Delphine Paci, also a co-president of International Prison Watch, said that after Mohamed's third month in isolation, she successfully petitioned for him to be able to take his daily recreational hour outdoors with a small number of other prisoners. However, Mohamed soon stopped going because the prison staff scheduled his shift at a time when most of the other prisoners in the tiny courtyard were men convicted of pedophilia, she said. Paci said the prison authorities lifted the isolation regime on the eve of an appeals court hearing on Mohamed's conditions of confinement.

Prisoners can challenge solitary confinement and other conditions of detention in a district court, but Cohen said just getting a hearing can take two months and the judges are not detention specialists. Paci and Cohen noted that a provision in a 2005 Belgian detention law to establish a special procedure to improve prisoners' ability to challenge conditions of detention has still not been implemented.[53] In 2012 and again in March 2016, the Council of Europe's committee against torture faulted the Belgian authorities for failing to implement the special procedure and other provisions of the law, calling for their promulgation "without delay."[54] The Committee also urged Belgium to promptly ratify the United Nations Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment, which establishes an international inspection system for places of detention.[55]

---

[52] Human Rights Watch interviews with Delphine Paci, defense attorney, and the wife and daughter of "Mohamed," June 6, 2016.

[53] Law on Principles of Prison Administration and Prisoners' Legal Status (Loi de principes du 12 janvier 2005 concernant l'administration pénitentiaire ainsi que le statut juridique des détenus) ("Dupont Act"), January 12, 2005, http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2005011239&table_name=loi, arts. 147-166.

[54] Council of Europe, "Report to the Government of Belgium Relative to the Visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from September 24 to October 4, 2013" (Rapport au Gouvernement de la Belgique relatif à la visite effectuée en Belgique par le CPT du 24 septembre au 4 octobre 2013), March 31, 2016, http://www.cpt.coe.int/documents/bel/2016-13-inf-fra.pdf, para 57.

[55] Ibid., para. 6. Belgium signed the optional protocol in 2005 but has yet to ratify it.

Military in the Streets

On January 15, 2015, when the Belgium government raised the national threat warning to Level 3, it also deployed 150 soldiers to guard sites including government buildings, embassies, and Jewish institutions in the cities of Brussels and Antwerp.[56] The measure marked the first domestic deployment of soldiers in Belgium since a series of armed attacks by a group calling itself the Combatant Communist Cells in the 1980s.

Following the Paris attacks of November 13, 2015 the ministries of defense and interior expanded the troop deployment to all major Belgian cities, dispatching more than 1,800 soldiers to guard streets, metros, government buildings, embassies and other important installations. The troop deployment had continued for 21 months at time of writing.[57]

The government called the deployment a "temporary measure."[58] The soldiers operate under the supervision of the police and are tasked with providing security for police operations. They are authorized to take action only to defend themselves or others from an imminent threat, and must otherwise carry out activities under the supervision of the police, a spokeswoman for the minister of the interior told Human Rights Watch.[59] The government reviews the soldiers' mandate every two months.

The deployment of armed forces in response to security threats is not in itself a concern and may well be justified and proportionate. However, extended military deployment in a civilian policing context is undesirable. Belgium's peacekeeping experience abroad does not alleviate this concern.[60] In armed conflict the goal of soldiers is to neutralize an enemy force through means including lethal force. The police, in contrast, are required to restrict

---

[56] Gabriele Steinhauser, "Belgium Deploys Military in Cities after Terror Raids," *Wall Street Journal*, January 17, 2015, http://www.marketwatch.com/story/belgium-deploys-soldiers-in-cities-after-terror-raids-2015-01-17.

[57] "Defense Support of the Integrated Police with the Aim of Ensuring Surveillance Missions" ("Appui de la Défense à la police intégrée en vue d'assurer des missions de surveillance"), joint statement from Belgian ministries of Interior and Defense, August 28, 2016, http://www.belga.be/fr/press-release/details-56533/?langpr=FR.

[58] Consolidated Government Response, October 10, 2016.

[59] Human Rights Watch email correspondence with Anne Laure Mouligneaux, June 23, 2016.

[60] For a list of Belgium forces' peacekeeping operations, see Kingdom of Belgium, Foreign Affairs, Peace Operations, http://diplomatie.belgium.be/en/policy/policy_areas/peace_and_security/peace_operations.

use of force to the minimal amount necessary to keep order, and to take human life only as a last resort.[61]

Belgian media and human rights activists have reported alleged incidents regarding the soldiers but no pattern of abuse.[62] Human Rights Watch gathered information on three alleged cases of verbal or physical abuse. Two cases involved young men who in separate incidents accused soldiers of verbally abusing them because they looked North African. One, "Brahim," a 22-year-old student and Belgian citizen, said that when one of three soldiers guarding a Brussels metro station saw him staring at the troops' assault rifles in March, the soldier began harshly questioning him and making disparaging comments such as, "This is not your country."[63]

Anne Laure Mouligneaux, a spokeswoman for Interior Minister Jan Jambon, said that the troops "are doing a very good job."[64] In its statement to Human Rights Watch, the government said the police had not forwarded any complaints regarding the conduct of soldiers to prosecutors for investigation but did not say how many complaints had been received. The statement said soldiers receive training before their deployment on interaction with civilians, limits on the use of force in civilian settings, and other rules of conduct.[65]

The federal government has proposed replacing the military patrols with a special police surveillance and protection unit that would guard high-security sites—a process that reportedly could take more than two years. The unit's members would mostly be retired soldiers.[66] Any force involving retired soldiers should undergo extensive training on law enforcement in civilian settings.

---

[61] United Nations Human Rights Office of the High Commissioner, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted August 27 to September 7, 1990, http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx.

[62] Odile Leherte, "Military on the Streets: Complaints Filed for Abuse of Authority" ("Militaires en rue: des plaintes déposées pour abus d'autorité"), *RTBF*, June 1, 2016, https://www.rtbf.be/info/societe/detail_militaires-en-rue-des-plaintes-deposees-pour-abus-d-autorite?id=9313421. Ten local and national human rights defenders in Brussels told Human Rights Watch they had received complaints from ethnic and religious minorities about the soldiers' conduct, particularly in the immediate aftermath of the Paris and Brussels attacks.

[63] Human Rights Watch interview with "Brahim," Brussels, March 25, 2016.

[64] Human Rights Watch email correspondence with Anne Laure Mouligneaux, June 23, 2016.

[65] Consolidated Government Response, October 10, 2016.

[66] "The Military in Our Streets Could be Converted into Police" ("Les militaires dans nos rues pourraient être reconvertis en policiers"), *RTL Belgium*, August 30, 2016, http://www.rtl.be/info/belgique/societe/les-militaires-dans-nos-rues-pourraient-etre-reconvertis-en-policiers-846914.aspx.

In France, members of a commission of inquiry into the Paris attacks questioned whether the deployment of 6,000 to 7,000 soldiers to protect sensitive sites improved security.[67]

Counterterrorism Laws and Measures

Since the *Charlie Hebdo* attacks, Belgian Prime Minister Charles Michel has proposed 30 new federal counterterrorism laws and regulations—12 measures in January 2015 and 18 measures the following November.[68] This section examines six measures of concern that the Belgian federal government had adopted at time of writing, as well as two proposed measures. The government did not carry out an evaluation of whether the measures comply with international human rights standards.[69]

In its reply to Human Rights Watch, the government said the laws were consistent with its human rights obligations. "It remains our profound belief that challenges as daunting as international terror can be handled within the framework of a democratic society without having recourse to emergency rule or other measures which shrink the space of civil liberties and individual rights and freedoms," it said.[70]

Citizenship Stripping

In July 2015, Belgium approved the Law Aimed at Strengthening the Struggle Against Terrorism, which allows the authorities to strip citizenship from naturalized dual nationals who have been sentenced to five or more years in prison for a terrorism-related offense.[71] The measure applies only to dual citizens in order to avoid rendering stateless those who lose Belgian nationality. Under international law no one can be arbitrarily deprived of his or her nationality, and states should ensure that individuals are not rendered stateless by

---

[67] "Paris Attacks: Call to Overhaul French Intelligence Services," *BBC News*, July 5, 2016, http://www.bbc.com/news/world-europe-36711604.

[68] "Fight Against Terrorism–Measures Taken by the Federal Government," plenary session of the Chamber, November 19, 2015, http://www.premier.be/sites/default/files/articles/Measures_EN_19112015.pdf. "Belgium Outlines 12-Step Plan to 'Combat Terrorism,'" *Al Jazeera*, January 16, 2015, http://america.aljazeera.com/articles/2015/1/16/belgian-governmentplans12stepantiterrorplan.html.

[69] Amnesty International, "Belgium 2015/2016 Annual Report," https://www.amnesty.org/en/countries/europe-and-central-asia/belgium/report-belgium/.

[70] Consolidated Government Response, October 10, 2016.

[71] Code of Belgian Nationality (Code de la nationalité belge), No. 65 of 1984, http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=1984062835&table_name=loi, art. 23/2; as introduced under the Law to Strengthen the Fight against Terrorism (Loi visant à renforcer la lutte contre le terrorisme), No. 9385 of 2015, http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&table_name=loi&cn=2015072008, art. 7.

any measures that can deprive an individual of nationality.[72] However, given the higher rates of dual nationality among Belgians of North African heritage than those of European heritage, Human Rights Watch is concerned that the measure will create at a minimum the appearance of a tier of "second-class" citizens based on their ethnicity and religion.

