

# MIDDLE EAST AND NORTH AFRICA OVERVIEW

## Human Rights Developments

INDEPENDENT CITIZENS AND LOCALLY-BASED ORGANIZATIONS FROM MOROCCO TO IRAN CHALLENGED ANACHRONISTIC LAWS AND UNDEMOCRATIC SYSTEMS OF GOVERNANCE, MONITORED AND PUBLICIZED HUMAN RIGHTS VIOLATIONS, AND DEMANDED AN END TO IMPUNITY. THERE WERE SETBACKS AS WELL AS PROGRESS, BUT THE VOICES OF ACTIVISTS ON THE GROUND REACHED LOCAL AND INTERNATIONAL AUDIENCES. IN ALGERIA, THE PERSISTENCE OF FAMILIES OF THE "DISAPPEARED" AND THEIR ADVOCATES GAVE THE ISSUE VISIBILITY IN THE PRESIDENTIAL RACE AND PUT IT ON THE AGENDA OF THE NEW HEAD OF STATE. TUNISIA'S BELEAGUERED HUMAN RIGHTS COMMUNITY WAS INCREASINGLY ACTIVE IN 1999 DESPITE CONTINUING GOVERNMENT HARASSMENT. HUMAN RIGHTS ORGANIZATIONS IN EGYPT RECEIVED BROAD SUPPORT FROM COUNTERPARTS WORLDWIDE AS THEY OPPOSED PASSAGE OF A DEEPLY FLAWED LAW THAT APPEARED DESIGNED TO RESTRICT THE ACTIVITIES OF NONGOVERNMENTAL ORGANIZATIONS (NGOS). PALESTINIAN ACTIVISTS SIMILARLY RALLIED SUPPORT TO PRESSURE THE EXECUTIVE BRANCH OF THE PALESTINIAN AUTHORITY TO IMPLEMENT A PROGRESSIVE NGO LAW THAT INCORPORATED ACTIVISTS' INPUT.

PALESTINIAN AND ISRAELI NGOS' STRATEGY OF FLOODING ISRAEL'S HIGH COURT OF JUSTICE WITH PETITIONS YIELDED RESULTS. THE COURT RULED IN A LANDMARK DECISION IN SEPTEMBER THAT THE GENERAL SECURITY SERVICE'S SYSTEMATIC USE OF TORTURE DURING INTERROGATIONS WAS ILLEGAL, AND AGREED IN JANUARY AND APRIL TO HEAR PETITIONS CHALLENGING THE LEGALITY OF ISRAEL'S POLICIES OF HOLDING LEBANESE NATIONALS HOSTAGE FOR FUTURE PRISONER EXCHANGES AND REVOKING THE RIGHTS OF PALESTINIAN RESIDENTS OF JERUSALEM TO LIVE THERE. WOMEN'S RIGHTS ACTIVISTS IN JORDAN WERE JOINED BY OTHER CONCERNED CITIZENS IN AN UNPRECEDENTED NATIONWIDE CAMPAIGN TO RAISE AWARENESS AND ELIMINATE THE HORROR OF "HONOR KILLINGS," WHICH CLAIMED THE LIVES OF TWENTY-TWO WOMEN IN JORDAN IN 1998 AND ANOTHER SIXTEEN IN 1999 AS OF THIS WRITING. THE CAMPAIGN'S GRASS-ROOTS PETITION DRIVE TO ABOLISH PENAL CODE PROVISIONS THAT SANCTIONED LENIENT PUNISHMENT FOR FAMILY MEMBERS WHO KILL WOMEN RELATIVES GATHERED SOME 9,000 SIGNATURES IN THE FIRST MONTH. WOMEN'S RIGHTS ACTIVISTS ELSEWHERE IN THE REGION CONTINUED TO CHALLENGE DISCRIMINATORY LAWS AND PRACTICES, AND CAMPAIGNED AGAINST DOMESTIC VIOLENCE AND GENITAL CUTTING (SEE WOMEN'S HUMAN RIGHTS, BELOW).

THESE LOCAL INITIATIVES OCCURRED IN DISTINCT COUNTERPOINT TO THE BLEAK AND STATIC SITUATION IN COUNTRIES WHERE AUTHORITIES TOLERATED NO FORM OF POLITICAL DISSENT. IN SAUDI ARABIA, BAHRAIN, SYRIA, GOVERNMENT-CONTROLLED IRAQ, AND LIBYA, THE DEVELOPMENT OF CIVIL SOCIETY REMAINED HOSTAGE TO PUNISHING RESTRICTIONS ON THE EXERCISE OF FREEDOM OF EXPRESSION, ASSEMBLY, AND ASSOCIATION. FOLLOWING THE RELEASES IN 1999 OF RACHID MESLI IN ALGERIA AND KHAMAIS KSILA IN TUNISIA, SYRIA WAS THE ONLY COUNTRY IN THE REGION WHERE HUMAN RIGHTS DEFENDERS CONTINUED TO SERVE LENGTHY PRISON TERMS.

MAJOR POLITICAL EVENTS IN THE REGION INCLUDED CHANGES OF THE HEADS OF STATE IN LEBANON, JORDAN, MOROCCO, BAHRAIN, ALGERIA, AND ISRAEL; AND UNSURPRISING LANDSLIDE VICTORIES AT THE POLLS FOR THE LONG-SERVING PRESIDENTS OF SYRIA, EGYPT, YEMEN, AND TUNISIA. SAUDI ARABIA'S CROWN PRINCE ABDULLAH BIN 'ABD AL-'AZIZ SERVED AS DE FACTO RULER IN PLACE OF HIS AILING BROTHER KING FAHD, AND HIS STATEMENTS ON THE NEED FOR SOCIAL AND ECONOMIC REFORMS REOPENED DEBATE ON THE ROLE OF WOMEN. THE POLITICAL RIVALRY BETWEEN FACTIONS OF THE LEADERSHIP IN IRAN APPEARED TO DRIVE AND EVEN PROMOTE VIOLATIONS OF HUMAN RIGHTS.

A NEW LEBANESE GOVERNMENT WAS INSTALLED IN DECEMBER 1998 FOLLOWING PARLIAMENT'S UNANIMOUS ELECTION OF FORMER ARMY COMMANDER GEN. EMILE LAHOUD TO A SIX-YEAR PRESIDENTIAL TERM IN OCTOBER 1998. THE DEATHS IN 1999 OF KING HUSSEIN OF JORDAN, AMIR SHEIKH 'ISSA BIN SALMAN AL KHALIFA OF BAHRAIN, AND KING HASSAN OF MOROCCO RESULTED IN SUCCESSION BY THEIR SONS IN UNCHALLENGED HEREDITARY TRANSITIONS. NO-CHOICE PRESIDENTIAL REFERENDUMS IN SYRIA AND EGYPT PRODUCED ENDORSEMENTS OF NEW TERMS OF OFFICE FOR FORMER AIR FORCE COMMANDERS HAFEZ AL-ASAD AND HOSNI MUBARAK, RESPECTIVELY. THE PRESIDENTIAL CAMPAIGN IN ALGERIA, WHICH WAS CHARACTERIZED BY LIVELY DEBATE AND GENUINE CHOICES AMONG THE SEVEN CANDIDATES, WAS MARRIED BY THE LAST-MINUTE WITHDRAWAL OF SIX CANDIDATES WHO CHARGED ELECTION RIGGING TO FAVOR ABDELAZIZ BOUTEFLEKA. THE REGION'S ONLY FREE AND FAIR VOTE OCCURRED IN MAY IN ISRAEL, WHERE PRIME MINISTER BENJAMIN NETANYAHU WAS DEFEATED BY FORMER IDF CHIEF OF GENERAL STAFF LT. GEN. EHUD BARAK, WHO PROMISED A SPEEDY CONCLUSION OF FINAL STATUS NEGOTIATIONS WITH THE PALESTINIANS AND WITHDRAWAL FROM SOUTH LEBANON. IN SEPTEMBER, YEMEN'S FIRST DIRECT PRESIDENTIAL ELECTION RESULTED IN AN OVERWHELMING VICTORY FOR PRESIDENT ALI ABDULLAH SALEH. LEADING OPPOSITION POLITICAL PARTIES BOYCOTTED THE POLLS AFTER PARLIAMENT REJECTED THE NOMINATION OF THEIR CANDIDATE. ON OCTOBER 24, TUNISIAN PRESIDENT BEN ALI WAS REELECTED WITH 99.42 PERCENT OF

the vote, according to the official count. The ruling party captured 92 percent of the vote for parliamentary seats; however, a new electoral law reserved 20 percent of the seats for other parties.

Most newly installed heads of state and some other appointed public officials pledged support for rights-related reform or took some encouraging steps to address long-standing human rights problems:

- Lebanon's new cabinet of ministers on December 21, 1998, lifted the controversial ban on demonstrations that had been in effect by decree since September 1993.

- Jordan's King Abdullah instructed newly appointed prime minister Abdel Raouf Rawabdeh on March 4 to form a government that would "entrench democracy" and "protect human rights." The king also endorsed the amendment of laws that inflicted "injustice" on women and undermined their rights.

- Qatar held its first municipal elections in March, in which citizens over the age of eighteen, including women, had the right to vote. Six women competed as candidates but none won seats. In July, Amir Sheikh Hamad bin Khalifa al-Thani appointed a thirty-two member committee for preparing a permanent constitution. It was given three years to draft the document which will include provisions for an elected parliament.

- Saudi Crown Prince 'Abdullah bin 'Abd al-'Aziz spoke repeatedly on the need to expand women's role in society, saying in April that "we will allow no one, whoever they are, to undermine her or marginalize her active role in serving her religion and country."

- Amir Sheikh Jaber al-Ahmad al-Sabah of Kuwait issued a decree in May allowing women to vote in general elections beginning in the year 2003. The decree, issued after parliament had been dissolved, was subject to parliamentary review. Some parliamentarians who opposed the process by which the decree was issued nevertheless introduced separate legislation supporting women's suffrage.

- Israel's new minister of justice, Yossi Beilin, promised in July to push for an end to emergency regulations that Israel used to administratively detain Lebanese nationals as hostages for future negotiations.

- Egypt's new prosecutor general, Maher Abdel Wahid, pledged in August that his office would carry out closer oversight of prison conditions, a responsibility under Egyptian law that had long been systematically neglected by his predecessor.

- Algerian President Bouteflika discarded the prevailing official discourse that sought to minimize the devastation wrought by that country's internal conflict. He announced in June that the number of Algerians killed was actually 100,000 and abandoned the insistence that the state had no role in the phenomenon of "disappearances."

- King Mohamed VI of Morocco began implementing pledges of reform, permitting the return from exile of the country's most prominent former political prisoner, Abraham Serfaty. Arrested in 1974, tortured, and then imprisoned for life for his leftist political activities, Serfaty refused to petition King Hassan II for clemency or to yield to his demand that he recognize the disputed Western Sahara territory as part of Morocco. Serfaty was freed in 1991 but immediately expelled to France on patently spurious grounds that he was not a Moroccan citizen. His eight-year-long campaign to return to the country of his birth bore no fruit under King Hassan II.

There were disappointing restrictions on freedom of expression, including academic freedom and freedom of the press. The patterns of harassment and arrest of independent journalists were somber anachronisms in the face of increasing global circulation of news, information, and opinions of all kinds on the Internet and the regional popularity of uncensored political programming on Qatar's al-Jazeera satellite television station.

Academic freedom came under new assault in Egypt, Jordan, and Kuwait. Government censors banned a variety of books at the prestigious American University of Cairo (AUC), including *Children of Gabalawi* by Naguib Mahfouz, *Woman at Point Zero* by Nawal el-Saadawi, and *Muslim Extremism in Egypt* by Giles Kepel. The head of the government's press and publications department charged that AUC was "deliberately ordering books that can't be allowed in the country because they violate our religion, culture and traditions." The president of the University of Jordan, reportedly capitulating to pressure from the prime minister and the head of the General Intelligence Directorate, on July 14 demanded the resignation of Mustafa Hamarneh as director of the university's Centre for Strategic Studies (CSS). Under Hamarneh, it had gained regional and international recognition as an independent research center, and published an opinion survey on June 20 showing a decline in the government's popularity.

An appeals court in Kuwait on October 4 sentenced Ahmad al-Baghdadi, chair of Kuwait University's political science department, to one month in prison for a 1996 article in a student newspaper that discussed the prophet Muhammed. Although al-Baghdadi said that he had not written about the prophet as a person but about his style of proselitization, the court found him guilty of "spreading views that ridicule, scorn, or belittle religion" under the press and publications law. Professors at Kuwait University went on strike to protest the ruling, which was also condemned by the journalists' association and members of parliament. Al-Baghdadi was released on October 18 after being pardoned by the amir, Sheikh Jaber al-Ahmed al-Sabah.

In October, an investigating magistrate in Lebanon revived a case against the internationally prominent Lebanese singer and composer Marcel Khalifa, recommending criminal prosecution for "insulting religious values by using a verse from the chapter of Joseph from the Holy Koran in a song." Khalifa's 1995 album included "I am Yousef, O Father," based on a work of Palestinian poet Mahmoud Darwish, which included this line from a Koranic verse: "I saw eleven stars, and the sun and the moon bowing down before me." The spiritual leader of Lebanon's Sunni Muslims, Sheikh Muhammed Kabbani, said that musical arrangements of Koranic verses were prohibited. Khalifa faces imprisonment of six months to three years if charged and convicted. Lebanese Muslim and Christian intellectuals, politicians, and religious figures quickly denounced the action, rallied to Khalifa's defense, and gave him a standing ovation when he performed the song in Beirut on October 5.

Lebanon's 1962 publications law permitted the minister of information to ban by decree "any foreign publication that disturbs security, harms national feeling, breeds discord among the people, and provokes confessional frictions." In May, the ministry banned *From Israel to Jerusalem*, a book published in 1999 in the U.S. It was written by Robert Hatem, a former aide to Lebanese Forces militia leader Elie Hobeika, and included allegations of crimes committed by Hobeika and his associates during Lebanon's civil war. The information ministry also banned publication of any excerpts from the book, and confiscated several issues of the United Arab Emirates daily *al-Habash* because the paper published parts of the book. The book was accessible to readers in Lebanon in its entirety on the Internet.

Authorities throughout the region targeted independent newspapers and journalists. Syria banned the entry of the pan-Arab daily newspaper *al-Quds al-Arabi* (London), and Tunisian authorities blocked distribution of selected issues of the French dailies *Le Monde* and *Liberation*. In Iran, four independent newspapers were shut down between November 1999 and September 1999. A Kuwaiti court in May ordered *al-Habash* magazine closed for one month and fined two of its journalists for publishing an article which included what the information ministry termed "indecent phrases and words." The case followed a January ruling by an appeal court to repeal the closure order and six month jail sentence on blasphemy charges against *al-Qabas* newspaper's editor in chief Mohammad Saqr. Kuwait's constitutional court had refused in that case to review the legality of Kuwait's 1961 press law.

Independent journalists faced harassment, detention, and imprisonment. In Egypt, where libel remained a criminal offense under the penal code, three journalists from the opposition biweekly *al-Sha'b* were sentenced to two years in prison in August for articles that were harshly critical of the minister of agriculture. The editor in chief of Jordan's independent daily *al-Arab al-Yaum*, Azzam Younis, was arrested in September for publishing articles critical of the government's crackdown on senior Hamas members in the kingdom. Taoufik Ben Briq, one of the few Tunisian journalists willing to write about the country's repressive atmosphere, was briefly detained and suffered harassment throughout the year.

Restrictions on movement due to Israel's closure of access to and between the West Bank and Gaza made it difficult for Palestinian journalists to carry out their work. The Israeli Defense Force (IDF) sometimes imposed "closed military

zones," blocking access of journalists to areas where demonstrations, house demolitions, or settlement expansion was taking place. Palestinian Authority security forces used arrests, interrogations, and closures to intimidate critical journalists. In Yemen, independent journalists were harassed and faced prosecution in criminal courts and newspapers were closed. Journalists in Iran were also detained and prosecuted. For example, a revolutionary court in June ordered the closure of the student bi-weekly newspaper *Hoveyat-e Khish* and its editor and director were detained on accusations of "spreading anti-Islamic propaganda." In July, the press court ordered the detention of an editor of *Sobh-e Emrouz*, a reformist daily, following publication of an article that the Tehran public prosecutor said distorted and insulted Islam.