Citizenship can only be removed upon the authorization of a judge, who may waive revocation for circumstances including effective statelessness and harm to family life. As of October, Belgium had not used the law to revoke citizenship of terrorism-related offenders although three cases were pending.[73]

Banishment of apprehended suspects against whom the authorities have credible evidence could result in their transfer to governments who may not prosecute them or, upon conviction, imprison them for terms incommensurate to those under Belgian law. Expelling the individual to a country where he or she faces torture or ill-treatment is a violation of international law, and not permitted in any circumstance.[74]

Travel with "Intent"

The same July 2015 law amended the penal code to criminalize the act of leaving or entering the country with "terrorist intent," without defining the term. Human Rights Watch is concerned that this vague definition could unjustifiably restrict freedom of movement, expression and association by targeting individuals who travel to countries with an extremist armed presence but who do not intend to engage in terrorist acts.

---

[72] The right to a nationality, which must not be deprived arbitrarily, is enshrined in several human rights instruments including the Universal Declaration of Human Rights, adopted December 10, 1948, G.A. Res. 217A, entered into force December 16, 1948, http://www.un.org/en/universal-declaration-human-rights/, art. 15.

[73] Consolidated Government Response, October 10, 2016.

[74] The ICCPR, for example, provides in Article 7 that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." The Human Rights Committee has interpreted the Convention's torture prohibition to include the "*nonrefoulement*" obligation, writing that: "States parties must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or *"refoulement*." See Human Rights Committee, General Comment No. 20, art. 7, Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 30 (1994), http://hrlibrary.umn.edu/gencomm/hrcom20.htm. The Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment expressly prohibits the transfer of a person to a country where he or she would be at risk of torture; See, the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Adopted December 10, 1984, G.A. Res. 39/46, entered into force June 26, 1987, http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx, art. 3.

The government said only one person had been charged under the amendment as of October, and that charges against any suspect would always require evidence of material elements.[75] Human Rights Watch believes these elements should include clear evidence of intent to commit offenses that are generally accepted as terrorism, for example violent acts against civilians for political, ideological or religious aims.

Passport and ID Suspension

In January 2016, the Belgian government empowered federal authorities including the Interior Ministry to suspend or withhold passports and national identity cards for up to six months from Belgians suspected of intending to travel to Syria or other conflict zones for terrorism-related purposes.

Human Rights Watch is concerned that the lack of judicial review could allow for arbitrary travel bans. No prior judicial review of the evidence—provided primarily by intelligence and security services—is required. The suspensions may be appealed within 60 days before Belgium's Supreme Administrative Court.

As of September 14, the government had suspended 247 passports. Eight of those suspensions had been overturned, whether by an investigating authority such as the police, public prosecutor or Interior Ministry, or by court order upon appeal.[76]

Data Retention

On May 29, the federal Parliament enacted a sweeping metadata retention law that raises concerns over violations of the right to privacy.[77] The Law Relating to the Collection and Retention of Data in the Electronic Sector compels telecommunication companies and operators in Belgium to collect and store the metadata of their customers for 12 months and provide it to government officials upon demand for terrorism-related investigations.[78]

---

[75] Consolidated Government Response, October 10, 2016.

[76] Ibid.

[77] Law of May 28, 2016 on the collection and preservation of data in the electronic communications sector (Loi du 29 mai 2016 relatif à la collecte et à la conservation des données dans le secteur des communications électroniques), No. 9288 of 2016, http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&table_name=loi&cn=2016052903, art. 126.4.6.

[78] The law requires data retention of 6 to 9 months for investigations not related to terrorism.

The data to be retained includes subscriber information, location data, and the email addresses and telephone numbers that customers have used in communications.

The law permits the metadata to be accessed during criminal investigations not only by the judiciary, but also in some cases by Belgium's secret services and police—a potentially overbroad spectrum—without prior judicial approval. It does not exempt the metadata of lawyers, doctors and journalists, despite the potential for violation of the confidentiality of clients, patients or sources. As Manuel Lambert, legal advisor to the Francophone chapter of Belgium's League of Human Rights asked, "Will a whistleblower contact a journalist if he knows that his call is traced?"[79]

Although metadata does not reveal the contents of an individual's communications, the information can be highly revealing of intimate details of activity, contacts, and even movements. It also can contribute to profiling of individuals, especially when it is collected in bulk. Unchecked government access to users' metadata and browsing history not only violates the right to privacy, but can harm a range of other rights like freedom of expression or association, or the right to health.

The new law replaces a data retention law that Belgium had enacted in 2013 to comply with a now-defunct directive from the European Union (EU). The EU issued that directive in 2006 but the European Court of Justice, the EU's highest court, annulled it in 2014, saying it "interferes in a particularly serious manner with the fundamental rights to respect for private life and to the protection of personal data."[80] Following the reasoning of the European Court of Justice, Belgium's Constitutional Court in 2015 annulled the federal 2013 metadata law, saying it disproportionately limited the right to privacy that is guaranteed under Article 22 of the Belgian Constitution.[81]

---

[79] Human Rights Watch email correspondence with Manuel Lambert, legal advisor to the Francophone chapter of Belgium's League of Human Rights, August 9, 2016.

[80] Judgment of the Court (Grand Chamber) of April 8, 2014 in the joined cases of C-293/12 and C-594/12, European Court of Justice (Arrêt de la cour [grande chambre]) du 8 avril 2014 dans les affaires jointes C-293/12 et C-594/12, Cour de justice de l'Union européenne), http://curia.europa.eu/juris/document/document.jsf?text=&docid=150642&pageIndex=0& doclang=EN&mode=lst&dir=&occ=first&part=1&cid=167431.

[81] Constitutional Court (Cour constitutionelle), judgment of June 11, 2015, no. 84/2015, http://www.const-court.be/public/f/2015/2015-084f.pdf.

The new law adopts recommendations of the two court rulings to "limit as much as possible the risk of intrusions on human rights," the government said.[82] For example the law specifies which government bodies can access the data and for what purposes, and requires service providers to destroy metadata at the end of mandated retention periods. Human Rights Watch considers these amendments insufficient.

The League of Human Rights has said it will ask the Constitutional Court to annul the 2016 law, arguing that it is substantively identical to the 2013 law it replaces and does not comply with the decisions of the Constitutional Court and the European Court of Justice.[83]

Expanded Pre-Trial Detention for Terrorism Suspects

On August 3, three weeks after an attack killed 84 people Nice and less than two weeks after a string of deadly attacks in Germany, Belgium's federal Parliament with scant debate passed a counterterrorism law that reduces the evidentiary requirements for placing suspects in pre-trial detention for terrorism-related offenses.[84] The measure raises concerns of disproportionate restrictions on liberty.

Belgium's preventive detention law of 1990 provides that an investigating judge may order the pre-trial detention of a suspect in cases of "absolute necessity for public security." For the most serious crimes, carrying prison terms of 15 or more years, that is the only requirement, giving judges broad latitude. For crimes carrying prison terms of up to 15 years however, the 1990 preventive detention law also requires that "there exist serious reasons to fear that the accused, if he were placed in liberty, would newly commit crimes or misdemeanors [or] evade justice."

The counterterrorism law of August 3 allows judges to dispense with that requirement for suspects charged with terrorism-related crimes of 5 or more years.[85] That is, the judge no

---

[82] Consolidated Government Response, October 10, 2016.

[83] Human Rights Watch email correspondence with Manuel Lambert, August 9, 2016.

[84] Law of August 3, 2016 Containing Various Provisions in the Fight against Terrorism (III) ("Loi du 3 août 2016 portant des dispositions diverses en matière de lutte contre le terrorisme (III)"), No. 9405 of 2016, http://www.etaamb.be/fr/loi-du-03-aout-2016_n2016009405.html, art. 6.

[85] Law Relating to Preventive Detention of July 20, 1990 (Loi du 20 Juillet relative à la détention préventive), No. 99963 of 1990, art. 16, para. 4, as modified by the Law of August 3, 2016, Containing Various Provisions in the Fight against Terrorism (III) http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=1990072035&table_name=loi., art. 6.

longer has to consider whether there exist "serious reasons to fear" that the accused will commit new offenses or evade justice.

International law provides that pre-trial detention "shall not be the general rule" but rather that release may be subject to guarantees to appear for trial and other proceedings.[86] The European Court of Human Rights has made clear that to justify pretrial detention a court needs evidence of specific facts and personal circumstances relevant to the accused, and cannot rely on "general and abstract" reasons for ordering detention.[87]

Overbroad Definition of Incitement to Terrorism

A second provision in the same counterterrorism law of August 3 modifies Belgium's Penal Code to criminalize indirect as well as direct incitement to terrorism. That modification provides for prison sentences of 5 to 10 years for "any person who spreads a message or otherwise makes it available to the public, with the intention of *directly or indirectly* [emphasis added] inciting the commission" of a terrorist act, by people traveling to or from Belgium with the intent of committing terrorism.[88] The amendment also removes the requirement that the dissemination of the message actually creates a risk that a terrorist act will be committed.

The ECHR guarantees the right to freedom of expression and information, subject to certain restrictions including the interests of national security and public safety.[89] The European Court of Human Rights has held that certain restrictions on messages that might constitute an indirect incitement to violent terrorist offences are in keeping with the ECHR.[90] However

---

[86] ICCPR, art. 9. The European Convention on Human Rights (ECHR), in Article 5, allows the lawful detention of a person provided there is reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done; see, the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), signed November 4, 1950, entered into force September 3, 1953, http://www.echr.coe.int/Documents/Convention_ENG.pdf.