Parliaments in Jordan and Iran reexamined press laws. Jordanian journalists and others raised concerns about the 1998 law, calling for more progressive legislation. In September, parliament annulled the law's controversial article 37, which banned writing on fourteen topics, including anything that disparaged the king and the royal family, or criticized leaders of "Arab, Islamic or friendly countries." Parliament also voted to reduce capital requirements for nondaily newspapers, lower fines for journalists, and allow newspapers to publish while on trial for press law violations. Despite the elimination of article 37, Jordanian journalists remained fearful of criminal prosecution for writing on subjects made taboo in the penal code. In October, King Abdullah reinforced this fear with a warning to journalists that press freedom should not be used to "harm Jordan's image," "relations with its sister states," and "national unity." In Iran, amendments to the 1995 press law which would weaken limited press freedom safeguards passed a first reading in July.

Despite these setbacks, free expression continued to make inroads through satellite television and the Internet. The blunt political programming on Qatar's news and information satellite television channel, al-Jazeera, which began broadcasting to the Arab world in 1996, continued to attract large audiences and offend governments throughout the region. Financed for its initial five years with \$137 million from the Qatari government, the station hosted political dissidents and featured uncensored debates on topics ranging from polygamy to human rights. In November 1998, Jordanian authorities shut down Jazeera's office in Amman by revoking the press credentials of the station's employees. The action followed a broadcast of the popular talk show *al-Hijah al-Mu'akis* (The Opposite Direction) during which host Faisal al-Qasim, a guest, and call-in viewers made comments that the government considered "slander" against Jordan. The office was permitted to reopen in March 1999. Kuwait's ministry of information closed the office of Jazeera there on June 19 and revoked the work permits of its staff after a caller criticized the amir in a live broadcast; the ban was lifted on July 31 after negotiation with the station. On June 29, Bahrain expelled the host of the program, Hamad al-Ansari, professor of Islamic law at Qatar University, who was there to give a lecture. Security forces reportedly told al-Ansari that he was being expelled for insulting the Kuwaiti amir.

Internet users grew to an estimated one million in the Arab world, and another 600,000 in Israel. Saudi citizens were able for the first time to obtain Internet access locally. Iraq and Libya were the only countries without Internet connections, while Syria was linked but allowed access to only selected segments of society. Saudi Arabia, Bahrain, Tunisia, and the United Arab Emirates were among the countries that blocked access to one or more political or human rights websites that displeased the authorities. In Jordan, Egypt, Morocco, Algeria, and elsewhere authorities were not known to restrict political content online, thereby allowing local users access to information that was taboo in the local print and broadcast media. However, users in some countries, including Tunisia and Bahrain, voiced wariness about possible government surveillance of e-mail and monitoring of political "chat rooms."

As citizens around the region organized themselves and publicly advocated reform, there was evidence that at least two governments sought to undermine the independence and vitality of civil society organizations. In May, Egypt's president Mubarak signed Law No. 153 of 1999, which provided for sweeping state regulation of virtually every aspect of NGO activity, from raising funds to affiliating with other NGOs locally and internationally. The legislation generated controversy from the moment it began circulating in draft form in 1998 because of the wide powers of monitoring and interference it granted to the social affairs ministry, including actions to dissolve NGOs and deny them legal status. The law also set forth ten "crimes" under which activists were subjected to fines and imprisonment of up to one year for carrying out vaguely worded banned activities.

Support by the Palestinian Legislative Council (PLC) for an expanded role for local NGOs made it a target in the Palestinian Authority's crackdown on human rights organizations. After failing in December 1998 to obtain approval of a clause requiring NGOs to register with the ministry of interior in the draft NGO law, President Arafat refused to sign

the law and insisted on an additional irregular vote in May. When legislators and NGOs stood firm, the executive mounted a public campaign against NGOs, accusing them of corruption and treason, and passed its amendments by engineering a legislative vote on August 12.

The prevailing environment remained one of discrimination and tolerance for violence against women, despite some positive developments such as Egypt's banning and revocation of the law that allowed rapists to marry their victims and escape prosecution, and the participation of women in Qatar's first municipal elections. Women across the region continued to face legal, political, and socio-economic discrimination that violated their rights to equality and full citizenship. For example, Syrian women were considered minors under the personal status code and thus in need of a male guardian to contract marriage. Egyptian women married to foreigners or stateless men could not pass their nationality to their children, and women in Jordan could not be issued a passport without the approval of a male guardian. Women's subordinated status in the family and society, and their marginalization and underrepresentation in public life, made them all the more vulnerable to political and domestic violence. Compounding the problem of high rates of domestic violence, incidents of violence against women were underreported, and victims faced inadequate and biased investigations, lack of legal redress, and insufficient budgets for shelters and for provisions of counseling services. As for political violence, women in Algeria continued to be targeted by militant Islamist groups. They were abducted, enslaved, raped and often later murdered.

Women activists launched public campaigns to publicize abuses, eliminate violence and discrimination, and claim their rights. For example, Palestinian women in the West Bank and Gaza continued to press for improvements through a "model parliament" on women's status and family law. Israeli women mobilized in support of a bill in parliament enabling women to choose between religious and civil courts in matters of divorce and child custody. Although eleven countries in the region ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the majority had reservations to the convention that undermined and contradicted its letter and spirit.

The killing and injury of civilians that accompanied internal political violence in Algeria, Egypt, Israel, and the occupied West Bank and Gaza Strip was at the decade's all-time low, although military operations in Iraq, Lebanon, and northern Israel killed and injured civilians. The comprehensive U.N. Security Council economic sanctions remained in place against Iraq and continued to impose life-threatening conditions to civilians that were only partially offset by the "enhanced oil-for-food" program.

Lebanon remained the primary stage for the ongoing military confrontation between Israel and Lebanese guerrillas fighting to end the occupation in the part of south Lebanon that Israel termed its "security zone," and it was again in Lebanon where the overwhelming majority of civilian casualties in this conflict occurred. For example, on December 22, 1998, a Lebanese woman and her six children were killed when missiles fired from Israeli F-16 aircraft hit their house in the Bekaa valley. IDF chief of general staff Gen. Shaul Mofaz termed the casualties a "mishap" caused by "human error." The reported target was a nearby Hizballah radio station. Guerrillas responded by launching indiscriminately some sixty Katyusha rockets into northern Israel which injured twelve Israelis. In a statement claiming responsibility, Hizballah said: "Violence must be answered by violence. Their blood must be spilled for ours." Guerrillas again fired rockets into northern Israel on May 18, 1999, after an Israeli aircraft attack killed two Lebanese civilians in Zawtar al-Sharqiyyeh village on May 17.

On June 24, outgoing prime minister Benjamin Netanyahu ordered the Israeli air force to bomb civilian infrastructure throughout Lebanon, killing ten civilians. The attacks were reprisals for Hizballah rockets launched into northern Israel, which in turn were characterized as reprisals for earlier attacks by the IDF and its auxiliary Lebanese militia which it financed and armed, the South Lebanon Army (SLA), that killed and injured Lebanese civilians. Destruction of transformers at the Jamhour electrical power plant in Beirut's suburbs, followed by attacks on the Bsalim station several hours later, left the capital in darkness and with electricity supplied only erratically for weeks thereafter. Two facilities providing electricity to Ba'albeck and Bint Jbeil, and the power relay station north of Sidon, were also attacked. IDF Brig. Gen. Dan Halutz said at a press conference on June 25 that the infrastructure targets "had been selected a long time ago," and that "the government decided to carry out an attack on Lebanese infrastructure and not only on Hizballah objectives...in order to stress that all power brokers in Lebanon who support Hizballah's murderous activity are liable to attack." Hizballah responded by firing additional Katyushas into northern Israel, leaving two Israelis dead.

LEBANESE CIVILIANS CONTINUED TO BE FORCIBLY EXPELLED FROM OCCUPIED SOUTH LEBANON BY THE SLA. THE VICTIMS, WHO INCLUDED CHILDREN AND THE ELDERLY, RECEIVED NO ADVANCE NOTICE AND WERE NOT PERMITTED TO BRING PERSONAL POSSESSIONS WITH THEM. THE EXPULSIONS, WHICH HAVE BEEN CARRIED OUT SINCE 1985, HAVE DISPOSSESSED HUNDREDS OF LEBANESE WHO WERE PUNISHED BECAUSE RELATIVES DESERTED THE SLA, REFUSED TO JOIN THE MILITIA, OR WERE SUSPECTED MEMBERS OF GUERRILLA GROUPS. OTHERS WERE EXPELLED FOR REFUSAL TO SERVE AS INFORMERS FOR THE SLA'S INTELLIGENCE APPARATUS. THE EXPULSIONS FROM ISRAELI-OCCUPIED TERRITORY VIOLATED INTERNATIONAL HUMANITARIAN LAW AND CONSTITUTED GRAVE BREACHES OF THE GENEVA CONVENTIONS.

IN SEPTEMBER, ISRAEL'S MINISTRY OF DEFENSE ADMITTED FOR THE FIRST TIME THAT THE GENERAL SECURITY SERVICE (GSS) TRAINED SLA INTERROGATORS AT KHIYAM PRISON IN OCCUPIED SOUTH LEBANON WHERE TORTURE APPEARED TO BE SYSTEMATIC. RESPONDING TO A HIGH COURT OF JUSTICE PETITION BROUGHT BY ISRAELI HUMAN RIGHTS ORGANIZATIONS, IDF BRIG. GEN. DAN HALUTZ WROTE IN AN AFFIDAVIT THAT "GSS PERSONNEL COOPERATE WITH MEMBERS OF THE SLA, AND EVEN ASSIST THEM BY MEANS OF PROFESSIONAL GUIDANCE AND TRAINING." HALUTZ ADDED THAT THE GSS DID NOT "PARTICIPATE IN THE FRONTAL INTERROGATION" OF DETAINEES IN KHIYAM, ALTHOUGH HE CONCEDED THAT "CERTAIN DETAINEES UNDER INTERROGATION ARE EXAMINED BY MEANS OF POLYGRAPH BY THE ISRAELI SIDE IN THE FRAMEWORK OF THE COOPERATION" BETWEEN THE SLA AND THE IDF.

IN IRAQ THE EXPANDED "OIL-FOR-FOOD" PROGRAM AUTHORIZED UNDER SECURITY COUNCIL RESOLUTION 1153 (1998) HAD SOME POSITIVE IMPACT ON THE HUMANITARIAN CRISIS STEMMING FROM THE COMPREHENSIVE SECURITY COUNCIL EMBARGO AND THE IRAQI GOVERNMENT'S POLICIES. THE OVERALL HUMANITARIAN SITUATION, HOWEVER, REMAINED CRITICAL. ONE INDICATION WAS THE UNICEF CHILD AND MATERNAL MORTALITY SURVEY RELEASED IN AUGUST SHOWING THAT INFANTS AND CHILDREN UNDER FIVE IN THE AREA CONTROLLED BY THE GOVERNMENT OF IRAQ WERE DYING AT MORE THAN TWICE THE RATE OF A DECADE AGO, BEFORE THE EMBARGO WAS IMPOSED. THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) WARNED IN MAY OF THE "STEADY DETERIORATION OF LIVING CONDITIONS" AND STRESSED THAT "HUMANITARIAN ACTION ALONE CAN NOT BE A SUBSTITUTE FOR THE COUNTRY'S NEEDS." REFERRING TO ITS OWN WATER, SANITATION AND HEALTH SECTOR PROGRAMS, THE STATEMENT SAID: "WHILE, FOR THE ICRC, ACTION COMES FIRST, IT IS ALSO ITS DUTY, AS THE GUARDIAN OF HUMANITARIAN LAW, TO DRAW THE ATTENTION OF THE WORLD COMMUNITY TO THE PREVAILING HUMANITARIAN SITUATION IN IRAQ."

ON DECEMBER 16, 1998, U.S. AND U.K. FORCES COMMENCED FOUR NIGHTS OF MISSILE AND AIRCRAFT ATTACKS ON IRAQ FOLLOWING THE REPORT OF THE CHAIRMAN OF UNSCOM, THE U.N.'S SPECIAL DISARMAMENT COMMISSION, THAT IRAQ HAD AGAIN FAILED TO COOPERATE WITH IT FULLY. BETWEEN DECEMBER 28 AND OCTOBER 3, 1999 ACCORDING TO U.S. MILITARY SOURCES, U.S. AND U.K. WARPLANES LAUNCHED 27,000 SORTIES AND DROPPED 1,650 BOMBS AGAINST 385 TARGETS, MAINLY ANTI-AIRCRAFT INSTALLATIONS WHICH THEY CLAIMED CHALLENGED ENFORCEMENT OF THE "NO-FLY" ZONES IN THE NORTH AND SOUTH OF THE COUNTRY. THE U.S. MILITARY REPORTEDLY DISMISSED AS "EXAGGERATED" IRAQI CLAIMS THAT NEARLY 200 CIVILIANS HAD BEEN KILLED AND NEARLY 500 INJURED IN THESE ATTACKS.

## Defending Human Rights

THERE WERE SHARP CONTRASTS IN THE TREATMENT OF HUMAN RIGHTS DEFENDERS IN THE REGION, REFLECTING OFFICIAL ATTITUDES THAT RANGED FROM TOLERANT TO HOSTILE. IN THE REPRESSIVE ENVIRONMENTS OF SAUDI ARABIA, BAHRAIN, IRAQ, LIBYA, AND SYRIA IT WAS IMPOSSIBLE TO MONITOR AND REPORT OPENLY ON HUMAN RIGHTS DEVELOPMENTS. FIVE ACTIVISTS REMAINED BEHIND BARS IN SYRIA, SERVING PRISON TERMS OF EIGHT TO TEN YEARS THAT THE SUPREME STATE SECURITY COURT IMPOSED IN 1992. ONE OF THEM, WRITER AND JOURNALIST NIZAR NAYOUF, CONTINUED TO SUFFER FROM POOR HEALTH IN SOLITARY CONFINEMENT AT MEZZE MILITARY PRISON, AND SYRIAN AUTHORITIES WERE UNRESPONSIVE TO REPEATED APPEALS FROM ARAB AND INTERNATIONAL NGOS FOR HIS RELEASE ON HUMANITARIAN GROUNDS. IN ALGERIA, HUMAN RIGHTS LAWYER RACHID MESLI LEFT PRISON IN JULY AFTER SERVING THREE YEARS FOR "ADVOCATING TERRORISM," A CHARGE INTRODUCED INTO HIS TRIAL AT THE LAST MINUTE.

IN THE ABSENCE OF INDEPENDENT HUMAN RIGHTS ORGANIZATIONS IN IRAN, JOURNALISTS AND INTELLECTUALS FILLED THE GAP, REPORTING VIOLATIONS IN THE PRESS AND RAISING QUESTIONS ABOUT STATE POLICIES. IN A PROMISING DEVELOPMENT IN AUGUST, THE ESTABLISHMENT OF THE ASSOCIATION TO PROTECT PRESS FREEDOM BROUGHT TOGETHER WRITERS, EDITORS, JOURNALISTS, AND PUBLISHERS IN DEFENSE OF FREEDOM OF EXPRESSION. IN ANOTHER POSITIVE DEVELOPMENT, TUNISIAN ACTIVIST KHAMAIS KSILA, A VICE PRESIDENT OF THE TUNISIAN LEAGUE FOR HUMAN RIGHTS, WAS CONDITIONALLY RELEASED AFTER SERVING THE SECOND YEAR OF A THREE-YEAR PRISON TERM IMPOSED BECAUSE A COMMUNIQUE HE WROTE IN HIS OWN NAME SHARPLY CRITICIZING THE LACK OF CIVIL LIBERTIES UNDER PRESIDENT BEN ALI.

PALESTINIAN AUTHORITY (PA) OFFICIALS AND THE SEMI-OFFICIAL PALESTINIAN PRESS ACCUSED HUMAN RIGHTS ACTIVISTS AND ORGANIZATIONS OF TREASON AND CORRUPTION FOR PUBLICIZING VIOLATIONS AND ACCEPTING FOREIGN FUNDING, AND THREATENED PROSECUTION. THE PA SECURITY APPARATUS CONTINUED TO TARGET AND HARASS HUMAN RIGHTS DEFENDERS. PROMINENT ACTIVIST DR. EYAD

SARRAJ, DIRECTOR OF THE GAZA COMMUNITY MENTAL HEALTH PROGRAM, WAS SUMMONED ON AUGUST 5 TO GAZA POLICE HEADQUARTERS AND INFORMED THAT PRESIDENT ARAFAT HAD ORDERED HIS ARREST AND INTERROGATION BECAUSE OF HIS ARTICLE ABOUT THE P.A.'S CRACKDOWN ON HUMAN RIGHTS ORGANIZATIONS IN THE AUGUST ISSUE OF THE MONTHLY MAGAZINE *PEOPLE'S RIGHTS* (JERUSALEM). AFTER QUESTIONING, SARRAJ WAS INFORMED THAT HE COULD NOT LEAVE THE COUNTRY UNTIL FURTHER NOTICE BECAUSE HIS CASE WAS UNDER INVESTIGATION.