[87] See, for example, *Clooth v. Belgium*, Judgment of December 12, 1991, at para. 44; and *Smirnova v. Russia,* judgment of July 24, 2003, at para. 63.

[88] Belgian Penal Code (Code Pénal), No. 1867-06-08/01, art. 14, http://www.ejustice.just.fgov.be/cgi_loi/loi_a1.pl?language=fr&caller=list&cn=1867060801&la=f&fromtab=loi&tri=dd+as+rank, as modified by the Law of August 3, 2016 Containing Various Provisions in the Fight against Terrorism (III), art. 2.

[89] ECHR, art. 10. Article 15 provides for possible derogations in time of emergency. The ICCPR, in articles 19 and 4, similarly upholds freedom of expression and allows proportionate derogations for protection of national security or of public order, or in times of emergency.

[90] European Court of Human Rights, *Hogefeld v. Germany,* judgment of January 20, 2000, no. 35402/97, http://echr.ketse.com/doc/35402.97-en-20000120/.

European standards require that for incitement to be a criminal offence there should be a judicial finding of a real danger the act might in practice be committed.[91]

Proposed Expansions of Detention Powers

Human Rights Watch is also concerned by Prime Minister Michel's proposals that would expand detention for suspects not charged with a crime. Any such measures must be accompanied by appropriate safeguards against disproportionate restrictions on liberty and freedom of movement.

One measure under consideration by the federal Parliament would triple the maximum period that police can detain suspects without charge (*garde à vue*), from 24 to 72 hours, in terrorism-related cases.[92] The proposal would also double pre-charge detention to 48 hours for suspects in cases not related to terrorism. A 48-hour pre-charge detention period—generally no more—is permissible under international law provided a suspect has access to a lawyer.[93] Belgium's Salduz Law allows a judge to prolong pre-charge detention for an additional 24 hours, for a total period of 48 hours, under certain conditions.[94]

The Salduz Law guarantees suspects access to counsel during pre-charge detention.[95] But contact with a lawyer does not have to take place until just before the start of a police interrogation, meaning that under the proposed law a suspect could remain without

---

[91] Council of Europe, "Explanatory Report to the Council of Europe Convention on the Prevention of Terrorism," Warsaw, May 16, 2005, No. 196, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/196.

[92] "The majority introduces texts on the extension of garde à vue" ("La majorité dépose ses textes sur l'allongement du délai de garde à vue"), *La Libre,* September 20, 2016, http://www.lalibre.be/actu/politique-belge/la-majorite-depose-ses-textes-sur-l-allongement-du-delai-de-garde-a-vue-57e16485cd70410bc88ea1e5. Parliament would need to amend the Constitution (art. 12, para. 3) to change pre-charge detention periods; which requires a two-thirds parliamentary majority.

[93] Article 9(3) of the ICCPR states that anyone arrested or detained for a criminal offense "shall be brought promptly" before a judge or other officer authorized by law to exercise judicial power. The UN Human Rights Committee has said any delay longer than 48 hours "must remain absolutely exceptional and be justified under the circumstances." See UN Human Rights Committee, General Comment 35, December 16, 2014, http://tbinternet.ohchr.org/_layouts/treatybody external/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=11, art. 9, para. 33.

[94] Law of August 13, 2011 ("Salduz Law") amending the Code of Criminal Procedure and the Law Relating to Preventive Detention (Loi du 13 août 2011 modifiant le Code d'instruction criminelle et la loi du 20 juillet 1990 relative à la détention préventive), No. 9606 of 2011, http://www.ejustice.just.fgov.be/cgi_loi/loi_a1.pl?sql=(text%20contains%20(%27%27))&language=fr&rech=1&tri=dd%20AS%20RANK&value=&table_name=loi&F=&cn=2011081313&caller=image_a1&fromtab=loi&la=F. Belgium enacted the Salduz Law to comply with the Salduz judgment of 2008 from the ECHR, which stated that the accused have the right to counsel at the initial stages of police interrogation as part of the rights to a fair trial guaranteed under Article 6 of the ECHR, September 3, 1953, 213 U.N.T.S. 222.

[95] Code of Criminal Procedure, art. 47bis, §2, para. 4; and Law on Preventive Detention, art. 16, §2, para. 2, as amended by the Salduz Law.

counsel for almost three days. At a minimum, the right to counsel needs to be guaranteed should Belgium extend the maximum pre-charge detention period.[96]

Of about 30 suspects arrested in Belgium in the immediate aftermath of the November 13 attacks in Paris, the police requested and received a 24-hour extension of *garde à vue* for just one, said Lambert of the Human Rights League.[97] Moreover, an assessment of the Salduz Law indicates that in 2012—the only year for which data was available—the police sought a second, 24-hour extension of pre-charge detention in only 1 percent of cases.[98]

Prime Minister Michel has also proposed measures to detain travelers whom the authorities determine were fighters abroad with groups such as ISIS upon their return to Belgium, and to place electronic monitoring anklets on suspects on threat watch lists. The proposal does not detail any process for such measures apart from noting that imposition of electronic monitors would involve a hearing.[99] Any restrictions of this kind on suspects who have not been charged with a criminal offense would raise concerns about restrictions of freedom of movement. Such measures should be applied only in exceptional circumstances, for the shortest time possible, upon approval by a judge following scrutiny of the evidence against the targeted individual.

Blocking Security Passes

Human Rights Watch gathered information regarding four Muslim employees who lost their security clearance and were suspended without pay from their jobs in the aftermath of the Paris or Brussels attacks. An appeals panel for Belgium's National Security Authority (NSA) in October restored the security clearance of two of the employees, but at time of writing they had yet to receive back wages.

These employees worked in restricted areas of maximum-security sites such as airports, nuclear power plants and chemical industries that justify scrutiny of employees. But the

---

[96] Articles 1 and 2 of the Law on Preventive Detention bar deprivation of liberty for more than 24 hours unless a judge issues a warrant. Article 15bis allows a judge to extend that period for an additional 24 hours in special circumstances.

[97] Human Rights Watch interview with Manuel Lambert, June 2, 2016.

[98] Belgian Criminal Policy Service, *Evaluation of the Salduz Law (évaluation de la loi Salduz),* February 15, 2013, http://www.dsb-spc.be/doc/pdf/Salduz_rapportfinal_FR.pdf, pp. 43 and 165.

[99] "Fight against Terrorism–Measures Taken by the Federal Government," plenary session of the Chamber, November 19, 2015, http://www.premier.be/sites/default/files/articles/Measures_EN_19112015.pdf, proposals 7 and 8.

way they were suspended raises concerns that they may have been targeted among other employees in similar jobs because they were Muslim, rather than on objective grounds.

The employees lost their security clearance after being accused of "links to a radical environment" by the NSA. But they received no details on the evidence, if any, against them, including whether the alleged "radical" behavior included an element of intended violence, according to Belgian human rights defenders who investigated the cases.[100] None of the four employees at time of writing had been charged with any crime, and all had worked for years at their respective jobs without any previous complaints of misconduct, the human rights defenders said.

Belgium's anti-discrimination agency, Unia, has since the start of 2016 received a number of similar complaints, an Unia official told Human Rights Watch. Unia declined to release the figures until the agency had studied the cases.[101]

Human Rights Watch fully recognizes the need for stringent security at sensitive sites such as those where the four employees worked. However, in assessing security risks government authorities should ensure that they fulfill their international legal obligations to not discriminate against employees on the basis of religion or ethnicity. The government also should ensure that employers do not penalize suspended employees through measures such as withholding pay barring clear evidence of misconduct.

One suspended worker, "Sayyed," told Human Rights Watch that on his first day back to work after the Brussels attacks, guards without explanation blocked his entry, forcing him to return home.[102] In subsequent phone calls, management told him to stay home and await further instructions. A few days later, the company suspended Sayyed without pay, telling him that Belgian security authorities had informed them he was a "security risk." Three months passed before Sayyed received an official government notification that the NSA suspected him of "links to a radical environment," with no further details.

---

[100] Human Rights Watch interviews with six human rights defenders, Brussels, May-June 2016.

[101] Human Rights Watch meeting with an Unia official, Brussels, June 2, 2016, and email correspondence, July 5, 2016.

[102] Human Rights Watch telephone interview with "Sayyed," June 2016.

"I was shocked," Sayyed said. "The fact that I am a practicing Muslim does not make me a radical." Sayyed said he had never before been accused of "radical" activity. In conversations with friends and co-workers, he said, "I have never hidden my aversion to the atrocities committed by any extremist group and I've always opposed their extreme ideologies." Sayyed provided Human Rights Watch with copies of more than a dozen statements from co-workers, neighbors and local organizations in which he was a member, attesting to his good character.

A small number of other employees were also suspended as potential security risks, Sayyed said, and all of them were Muslim.

Sayyed lodged a complaint over his suspension with an NSA appeals body.[103] That process allowed him to review the NSA's file on him. Again, the papers the NSA provided included no details beyond the phrase, "links to a radical environment," he said.

Sayyed was receiving disability payments from the state for depression related to his suspension, but said the sum was less than his regular salary. In October, the NSA appeals body restored the security clearance for Sayyed and another employee at a high-security site. At time of writing it was uncertain whether the employees would receive back wages, or compensation for attorney's fees and damages.

Other suspended workers said they have suffered similar stress, as well as professional isolation and salary loss, according to Hajib El Hajjaji, vice-president of the Collective Against Islamophobia in Belgium, which has been tracking such cases. "For innocent people the psychological impact is enormous," El Hajjaji said, and "with each passing month the financial damage becomes harder and harder to manage."[104]

---

[103] The panel is called the Appeals Body in Matters of Certificates of Authorization and Security Notices (l'Organe de Recours en Matière d'Habilitation d'Attestation et d'Avis de Sécurité).