BAHRAINI, TUNISIAN, AND PALESTINIAN HUMAN RIGHTS LAWYERS ALSO CAME UNDER PRESSURE DURING THE YEAR. LAWYERS IN BAHRAIN WERE WARNED NOT TO DEFEND CERTAIN CLIENTS IN SECURITY CASES, AND ABDULLAH HASHIM, WHO HAD EARLIER BEEN ACQUITTED ON AN ADULTERY CHARGE INTENDED TO DISBAR HIM, WAS PREVENTED FROM TRAVELING IN JANUARY AFTER FILING A WRIT OF HABEAS CORPUS FOR A CLIENT. OUTSPOKEN LAWYERS IN TUNISIA WERE SUBJECTED TO HIGHLY VISIBLE SURVEILLANCE WHICH INTIMIDATED THEIR CLIENTS, AND OVER TWENTY LAWYERS WERE DENIED PASSPORTS FOR PART OR ALL OF THE YEAR. P.A. SECURITY FORCES ARBITRARILY DENIED PALESTINIAN LAWYERS ACCESS TO CLIENTS. IN MAY POLICE BARRED LAWYERS WITH THREE HUMAN RIGHTS ORGANIZATIONS FROM SEEING CLIENTS IN PRISONS UNDER POLICE CUSTODY IN GAZA.

IN EGYPT, LOCAL HUMAN RIGHTS ORGANIZATIONS TOOK THE LEAD IN OPPOSING THE GOVERNMENT'S PROPOSED NEW NGO LAW, REPEATEDLY WARNING THAT ITS RESTRICTIVE PROVISIONS WOULD CRIPPLE INDEPENDENT CIVIL SOCIETY. AS OF THIS WRITING, CRIMINAL CHARGES REMAINED PENDING AGAINST THE SECRETARY GENERAL OF THE EGYPTIAN ORGANIZATION FOR HUMAN RIGHTS (EOHR), LAWYER HAFEZ ABU SA'ADA, AND EOHR LAWYER AND RESEARCHER MUSTAFA ZEIDAN, WHO WERE TARGETED FOR PUBLISHING A REPORT THAT DOCUMENTED POLICE TORTURE IN A PREDOMINANTLY CHRISTIAN VILLAGE IN UPPER EGYPT IN 1999. THE INHOSPITABLE CLIMATE FOR RIGHTS GROUPS IN EGYPT WAS EXEMPLIFIED IN JUNE WHEN SOCIAL AFFAIRS MINISTER MERVAT TELLAWI SAID AT A PRESS CONFERENCE THAT THE ORGANIZATIONS WERE "ILLEGAL" BECAUSE THEY WERE NOT REGISTERED WITH HER MINISTRY AND THEIR PUBLICATIONS INCLUDED "GROUNDLESS CLAIMS."

HUMAN RIGHTS DEFENDERS LAUNCHED SEVERAL INITIATIVES TO PROMOTE JOINT WORK ON REGIONAL AND INTERNATIONAL RIGHTS ISSUES. THE FIRST INTERNATIONAL CONFERENCE OF THE ARAB HUMAN RIGHTS MOVEMENT WAS HELD IN CASABLANCA ON APRIL 23-25, ATTENDED BY ONE HUNDRED PARTICIPANTS AND OBSERVERS FROM FORTY HUMAN RIGHTS ORGANIZATIONS BASED IN FIFTEEN COUNTRIES. IT WAS ORGANIZED BY THE INDEPENDENT CAIRO INSTITUTE FOR HUMAN RIGHTS STUDIES AND HOSTED BY THE MOROCCAN ORGANIZATION FOR HUMAN RIGHTS. THE CONFERENCE ADOPTED THE CASABLANCA DECLARATION, A DETAILED DOCUMENT THAT DESCRIBED THE INTERNATIONAL CONTEXT OF THE ARAB HUMAN RIGHTS MOVEMENT; AFFIRMED THE RIGHT TO SELF DETERMINATION AND PEACE BASED ON JUSTICE; CONDEMNED VIOLENCE IN INTERNAL ARMED CONFLICTS AND "INTELLECTUAL TERRORISM" OF ALL KINDS; AND ARTICULATED TEN RESPONSIBILITIES OF THE ARAB HUMAN RIGHTS MOVEMENT, INCLUDING RECOGNITION OF WOMEN'S AND CHILDREN'S RIGHTS, PROMOTION OF HUMAN RIGHTS IN ARAB AND ISLAMIC CULTURES, AND ACHIEVEMENT OF ECONOMIC AND SOCIAL RIGHTS.

EGYPTIAN NGOS ESTABLISHED IN MAY THE EGYPTIAN COALITION FOR AN INTERNATIONAL CRIMINAL COURT. IN JUNE, THE CAIRO-BASED ARAB CENTER FOR THE INDEPENDENCE OF THE JUDICIARY AND THE LEGAL PROFESSION ORGANIZED IN BEIRUT THE FIRST ARAB CONFERENCE ON JUSTICE, WHICH SAW THE CREATION OF THE ARAB NGOS COALITION FOR AN INTERNATIONAL CRIMINAL COURT. ITS THIRTY-TWO FOUNDING MEMBERS INCLUDED INDEPENDENT ARAB ORGANIZATIONS BASED IN ALGERIA, EGYPT, FRANCE, JORDAN, KUWAIT, MOROCCO, PALESTINE, TUNISIA, AND YEMEN. THE COALITION'S GOALS INCLUDED PUBLIC EDUCATION CONCERNING THE IMPORTANCE OF THE ICC AND ADVOCACY DIRECTED AT ARAB STATES' RATIFICATION OF THE STATUTE OF THE INTERNATIONAL CRIMINAL COURT STATUTE.

## **The Role of the International Community**

### **United Nations**

IN AN UNPRECEDENTED MOVE, THE HIGH CONTRACTING PARTIES (HCP) OF THE FOURTH GENEVA CONVENTION (RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR) MET ON JULY 15 TO DISCUSS "MEASURES TO ENFORCE THE CONVENTION IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING JERUSALEM, AND TO ENSURE RESPECT THEREOF IN ACCORDANCE WITH COMMON ARTICLE 1." COMMON ARTICLE 1 REQUIRED HCPs "TO RESPECT AND ENSURE RESPECT FOR THE PRESENT CONVENTION IN ALL CIRCUMSTANCES." THE MEETING ADJOURNED ONLY MINUTES AFTER OPENING, WITH HCPs REAFFIRMING "THE APPLICABILITY OF THE FOURTH GENEVA CONVENTION TO THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING JERUSALEM," BUT REFRAINING FROM TAKING ANY ACTION OR SETTING A DATE FOR FUTURE MEETINGS, POINTING INSTEAD TO AN "IMPROVED ATMOSPHERE IN THE MIDDLE EAST AS A WHOLE" FOLLOWING THE ELECTION OF A NEW ISRAELI GOVERNMENT. THE MEETING HAD BEEN CALLED FOR IN A SERIES OF U.N. GENERAL ASSEMBLY EMERGENCY SPECIAL SESSION RESOLUTIONS, DATING BACK TO 1997, BUT STRONG U.S. PRESSURE TO PREVENT A MEETING AND SWISS RELUCTANCE TO TAKE RESPONSIBILITY FOR ORGANIZING IT HAD CAUSED REPEATED DELAYS.

## European Union

Human rights did not appear prominently on the agendas of the E.U. or of member states in 1999. Iran and Algeria, two countries previously high on the E.U. agenda had embarked on political reforms that indicated intent to improve civil and political rights in those countries. European leaders generally endorsed the policies of President Mohamed Khatami of Iran, and expressed approval of the efforts of Algeria's new president, Abd al-Aziz Bouteflika, to end the civil strife there. At the same time, setbacks to human rights in other countries, from Tunisia to Bahrain, generally did not attract public comment or affect political and commercial relations.

According to the most recent available data, compiled by the U.S. Congressional Research Service, six Middle East countries—Saudi Arabia, the United Arab Emirates, Egypt, Algeria, Israel and Kuwait—were among the top seven recipients of arms transfers in 1998. European countries, led by France and the U.K., continued to be major suppliers of military weapons and services in the region, accounting for 36 percent of total arms transfer agreements in the 1995–98 period.

There was little movement in 1999 in the “Barcelona Process” of establishing a Euro-Mediterranean free trade and cooperative security zone. Efforts in this area were immobilized for much of the year by the impasse in Israeli-Palestinian negotiations, and by resistance in some Middle East countries to the dislocations likely to accompany the requisite economic restructuring and privatization. However, the association agreement with Morocco was ratified by Belgium in December 1999 and by Italy in October 1999, paving the way for its going into operation. In July negotiations on an association agreement with Egypt were concluded, after four years.

Tunisia remained the only country with an operational Association Agreement, but as the parties prepared for a November 1999 ministerial meeting the E.U. gave no indication of how it planned to reconcile Tunisia's deplorable human rights record, especially its harsh treatment of human rights defenders, with article 2's stipulation that the agreement was premised on “respect for human rights and democratic principles.” There was no public discussion of the means with which compliance with these treaty obligations could be effectively monitored and its implicit human rights conditionality made operational.

With regard to human rights, the “chairman's formal conclusions” of the Third Euro-Mediterranean Conference of Foreign Ministers, held in Stuttgart in mid-April, could only report that they had “welcomed the continuing initiatives relating to the exchange of information on the signature of international instruments in the fields of disarmament and arms control, terrorism, human rights, and international humanitarian law.” The ministers also agreed that Libya, which attended the Euro-Mediterranean ministerial meetings for the first time as a guest, would become a “full member” of the process once all U.N. Security Council sanctions were lifted.

## United States

The U.S. continued to devote considerable high-level diplomatic attention to the Middle East. Assistant Secretary of State Martin Indyk, in the administration's foreign assistance budget presentation to Congress for fiscal year 2000, identified “advancing the Middle East peace process, countering the Iraqi threat, ensuring stability in the oil-rich Gulf, and promoting democratic values and religious tolerance” as top priorities. \$3.3 billion of the department's \$5.5 billion request for regional programs covered grants for sales of military equipment and services. Proposed funding for democracy programs was approximately \$25 million, more than half of which was allocated to the West Bank and Gaza for “[s]trengthening the capacities of the legislature, executive authority, and judiciary, as well as civil society organizations.” The presentation cited opportunities for supporting human rights and democracy efforts in Algeria, Egypt, Jordan, Lebanon, Morocco, and Yemen while avoiding reference to Tunisia and Bahrain or other Persian Gulf states.

Congressional and public diplomatic attention to human rights in the region was generally confined to issues of religious freedom. Ninety-three senators and representatives wrote Egypt's President Mubarak in February concerning reports of police torture of mainly Christian inhabitants of al-Kosheh and the subsequent arrest of the secretary general of the Egyptian Organization for Human Rights following the release of that organization's report on the incident, and President Clinton privately raised the question of treatment of Egypt's Christian community during President Mubarak's official visit to Washington in June. Robert Seiple, who was sworn in as ambassador at large for international religious freedom, visited Israel, Egypt, and Saudi Arabia, and met with officials of those countries and the Palestinian Authority. The



FIRST ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM, mandated by the U.S. INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998 AND RELEASED IN EARLY SEPTEMBER, INCLUDED EXTENSIVE COVERAGE OF THE MIDDLE EAST. THE MAJORITY OF SPECIFIC U.S. INTERVENTIONS CONCERNED TREATMENT OF NATIVE OR RESIDENT CHRISTIAN COMMUNITIES OR INDIVIDUALS. AN EXCEPTION WAS THE ATTENTION OF THE U.S. EMBASSY IN MOROCCO TO THAT GOVERNMENT'S CONTINUED HOUSE ARREST OF SHAIKH YASSINE, THE COUNTRY'S LEADING ISLAMIST FIGURE.

ACCORDING TO THE 1999 CONGRESSIONAL RESEARCH SERVICE ANNUAL REPORT ON CONVENTIONAL ARMS SALES, MIDDLE EAST COUNTRIES REPRESENTED TWO-THIRDS OF ALL U.S. ARMS SALES AGREEMENTS TO DEVELOPING COUNTRIES IN THE 1995-1998 PERIOD. U.S. COMPANIES AND INSTITUTIONS ACCOUNTED FOR MORE THAN 35 PERCENT OF ALL ARMS TRANSFER AGREEMENTS WITH THE REGION IN THIS PERIOD, WITH NEARLY 65 PERCENT OF THE LARGEST COUNTRY MARKET, SAUDI ARABIA. ACCORDING TO U.S. DEPARTMENT OF DEFENSE DATA FOR FISCAL YEAR 1999, MIDDLE EAST COUNTRIES ACCOUNTED FOR \$7 BILLION IN DELIVERIES OF "DEFENSE ARTICLES AND SERVICES" AND CONSTRUCTION, MORE THAN HALF OF THE GLOBAL TOTAL OF \$13.9 BILLION FOR THAT YEAR.

## **The Work of Human Rights Watch**

HUMAN RIGHTS WATCH DOCUMENTED AND PROTESTED WIDE-RANGING VIOLATIONS ACROSS THE REGION, WITH A PRIMARY FOCUS ON FREEDOM OF EXPRESSION, ASSEMBLY, AND ASSOCIATION. WE ADVOCATED REFORM OF REPRESSIVE LAWS AND PROTECTION OF THE EXPRESSION OF DIVERSE VIEWPOINTS. WE WELCOMED GOVERNMENT INITIATIVES TO ADDRESS LONG-STANDING HUMAN RIGHTS ABUSES BUT DEMANDED AN END TO IMPUNITY AND CHALLENGED STATE SOVEREIGNTY PARTICULARLY IN THE FACE OF CRIMES AGAINST HUMANITY. WE PRESSED THE U.S., AND ALSO LOOKED BEYOND IT TO EUROPEAN AND REGIONAL GOVERNMENTS AS WELL AS INTERGOVERNMENTAL BODIES NOT TO SACRIFICE HUMAN RIGHTS FOR POLITICAL OR OTHER CONSIDERATIONS IN THEIR DEALINGS WITH STATES IN THE REGION.

WE EXTENDED OUR OUTREACH TO BROADER SEGMENTS OF THE REGION'S POPULATION THROUGH GREATER USE OF TRANSLATIONS INTO ARABIC, FARSI, AND FRENCH; WIDER DISSEMINATION OF OUR PUBLISHED MATERIALS IN PRINT AND BROADCAST MEDIA; AND THE LAUNCH OF AN ARABIC WEB-SITE. THE WEB-SITE ENABLED HUMAN RIGHTS WATCH TO INFORM ARABIC SPEAKERS ABOUT THE WORLDWIDE ACTIVITIES AND CAMPAIGNS OF THE ORGANIZATION, ESTABLISH LINKAGES WITH HUMAN RIGHTS RELATED WEB-SITES AND ASSOCIATIONS IN THE REGION AND ELSEWHERE, AND EXPERIMENT WITH WEB-BASED CAMPAIGNING TECHNIQUES.

ONE OF OUR HIGHEST PRIORITIES REMAINED CONSULTATION AND COORDINATION WITH LOCAL AND REGIONAL HUMAN RIGHTS GROUPS AIMED AT EFFECTIVE ACTION TO END ABUSES AND TO ENSURE THAT OUR PRIORITIES REFLECTED THE CONCERNS IN THE REGION. WE ATTENDED AND PRESENTED PAPERS AT THE FIRST INTERNATIONAL CONFERENCE OF THE ARAB HUMAN RIGHTS MOVEMENT AND THE FIRST ARAB CONFERENCE ON JUSTICE. BOTH EVENTS PROVIDED OPPORTUNITIES TO EXCHANGE INFORMATION AND DISCUSS STRATEGIES WITH LOCAL AND REGIONAL NGOs.

IN APRIL WE PARTICIPATED IN AN NGO CONFERENCE ON HUMAN RIGHTS AND CITIZENSHIP IN THE MEDITERRANEAN REGION, WHICH ADDRESSED A NUMBER OF HUMAN RIGHTS CONCERNS TO THE PARALLEL MEETING OF EURO-MEDITERRANEAN FOREIGN MINISTERS. HUMAN RIGHTS WATCH REPRESENTATIVES ALSO VISITED BAHRAIN, EGYPT, ISRAEL, THE OCCUPIED TERRITORIES AND PALESTINIAN AUTHORITY CONTROLLED AREAS, IRAN, JORDAN, LEBANON, AND MOROCCO AND MET WITH LOCAL HUMAN RIGHTS ACTIVISTS, JOURNALISTS, GOVERNMENT OFFICIALS, JUDGES, AND DIPLOMATS, AMONG OTHERS.

WE GAVE GREATER EMPHASIS TO STRATEGIES FOR PROTECTING AND ENLARGING THE PUBLIC SPACE FOR DIVERSE POINTS OF VIEW, AND THROUGHOUT THE YEAR WE CALLED ATTENTION TO RESTRICTIONS ON FREEDOM OF EXPRESSION AND ASSOCIATION. WE CONTACTED GOVERNMENT OFFICIALS IN JORDAN AND LEBANON ABOUT THE PRESS AND PUBLICATION LAWS; IN EGYPT ABOUT PENAL CODE PROVISIONS THAT ENABLED CRIMINAL COURTS TO IMPRISON JOURNALISTS; AND IN THE PALESTINIAN AUTHORITY ABOUT ILLEGAL ARRESTS OF JOURNALISTS AND CLOSURES OF MEDIA OUTLETS. IN OCTOBER WE PUBLISHED OUR FINDINGS ON STATE REGULATION OF THE PRESS IN IRAN AND CALLED FOR LEGAL AND ADMINISTRATIVE SAFEGUARDS TO PROTECT THE MEDIA FROM BEING MUZZLED. WE ALSO DOCUMENTED STATE REGULATION OF THE INTERNET, AND PUBLISHED OUR FINDINGS AND RECOMMENDATIONS IN JUNE.

WE PROTESTED RESTRICTIONS ON FREEDOM OF ASSOCIATION AND ASSEMBLY IN EGYPT, TUNISIA, AND IRAN. WE COMMUNICATED OUR CONCERNS ABOUT EGYPT'S NEW NGO LAW IN LETTERS TO GOVERNMENT OFFICIALS AND MEMBERS OF PARLIAMENT. IN TUNISIA WE PRESSED INTERIOR MINISTER ALI CHAOUGH TO GRANT LEGAL STATUS TO A NEWLY FORMED HUMAN RIGHTS ORGANIZATION, THE CONSEIL NATIONAL DES LIBERTES EN TUNISIE (CNLT), AND IN MAY AND JUNE WE PROTESTED THE ARRESTS OF OMAR MESTIRI AND MONCEF MARZOUKI, RESPECTIVELY, FOR ACTIVITIES RELATED TO THE CNLT. IN JULY, WE CONDEMNED THE APPARENT VICTIMISATION OF ABDERRAOUF CHAMMARI IN REPRISAL FOR THE HUMAN RIGHTS ACTIVITIES OF HIS BROTHER, KHEMAIS CHAMMARI, WHO LIVED IN FRANCE.

WE CONDEMNED THE JULY 9 ASSAULT ON STUDENTS IN RESIDENCE HALLS AT TEHRAN UNIVERSITY AND URGED LEADER OF THE ISLAMIC REPUBLIC OF IRAN AYATOLLAH ALI KHAMENEI TO PROSECUTE THOSE RESPONSIBLE AND ENSURE THE RELEASE OF DETAINED STUDENTS.

FOLLOWING THE SUBSEQUENT VIOLENT CLASHES BETWEEN STUDENTS, SECURITY FORCES, AND ARMED MILITIAS WE CALLED FOR A PUBLIC INQUIRY AND APPEALED FOR FAIR TRIALS FOR DETAINEES ACCUSED OF INSTIGATING THE VIOLENCE.

WE CAMPAIGNED THROUGHOUT THE YEAR ON BEHALF OF IMPRISONED AND PERSECUTED HUMAN RIGHTS DEFENDERS IN TUNISIA, SYRIA, AND EGYPT. IN TUNISIA THEY INCLUDED KHEMAIS KESILA, WHO WAS RELEASED IN SEPTEMBER, AND LAWYER RADHIA NASRAOUI WHO IN JULY RECEIVED A SIX-MONTH SUSPENDED SENTENCE AFTER A GROSSLY UNFAIR TRIAL WHICH WAS ATTENDED BY OBSERVERS REPRESENTING SEVERAL INTERNATIONAL HUMAN RIGHTS GROUPS, INCLUDING HUMAN RIGHTS WATCH. WE CONTINUED TO CALL FOR THE RELEASE ON HUMANITARIAN GROUNDS OF SYRIAN WRITER AND HUMAN RIGHTS ACTIVIST NIZAR NAYOUF, WHO WAS SERVING A TEN-YEAR SENTENCE AT MEZZE MILITARY PRISON IN DAMASCUS AND WAS REPORTEDLY IN POOR HEALTH AND SUFFERING FROM HODGKIN'S DISEASE, DESPITE DENIALS FROM AUTHORITIES. WE RESPONDED QUICKLY WHEN TWO EGYPTIAN HUMAN RIGHTS LAWYERS WERE THREATENED BY PROSECUTORS IN DECEMBER 1998 AND ONE WAS DETAINED FOR SIX DAYS.

AS PART OF OUR EFFORTS TO BRING AN END TO IMPUNITY, WE CONTINUED TO PRESS GOVERNMENTS TO ACCOUNT FOR PAST ABUSES—including torture, deaths in custody, and “disappearances”—AND BRING TO JUSTICE THOSE RESPONSIBLE AND COMPENSATE VICTIMS AND THEIR FAMILIES. WE WROTE TO EGYPTIAN OFFICIALS IN MARCH ABOUT THE STILL-UNPUBLISHED FINDINGS OF THE OFFICIAL INVESTIGATION INTO THE 1994 DEATH IN CUSTODY OF LAWYER ABDEL HARITH MADANI. IN SEPTEMBER, AS A MEASURE TO COMBAT TORTURE, WE URGED EGYPT'S NEW PROSECUTOR GENERAL TO CONDUCT PROMPT AND TRANSPARENT INVESTIGATIONS OF ALL DEATHS IN POLICE CUSTODY AND TO HOLD ACCOUNTABLE THOSE FOUND RESPONSIBLE FOR ACTIONS CONTRIBUTING TO SUCH DEATHS. ALSO IN SEPTEMBER, FOLLOWING THE ISRAELI HIGH COURT OF JUSTICE'S RULING THAT MANY OF THE GENERAL SECURITY SERVICE'S INTERROGATION TECHNIQUES WERE ILLEGAL, WE URGED THE MINISTER OF JUSTICE TO BEGIN TORTURE PROSECUTIONS AND TO INTRODUCE LEGISLATION TO OUTLAW TORTURE DEFINITELY. AS IN PAST YEARS, THE SYRIAN GOVERNMENT DID NOT REPLY TO OUR LETTERS OF INQUIRY ABOUT INDIVIDUAL CASES OF “DISAPPEARANCES.”

IN LIGHT OF THE ALGERIAN GOVERNMENT'S FAILURE TO CONDUCT OR ALLOW ANY CREDIBLE INVESTIGATION INTO KILLINGS WHICH HAVE TAKEN THE LIVES OF OVER 100,000 PEOPLE, AND ROUTINE PRACTICES SUCH AS TORTURE AND “DISAPPEARANCES” ATTRIBUTED TO GOVERNMENT SECURITY FORCES, WE URGED THE U.N. HUMAN RIGHTS COMMISSION TO ESTABLISH A SPECIAL RAPPORTEUR ON ALGERIA. WE ALSO RECOMMENDED THAT THE COMMISSION'S MEMBER STATES PRESS ALGERIA TO ALLOW REPRESENTATIVES OF THE VARIOUS U.N. HUMAN RIGHTS MECHANISMS TO VISIT THE COUNTRY. AS OF THIS WRITING, REQUESTS OF HUMAN RIGHTS WATCH TO VISIT ALGERIA WENT UNANSWERED.

AS THE INTERNATIONAL COMMUNITY WITNESSED THE GRADUAL CRUMBLING OF THE DEFENSE OF “NATIONAL SOVEREIGNTY” BY THOSE OPPOSED TO BEING HELD ACCOUNTABLE FOR CRIMES AGAINST HUMANITY, WE ENCOURAGED GOVERNMENTS IN THE REGION TO JOIN JORDAN AND OVER EIGHTY OTHER STATES WORLDWIDE TO SIGN THE TREATY TO ESTABLISH THE INTERNATIONAL CRIMINAL COURT. HUMAN RIGHTS WATCH JOINED FORCES WITH OTHER NGOs IN SEEKING OPPORTUNITIES TO EXPOSE PERPETRATORS OF CRIMES AGAINST HUMANITY AND WHERE POSSIBLE TO BRING THEM TO JUSTICE. IN AUGUST WE URGED THE GOVERNMENTS OF AUSTRIA AND JORDAN TO TAKE INTO CUSTODY AND BRING TO JUSTICE IZZAT IBRAHIM AL-DURI, VICE-CHAIR OF IRAQ'S REVOLUTIONARY COMMAND COUNCIL, WHO HAD VISITED VIENNA FOR MEDICAL TREATMENT AND RETURNED TO IRAQ VIA AMMAN.

IN JULY, WE PUBLISHED DOCUMENTED CASES OF SUMMARY EXPULSION AND FORCED TRANSFER OF CIVILIANS, INCLUDING WOMEN, CHILDREN, AND THE ELDERLY FROM THEIR HOMES AND VILLAGES IN ISRAELI-OCCUPIED LEBANON. THE EXPULSIONS HAD BEEN CARRIED OUT SINCE 1985 WITH LITTLE INTERNATIONAL PUBLICITY. WE RELEASED A REPORT OF THE FINDINGS AT SIMULTANEOUS PRESS CONFERENCES IN BEIRUT AND JERUSALEM. ISRAELI DEFENSE MINISTRY OFFICIALS REFUSED MEETINGS WITH HUMAN RIGHTS WATCH REPRESENTATIVES IN JULY TO DISCUSS THE ISSUE.

HUMAN RIGHTS WATCH ALSO USED VISITS OF HIGH-LEVEL OFFICIALS TO AND FROM COUNTRIES IN THE REGION AS A FOCUS FOR ADVOCACY WORK. FOR EXAMPLE, DURING THE MARCH VISIT OF PRESIDENT KHATAMI TO ITALY—THE FIRST STATE VISIT BY A PRESIDENT OF THE ISLAMIC REPUBLIC TO AN E.U. COUNTRY—WE URGED ITALIAN PREMIER MASSIMO D'ALEMA TO RAISE THE ISSUE OF EXTRAJUDICIAL EXECUTIONS ATTRIBUTED TO THE GOVERNMENT AND THE SCORES OF ASSASSINATIONS ABROAD OF GOVERNMENT OPPONENTS. IN THE SAME MONTH WE URGED U.S. FIRST LADY HILLARY CLINTON, WHO WAS VISITING EGYPT, MOROCCO, AND TUNISIA TO RAISE ISSUES OF DISCRIMINATION AND VIOLENCE AGAINST WOMEN, AND WE PRESSED PRESIDENT CLINTON TO RAISE WITH VISITING PALESTINIAN PRESIDENT ARAFAT CONCERNS ABOUT GROSSLY UNFAIR TRIALS, SOMETIMES LEADING TO EXECUTIONS, BEFORE THE P.A.'S MILITARY AND STATE SECURITY COURTS.

WE WERE CRITICAL OF THE U.S. WHEN IT APPEARED THAT ITS RIGHTS-RELATED ACTIONS OR STATEMENTS WEAKENED OR UNDERMINED THE UNIVERSALITY AND ENFORCEABILITY OF INTERNATIONAL STANDARDS. FOR EXAMPLE, IN JULY WE EXPRESSED TO PRESIDENT CLINTON OUR DISMAY AT STATEMENTS BY VICE-PRESIDENT AL GORE AND ASSISTANT SECRETARY OF STATE MARTIN INDIK AIMED AT DERAILING A PRECEDENT-SETTING MEETING OF THE HIGH CONTRACTING PARTIES TO THE FOURTH GENEVA CONVENTION TO DISCUSS MEASURES TO ENFORCE

the convention in the Israeli-occupied territories. We urged the administration to affirm publicly that respect for international humanitarian law generally and the Geneva Conventions in particular remained a bedrock of U.S. policy, and that the protections afforded by the conventions were not a matter for negotiation between parties to a conflict. In October we raised with attorney general Janet Reno her decision to order the deportation of Hani El-Sayegh to Saudi Arabia. The U.S. said it had obtained assurances from Saudi Arabia that El-Sayegh would not be tortured, and thus satisfied a narrow reading of its Convention against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment obligations, but ignored other likely serious violations, including grossly unfair trial and execution.

# ALGERIA

## Human Rights Developments

Dramatic political developments, coupled with a decline in violent incidents, fueled optimism among Algerians that the country had turned the corner on the worst years of civil strife. The new president, Abdelaziz Bouteflika, won popular support for his blunt talk about government corruption and for offering a partial amnesty to Islamist rebels as a step toward achieving peace and reconciliation. However, he devoted little energy to establishing safeguards against future human rights violations or accountability for past abuses.

If the numbers of arrests, killings, and "disappearances" were down, Algeria remained the most violent country in the Middle East and North Africa. While the Islamic Salvation Army (Armée Islamique du Salut, AIS) generally respected a cease-fire it declared in 1997, others, particularly the groups known under the Armed Islamic Group rubric (Groupe Islamique Armé, GIA), continued to target civilians indiscriminately. Hundreds of unarmed men, women, and children were slaughtered in brutal fashion in attacks, particularly in rural areas, that were officially blamed on "terrorists." Scores of teenage and adult women were abducted in these attacks. According to the testimony of women who had survived captivity, some abducted women were enslaved, raped, and later executed.

The GIA generally did not claim responsibility or explain motives for particular attacks on civilians, although communiqués issued in its name were occasionally received by foreign media. There was speculation that in many instances families or villages were selected for indiscriminate slaughter because members were suspected of opposing or withdrawing assistance from the armed groups.

Within the framework of fighting "terrorism" and "subversion," the security forces continued to employ brutal methods. Accounts of army and police operations carried by the Algerian press, which was constrained to rely heavily on security sources, continued to depict raids that resulted in the deaths of unnamed "terrorists" but almost never their capture. But reports of torture, which had become systematic since 1992 in the interrogation of security suspects, declined along with the number of confirmed new arrests.

Algeria's conflict continued to be characterized by an extreme lack of accountability for abuses. Tens of thousands of persons were killed, "disappeared," or abducted since 1992, without, in the vast majority of cases, law enforcement authorities formally investigating and elucidating what happened. Nor did trials serve often as a venue for carefully weighing evidence that linked deeds to particular individuals.

In August and September 1997, large massacres, officially attributed to "terrorists," claimed a total of more than 600 civilian lives in Bentalha, Raïs, and Beni Messous, on the outskirts of the capital. Yet authorities never produced a complete list of victims, named suspects in the attacks, or issued the results of any inquiry into how assailants could commit such carnage close to military bases without being challenged by the security forces.

Similarly, there was no prosecution in the most widely publicized case of abuse perpetrated by the thousands of "self-defense" militias that were armed and officially supervised by the security forces as local allies in repelling Islamist attacks. The case involved two mayors in Relizane province who, together with their armed subordinates, allegedly carried out a series of abductions and executions of suspected Islamists and their relatives. The two were arrested briefly in April 1998 and later dismissed from their posts, but had not been brought to trial as of October 1999.

Bouteflika, a former foreign minister, was elected to a five-year term April 15 in a vote marred by the last-minute withdrawal of the other six candidates, who charged the outcome was being engineered in his favor by the military.

establishment. This turn of events disappointed many who had been encouraged by the vigor and pluralism of the race, in which important issues were debated on television, in the print media, and in public meetings and rallies.