[104] Human Rights Watch interview with Hajib El Hajjaji, Brussels, May 23, 2016.

III. Allegations of Police Abuse

The Belgian police have carried out several hundred house searches, as well as detentions and stops-and-searches in response to the Paris and Brussels attacks.[105] Human Rights Watch gathered information on 26 incidents in which the Belgian federal and local police appeared to engage in abusive or discriminatory behavior during these operations.

Human Rights Watch obtained the information from victims, their relatives or lawyers, and national and local human rights activists, as well as from documents such as medical records and written complaints that suspects filed with the police or Unia, Belgium's anti-discrimination agency. Most of the accusations involved police misconduct such as verbal and physical threats, slurs against Muslims and Arabs, and brusque treatment. Ten cases involved allegations of excessive force, four of them beatings in police custody.

In the cases that Human Rights Watch examined, all but one of the people targeted were Muslim and all but two were of North African descent. Only one of the suspects was charged with terrorism offenses but in a case of mistaken identity.

Many of those targeted said the abusive behavior had traumatized them, some to the point that they sought psychological counseling. Some said their reputations had been ruined and that their employers had dismissed them upon learning their homes had been raided or that they had been detained. Parents or lawyers in three cases in which young children were present during raids said the children showed signs of distress for weeks or months afterwards, including nightmares or fear when seeing police or hearing noise at their doors.

In the cases Human Rights Watch investigated, state compensation for property damage during police operations varied from one case to another, and often appeared to be insufficient. As detailed later in this chapter, Belgian law allows individuals to seek compensation for disproportionate property damage by the police regardless of fault.

---

[105] Human Rights Watch telephone interview with Eric Van der Sypt, spokesman for the Federal Prosecutor, October 18, 2016. Van der Sypt said the government did not keep a tally of house searches but that the police had carried out "several hundred."

Many targeted individuals, as well as family members, local human rights activists, defense lawyers, and opposition legislators, emphasized to Human Rights Watch that they understood the need for the police to carry out surprise operations as part of efforts to find those responsible for past attacks and prevent attacks in the future. They said they did not necessarily object to the raids, arrests and body searches, which they understood as efforts to keep the country safe, but rather to the way the police had treated them or their family members.

The Belgian government told Human Rights Watch that it was investigating "a number of incidents" of alleged "verbal or physical violence" by the police in the aftermath of the attacks, and that "appropriate sanctions and compensation will be provided" in the case of any wrongdoing. Any police misconduct or abuse is "regrettable," it said, adding: "These are isolated incidents and by no means the result of a deliberate policy."[106]

A spokeswoman for the federal Interior Ministry, which oversees the police, said the police "do a very good job." Because of the heightened threat levels since the attacks, "they have had to carry out many missions and are placed under greater pressure," said the spokeswoman, Anne Laure Mouligneaux.[107]

Françoise Schepmans, the mayor of Molenbeek, also told Human Rights Watch the police "do a good job." The mayor said she took steps to ensure that counterterrorism measures in Molenbeek were not overly broad, for example rejecting Interior Minister Jambon's sweeping proposal to carry out "door-to-door" searches after the Paris attacks.[108] Schepmans said that no complaint of police abuse has been upheld upon investigation since she took office in 2012.

Mouligneaux told Human Rights Watch that the federal government since 2015 has increased training for the police on "strict adherence" to human rights and rule of law in cooperation with Unia, the anti-discrimination agency. Belgium couples this training with a "resolutely holistic approach" to counterterrorism that includes programs to deter youths

---

[106] Consolidated Government Response, October 10, 2016.

[107] Human Rights Watch email correspondence with Anne Laure Mouligneaux, June 23, 2016.

[108] "Jambon: 'I'm going to Clean Molenbeek'" ("Jambon: 'Ik ga Molenbeek opkuisen'"), *Het Nieuwsblad*, November 14, 2015, http://www.nieuwsblad.be/cnt/dmf20151114_01970876.

from violent extremism, ease tensions in communities where operations take place, and promote diversity, a government statement said.[109]

Belgium has agreed to a request from the UN Committee Against Torture and during its UPR to establish an independent human rights institution under the UN's Paris Principles to monitor and report on human rights violations. It said it is unlikely to do so until late 2019, two years later than the Human Rights Council recommended.[110]

Excessive Force in Raids, Arrests, Detentions

Human Rights Watch gathered information on six operations in which the Belgian federal police appear to have used excessive force, often combined with verbal threats, in raids, arrests and detentions since the Paris and Brussels attacks. Four people targeted in those operations said the federal police beat them and a lawyer for a fifth man said that the police also injured his client's infant son. In addition, Human Rights Watch gathered information on six cases from 2013 and 2014 in which police were alleged to have punched, slapped or otherwise injured children.

Human Rights Watch interviewed five of the people alleging abuse and the lawyer in a sixth case. Human Rights Watch cross-checked the allegations with human rights defenders and, where possible, with lawyers, media reports, and government authorities.

United Nations principles on law enforcement restrict police use of force to situations where other methods remain ineffective, and require the police to minimize the risk of endangering uninvolved persons.[111] The principles make no exceptions for terrorism-

---

[109] Consolidated Government Response, October 10, 2016; Human Rights Watch email correspondence with Anne Laure Mouligneaux, June 23, 2016.

[110] Universal Periodic Review, Addendum 1, A/HRC/32/8/Add.1, para 17. The UN Paris Principles state that national human rights institutions should have the responsibility to monitor any situation of violation of human rights which it decides to take up, to advise government bodies, to confer with regional and international organizations, to educate and inform, and in some cases to have quasi-judicial competence. See United Nations Office of the High Commissioner, "Principles relating to the Status of National Institutions (the Paris Principles)," Resolution 48/134, December 20, 1993, http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx.

[111] United Nations Human Rights Office of the High Commissioner, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted August 27 to September 7, 1990, http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx.

related crimes. International law strictly prohibits in all circumstances the subjection of any detainee to torture or to cruel, inhuman or degrading treatment or punishment.[112]

Fayçal Cheffou: Wrong 'Man in Hat'

Fayçal Cheffou, 30, a Belgian freelance journalist and activist, accused the federal police of beating and verbally abusing him after surrounding his car and arresting him on March 24, two days after the Brussels attacks, outside the Palace of Justice in central Brussels. Police arrested Cheffou after mistaking him for the third attacker at the Brussels airport, whom the Belgian media had dubbed "the man in the hat."[113]

Fayçal Cheffou, mistaken for the "man in the hat."
© 2016 Human Rights Watch

The authorities detained Cheffou for five days on charges of participation in a terrorist group, terrorist killings and attempted terrorist killings. Cheffou, a Belgian of Northern African heritage, told Human Rights Watch the ordeal has left him "completely destroyed."[114]

On April 8, Belgian police captured suspect Mohamed Abrini, who reportedly confessed to being the real "man in the hat."[115]

---

[112] ECHR, art.3; ICCPR, art. 7.

[113] "Terrorism: Zaventem Video–Suspect to Identify" ("Terrorisme–Video Zaventem–Suspect à identifier/Verdachte te identificeren"), Belgian Federal Police video clip, YouTube, March 25, 2016, https://www.youtube.com/watch?v=u8nXQwG1wK8.

[114] Human Rights Watch interviews with Fayçal Cheffou, Brussels, May 24-25, 2016, and September 14, 2016.

[115] "Mohamed Abrini Admits to Being 'Man in the Hat' at Brussels Airport," *Guardian*, April 9, 2016, https://www.theguardian.com/world/2016/apr/09/paris-attacks-suspect-mohamed-abrini-charged-with-terrorist-murders. Two months later the police also arrested Abrini's brother on terrorism-related charges; Paul Dallison, "Brother of 'Man in the Hat' Terror Suspect Arrested: Report," *Politico*, http://www.politico.eu/article/brother-of-man-in-the-hat-terror-suspect-arrested-report-ibrahim-abrini/.

In interviews with Human Rights Watch, Cheffou said he later learned that the police had tracked him down after spotting him in security videos of Maelbeek taken several hours after the Brussels attacks, where he was photographing the scene. That day and at the time of his arrest, Cheffou said, he was wearing a cap—of a different color and style of the hat worn during the airport attack by the "man in the hat."[116]

CCTV image from Belgium's Zaventem Airport of the "man in the hat," a prime suspect in the airport bombing. © 2016 Belgian Federal Police

Cheffou said he was already on the police radar because one of his relatives was a fugitive from justice, and because he had in previous years accused Belgian officials of mistreating Muslim asylum seekers and urged Belgian Muslims to "stop the abuses."[117]

Cheffou described a chaotic scene during his arrest shortly before 6 p.m. on March 24, saying he and his two friends in the car feared the heavily armed police would shoot them by mistake: "A policeman on one side of the car was saying, 'Don't move or we will shoot you in the head!' A policeman on the other side was saying, 'Open the door!'"[118]

The police brought Cheffou to the federal police station in central Brussels. He said he repeatedly asked to see a lawyer, prompting a police officer to reply, "The lawyer is dead." Cheffou said the police allowed him to call a lawyer at 11 p.m., a half-hour before they

---

[116] Human Rights Watch interview with Fayçal Cheffou, September 14, 2016.