Inaugurated April 27, Bouteflika moved quickly on his plan for peace. He unveiled a draft "Civil Harmony Law" after the AIS offered to make its 1997 cease-fire permanent. The law, which developed the terms of a 1995 clemency decree, was adopted by parliament in July and overwhelmingly endorsed in a national referendum September 16. Bouteflika also freed some persons imprisoned in connection with the conflict and shed the official discourse that sought to minimize the devastation it had wrought. On June 27, he announced that 100,000 Algerians had died since the strife began in 1992, a number more than three times greater than the last official figure to be issued. He also spoke with sympathy about the thousands of Algerians who had "disappeared," and abandoned the official line that denied a security-force role in the phenomenon.

But if more candid than his predecessors, Bouteflika accorded low priority to investigating the grave violations of the recent past and pursuing some form of justice for the victims. Explaining in a July 7 Radio France Internationale interview why relatives of the "disappeared" had to be patient, he declared, "We must first try to establish peace and security....If we try to attack all the problems at once we shall lose our way." When advocates of the "disappeared" continued to press their case he betrayed exasperation, chiding them at a public appearance in Algiers on September 15, "I have no interest in keeping [the "disappeared "] in my pocket!....How are you going to leave this war behind if you don't forget?"

While there were few reports of persons "disappearing" in 1998 or 1999, almost no Algerians who had "disappeared" in earlier years reappeared; nor was their fate or location revealed. Bureaus that the Interior Ministry had established in 1998 to receive and investigate complaints of "disappearances" closed quietly without, in the vast majority of cases, producing information.

Meanwhile, human rights workers and relatives of the "disappeared" expanded the list of documented cases to over 4,000. This figure included only those cases with some evidence of security force involvement, usually either witnesses who saw the person being arrested or, at some point, in custody.

Counted separately from "disappearances," and usually referred to as "abducted," were Algerians missing after apparently being seized by armed groups since 1993. Little progress was made in determining the fate of these victims, estimated in the thousands by groups embracing their cause such as Djazaïrouna (Our Algeria) and Sumoud (Steadfastness). A link was presumed between these abductions and the mass graves in abandoned wells in the Mitidja region, the discovery of which was reported by the Algerian press during 1998 and 1999. The press often attributed these discoveries to surrendering rebels who revealed where the armed groups had disposed of their victims. Yet, much to the frustration of organizations representing victims of "terrorism," the authorities themselves said little about these discoveries and divulged almost no identifying or forensic information about the scores of bodies—many decomposed—reportedly found at these sites. Absent such information, it was not possible to confirm whether some or all the victims were indeed persons kidnapped and then executed by armed groups, or others who had "disappeared" into secret security force custody.

The Civil Harmony Law offered an exemption from prosecution for persons "implicated in acts of terrorism and subversion" who turned themselves in by January 2000 and vowed to cease all such actions. It offered reduced sentences, but no amnesty, to surrendering militants "responsible for causing the death or permanent injury of a person or for rape, or for using explosives in public places or in places frequented by the public." Rebels responsible for crimes meriting the death penalty or life imprisonment would be subject instead to a maximum twenty-year sentence. As of early October, officials said 531 persons had turned themselves in under the amnesty law; it was not yet possible to confirm this number or assess the treatment they had received.

While Bouteflika expended less effort than earlier officials on whitewashing the abuses committed by security forces, he never insisted that they be held accountable. The situation in Algeria was too "complex" for a truth commission, he said in an interview with *El País* published July 28. "The devastating deviations of a minority should not choke the aspirations of the majority," the Spanish daily quoted him as saying. "What Algeria needs is reconciliation, democracy, liberty, and development."

And in September, Bouteflika warned rebels who did not turn themselves in by the expiration of the amnesty on January 13, 2000 that they would be combated with "all the means the state has at its disposal." He declared ominously, "I want to

say this before everybody—before the United Nations, before Amnesty International, before the world community. We will use all means.”

On June 26, Bouteflika announced that “thousands” of prisoners “detained for supporting terrorists” would be freed on the occasion of Algeria’s independence day, July 5. “Those convicted of shedding blood and of rape,” however, would not be eligible. No official number was given for prisoners actually released on and since that date, but some press reports put the number as of late September at about 2,500.

Many defendants jailed since the mid-1990s were convicted in group trials on “terrorism”-related charges in which the prosecution did not materially link individual defendants to specific acts of violence. Judges presiding over such trials were often presented with claims by defendants that their confessions and statements—usually the sole pieces of evidence presented by the prosecution—had been extracted under torture, in violation of domestic and international law. Yet the presiding judges rarely if ever ordered medical examinations of the defendants to determine the veracity of their claims of torture.

Some of those freed had been convicted under broadly worded statutes that criminalized acts of speech or nonviolent association. The penal code’s article 97B is, in particular, provided that anyone who belonged to or participated in a “terrorist” organization and who is aware of its objectives and activities is subject to prison terms of between ten and twenty years. Persons who “advocate, encourage, or finance” acts of “terrorism” or “subversion” or who reproduce or knowingly distribute materials that advocate such acts are subject to prison terms of five to ten years.

The releases begun in July freed only a portion of Algerians imprisoned in connection with the conflict. At that time, the prison population was thought to have changed little from the level reported by the official Human Rights Monitoring Body (L’Observatoire national des droits de l’homme, ONDH) for the end of 1997, namely 34,000 inmates, of whom slightly fewer than 15,000 had been charged or convicted of acts connected to terrorism or subversion. Of the latter figure, the ONDH said, the large majority were persons suspected not of committing acts of violence but rather related offenses such as “failure to report crimes to the authorities” and providing “assistance to terrorist groups.”

President Bouteflika maintained the seven-year-old state of emergency, which empowered authorities to prevent public gatherings and otherwise restrict civil rights. Meetings and gatherings deemed critical of the government were frequently banned, especially if they coincided with diplomatic meetings taking place nearby. Authorities stopped three consecutive attempts to organize rallies in Algiers to protest alleged election fraud, on April 16, April 26, and May 6.

Bouteflika said he would not re-legalize the banned Islamist Salvation Front (Front Islamique du Salut, FIS), unless it was reorganized under a new leadership. The 1996 Constitution and 1997 Law on Political Parties outlawed parties whose basis is religious, linguistic, racial, or regional. Although Algeria had two legal parties with an Islamist coloring, the FIS had been banned since 1992.

Bouteflika showed little urgency in addressing gender inequality under the law. Algerian women’s rights groups had long demanded the abrogation or amendment of the discriminatory provisions of the 1984 Family Code. This goal was endorsed by the U.N. Committee on the Elimination of Discrimination against Women, which in January 1999 examined Algeria’s report on its compliance with the Convention on the Elimination of All Forms of Discrimination against Women. The committee, while condemning the impact on women of “fundamentalism and terrorist violence,” urged the government to undertake legal steps that would “harmonize the provisions of the Family Code with the text of the convention and with the principle of equality set out in the Algerian constitution.” Yet, although Algeria’s elected legislature had been functioning again since 1997, neither Bouteflika nor his predecessor, Liamine Zoual, exercised any leadership in efforts to reform the code.

During 1999, a growing number of people inside Algeria went online. Benefitting from a 1998 decree governing the Internet, private companies were preparing to break the state’s monopoly on selling online access. Algerian authorities were not known to block access to any Internet content, even though the Internet hosted much political material that was taboo in the Algerian news media.

## Defending Human Rights

Information about human rights conditions was heavily restricted by government policies on information and access. Major international human rights organizations were prohibited from visiting the country. Foreign journalists were granted

visas selectively and then assigned armed escorts, ostensibly for their own protection, who often got in the way of interviewing ordinary people. Censorship prevented the Algerian press from reporting independently on security force operations. The U.N. rapporteurs on torture and on extrajudicial, summary, or arbitrary executions were again unable to secure invitations to visit Algeria, despite long-standing requests to do so.

Nonetheless, a limited but important space existed for the work of Algerian human rights defenders. A small number of lawyers documented cases and published reports about abuses committed by government forces, receiving some coverage of their efforts in the local private media. A grassroots movement on behalf of the families of the "disappeared" continued to document cases and brought their cause to national attention, both during the presidential election campaign and afterward. Women's rights and victim's rights organizations were also active.

The government imposed limits on the public activities of human rights organizations, particularly when they coincided with a diplomatic or official human rights event. The independent Algerian League for the Defense of Human Rights was blocked from holding a conference in December 1998 to commemorate the fiftieth anniversary of the Universal Declaration of Human Rights. It was also prevented from holding a conference on human rights in Africa to coincide with the summit of the Organization of African Unity in Algiers in July. Many of the foreign invitees were denied visas.

Relatives of the "disappeared" were permitted to hold weekly rallies in Algiers and a presidential aide hospitably received a delegation from the National Association of Families of the Disappeared in July. However, the government refused to grant legal status to the organization and on at least three occasions since December 1998 police forcibly dispersed rallies on behalf of the "disappeared."

On October 10, the International Committee of the Red Cross resumed visits to prisoners in Algeria, seven years after such visits were suspended. The government agreed to allow access to all persons held in facilities under ministry of justice auspices, a program that would provide outside, albeit discreet, monitoring of the treatment of inmates.

Rachid Mesli, a prominent human rights lawyer, was freed from prison in July, only days before completing a three-year sentence imposed in an unfair trial in 1997. After the original verdict was quashed in December 1998, the court refused to free him pending his re-trial, which took place June 20 and reaffirmed the earlier conviction. Although convicted of praising "terrorism," most of the questioning after his arrest in 1996 centered on his informal collaboration with Amnesty International, Mesli said.

In September, President Bouteflika declared on more than one occasion that Amnesty International, and human rights organizations generally, were welcome in Algeria. However, as of this writing, no major international organization had been issued entry visas for its representatives. Amnesty International, Human Rights Watch, the International Federation of Human Rights, and Reporters sans Frontières all had been unable to enter Algeria since at least early 1998, despite having submitted requests to visit.

## **The Role of the International Community**

### **European Union**

The European Union (E.U.) was less engaged with Algeria on human rights issues than during 1998, when public horror at repeated massacres created pressure for action. The muted approach was attributable in part to the decline in violence, the favorable reception of President Bouteflika's early steps toward reform, and decidedly mixed reviews of the European démarches taken in 1998.

There were no high-profile E.U. missions such as the 1998 visits by a nine-member European Parliament delegation and by the junior foreign ministers of the troika (representing the preceding, current, and next presidents of the European Council), and no human rights hearings such as those held in the parliament in November 1997. However, shortly after Bouteflika's inauguration, the E.U. Presidency submitted a private letter to Algiers requesting information on a number of cases of "disappearances" and other abuses. No reply had been received as of the end of September.

The European Parliament took a stand for press freedom in November 1998, at a moment when several of Algeria's private newspapers had been suspended. A resolution asked the European Commission to support all projects aimed at promoting press freedom and to consider such freedom as an essential element of E.U.-Algerian cooperation.

THE E.U. MADE CLEAR IT WOULD NOT PUSH FOR RESOLUTIONS CRITICAL OF ALGERIA AT THE MEETING OF THE U.N. HUMAN RIGHTS COMMISSION IN GENEVA IN MARCH-APRIL. INSTEAD, AN E.U. STATEMENT DELIVERED ON MARCH 31 WELCOMED ALGERIA'S COOPERATION WITH THE U.N. "PANEL OF EMINENT PERSONS" IN 1998 WHILE CAUTIONING THAT "ITS VISIT IS NOT A SUBSTITUTE FOR COOPERATION WITH THE PROCEDURES AND MECHANISMS OF THE UNITED NATIONS IN THE FIELD OF HUMAN RIGHTS....THE E.U. URGES ALGERIA TO FACILITATE EARLY VISITS OF U.N. HUMAN RIGHTS MECHANISMS, PARTICULARLY THE U.N. SPECIAL RAPPORTEURS ON TORTURE AND ON EXTRAJUDICIAL, SUMMARY, OR ARBITRARY EXECUTIONS AND TO GIVE FULL EFFECT TO THE [1998] CONCLUDING OBSERVATIONS OF THE U.N. HUMAN RIGHTS COMMITTEE." THE STATEMENT SAID THE E.U. "CONTINUES TO REMAIN CONCERNED OVER REPORTS OF INVOLUNTARY DISAPPEARANCES...AND CALLS UPON THE GOVERNMENT TO INVITE THE [U.N.] WORKING GROUP ON ENFORCED AND INVOLUNTARY DISAPPEARANCES TO VISIT THE COUNTRY..."

THE LATE UNITED KINGDOM MINISTER OF STATE FOR FOREIGN AFFAIRS DEREK FATCHETT ADDRESSED MORE POINTEDLY ALGERIA'S CONTINUING REFUSAL TO ALLOW VISITS BY THE U.N. MECHANISMS, AN ISSUE THAT THE E.U. DELEGATION TO THE U.N. COMMISSION ONE YEAR EARLIER HAD VOWED TO REVISIT "IF THERE HAS BEEN NO PROGRESS." FATCHETT CRITICIZED "THE REPEATED DENIAL OF ACCESS BY ALGERIA TO SPECIAL RAPPORTEURS OF THE COMMISSION." ALGERIA, HE ADMONISHED, "SHOULD NOT CHOOSE TO UNDERMINE THE CREDIBILITY OF UNITED NATIONS MECHANISMS IN THIS WAY."

THE E.U. RESPONDED CAUTIOUSLY TO THE DEVELOPMENTS AROUND THE ALGERIAN ELECTION, INDICATING IN AN APRIL 21 DECLARATION BY THE PRESIDENCY THAT RELATIONS WOULD BE GUIDED MORE BY HOW BOUTEFLIKA GOVERNED THAN BY HOW HE HAD BEEN ELECTED. THE NEXT STATEMENT BY THE E.U. PRESIDENCY ON ALGERIA, ISSUED SEPTEMBER 21, CONFIRMED E.U. ENTHUSIASM WITH BOUTEFLIKA'S RECORD AT THAT JUNCTURE. HAILING THE REFERENDUM THAT ENDORSED HIS PEACE PLAN, THE E.U. URGED A RESUMPTION OF TALKS ON A E.U.-ALGERIAN ASSOCIATION AGREEMENT.

THE EUROPEAN COMMISSION APPROVED A 57 MILLION EURO FINANCIAL AGREEMENT TO SUPPORT SMALL AND MEDIUM-SCALE ALGERIAN ENTERPRISES. UNDER THE EUROPEAN COMMISSION'S MEDA DEMOCRACY PROGRAM, 10.3 PERCENT OF AN APPROXIMATE OVERALL AMOUNT OF 10 MILLION EUROS WAS ALLOCATED FOR VARIOUS HUMAN RIGHTS AND DEMOCRACY PROJECTS IN ALGERIA IN 1999. AT THE TIME OF THIS WRITING IT WAS NOT POSSIBLE TO OBTAIN THE BREAKDOWN FOR 1999. HOWEVER, THE ALLOCATION OF FUNDS TO PROJECTS IN ALGERIA UNDER THE MEDA PROGRAM HAD INCREASED STEADILY SINCE 1996, AND THE GOVERNMENT OF ALGERIA REPORTEDLY DID NOT STAND IN THE WAY OF E.U. ASSISTANCE TO NONGOVERNMENTAL ENTITIES. WELL OVER HALF OF ALGERIA'S EXPORTS AND IMPORTS WERE WITH E.U. NATIONS.

## France

FRANCE EAGERLY MENDED RELATIONS WITH ALGERIA DURING 1999, PLEASED TO FIND IN PRESIDENT BOUTEFLIKA A WILLING PARTNER. YET FRENCH ENTHUSIASM WITH A "NEW ERA" IN BILATERAL RELATIONS WAS NOT COLORED BY ANY PUBLIC DISPLAY OF CONCERN FOR GOVERNMENTAL HUMAN RIGHTS ABUSES THAT REMAINED SYSTEMIC, ALBEIT ON A SCALE LOWER THAN IN PREVIOUS YEARS.

PARIS HAD REMAINED QUIETLY SUPPORTIVE OF THE ALGIERS GOVERNMENT DURING THE 1990S, DESPITE STRAINS CAUSED BY ALGERIA'S INTERNAL STRIFE AND ITS SPILLOVER EFFECTS IN FRANCE. ALGERIA'S FORMER RULER AND ITS ADVERSARY IN A BRUTAL INDEPENDENCE WAR, FRANCE WAS HOME TO THE WORLD'S LARGEST ALGERIAN DIASPORA COMMUNITY. IT REMAINED THE COUNTRY WITH THE CLOSEST LINKS TO ALGERIA AND PLAYED THE LEADING ROLE IN SETTING E.U. POLICY. FRANCE PROVIDED LITTLE DIRECT BILATERAL AID BUT ITS GENEROUS CREDIT GUARANTEES HELPED TO PRESERVE ITS PLACE AS THE LEADING EXPORTER OF GOODS TO ALGERIA.

IN CONTRAST TO THE U.S., THE GOVERNMENT OF FRANCE REMAINED SILENT IN THE LEAD-UP TO THE PRESIDENTIAL ELECTIONS ABOUT WHAT KIND OF VOTING ENVIRONMENT IT HOPED TO SEE. ITS FIRST PRONOUNCEMENT, ISSUED THE DAY AFTER THE POLL, WAS A CAUTIOUS EXPRESSION OF "CONCERN" ABOUT THE CIRCUMSTANCES OF THE VOTE. AFTER A SHARP RETORT FROM ALGIERS ABOUT "UNACCEPTABLE INTERFERENCE," THE TWO COUNTRIES QUICKLY SET ABOUT ESTABLISHING WARMER TIES. PRESIDENT BOUTEFLIKA RECEIVED INTERIOR MINISTER JEAN-PIERRE CHEVÈNEMENT IN JUNE AND FOREIGN MINISTER HUBERT VEDRINE THE FOLLOWING MONTH. FRENCH STATEMENTS FOLLOWING THESE MEETINGS WERE UPBEAT. "PRESIDENT BOUTEFLIKA IS MAKING STATEMENTS AND GESTURES THAT DEMONSTRATE A REAL OPENING, BOTH ON THE INTERNAL LEVEL, AND ON THE INTERNATIONAL LEVEL," VEDRINE TOLD THE FRENCH *JOURNAL DU DIMANCHE* UPON HIS RETURN. "THE CLIMATE HAS CHANGED. A BREATH OF FREEDOM HAS RETURNED TO ALGIERS."

FRENCH PRAISE OF THE NEW PRESIDENT INTENSIFIED FOLLOWING THE REFERENDUM SEPTEMBER 16 IN WHICH ALGERIANS VOTED HEAVILY IN FAVOR OF BOUTEFLIKA'S PEACE PLAN. THE PRESIDENT, VEDRINE TOLD EUROPE 1 RADIO ON SEPTEMBER 17, "SEEMS MOTIVATED BY THE DETERMINATION TO MAKE UP FOR LOST TIME AND EAGER TO CONFRONT ALL OF ALGERIA'S PROBLEMS...[AND] TO SITUATE ALGERIA IN THE MODERN WORLD SUCH AS IT IS....IN THIS RESPECT, I REPEAT: FRANCE STANDS READY." ON SEPTEMBER 21, AT THE UNITED NATIONS, IT WAS PRIME MINISTER LIONEL JOSPIN'S TURN TO MEET WITH PRESIDENT BOUTEFLIKA AND REAFFIRM THE NEW ERA IN RELATIONS.

DURING THIS PROCESS, FRANCE INDICATED THAT IT WAS WORKING TO ADDRESS ISSUES OF CONCERN TO ALGERIANS, INCLUDING THE EASE OF MOVEMENT FOR ALGERIAN CITIZENS AND AIR TRAFFIC BETWEEN THE TWO COUNTRIES, AND THE REOPENING OF CLOSED FRENCH CONSULATES. HOWEVER, SENIOR FRENCH OFFICIALS AVOIDED ANY PUBLIC MENTION OF HUMAN RIGHTS ABUSES COMMITTED BY THE STATE. NOR, IN PRAISING BOUTEFLIKA'S PEACE PLAN, DID THEY COMMENT ON HOW ITS DURABILITY MIGHT BE AFFECTED BY A FAILURE TO ADDRESS GRAVE VIOLATIONS.

## United States

DURING THE FIRST HALF OF THE YEAR, WASHINGTON REMAINED RESTRAINED IN SEEKING WARMER TIES IN PART BECAUSE OF ALGERIA'S RECORD OF HUMAN RIGHTS ABUSES AND MANIPULATED ELECTIONS. ALGERIA RECEIVED NO U.S. BILATERAL AID AND FOR WASHINGTON PALED IN GEOPOLITICAL SIGNIFICANCE NEXT TO THE ARAB-ISRAELI CONFLICT, EGYPT, IRAN, AND IRAQ. THE STATE DEPARTMENT'S BUDGET PRESENTATION TO CONGRESS FOR FISCAL YEAR 2000 MAINTAINED THE U.S. HAS NO "VITAL" INTERESTS IN ALGERIA, BUT SAID "THE TRANSFORMATION OF THIS COUNTRY INTO AN OPEN DEMOCRACY, WITH A MARKET ECONOMY WOULD PRESENT THE U.S. WITH MAJOR ECONOMIC OPPORTUNITIES."

WASHINGTON CONTINUED TO ENCOURAGE U.S. CORPORATIONS TO INCREASE THEIR STAKE IN NATURAL GAS-RICH ALGERIA. THE U.S. EXIMBANK, WHICH PROVIDES LOANS AND LOAN GUARANTEES TO ASSIST U.S. FIRMS DOING BUSINESS ABROAD, HAD A LEVEL OF EXPOSURE IN ALGERIA THAT WAS SECOND ONLY TO SAUDI ARABIA AMONG MIDDLE EAST AND NORTH AFRICAN COUNTRIES.

PUBLIC EXPRESSIONS OF CONCERN ABOUT HUMAN RIGHTS WERE NOT LIMITED TO THE ANNUAL STATE DEPARTMENT COUNTRY REPORTS. AMBASSADOR CAMERON HUME SPOKE OUT PUBLICLY ON SEVERAL OCCASIONS. FOR EXAMPLE, HE TOLD *LE MATIN* DAILY IN AN INTERVIEW PUBLISHED DECEMBER 28, 1998, THE U.S. "WANTED TO SEE FROM ALGERIA GREATER SEVERITY TOWARD SECURITY FORCES THAT ARE GUILTY OF EXCESSES...THEY MUST BE BROUGHT TO JUSTICE." HE ALSO URGED AUTHORITIES TO PUBLISH A DETAILED LIST OF "DISAPPEARED" PERSONS, ACCORDING TO *LE MATIN*.

THE U.S. DID NOT PRESS THESE POINTS DURING THE MARCH-APRIL MEETING OF THE U.N. HUMAN RIGHTS COMMISSION IN GENEVA AND, IN CONTRAST TO THE STATEMENTS MADE BY THE E.U. IN 1999 AND BY THE U.S. ITSELF IN 1998, DID NOT CRITICIZE ALGERIA'S REFUSAL TO ALLOW VISITS BY U.N. HUMAN RIGHTS RAPPORTEURS.

THE U.S. DID, HOWEVER, URGE ALGERIAN AUTHORITIES TO ENSURE A CLEAN ELECTION. AT AN APRIL 2 BACKGROUND BRIEFING, A SENIOR STATE DEPARTMENT OFFICIAL SAID, "IF THIS ELECTION IS REASONABLY OPEN, WE THINK THAT ALSO OPENS THE WAY TO BETTER BILATERAL RELATIONS." WASHINGTON VOICED DISAPPOINTMENT THAT ALGIERS HAD REFUSED TO ADMIT INTERNATIONAL ELECTION OBSERVERS, AND THEN OUTRIGHT DISMAY THE MORNING AFTER BOUTEFLIKA WON WHAT HAD TURNED INTO A ONE-MAN RACE. STATE DEPARTMENT SPOKESMAN JAMES P. RUBIN SAID, "WE ARE CLEARLY DISAPPOINTED BY THE EVENTS OF RECENT DAYS, WHICH LED TO ALLEGATIONS OF FRAUD AND THE WITHDRAWAL OF SIX OF THE SEVEN CANDIDATES....THE ALGERIAN LEADERSHIP NOW ASSUMES A HEAVY RESPONSIBILITY TO PURSUE CREDIBLE REFORM."

THE U.S. PROCEEDED TO PUT ITS RELATIONS WITH ALGERIA UNDER A NINETY-DAY REVIEW. IT HELD NO HIGH-LEVEL BILATERAL MEETINGS AND BROADENED ITS EXISTING BAN ON LICENSING PRIVATE-SECTOR SALES TO ALGERIA OF LETHAL WEAPONS, EXTENDING IT TO OTHER TYPES OF MUNITIONS. AND, WHILE THE U.S. REFRAINED FROM SENDING BOUTEFLIKA A CONGRATULATORY TELEGRAM, FIRST LADY HILLARY CLINTON RECEIVED TWO ALGERIAN WOMEN WHOSE CHILDREN "DISAPPEARED" DURING THE ALGERIAN STRIFE, ALLEGEDLY AT THE HANDS OF SECURITY FORCES. THIS MEETING, WHICH TOOK PLACE THREE DAYS AFTER BOUTEFLIKA'S INAUGURATION, WAS WIDELY REPORTED IN THE ALGERIAN PRESS.

BUT WASHINGTON SOON BEGAN TO WARM TO BOUTEFLIKA. A MEETING BETWEEN THE ALGERIAN HEAD OF STATE AND PRESIDENT CLINTON AT MOROCCAN KING HASSAN II'S FUNERAL IN JULY WAS FOLLOWED BY OTHER CONTACTS. THE U.S. MAINTAINED ITS POLICY OF LICENSING NO LETHAL WEAPON SALES BUT RESUMED CONSIDERATION, ON A CASE-BY-CASE BASIS, OF COMMERCIAL APPLICATIONS TO SELL OTHER TYPES OF MUNITIONS TO ALGERIA.

ASSISTANT SECRETARY OF STATE MARTIN S. INDYK MET AT LENGTH WITH BOUTEFLIKA IN ALGIERS ON SEPTEMBER 6 AND DECLARED THE FOLLOWING DAY, "PRESIDENT CLINTON HAS BEEN IMPRESSED BY THE START" THAT HAD BEEN MADE BY BOUTEFLIKA IN THE AREAS OF POLITICAL AND ECONOMIC REFORMS AND HUMAN RIGHTS. "OUR SUPPORT FOR THE STRENGTHENING OF THE DEMOCRATIC PROCESS, FOR PRESS FREEDOM, FOR THE RULE OF LAW, AND FOR HUMAN RIGHTS REMAINS FUNDAMENTAL TO OUR POLICY TOWARD ALGERIA," INDYK DECLARED. ON SEPTEMBER 7, INDYK HOSTED A MEETING AT THE U.S. EMBASSY WITH ALGERIAN HUMAN RIGHTS ACTIVISTS REPRESENTING VICTIMS OF ABUSES BY THE STATE AND BY THE ARMED GROUPS, INCLUDING "DISAPPEARANCES" AND ABDUCTIONS. "DISAPPEARANCES," THE U.S. EMBASSY



told Human Rights Watch in an August 23 letter, is an issue "we have raised...with senior levels of the government and will continue to do so."

President Clinton sent a congratulatory telegram to President Bouteflika following the September 16 referendum. Then on September 28, Vice-Admiral Daniel Murphy, commander of the U.S. Navy's Sixth Fleet, met with President Bouteflika in Algiers. This unprecedented visit, Murphy told the press the same day, was intended "to demonstrate U.S. support for the bold, fundamental steps the Algerian leadership has taken towards a reconciliation and a real prospect for enduring democracy....The United States military is very much in partnership with the United States political leadership...in our desire to strengthen our relations with the military of Algeria."

If the U.S. was pleased to see Bouteflika trying to resolve the armed conflict and talking with more candor than his predecessors about human rights problems, it remained to be seen whether continued improvement in bilateral relations would require his taking concrete actions to curtail institutionalized abuses and establish safeguards against their recurrence.

## BAHRAIN

### Human Rights Developments

On March 6 Sheikh Hamad Bin 'Issa Al Khalifa succeeded his late father Sheikh 'Issa Bin Salman Al Khalifa as amir. The change of government brought a mild respite from the political unrest that began in December 1994, as all involved waited for a government-imposed three month mourning period to end. While there was no repetition of the widespread street clashes of 1994 to 1997, restrictions on freedom of association and expression continued to be severe, and Human Rights Watch continued to receive reports of torture and ill-treatment by security forces, arbitrary arrests and detention, and unfair trial.

The government maintained its policy of providing no information to the public concerning the numbers or identities of persons arrested, tried, convicted, acquitted or released under the State Security Law or brought before the State Security Court, where procedures did not meet basic fair trial standards and verdicts were not subject to appeal. The International Committee of the Red Cross (ICRC) reported in June that in 1998 it had visited 1,327 persons detained for security reasons in thirteen places of detention.

On June 6 the amir announced the phased release of three hundred and twenty untried detainees and forty-one convicted prisoners, and the pardon of twelve individuals living in exile. Days later he also announced that those released would receive assistance finding jobs; previous security detainees had reported that Ministry of Interior policies made it nearly impossible to find employment in public or private sectors after their release. As of this writing the government had not responded to requests by Human Rights Watch and other international human rights organizations for the names of those released, or for information about their convictions, making it impossible to evaluate the true extent and terms of the pardon. Bahraini press accounts and reports by opposition groups suggested that many if not most of those amnestied were youths who had been held for months or years without trial, including Ahmed 'Ali Ahmad Hussain, an intermediate school student held for one year and four months, and Jaffar 'Ali Hassan, a seventeen-year-old who had been held for two years and nine months.

The amir pardoned Sheikh 'Abd al-Amir al-Jamri on July 8, one day after State Security Court had sentenced him to ten years in prison, a 5,000 Bahraini Dinar fine, and an unprecedented 5,709,247 Bahraini Dinar (more than U.S.\$15 million) in damages for property losses incurred during several years of political unrest in Bahrain. The sixty-two-year-old Shi'a religious leader had been detained since January 1996 (see Human Rights Watch World Report 1999), and was only brought to trial in February 1999 after the expiration of the maximum administrative detention period allowed in Bahraini law. The four court sessions together lasted a little more than three hours and were closed to the public. As in other security court cases, al-Jamri's lawyers had only very limited access to their client. Al-Jamri's pardon came after he had signed a statement apologizing for his actions and undertaking not to carry out acts against the state or incite others to do so. The government did not make public the text of the undertakings, but individuals who met al-Jamri immediately after his

release said that it included a ban on all public speaking, including religious sermons. Family members alleged that the statement was coerced, as al-Jamri was in poor health and had been returned to solitary confinement for three weeks prior to his release. As of this writing he remained restricted in his movement and in his contacts with those outside his immediate family.

Six of the seven opposition leaders arrested at the same time as al-Jamri remained in prison without charge or trial: Hassan Sultan, 'Ali 'Ashur, Hussayn al-Daihi, Hassan Mishma'a, Sayyid Ibrahim Adnan al-Alawi, and 'Abd al-Wahab Hussayn. 'Ali Bin Ahmad al-Jedhafi was released on July 26, 1999. According to the Bahrain Human Rights Organization (BHRO), family members reported that al-Daihi and 'Ashur were denied medical treatment for injuries in June, and Hussayn was hospitalized in early September.

Individuals, associations, and trade and professional organizations continued to face severe restrictions on freedom of expression, association, and assembly. Trade unions remained banned and in August security forces raided and reportedly confiscated documents and computer files from the offices of the General Committee of Bahraini Workers, a registered organization that had asked for the right to bargain collectively. Membership activities and cultural publications of the 'Uruba Cultural Club continued to be heavily monitored, and a seminar on "Women and Political Participation" planned for June 9 was banned. In a December 21, 1998 letter, the President of the Supreme Council for Youth and Sport, the agency with oversight powers over cultural and sport associations, accused the club of violating the 1989 law governing associations by inviting other clubs to meet to discuss sanctions against Iraq. The letter threatened actions to "return [the club] to its proper place" and "force it to respect" the council.

The Ministry of Labor and Social Affairs had used the 1989 associations law to remove the elected board of the Bar Society in 1998. After lengthy negotiations with the government, the Bar Society was finally allowed to hold elections on March 3 in exchange for agreeing to drop its court case challenging the board's removal, and members voted out of office the government-appointed board. Shi'a religious charitable societies were also closely monitored, and had to report all expenditures, as well as the names of all volunteers, donors, and students enrolled in training programs. Some charities reported being warned not to provide monies to particular families or individuals.

The practice of forced exile of perceived dissidents continued, despite the June pardon of twelve exiles. According to the BHRO, in July at least seven Bahraini citizens and their families, a total of thirty-two people in all, were refused entry when they attempted to return to Bahrain. In some cases they were interrogated prior to deportation, and some individual with expired passports were issued with one year extensions.