[117] Human Rights Watch interviews with Fayçal Cheffou, Brussels, March 24-25, 2016, and September 14, 2016. In 2014, Cheffou posted a video of himself on social media in which he criticized the authorities for delivering meals to Muslim refugees in a refugee center in a Brussels park three hours before the end of the daily fast during the Muslim holy month of Ramadan. The refugees had rioted over the food delivery time. Belgian and international media reported that the Brussels mayor, Yvan Mayeur, had as a result banned Cheffou from the park and told the authorities he was trying to "recruit people for radical movements." See, for example, Zoya Sheftalovich, Maïa de la Baume, and Giulia Paravicini, "Brussels Attacks: the Journalist Turned Terror Suspect," *Politico,* March 28, 2016, http://www.politico.eu/article/brussels-attacks-the-journalist-turned-terror-suspect/.

[118] Human Rights Watch interview with Fayçal Cheffou, May 24-25, 2016.

began questioning him about being the "man in the hat." That delay was not unlawful. While Belgian law grants suspects in police custody the right to counsel before and during questioning, it does not require that the access commence immediately upon deprivation of liberty or be in person.[119] However verbal threats such as "the lawyer is dead" would constitute ill-treatment, a violation of international law.[120]

In a court appearance the day after his arrest the judge asked why Cheffou had not been placed in a lineup. Cheffou said the police replied that he had refused, prompting him to protest that no one had asked him to be in a lineup. The judge remanded Cheffou to police custody and ordered a lineup. It was soon after his return to custody, Cheffou said, that the beating took place.

Cheffou acknowledged he misbehaved in ways that provoked the police, including by refusing orders and insulting them. Nevertheless, such behavior—indeed any behavior—would not justify the violence that Cheffou alleges the police committed against him.

The beating began, Cheffou said, after he stuck a piece of paper over the slot in his cell door so that his guards could not look through it. A police officer entered and removed the paper. "He warned me, 'If you don't remove the paper I'll strip you naked and hang you from a pole,'" Cheffou said. As soon as the police officer left, Cheffou said he put the paper back. The police officer returned and removed his mattress. Then, he said, five police officers pulled him to the floor, stripped off his clothes, and beat him while calling him "dirty jihadi":

> I was trying to protect myself, defensively, but when one of them took one of my feet and bent the ankle my foot hit his face. After that they beat me more. One policeman put his knees on my chest. I couldn't breathe. I couldn't even talk to tell him I couldn't breathe. Finally he said, "Are you calm now?" I asked for a doctor. They said, "The doctor is dead." … There was blood all over the cell, my blood. I stayed there completely naked, all night long. Without a blanket, without a pillow, without a mattress.

---

[119] Law on Preventive Detention, arts. 2bis and 16.

[120] ECHR, art.3; ICCPR, art. 7.

Cheffou said a doctor did not visit him until two days after the beating, after he had been transferred to a prison. He said that the doctor refused to examine him, calling him a "terrorist." He also said that the police did not give him food or water from the time of his arrest until they brought him to the judge the following day.

In a lineup on March 26 a taxi driver identified Cheffou as one of the airport attackers—even though the video from the attack showed that the "man in the hat" was notably taller. However, a judge ordered Cheffou's release from prison on March 28 after concluding that he bore no physical resemblance to the "man in the hat" and that his phone records proved he was not at the airport at the time of the attacks.[121] In addition, Cheffou noted, prosecutors were unable to match his DNA with genetic material collected at the scene.[122] Meanwhile Belgian and international media, quoting government sources, had reported two days earlier that Cheffou, whom they identified by name and with a photo, was the "man in the hat."[123]

At time of writing prosecutors had still not formally dropped the terrorism-related charges against Cheffou. Under Belgium's judicial system, a lower court judge such as the one who ordered Cheffou's release is not empowered to dismiss criminal charges on the merits. Criminal charges are instead considered by a court of indictment.[124] At time of writing no date for a hearing had been set. The Justice Ministry and General Prosecutor's office declined to comment on Cheffou's case because it was ongoing.

---

[121] "Lawyer for Fayçal Cheffou: 'He Had a Telephone Alibi, He Was at His Home'" ("L'avocat de Fayçal Cheffou: 'Il a donné un alibi de téléphonie, il était chez lui'"), *RTBF*, March 29, 2016, http://www.rtbf.be/info/dossier/explosions-a-brussels-airport/detail_l-avocat-de-faycal-cheffou-il-a-donne-un-alibi-de-telephonie-il-etait-chez-lui?id=9254719.

[122] Human Rights Watch interview with Fayçal Cheffou, May 24-25, 2016. See also Julian E. Barnes, Valentina Pop, and Devlin Barrett, "Man Charged in Brussels Attack Freed, as Investigation Now Focuses on Gloves," *Wall Street Journal,* March 28, 2016, http://www.marketwatch.com/story/man-charged-in-brussels-attack-freed-as-investigation-now-focuses-on-gloves-2016-03-28.

[123] See, for example, Marc Metdepenningen, "Fayçal Cheffou has been Identified as the Third Man in the Zaventem Commando" ("Fayçal Cheffou identifié comme le 3e homme du commando de Zaventem"), *Le Soir,* March 26, 2016, http://www.lesoir.be/1163359/article/actualite/belgique/2016-03-26/faycal-cheffou-identifie-comme-3e-homme-du-commando-zaventem.

[124] Human Rights Watch email correspondence with Justice Ministry spokesman, September 1, 2016. See also Vince Chadwick, Carmen Paun, and Laurens Cerulus, "How Fayçal Cheffou is Free to Go and a Suspected Terrorist," *Politico,* March 30, 2016, http://www.politico.eu/article/brussels-terror-attacks-faycal-cheffou-both-free-to-go-and-a-suspected-terrorist/.

Cheffou said that as a result of his ordeal his reputation was ruined and he could not find work. He also said his bank had frozen his account because of the terrorism-related charges. He said the police had stopped and harassed him three times since his arrest.

"Rachid"

Human Rights Watch interviewed a second Belgian citizen who alleges he was beaten by the police after being seized from his home in a case of mistaken identity. "Rachid," 33, and his wife and two young children were asleep in their ground-floor apartment in the Haren neighborhood of Brussels when they were awakened by loud banging around 6 a.m. on July 19, 2016 and realized with panic that someone was breaking down their door.[125]

Opening the door of his bedroom, Rachid found himself face-to-face with about 7 to 10 masked men in federal police uniforms who pointed their sub-machineguns at him and shouted, "It's the police! Hands up, everyone to the ground!"

Although he immediately flung himself to the floor and obeyed all orders, Rachid said, the police handcuffed him roughly and shouted at him. He said the police flung the families' belongings around the apartment during their search, pointed their guns in all directions in front of his 6-month-old daughter, and would not let his wife tend to the couple's other 2-year-old daughter who was in another room crying, "Papa! Papa!"

The police told Rachid he was under arrest for "participation in a terrorist group." They blindfolded and hooded him, he said, then drove him to the federal police station in central for questioning. Upon arrival at the station, he said, two of the policemen began brutally beating him:

> They treated me like a dog. One policeman threw me to the ground. The other put two of his fingers in my eyes, pushing hard to hurt me. I started to cry, "My eyes! My eyes! You are hurting me!" They threw me against a wall. I fell down some stairs. They took me into an empty room where they took off my clothes, and they beat me on various parts of my body. They put me in a

[125] Human Rights Watch telephone interview with "Rachid," Brussels, July 26, 2016.

> chair and they hit me, above all in the stomach. I saw nothing, for my eyes were blindfolded.

During the beating, Rachid said, the police hurled insults and threats at him including "Dirty Arab!" "Dirty terrorist!" and "You will never again see your children, killer!" The police left him alone in the room for what he thought was about a half-hour, then beat him once again before bringing him into an interrogation room where a police inspector questioned him in the presence of two judicial police officers.

"I told him, 'Listen, they hit me, they beat me, they have no right, I did nothing,'" Rachid said. "The inspector replied, 'I know nothing, I saw nothing, I don't know who hit you.'"

Rachid said the inspector questioned him about his views on terrorism, to which he answered that he opposed violence, feared that he himself could be a victim of an extremist armed attack, and added: "One shouldn't confuse a Muslim with a terrorist."

The inspector then held up a photo of three men whom he implied were Islamist armed extremists, Rachid said, prompting the following exchange:

> He demanded, "Do you recognize this face? In the middle, is that not you?" I replied, "Of course that is not me! There is a certain resemblance but not at all!" The inspector gave it a good look and said, "It's true, that's not you." At that moment they began to laugh as they realized they had made a mistake. They offered me a coffee, some water.

The inspector told Rachid he was "truly sorry" and released him around 1:30 p.m. The police offered to provide counseling to Rachid and his wife and said they would pay to repair his door. However, they kept his and his wife's cellphones and other electronic devices for eight days to examine the contents, despite Rachid's pleas that he needed them to communicate with his wife and his employer at a grocery store where he was working at the time.

A medical report dated the day after Rachid's detention described him as "psychologically traumatized," and said he had a hematoma on his right upper arm, pain in three ribs, and

inflammation and pain on his abdomen and wrists. It added that "the patient declares that these complaints and injuries resulted from blows and wounds inflicted on July 19, 2016 by police officers."[126]

Rachid said that not just he but his wife and children were traumatized, too. "Since that day we have been living in agony," he said. Speaking to Human Rights Watch 10 days after his arrest, he said his wife had difficulty sleeping, his older child was crying far more frequently, and the family was startled every time they heard noise at the door. He questioned not only the beating but why the police needed to seize him at home in front of his family: "They know where I work.... I have no prior record. There was no reason to charge in like that."

Rachid said he thought the worst was over until July 27, when his wife heard pounding on the door and retreating footsteps.[127] Looking out the window, his wife told him, she saw a man in a black mask with military style-boots and a swastika on one sleeve. The man threw a balled up piece of paper at the window as he retreated. The note, which Rachid's wife later retrieved and which he shared with Human Rights Watch, contained a drawing of a swastika and the words, "Clear out, dirty terrorists!" The following day, Rachid said, he heard the sound of heavy boots and found another written threat on the door reading, "Dirty terrorist, clear out or pay the price."[128] Rachid said he and his wife also heard pounding on the windows the following nights.

Rachid filed a written complaint with the police about the threats.[129] The local police said they would investigate but could not provide protection such as a guard at his door, Rachid said.

"Omar"

"Omar," a resident of Molenbeek, said that a group of federal police beat him in the federal detention center in Brussels while shouting ethnic slurs at him in the spring of 2016. He said the police beat him from behind:

---

[126] Medical report of July 20, 2016. Copy on file with Human Rights Watch.

[127] Human Rights Watch telephone interview with "Rachid," July 30, 2016.

[128] Copies of notes on file with Human Rights Watch.

[129] "Rachid's" written complaint to police, July 28, 2016. Copy on file with Human Rights Watch.

> I was handcuffed, I was blindfolded… They put me against a wall and I received several blows from different policemen. … I could only submit. … They were insulting me: "Dirty Arab," "Dirty terrorist," "You're getting what you deserve" … "You'll spend the rest of your life in prison."[130]

During formal police questioning after the beating, he said, he realized that the police were accusing him of playing a role in the Brussels attacks.

The police agreed to Omar's request for a lawyer. Omar said that he suspected the man who represented him was actually a security or intelligence official. The man never gave him a business card, spoke privately with one of the policemen who was guarding him, asked questions that appeared to be part of the police interrogation, and appeared to "not give a ---" when Omar told him the police had beaten him, he said. After his release, Omar said, he spotted the man a few times on the street, as if the man were following him.

The police had arrested Omar on the street and released him after several hours without charge. Omar said that the police never gave him a copy of his statement during his interrogation, or a list of his possessions that they confiscated, many of which remained in the police's possession at time of writing, although he had requested them repeatedly.

Omar said he lost his job because the police questioned his employer about him, and that his experiences in police custody had left him frightened and embittered:

> When I see a patrol of police, I immediately think it's for me. And what also bothers me, it's that once they know someone was not involved [in a crime], they throw you out like you are a sponge, without even an apology, like you are nothing, like you are less than nothing. These days it is not easy to be Arab, Muslim and living in Molenbeek. We are attacked by the Islamic State, which considers us disbelievers when we have nothing to do with them. And we are attacked by the state, which says, "You are involved with the Islamic State."[131]

---

[130] Human Rights Watch interview with "Omar," Brussels, 2016. Details withheld including dates of Omar's arrest and interview with Human Rights Watch.

[131] Ibid.

"Stefan"

"Stefan," 31, was home alone with his five children in Molenbeek, feeding a bottle of milk to his 2-year-old old son when armed policemen broke down his apartment door with a battering ram at 5:35 a.m. on November 23, 2015. The police grabbed Stefan's son from his arms, sending the child hurtling toward a wall, then struck Stefan on the head with an assault rifle, briefly knocking him unconscious, Stefan's lawyer said.[132]

Stefan suffered head injuries and bruises to his chest and left shoulder, and his 2-year-old son's face was cut and showed bruises including "finger marks," according to medical reports provided by the lawyer, Alexis Deswaef, president of Francophone Belgium's Human Rights League. The medical report recommended psychiatric care for the child. Deswaef gave Human Rights Watch a copy of the complaint he had filed on the incident with the Comité P, an external committee that monitors police conduct for Belgium's Parliament.[133]

"My client cried out to not kill the children," the complaint reads. "They were so violent that my client thought they were dangerous criminals, rather than police. They never identified themselves." When Stefan asked the police "why they wanted to kill him," a policeman replied, "Because you are a terrorist," and accused Stefan of hiding Paris attack suspect Salah Abdeslam, the complaint read.

Stefan, a construction worker, was part of a crew hired in mid-2015 by Ibrahim Abdeslam, 31, who was Salah Abdeslam's brother and one of the suicide bombers in the Paris attacks, to renovate a café that he owned in Molenbeek. When the police raided Stefan's home, Salah Abdeslam was still a fugitive. Stefan came to know Ibrahim Abdeslam in the course of his work but had no idea he and his brother had links to armed extremism or intended to carry out any form of violence, Deswaef said.

The police pulled a hood over Stefan's head in a manner that prompted him to fear he would suffocate, according to the complaint. At the time, Stefan's wife was in a local hospital, having just given birth to the couple's sixth child. The police placed the children with a social worker while they held Stefan for questioning. They released him that evening.

---

[132] Human Rights Watch interview with Alexis Deswaef, Brussels, May 24, 2016.

[133] Copies of medical reports and complaint on file with Human Rights Watch.

The raid created emotional distress for the family and damaged Stefan's apartment, the complaint read. Deswaef said the police arranged for Stefan's door to be repaired but never offered a formal apology.

Sébastian Van Geel

Sébastian Van Geel, a father of five, told Human Rights Watch that he and his family were terrified by a federal police raid on his home in Hainaut province on December 7, 2015.[134]

Van Geel, 35, said he was awakened along with his wife and children shortly after 5 a.m. by three explosions that shook his small house. Running to a window, he saw a group of armed, masked men trying to break down his front door with a battering ram:

> I had no idea who they were. I thought they were hooligans. I called out, "Don't shoot! I have five children, please don't hurt them." I gestured toward my wife to take the children away from the windows. They must have thought it was a threatening gesture. They told me, "Federal police… Hands to your head! This is the final warning, then we shoot!"[135]

Van Geel obeyed. After police broke open the door, he said, they swarmed through the house, threw him to the ground and pointed assault rifles at his head in front of his wife and children, who were screaming from fear. The police then took him to a federal police station in the nearest city.

During five hours of interrogation, Van Geel said, the police made him respond to questions about "Palestine," "preachers," "mosques," "Paris," and "Daesh," an Arabic term often used as a synonym for ISIS. The police ended, he said, by questioning him about a boxer with an Arab name who owned a boxing gym. Van Geel, who converted to Islam in 1998, is a semi-professional boxer and had frequented many boxing gyms. He said he replied that he had only trained three days in that boxer's gym, which was a well-known and registered training center, and that he had not continued because the level did

---

[134] Human Rights Watch interview with Sébastian Van Geel, Brussels, May 25, 2016. In email exchanges with Human Rights Watch on September 13, 2016, Van Geel said his family remained emotionally distraught over the incident.

[135] Human Rights Watch interview with Sébastian Van Geel, May 25, 2016.

not suit him. He said he had never heard anything negative about either the gym or the boxer. The police released Van Geel without charge at 4 p.m. that day.

Van Geel said he returned home to find his front door destroyed, the family's belongings strewn around the house, and all the windows open. After he complained to local authorities, city workers placed a wooden panel with a padlock over the doorway but it was not a proper door. Van Geel requested free counseling through the police, but upon learning that there was a two-month wait he paid for a private psychologist for him and his wife. At time of writing, Van Geel said the raid still psychologically affects the entire family and that his children continue to have nightmares about it.

A cleaning service employee, Van Geel described himself as a man of modest means. In addition to paying for a psychologist, Van Geel had to pay legal fees and repairs to his door. Moreover, the police took his electronic tablets and other devices and did not return them for six months.

Van Geel said he decided to speak to give voice to the many families who have also been affected by such police actions but who do not dare to speak. His hope, he said, was that "by drawing lessons from these experiences we can prevent other innocent families from suffering these rough, mistaken searches":

> I can understand the raid and the difficult work of the police. But I cannot accept the mistakes and the brutal way that they searched me in front of my children and my wife. They could have taken me outside my home. I am not a violent man. … But when the police humiliate a young man like this in a public place or traumatize him in front of his wife and children, how will he react? Most will be shocked and scarred for life but others will go farther and nurture hatred of the police and/or the state.[136]

Van Geel sent letters to several authorities to denounce what happened to him. At his request, a local police representative met with his children with the aim of alleviating their fears of the security forces since the search. The federal police, who had carried out the search, declined his request for a similar meeting, Van Geel said.

---

[136] Human Rights Watch interview with Sébastian Van Geel, May 25, 2016.

Sabri

Sabri 30, a bookstore employee, was buying meat at shop near his home in the Bourse neighborhood of Brussels on the afternoon of December 21, 2015, when a group of federal police tackled him, verbally threatened him and used disproportionate force. "Shut up or we'll break your teeth," Sabri told Human Rights Watch one of the police said as they pushed him to the ground, handcuffed him, and stuck a hood over his head.[137]

At the federal police station in central Brussels, Sabri said, the police strip-searched him. Belgian law permits strip searches but Sabri said the police did so in a humiliating manner. He said the police then ordered him call his family to tell them he was with the police and that they wanted all inhabitants to leave the seven-story apartment building where Sabri and his family lived. The police told him the aim of the search was to arrest his 24-year-old brother, who was in the building at the time.

Sabri said he later heard from family members that heavily armed police lined the stairwells, pointing guns at all inhabitants including young children, as they were evacuated. A crowd of journalists was assembled outside.