## **Defending Human Rights**

No human rights organizations were permitted to operate in Bahrain. Defense lawyers in state security court cases faced harassment for fulfilling their legal duties, as in the case of attorney 'Abullah Hashim, who was prevented from traveling abroad immediately following his filing a habeas corpus appeal on behalf of his client, Sheikh al-Jamri, in January. Several lawyers told Human Rights Watch that they had been warned by security personnel not to provide information about arrests and security court trials to the press or to international human rights monitors.

Security personnel closely monitored the movements and telephone conversations of a Human Rights Watch delegate who visited Bahrain in April. From June 28 to July 2 Amnesty International (AI) delegates met judges and senior government officials during its first visit to Bahrain in twelve years. AI noted with regret that "its delegates were not permitted to meet privately with other sectors of society concerned with human rights promotion and protection" and said that it had "sought assurances that similar restrictions will not be imposed in future visits."

Outside of Bahrain the BHRO and the Committee for the Defense of Human Rights in Bahrain (CDHRB) compiled information on detainees, deaths in custody, and other issues, and campaigned for resolutions critical of the government's practices at meetings of the U.N. Commission on Human Rights and in other fora.

## **The Role of the International Community**

### **United Nations**

On August 4 Bahrain withdrew its reservation to article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which allows the committee to conduct confidential investigations of allegations of

torture (see *HUMAN RIGHTS WATCH WORLD REPORT 1999*). As of this writing it had not acted on its August 1999 promise to allow a visit by the U.N. Working Group on Arbitrary Detention in 1999, nor had it responded positively to requests by U.N. special rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment and on extrajudicial, summary or arbitrary executions to visit Bahrain.

The Committee on the Elimination of All Forms of Racial Discrimination canceled the special review of Bahrain's implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) scheduled for its March session after Bahrain submitted its initial report in late February. Bahrain had not submitted any of the five periodic reports due since it ratified the treaty in 1990, and the special review was to have responded to the absence of a report. The review of Bahrain's report was scheduled for the committee's March 2000 session.

In an October 14, 1998 note verbale to the U.N.'s secretary-general Bahrain said that statements by Human Rights Watch and the International Federation of Human Rights Leagues in their submissions to the fifty-fourth session of the Commission on Human Rights were "groundless and blatantly political allegations," but did not address the specific concerns raised.

## Iran

Iran and Bahrain resumed diplomatic relations on January 26, 1999. Both countries had recalled their ambassadors in 1996.

## United States

The headquarters for the U.S. Fifth Fleet, Bahrain continued to enjoy strong U.S. support. In March Secretary of Defense William S. Cohen, who was in Bahrain for meetings with Amir 'Isa the day of the amir's death, described the amir as "a strong and loyal friend to the United States and particularly to the U.S. Navy," whose "care and concern for the people of Bahrain made him an effective and beloved leader." Shortly after the visit the Department of Defense also announced the sale of a U.S.\$110 million air-to-air missile system, and said that it would install a special telephone line to facilitate communication between the Pentagon and the Bahraini defense ministry.

On September 29, 1999 the U.S. and Bahrain signed a bilateral investment treaty, the first such treaty between the U.S. and a Gulf state.

# EGYPT

## Human Rights Developments

ALTHOUGH political violence reached its lowest ebb in almost a decade, the government of President Hosni Mubarak appeared impervious to demands for political reform. In a major setback, legislation was enacted that appeared carefully crafted to decrease the independence of civil society organizations. Substantial curbs on freedom of association and assembly prevailed, ensuring that peaceful political opposition activities remained marginalized or restricted. No steps were taken to address the grave human rights violations that had accompanied the state's pursuit of armed Islamist militants—including torture, deaths in detention, extrajudicial executions, and "disappearances"—and the architects and perpetrators of these acts continued to enjoy impunity. Evidence continued to mount that local police forces were employing similar torture techniques against ordinary citizens that elite security forces had used systematically against suspected armed militants, their families, and supporters.

On September 26, some 18.6 million citizens voted in a national referendum and 93.97 percent approved Hosni Mubarak's fourth six-year term of office, according to the interior ministry. As in past referenda, there were no other candidates. Earlier in the month, opposition politicians and intellectuals launched a petition drive to support reforms for a pluralistic political system: suspension of the virtually permanent state of emergency; release of nonviolent political prisoners; freedom to establish political parties, newspapers and other media; guarantees for the independence of trade unions and civic and professional associations; and free and fair elections. In pointed criticism of the powerful institution of the presidency, the petition endorsed a future with governments "accountable to the people" and presidents "elected among various candidates and for no more than two terms."

THE STATE'S BATTLE WITH ARMED MILITANTS INSIDE EGYPT APPEARED TO BE DRAWING TO A CLOSE, ALTHOUGH CONTINUING RIGHTS ABUSES MARRED SOME OTHERWISE POSITIVE DEVELOPMENTS. ON MARCH 25, THE CLANDESTINE ISLAMIC GROUP ISSUED A STATEMENT ANNOUNCING THAT ALL OF ITS CADRES "INSIDE AND OUTSIDE" THE COUNTRY WOULD BRING "ARMED OPERATIONS" TO A HALT. IN APRIL, SOME 1,000 TO 1,200 KNOWN OR SUSPECTED ISLAMIC GROUP MEMBERS WERE REPORTEDLY RELEASED FROM PRISON, BRINGING TO ABOUT 6,000 THE NUMBER SET FREE UNDER INTERIOR MINISTER HABIB EL-ADLI, WHO ASSUMED HIS POST IN NOVEMBER 1997. IN WELCOMING THE RELEASES, THE EGYPTIAN ORGANIZATION FOR HUMAN RIGHTS (EOHR) CALLED ON AUTHORITIES ALSO TO REVERSE THE BAN ON VISITS TO INMATES AT TORA, FAYOUM, AND LIMAN ABU ZA'BAL PRISONS, AND IMPROVE THE APPALLING CONDITIONS, INCLUDING GROSS MEDICAL NEGLECT, AT THESE AND OTHER FACILITIES. IN A POSITIVE MOVE IN AUGUST, THE NEW PROSECUTOR GENERAL, MAHER ABDEL WAHID, PLEDGED CLOSER OVERSIGHT OF PRISONS THROUGH PERIODIC UNANNOUNCED VISITS OF PROSECUTORS TO INSPECT CONDITIONS AND TAKE COMPLAINTS, A LEGAL RESPONSIBILITY THAT HAD BEEN SYSTEMATICALLY NEGLECTED BY HIS PREDECESSOR, RAGA' EL-ARABI, DURING HIS LONG TENURE. "ANY PROSECUTOR WHO FAILS TO ABIDE BY THESE DIRECTIVES WILL BE TAKEN TO TASK. IF HE SAYS HE HAS INSPECTED A PRISON AND THEN SOME FAULT IS FOUND, HE HIMSELF WILL BE INTERROGATED," ABDEL WAHID WARNED IN AN INTERVIEW WITH *AL-AHALI* (CAIRO) NEWSPAPER. HE ALSO ORDERED THE LOCAL PROSECUTOR TO REOPEN THE INVESTIGATION OF ALLEGED POLICE ABUSE, INCLUDING TORTURE, IN AL-KOSHEH VILLAGE IN AUGUST 1998 (SEE BELOW).

EGYPT'S CRIMINAL, STATE SECURITY, AND MILITARY COURTS CONTINUED TO IMPOSE CAPITAL PUNISHMENT ON DEFENDANTS IN CRIMINAL AND POLITICAL TRIALS. AMNESTY INTERNATIONAL REPORTED THAT IN 1998 THE COURTS ISSUED SEVENTY-FOUR DEATH SENTENCES AND FORTY-EIGHT INDIVIDUALS WERE EXECUTED; IN 1999, SIXTY-TWO PEOPLE HAD BEEN SENTENCED TO DEATH AND THIRTEEN EXECUTED AS OF AUGUST 10.

EGYPTIAN AUTHORITIES, REPORTEDLY WITH ASSISTANCE FROM U.S. LAW ENFORCEMENT AND INTELLIGENCE AGENCIES, VIGOROUSLY PURSUED ISLAMIST MILITANTS BASED OUTSIDE OF EGYPT, PARTICULARLY THOSE BELIEVED TO BE ASSOCIATED WITH EXILED SAUDI DISSIDENT OSSAMA BIN LADEN, WHOSE INTERNATIONAL FRONT FOR THE STRUGGLE AGAINST JEWS AND CRUSADERS, FORMED IN 1998 PRIOR TO THE AUGUST BOMBINGS OF THE U.S. EMBASSIES IN KENYA AND TANZANIA, INCLUDED EGYPT'S UNDERGROUND JIHAD ORGANIZATION AS A MEMBER. ON APRIL 18, THE SUPREME MILITARY COURT HANDED DOWN SENTENCES IN A MASS TRIAL OF 107 ALLEGED JIHAD MEMBERS THAT BEGAN ON FEBRUARY 1. SOME OF THEM WERE REPORTEDLY CAPTURED ABROAD AND HANDED OVER TO EGYPTIAN AUTHORITIES FROM COUNTRIES SUCH AS ALBANIA, SAUDI ARABIA, AND AZERBAIJAN, AND SIXTY WERE TRIED IN ABSENTIA. THE COURT ACQUITTED TWENTY DEFENDANTS, AND SENTENCED NINE TO DEATH, ALL IN ABSENTIA, INCLUDING AYMAN AL-ZAWAHRI, WIDELY DESCRIBED AS THE LEADER AND MILITARY COMMANDER OF JIHAD. THE OTHERS RECEIVED TERMS RANGING FROM ONE YEAR TO LIFE. DECISIONS OF THE MILITARY COURT COULD NOT BE APPEALED TO A HIGHER TRIBUNAL AND THUS FELL SHORT OF INTERNATIONAL FAIR TRIAL STANDARDS.

ORDINARY EGYPTIANS CONTINUED TO SUFFER TORTURE AT THE HANDS OF LOCAL POLICE, AND DEATHS IN POLICE CUSTODY REMAINED A SERIOUS UNADDRESSED PROBLEM. FOR EXAMPLE, EOHR DOCUMENTED FIVE DEATHS IN CUSTODY BETWEEN FEBRUARY 16 AND JULY 17, INVOLVING MEN ARRESTED ON SUSPICION OF NONPOLITICAL OFFENSES SUCH AS THEFT AND NARCOTICS POSSESSION. EOHR SAID THAT IT "FOUND EVIDENCE THAT THE VICTIMS WERE SUBJECTED TO TORTURE BY THE POLICE." ONE OF THE VICTIMS, SAIED SAIED ABDEL AAL SALIM, WAS ARRESTED ON APRIL 15 ON SUSPICION OF HIDING STOLEN PROPERTY AND DIED IN CUSTODY TWO DAYS LATER. THE LOCAL CHIEF PROSECUTOR EXAMINED THE BODY AND, ACCORDING TO EOHR, REPORTED A VARIETY OF INJURIES. IN ACTIONS REMINISCENT OF SECURITY FORCES BEHAVIOR IN PREVIOUS YEARS WHEN SUSPECTED ISLAMIST MILITANTS DIED IN CUSTODY UNDER SUSPICIOUS CIRCUMSTANCES, POLICE REPORTEDLY GUARDED THE LOCAL CEMETERY FOR TEN DAYS AFTER INSTRUCTING THE FAMILY TO REMAIN QUIET ABOUT THE DEATH AND BURY THE BODY QUICKLY.

AS IN PAST YEARS, THE PATTERN OF RESTRICTIONS ON THE RIGHTS OF FREE EXPRESSION, ASSEMBLY, AND ASSOCIATION WAS LARGELY UNCHANGED, BUT WORSENERED IN SEVERAL SIGNIFICANT RESPECTS. CONTINUING A DISTURBING TREND THAT BEGAN IN 1998, THREE JOURNALISTS WERE SENT TO PRISON AND OTHERS WERE QUESTIONED, FACING THE PROSPECT OF CRIMINAL PROSECUTION. DESPITE ONGOING PROTESTS FROM THE JOURNALISTS SYNDICATE AND HUMAN RIGHTS GROUPS ABOUT ITS USE TO PUNISH CONTROVERSIAL BUT PEACEFUL EXPRESSION, LIBEL REMAINED A CRIMINAL OFFENSE SUBJECT TO FINES AND A MAXIMUM SENTENCE OF ONE YEAR IN PRISON, DOUBLED IN CASES INVOLVING PUBLIC OFFICIALS. ON AUGUST 14, THE SOUTH CAIRO CRIMINAL COURT SENTENCED THREE JOURNALISTS FROM THE OPPOSITION BIWEEKLY *AL-SHA'AB*—WRITER SALAH BADAWI, CARTOONIST ESSAM HANAFI, AND EDITOR-IN-CHIEF MAGDI HUSSEIN—to two years in prison and fines of LE20,000 EACH (ABOUT U.S. \$6,000) AFTER FINDING THEM GUILTY OF LIBELING AGRICULTURE MINISTER AND DEPUTY PRIME MINISTER YOUSEF WALI IN A SERIES OF ARTICLES THAT CLAIMED HIS MINISTRY'S AGRICULTURAL COOPERATION WITH ISRAEL AMOUNTED TO "TREASON," AMONG OTHER HARSH CRITICISMS. IN SENTENCING THE JOURNALISTS, THE JUDGE SAID THEY HAD "FILLED THEIR PENS WITH BLACK HATRED INSTEAD OF BLACK INK AND LAUNCHED A BLIND AND UNFAIR CAMPAIGN AGAINST THEIR VICTIM." IN

FEBRUARY, STATE SECURITY COURT PROSECUTORS QUESTIONED EDITOR ABBAS AL-TARABILI AND JOURNALIST MUHAMED ABDEL ALIM OF THE OPPOSITION DAILY *AL-WAFA* ON ACCUSATIONS OF "PUBLISHING FALSE REPORTS AND PROPAGANDA UNDERMINING PUBLIC INTEREST AND THREATENING NATIONAL SECURITY" FOR REPORTING ABOUT A STRIKE AT THE CENTRAL BANK. THEY WERE RELEASED ON BAIL BUT FACED IMPRISONMENT IF TRIED AND CONVICTED.

AUTHORITIES ALSO OPENLY ACKNOWLEDGED AND JUSTIFIED THE BANNING OF BOOKS. IN REPLY TO COMPLAINTS ABOUT SCORES OF TITLES THAT CENSORS HAD PROHIBITED AT THE PRIVATE AMERICAN UNIVERSITY IN CAIRO (AUC), LUTFI ABDEL-KADER, DIRECTOR OF THE GOVERNMENT'S PRESS AND PUBLICATIONS DEPARTMENT, WAS QUOTED IN THE MARCH 19-24 ISSUE OF *AL-AHRAM WEEKLY* (CAIRO) AS SAYING THAT THE AUC WAS "DELIBERATELY ORDERING BOOKS THAT CAN'T BE ALLOWED IN THE COUNTRY BECAUSE THEY VIOLATE OUR RELIGION, CULTURE, AND TRADITIONS. THEY ARE TRYING TO INFILTRATE OUR IDENTITY AND CULTURE. BUT WE'LL NEVER PERMIT THIS INFILTRATION." AMONG THE BOOKS REPORTEDLY BANNED WERE *CHILDREN OF GABALAWI* BY NOBEL PRIZE-WINNER NAQVIB MAHQUBI; *WOMAN AT POINT ZERO* BY EGYPTIAN FEMINIST NAWAL EL-SAADAWI; AND *MUSLIM EXTREMISM IN EGYPT* BY THE FRENCH SCHOLAR GILES KEPEL.

SECULAR ACTIVISTS CONTINUED TO FACE RESTRICTIONS ON THE RIGHT TO FREEDOM OF ASSEMBLY. SECURITY FORCES PREVENTED HUMAN RIGHTS ACTIVISTS FROM PEACEFULLY PROTESTING THE BRITISH AND U.S. BOMBING OF IRAQ ON DECEMBER 17, 1999, THE DAY IT BEGAN, AND BLOCKED OPPOSITION POLITICAL PARTIES FROM A SIMILAR PROTEST ON DECEMBER 24. ON MARCH 12, 1999, FIVE PEOPLE WHO ATTENDED A MEETING IN THE SHUBRA AL-KHEIMA SECTION OF CAIRO TO DISCUSS THE DRAFT LABOR LAW WERE ARRESTED, REPORTEDLY FOR UNDERMINING SOCIAL PEACE AND INCITING WORKERS TO STRIKE. THEY WERE DETAINED OVERNIGHT AND THEN RELEASED ON BAIL. THREE OF THEM WERE MEMBERS OF THE TAGAMMU PARTY, A LEGAL LEFTWING POLITICAL PARTY WHICH HAD ARRANGED THE MEETING.