Once they had the younger brother in custody, Sabri said, the police returned to Sabri's cell and tore up the statement he had made to them in which he declared he had not committed any crime, telling him: "This statement, it's finished." Then, he said, the police showed him a paper they wanted him to fill out on which was written his name and the phrase: "Participation in terrorist activities." Sabri said he refused to fill out the form. The police informed him of his right to a lawyer, Sabri said. He declined, saying "I am innocent."

During questioning, Sabri said, he learned that the police suspected him and his brother because an elderly acquaintance had given them a used iPad he had recently bought and asked them to load music onto it for him because he did not know how to do so. The brother had used the iPad to go onto his Facebook account. Unbeknownst to them, he said, the iPad contained correspondence relating to the Paris attackers.

Sabri and his brother were released without charge the next day. Upon return home, Sabri found all the doors broken on the six upper floors of the building, which his family owned.

---

[137] Human Rights Watch interview with Sabri, Brussels, June 7, 2016.

He said neighbors told him they found the doors forced open even though they had left them open for the police. His family filed a complaint with the police seeking 5,000 Euros in compensation for the damage.

"There was no apology," Sabri said. "My arrest was big news, a media circus, but not my release." Now when I walk down the street people look at me strangely as if to say, "He is free but all the same, so many police came for him, surely he was up to something?"

Sabri asked Human Rights Watch to identify him by his real first name because the Belgian media had already published it and he wished to clear his name.

Stops and Searches

Human Rights Watch interviewed 15 men and boys who alleged that the police insulted, threatened and in four cases beat them while carrying out stops and searches in the hunt for armed extremists following the Paris and Brussels attacks. All were Muslims of North African descent.

In a meeting with Human Rights Watch and a local human rights activist in Molenbeek, 12 men and boys ranging in age from 21 to 15 said they were routinely stopped and searched, usually by the same policemen who already knew them, and that the frequency increased to as often as three times weekly immediately after the Paris and Brussels attacks.

Four teenage boys said the policemen had slammed them against cars or struck them during questioning in the days following the respective attacks. One 16-year-old boy described being picked up by police and held for six hours the day after the Paris attacks because they suspected him of wrongdoing for running down a street. The boy said he was running because he was late to meet a family member.

"The feeling in Molenbeek is that if you are a white youth running down the street, the police think you are late. If you are a darker-skinned youth running down the street, the police think you are a criminal," said Aicha Daoudi, whose criminal case accusing five Molenbeek police of brutally beating her son, then 14, in 2013 was at time of writing still

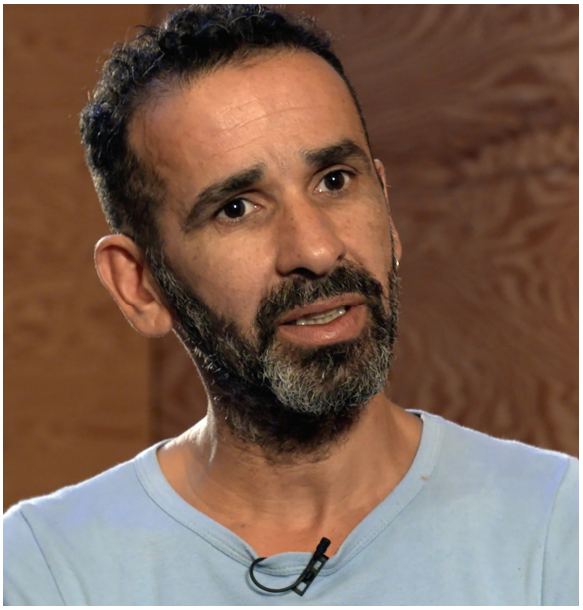
pending.[138] Since the Paris and Brussels attacks, several Muslim youths interviewed by Human Rights Watch said, they feel as if the police now also view every darker-skinned youth as a potential terrorist.[139]

The only way for a Muslim or Arab youth to protect himself from the police, said "Samir," 19, was to "stay out of their way."[140]

Benoit Van Keirsbilck, the director of the Belgium branch of Defence for Children International, said that some police interventions against youths, including identity checks of children they already know well, may indeed amount to harassment. The youths' responses can also be provocative, he said: "They may tend to react by insulting the policeman who then has a 'good reason' to intervene and arrest the child. Instead of calming [the situation], this reaction increases the conflict and the violence" on both sides.[141]

Zouzou Ben Chikha

Zouzou Ben Chikha, a Flemish actor, said he was bicycling to the local butcher when the police insulted him and forced him to remove his shoes in a heavy rainstorm during a stop-and-search in the city of Ghent on December 13, 2015. At that time, the Belgian police were scouring the country in search of surviving Paris attackers or their associates. Ben Chikha was on his way to buy meat to prepare Belgium's signature stew, Flemish carbonade, prompting Belgian media to dub the incident the "carbonade" case.



Zouzou Ben Chikha. © 2016 Human Rights Watch

[138] Human Rights Watch interview with Aicha Daoudi, Molenbeek, May 29, 2016.

[139] Human Rights Watch interviews with 10 grassroots activists in Belgium, as well as young Muslims in Brussels and Antwerp, March, May and June, 2016.

[140] Human Rights Watch interview with "Samir," Molenbeek, June 7, 2016. Samir was not part of the group of youths.

[141] Human Rights Watch email communication with Benoit Van Keirsbilck, director of the Belgium branch of Defence for Children International, September 2, 2016.

In interviews with Human Rights Watch, Ben Chikha said the police targeted him because he was dark skinned with a beard and because he was wearing a hoodie to protect his head during heavy rain.[142] He said the police asked for his identity papers, then called over two other policemen:

> It was raining. That's the worst part. That's why it was so humiliating, so disparaging. The ground was wet, and at first I had to take my shoes off. I was in my socks in the rain. I had to put my hands against the wall. They took my backpack and opened it. They looked inside. They were very, very rude. And there was one of them [the police] who took the biscuits I had in my pocket, he threw them at me and said, "Take your s--- with you."[143]

In comments to media, the Ghent police department accused Ben Chikha of acting "suspiciously" and throwing his belongings on the wet ground, which Ben Chikha denied. The police department representative also acknowledged that the search was not carried out in an "optimal" fashion.[144] At time of writing the incident was under investigation by the Comité P, the agency that polices the police.

Like many people who were the targets of police activity, Ben Chikha said he did not oppose the action but rather the methods. "Come on," he said. "I am certain that if I were blond with blue eyes and a Gucci bag, they would have treated me in a different manner."

"Youssef"

"Youssef," 18, was waiting in line to buy lunch at a supermarket check-out counter near his school in the city of Antwerp on November 23, 2015, 10 days after the Paris attacks, when he suddenly found himself surrounded by a dozen armed police officers. "A policeman said, 'Go! Go! Go! On the ground now!'" Youssef told Human Rights Watch. "I was on my

---

[142] Human Rights Watch telephone interview with Zouzou Ben Chikha, February 10, 2016, and interview, Ghent, September 15, 2016.

[143] Human Rights Watch telephone interview with Zouzou Ben Chikha, September 15, 2016.

[144] "Zouzou Ben Chikha, a Flemish Actor of Tunisian Origin, Denounces an Abusive Police Investigation" ("Zouzou Ben Chikha, un acteur flamand d'origine tunisienne, dénonce un contrôle abusif de la police"), *Dernière Heure,* December 14, 2015, http://www.dhnet.be/actu/belgique/zouzou-ben-chikha-un-acteur-flamand-d-origine-tunisienne-denonce-un-controle-abusif-de-la-police-566eab373570b38a5796c718.

knees with my hands at my head. Two big guns were pointed at me at that point. I said, 'Please, please, put down the guns, I am scared.'"[145]

A crowd gathered around him including several fellow students, Youssef said. Fearing the worst from the police, he said, he called out to the students, "Film this!"

The police handcuffed Youssef and, with photographers from the media already assembled outside the supermarket to take his photo, took him to a police station, locked him up for three to four hours, then released him. "They said, 'You are free to go,'" Youssef said. "They did not explain why they had taken me and they did not apologize."

Youssef later learned that the police had received a tip from a woman in the same shopping complex that she thought a man in jogging pants and a sports sweatshirt with a knapsack was acting suspiciously and might be about to attack the building, because he was going in and out of a restroom. Youssef, who attended an athletic academy, was also wearing jogging pants and a sweatshirt although not of the same colors as the suspect, and carried a knapsack.

Youssef said that after the story of his search swept social media, the local police commissioner met with him and said he was sorry that he was traumatized by the incident but that the police had done no wrong. "He told me, 'You should have given them your passport and everything would have been okay.' I said, 'I couldn't give them my passport! They had guns pointed at me and were telling me to keep my hands to my head.'" Instead, Youssef said, he had directed the police to his knapsack, where they found his passport.

A few days after the meeting with the police chief, Youssef said he received a summons for "disturbing public order" for "yelling" during his arrest—an apparent reference to his call to students to film his arrest. The police said the summons was a "mistake" after a member of Minderhedenforum (Minority Forum), a coalition of minority rights associations, called them to complain about Youssef's treatment.

---

[145] Human Rights Watch interview with "Youssef," Antwerp, February 6, 2016.

Youssef said he believed he was treated roughly because he looked like a North African Muslim. "I didn't feel like a citizen anymore," he said. "Now when I see a police officer or soldier on the street, I think, 'Okay, now I can be detained for nothing but the way I look.'"

Difficulties Obtaining Compensation

Belgian law in most cases allows victims to seek compensation from state entities to compensate for property damage during raids by the police or other public authorities.[146] Belgium's Supreme Court affirmed in 2010 that compensation for disproportionate damage by the state can be provided under specific conditions even in the absence of fault on the part of the state authority, and even if such compensation is not explicitly required by a legal provision.[147]

In cases of wrong-doing by the police, the responsible federal or local government entity also can be required to compensate for other types of damage, such as acts causing injuries or mental anguish.[148] While some of Belgium's police departments may offer counseling or medical assistance, there is no requirement to do so, said Nicolin Christian,

---

[146] Law on Police Functions (Loi sur la fonction de police), No. 606 of 1992, arts. 47-48, http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=1992080552&table_name=loi. Individuals may seek compensation for damage by the police through the local or federal police if they can prove the fault, the damage, and the causality between the fault and the damage. In the case of property damage during a raid, they also may seek compensation through the investigating judge. See Mathieu Beys, "Responses in Cases of Abusive Intrusion by the Police" ("Réagir en cas d'intrusion abusive des policiers") in *What Rights in the Face of the Police*? (*Quel Droits Face à la Police?)* (Brussels: Jeunesse & Droit, Editions Couleurs Livres, 2014), http://www.quelsdroitsfacealapolice.be, pp. 264-268.

[147] Belgium's Supreme Court (Cour de cassation), Judgment of June 24, 2010, No. C.06.0415.N, http://jure.juridat.just.fgov.be/view_decision.html?justel=F-20100624-1&idxc_id=244946&lang=FR. The right to peaceful enjoyment of property and possessions is enshrined in Article 16 of the Belgian constitution as well as Article 1, Protocol 1 of the ECHR. The ECHR has ruled that the fair balance between the general interests of a community and protection of an individual's fundamental rights is breached when an individual must bear an excessive burden regarding deprivation of property. The court emphasized that compensation terms are relevant in assessing whether a measure respects fair balance. See European Court of Human Rights, *Yagtzilar and others v. Greece,* judgment of December 6 2001, no. 41727/98, https://cases.legal/en/act-echr1-64451.html, para. 40; *Scordino v. Italy*, para. 95, March 29, 2006; and *Arsovski v. Former Yugoslav Republic of Macedonia*, para. 56, January 15, 2013.

[148] In the case of unlawful searches, a criminal offense under Article 148 of the Belgian Penal Code, victims have the right to assistance including psychological and medical care under several provisions of the Belgian Code of Criminal Procedure. These rights are also set forth in the European Union's "Victim's Directive." See European Parliament and Council of 25 October 2012, Directive 2012/29/EU, establishing minimum standards on the rights, support and protection of victims of crime, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012L0029. Belgium has not fully transposed the directive into law notwithstanding a deadline of November 2015. See also Beys, "A Civil Procedure for Obtaining Redress" ("Une procédure civile pour obtenir une réparation") in *What Rights in the Face of the Police?,* http://www.quelsdroitsfacealapolice.be, pp. 504-507.

attaché in the litigation and legal support office of the Belgian Interior Ministry's Public Federal Services.[149]

Notwithstanding this legal framework, even seeking—much less obtaining—compensation is difficult in practice, Belgian human rights lawyers and defenders told Human Rights Watch.[150] The potential for compensation is "often illusory," said Mathieu Beys, a jurist who specializes in victims' rights for police actions. "There is a huge lack of information and no procedure to inform victims of their rights." Beys is advocating for police officers to deliver an informational note to victims about their rights after each raid or arrest.[151]

Neither the federal police nor the Comité P provide specific information on their websites on how to formally request compensation for property damage during raids. There is no time frame for providing compensation, Christian said.[152]

Belgian law entitles owners to seek the return of personal property seized by the police including through an appeal.[153] Investigating judges or prosecutors can keep the goods for as long as they need to complete investigations, but must respect the case law of the European Court of Human Rights to not exceed "reasonable delay" as provided by the ECHR.[154]

Police Oversight

Allegations of police misconduct in Belgium are reviewed by the Standing Police Monitoring Committee (known as the Comité P), an external panel appointed by and reporting to the lower house of Belgium's federal Parliament.[155]

---

[149] Human Rights Watch telephone interview with Nicolin Christian, attaché in the litigation and legal support office of the Belgian Interior Ministry's Public Federal Services, August 29, 2016.

[150] Human Rights Watch interviews with human rights lawyers and defenders, Belgium, February, May, June, and August, 2016.

[151] Human Rights Watch telephone interviews and email exchanges with Mathieu Beys, jurist with the Observatory of Police Violence in Belgium (ObsPol), August 28-31, 2016.

[152] Human Rights Watch telephone interview with Nicolin Christian, August 29, 2016.

[153] Belgian Code of Criminal Procedure (Code d'instruction criminelle), no. 1808-11-17/30, http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=1808111730&table_name=loi, arts. 28 sexies and 61 quarter.

[154] That right is provided as part of the right to a fair trial under Article 6 of the ECHR.

[155] For information on the committee see the Standing Police Monitoring Committee website, http://www.comitep.be/EN/index.asp.

In its last report on Belgium, the UN Committee Against Torture (CAT) raised concerns over the neutrality of Comité P members. "Some of the investigators are former police officers, which may compromise their impartiality when they are required to conduct objective and effective investigations into allegations that acts of torture and ill-treatment have been committed by members of the police," it said. The report said the Comité P and its investigative team should consist of independent experts from outside the police.[156]

While there may be value in the Comité P drawing on the advice of former police officers, the Belgian authorities must ensure that its investigative team is capable of carrying out impartial investigations and enjoys the confidence of those bringing complaints.

The Comité P declined a Human Rights Watch request for the number of complaints it had received in connection with counterterrorism operations since the Paris and Brussels attacks. The Comité P said it was only authorized to release data to its oversight panel in the lower house of the federal Parliament (Chamber of Deputies).[157] An aide to the Chamber of Deputies president, Siegfried Bracke, who also heads the parliamentary Commission of Support and Information on the Comité P, declined to release the information, saying it was confidential.[158]

---

[156] UN Committee against Torture, "Concluding Observations on the Third Periodic Report of Belgium," CAT/C/BEL/3 (2014), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fBEL%2fCO%2f3&Lang=e, %20para%2013, para. 13.

[157] Human Rights Watch email correspondence with the secretary of Comité P, June 24, 2016.

[158] Human Rights Watch telephone interview with Annemie Nijs, aide to Chamber of Deputies president Siegfried Bracke, August 29, 2016. In separate email communications with Human Rights Watch on August 29, 2016, two opposition legislators wrote that they also did not have the information.

IV. Acknowledgments

This report was researched by Letta Tayler, senior terrorism and counterterrorism researcher at Human Rights Watch, with substantial research assistance from Human Rights Watch intern Kubra Gulsen. Tayler also received research assistance from Human Rights Watch associates Aurélie Poelhekke, Claudio Francavilla and Camille Marquis, as well as interns Marie Solanet, Sara Pastor, Harry Gray Calvo and Francesca Gallelli.

The report was edited by Human Rights Watch's Benjamin Ward, deputy director of the Europe and Central Asia Division; Tom Porteous, deputy program director; and Aisling Reidy, senior legal advisor. The report received specialist review from Michael Bochenek, senior counsel, Children's Rights Division.

The report was prepared for publication by Michelle Lonnquist, associate with the Emergencies Division; Olivia Hunter, publications associate; Fitzroy Hepkins, administrative manager; and Jose Martinez, senior coordinator.

Human Rights Watch thanks Manuel Lambert, legal advisor to the Francophone chapter of Belgium's Human Rights League; Mathieu Beys, jurist with the Observatory of Police Violence in Belgium (ObsPol); and Isabelle Wattier, a legal scholar at Louvain Catholic University, for their additional legal review on selected portions of the report.

Human Rights Watch is grateful to the many witnesses, family members, lawyers, human rights defenders, Belgian federal and local officials, and others whose assistance made this report possible. We also thank the many civil society organizations that provided guidance including Francophone Belgium's Human Rights League; the Collective Against Islamophobia in Belgium; the European Network Against Racism; the International Observatory of Prisons; the Belgium branch of Defence for Children International; Minderhedenforum (Minorities Forum); and Uit de Marge (Step Out of the Margin).

In November 2015, coordinated attacks by armed extremists killed 130 people in Paris. Four months later, attackers struck in Brussels, killing 32. The attacks were the deadliest in France and Belgium in decades. In both cases, the Islamic State (also known as ISIS) claimed responsibility. Perpetrators in both strikes had connections to Belgium.

The Belgian authorities responded by enacting a raft of counterterrorism laws and deploying 1,800 soldiers in major cities. The police have carried out several hundred raids, detentions, and stops-and-searches. These actions have helped the authorities charge and convict dozens of terrorism suspects.

But as *Grounds for Concern* reveals, these laws, particularly if enforced arbitrarily or in ways that could be perceived as discriminatory, threaten basic rights including those to movement, liberty, free expression and privacy. In addition, some police operations have involved alleged beatings or other use of excessive force. Human Rights Watch investigated 26 incidents of alleged police abuse. In all but one case those targeted were Muslim.

The Belgian authorities should amend and monitor counterterrorism laws and policies to ensure they do not erode fundamental rights and enforce zero tolerance for police abuse.

Governments have a responsibility to protect people from attack and to hold those responsible to account. But disproportionate responses are not only unlawful, they also risk driving a wedge between the Belgian authorities and communities that feel targeted—the very outcome that ISIS seeks to provoke.

(above) Mourners at a memorial for the victims of the March 22, 2016 attacks in Brussels.

© 2016 Christian Hartmann/ Reuters

(front cover) Belgian federal police search the Schaerbeek district of Brussels following the March 22, 2016 bombings in the city.

© 2016 Christian Hartmann/ Reuters