THE RIGHT TO ESTABLISH POLITICAL PARTIES REMAINED SEVERELY CIRCUMSCRIBED BECAUSE THE ANACHRONISTIC POLITICAL PARTIES LAW OF 1977 REQUIRED NEWLY FORMED GROUPS TO SEEK LEGAL STATUS FROM THE POLITICAL PARTIES COMMITTEE, AN ENTITY THAT LACKED INDEPENDENCE AND HAS HISTORICALLY DENIED LICENSES IN ARBITRARY FASHION. HARASSMENT AND ARBITRARY ARREST OF KNOWN OR SUSPECTED MEMBERS OF THE NONVIOLENT BUT UNAUTHORIZED MUSLIM BROTHERHOOD ALSO CONTINUED, POSSIBLY TO WEAKEN THE INFLUENTIAL GROUP'S ABILITY TO FIELD INDEPENDENT CANDIDATES IN THE PARLIAMENTARY ELECTIONS SCHEDULED FOR NOVEMBER 2000. AS HUNDREDS OF SUSPECTED MILITANT ISLAMISTS WERE RELEASED FROM PRISON, MUSLIM BROTHERS, INCLUDING DOCTORS, ENGINEERS, AND TEACHERS, WERE ARRESTED, DETAINED, AND QUESTIONED BY PROSECUTORS THROUGHOUT THE YEAR, TYPICALLY SUSPECTED OF MEMBERSHIP IN AN ILLEGAL ORGANIZATION, POSSESSION OF ILLEGAL LEAFLETS, AND ATTEMPTING TO REACTIVATE THE GROUP BY RECRUITING NEW MEMBERS. IN JANUARY, INTERIOR MINISTER HABIB EL-ADLI RULED OUT ANY ROLE FOR THE BROTHERHOOD IN THE POLITICAL SYSTEM: "THEY ARE A BANNED GROUP. THEY HAVE NO LEGAL STATUS AND, HENCE, THERE WILL BE NO MEETINGS OR DIALOGUE."

THE ENACTMENT IN MAY OF THE CONTROVERSIAL LAW NO. 153 ON NONGOVERNMENTAL ORGANIZATIONS (NGOS) SERVED AS A POWERFUL REMINDER OF THE STATE'S RELUCTANCE TO LOOSEN ITS GRIP ON POLITICAL AND CIVIL LIFE. ON MAY 14, FOUR LEADING EGYPTIAN HUMAN RIGHTS ORGANIZATIONS DESCRIBED THE LEGISLATION AS "A REFLECTION OF THE GOVERNMENT'S GENERAL INTENTION TO RESTRICT FURTHER ANY FORM OF INDEPENDENT ASSOCIATION, BE IT POLITICAL PARTIES, UNIONS, PROFESSIONAL SYNDICATES, OR NGOS." THE LAW'S SEVENTY-FOUR ARTICLES PROVIDED A DETAILED BLUEPRINT FOR THE GOVERNMENT'S MICROMANAGEMENT OF ALL ASPECTS OF NGO OPERATIONS. ARTICLE 11 OF THE LAW PROHIBITED NGOS THAT "THREATEN NATIONAL UNITY," "VIOLATE PUBLIC ORDER OR MORALITY," OR "PRACTICE ANY POLITICAL OR TRADE-UNION ACTIVITY EXCLUSIVELY RESTRICTED TO POLITICAL PARTIES AND TRADE UNIONS." ARTICLE 75 SET FORTH A HARSH REGIME OF CRIMINAL PENALTIES, INCLUDING FINES AND PRISON TERMS RANGING FROM THREE MONTHS TO ONE YEAR FOR VIOLATIONS OF VARIOUS PROVISIONS OF THE LAW. IN JUNE, SOCIAL AFFAIRS MINISTER MERVAT TELLAWI MADE CLEAR THE GOVERNMENT'S INTENTION TO PREVENT NGOS FROM ENGAGING IN ACTIVITIES THAT THE GOVERNMENT DEEMED POLITICAL. "I AM NOT ALLOWING, BY THIS LAW, FOR THE CREATION OF 14,000 POLITICAL PARTIES," SHE SAID. IN JULY, SHE WROTE IN A LETTER TO THE *FINANCIAL TIMES* (LONDON) THAT THE NEW LAW "DOES BAN [NGOS] FROM TAKING PART IN PARTISAN ACTIVITIES." AS OF OCTOBER 22, THE EXECUTIVE REGULATIONS TO OPERATIONALIZE THE LAW HAD NOT YET BEEN PROMULGATED.

AS THE GOVERNMENT PROCEEDED WITH IMF-PRESCRIBED PRIVATIZATION AND ECONOMIC DEREGULATION, EGYPTIAN WORKERS CONTINUED TO BE DENIED THE LEGAL RIGHT TO STRIKE AND ENGAGE IN COLLECTIVE BARGAINING, AND HUNDREDS OF THOUSANDS OF CHILDREN WERE UNPROTECTED FROM ABUSIVE WORKPLACE CONDITIONS. THE BRUSSELS-BASED INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU) CONCLUDED IN A JUNE REPORT THAT THERE WERE "SERIOUS VIOLATIONS OF TRADE UNION RIGHTS" IN EGYPT, NOTING THAT "[I]N BOTH THE PUBLIC AND THE PRIVATE SECTORS, THE GOVERNMENT CONSIDERS STRIKES A FORM OF PUBLIC DISTURBANCE AND THEREFORE ILLEGAL" AND THAT "SECURITY FORCES HAVE OFTEN USED VIOLENCE TO BRING AN END TO INDUSTRIAL DISPUTES." THE ICFTU ALSO REPORTED WIDESPREAD EMPLOYMENT DISCRIMINATION BASED ON GENDER, AND EXTENSIVE USE OF CHILD LABOR IN BOTH RURAL AND URBAN AREAS, CITING MINISTRY OF HEALTH STATISTICS OF SOME TWO MILLION CHILD WORKERS BETWEEN SIX AND FIFTEEN YEARS OLD.

UNDER EGYPTIAN LAW, CHILDREN OVER TWELVE YEARS OLD ARE PERMITTED TO WORK UP TO SIX HOURS DAILY IN THE AGRICULTURAL SECTOR. BUT THE LAND CENTER FOR HUMAN RIGHTS (LCHR), AN INDEPENDENT EGYPTIAN NGO, FOUND IN ITS 1999 STUDY OF STATE- AND PRIVATELY-OWNED COTTON GINS IN THE NILE DELTA THAT THOUSANDS OF CHILDREN BETWEEN EIGHT AND FIFTEEN YEARS OLD WORKED EIGHT-HOUR SHIFTS WITHOUT LUNCH OR REST BREAKS FOR A DAILY WAGE OF TWO OR THREE EGYPTIAN POUNDS (LESS THAN U.S. \$1.00). THE CHILDREN, WHO LACKED ANY TYPE OF LEGAL PROTECTION, LABORED IN EXTREMELY DUSTY ENVIRONMENTS WITHOUT MASKS OR RESPIRATORS. SOME HAD CONTRACTED RESPIRATORY DISEASES AND SUSTAINED INJURIES FOR WHICH ONLY TOKEN COMPENSATION WAS PROVIDED TO THEIR POVERTY-STRIKEN FAMILIES. THE LCHR REPORTED THAT THERE WAS NO EFFECTIVE INSPECTION AND SUPERVISION OF THESE WORKPLACES BY THE LOCAL OFFICES OF GOVERNMENT MINISTRIES, AND INITIATED LAWSUITS ON BEHALF OF THE CHILD WORKERS TO PRESS FOR SAFER WORKING CONDITIONS AND MEDICAL CARE FOR JOB-RELATED INJURIES AND ILLNESSES.

EGYPT'S CHRISTIAN MINORITY CONTINUED TO HAVE LEGITIMATE GRIEVANCES ABOUT DISCRIMINATORY TREATMENT UNDER THE LAW AND IN PRACTICE. THEY WERE UNDERREPRESENTED IN SENIOR-LEVEL POSITIONS IN GOVERNMENT, INCLUDING UNIVERSITIES, AND MILITARY AND SECURITY FORCES. CHURCH CONSTRUCTION AND REPAIR WERE SUBJECTED TO DISCRIMINATORY AUTHORIZATION PROCEDURES, INCLUDING THE NEED FOR A PRESIDENTIAL DECREE IN ORDER TO BUILD A NEW CHURCH. THE U.S. STATE DEPARTMENT REPORTED IN ITS *ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM*, PUBLISHED ON SEPTEMBER 9, THAT THERE HAD BEEN "A SIGNIFICANT INCREASE" IN THE NUMBER OF APPROVALS THAT GOVERNORS GRANTED IN 1998 FOR CHURCH REPAIRS. THE INTERNATIONALLY RECOGNIZED RIGHT OF MEN AND WOMEN TO MARRY AND FOUND A FAMILY WAS RESTRICTED BECAUSE ISLAMIC LAW PROHIBITED EGYPTIAN MUSLIM WOMEN FROM MARRYING NON-MUSLIM MEN.

## Defending Human Rights

EGYPT'S HUMAN RIGHTS COMMUNITY FACED AN UNPRECEDENTED CRISIS WHEN THE STATE SECURITY PROSECUTOR ON DECEMBER 1, 1999, ACCUSED THE SECRETARY-GENERAL OF EOHHR, LAWYER HAFEZ ABU SA'DA, OF THREE CRIMINAL OFFENSES: DISSEMINATING INFORMATION ABROAD THAT HARMED EGYPT'S NATIONAL INTERESTS; ACCEPTING FUNDS FROM A FOREIGN COUNTRY WITH THE GOAL OF CARRYING OUT ACTS HARMFUL TO EGYPT; AND RECEIVING DONATIONS WITHOUT GOVERNMENT PERMISSION. ABU SA'DA WAS SUMMONED TO APPEAR THAT DAY AS A WITNESS IN THE INVESTIGATION OPENED ON NOVEMBER 24, 1999, OF THE EOHHR REPORT PUBLISHED IN SEPTEMBER 1999, "COLLECTIVE PUNISHMENT IN AL-KOSHEH VILLAGE: RANDOM ARREST, TORTURE AND DEGRADING TREATMENT OF CITIZENS." THE REPORT DOCUMENTED POLICE ABUSE OF HUNDREDS OF MAINLY CHRISTIAN RESIDENTS IN AL-KOSHEH, NEAR SOHAG IN UPPER EGYPT, FOLLOWING THE MURDER THERE OF TWO CHRISTIANS IN AUGUST 1998, AND CALLED ON EGYPTIAN AUTHORITIES TO INVESTIGATE THE TORTURE ALLEGATIONS AND PROSECUTE THOSE FOUND RESPONSIBLE. THE PROSECUTOR ACTED IN THE WAKE OF CONTINUING CONTROVERSY INSIDE EGYPT AND INTERNATIONALLY ABOUT THE REPORT'S FINDINGS, AND ALSO EXAMINED FINANCIAL SUPPORT THAT EOHHR RECEIVED FROM ABROAD, BASED ON ALLEGATIONS MADE IN THE EGYPTIAN PRESS THAT THE REPORT WAS FINANCED WITH FOREIGN FUNDS.

ABU SA'DA WAS QUESTIONED ON DECEMBER 1 AND ORDERED TO SERVE FIFTEEN DAYS IN PREVENTIVE DETENTION WHILE THE INVESTIGATION CONTINUED. HE WAS RELEASED ON BAIL ON DECEMBER 6 AS CONDEMNATION OF HIS ARREST MOUNTED IN EGYPT AND INTERNATIONALLY. THE SAME DAY, HOWEVER, THE STATE SECURITY PROSECUTOR SUMMONED FOR QUESTIONING EOHHR LAWYER MUSTAFA ZEIDAN, WHO CONDUCTED THE FIELDWORK FOR THE REPORT. ZEIDAN WAS ACCUSED OF DISSEMINATING FALSE INFORMATION FOR THE PURPOSE OF HARMING EGYPT'S NATIONAL INTERESTS. AS OF THIS WRITING, THE CRIMINAL CHARGES AGAINST THE TWO HAD NOT BEEN DROPPED.

THE CONTINUING INHOSPITABLE ENVIRONMENT FOR LOCAL HUMAN RIGHTS ORGANIZATIONS WAS ILLUSTRATED IN REMARKS OF SOCIAL AFFAIRS MINISTER MERVAT TELLAWI AT A PRESS CONFERENCE IN JUNE. SHE SAID THAT THE GROUPS WERE "ILLEGAL" BECAUSE THEY WERE NOT REGISTERED WITH HER MINISTRY AND THAT THEIR PUBLICATIONS INCLUDED "GROUNDLESS CLAIMS." RIGHTS ORGANIZATIONS CONTINUED TO OPERATE AND PUBLISH THEIR REPORTS FREELY, ALTHOUGH THEIR FUTURE STATUS UNDER THE NEW NGO LAW REMAINED UNCLEAR.

## The Role of the International Community

### United Nations

TORTURE AND WORKERS RIGHTS WERE AMONG THE ISSUES RAISED BY U.N. BODIES DURING 1999. THE COMMITTEE AGAINST TORTURE CONSIDERED EGYPT'S REPORT ON COMPLIANCE WITH THE CONVENTION AGAINST TORTURE AND ON MAY 14 NOTED AS POSITIVE DEVELOPMENTS THE RELEASE OF PRISONERS WHO HAD BEEN DETAINED UNDER THE EMERGENCY LAW, A REDUCTION IN THE NUMBER OF COMPLAINTS ABOUT MISTREATMENT, AND DECISIONS OF CIVIL COURTS TO PROVIDE COMPENSATION TO TORTURE VICTIMS. BUT THE COMMITTEE ALSO STRESSED ITS

CONTINUING CONCERN ABOUT THE LARGE NUMBER OF TORTURE COMPLAINTS AND DEATHS IN DETENTION AT THE HANDS OF POLICE AND SECURITY FORCES, INCLUDING MISTREATMENT OF WOMEN. IT RECOMMENDED THAT EGYPT UNDERTAKE EFFECTIVE MEASURES TO PREVENT TORTURE AND PROTECT WOMEN FROM THREATS OF SEXUAL ABUSE WHILE IN CUSTODY. IT ALSO SUGGESTED THAT AUTHORITIES "ESTABLISH AND MAINTAIN A PROPER [PUBLIC] REGISTRY OF DETAINEES" HELD BY POLICE AND SECURITY FORCES, AND ASKED IT TO PROVIDE THE COMMITTEE "WITH INFORMATION ABOUT THE NUMBER OF CIRCUMSTANCES OF DEATHS IN CUSTODY OVER THE PAST FIVE YEARS."

THE PRE-SESSIONAL WORKING GROUP OF THE U.N. COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS NOTED ON MAY 21 THE ISSUES TO BE ADDRESSED IN EGYPT'S FIRST REPORT ON COMPLIANCE WITH THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS. THESE INCLUDED A REQUEST THAT THE GOVERNMENT CLARIFY WHY ALL TRADE UNIONS WERE REQUIRED BY LAW TO JOIN THE NATIONWIDE EGYPTIAN TRADE UNION FEDERATION, AND WHY THE GOVERNMENT TOLERATED "THE PRACTICE OF HIRING LABOR ON CONDITION OF THEIR DENOUNCING OR RESIGNING FROM LABOR UNIONS." THE GROUP ALSO ASKED FOR INFORMATION ABOUT "NUMEROUS CASES OF FORCED EARLY RETIREMENTS, ARBITRARY DISMISSALS AND UNEMPLOYMENT, AS WELL AS THE WHOLESAL SHUTDOWN OF FACTORIES" THAT HAVE ACCOMPANIED THE STATE'S PRIVATIZATION PROGRAM.

## European Union

EGYPT AND THE EUROPEAN UNION (E.U.) CONCLUDED FOUR YEARS OF NEGOTIATIONS ON THE TEXT OF A EURO-MEDITERRANEAN ASSOCIATION AGREEMENT SHORTLY AFTER THE E.U. COUNCIL OF MINISTERS AGREED ON JUNE 21 TO A FINAL OFFER ON AGRICULTURAL EXPORT QUOTAS. EGYPT REPORTEDLY ALSO SECURED E.U. AGREEMENT TO A JOINT DECLARATION ON THE "FAIR TREATMENT" OF WORKERS LEGALLY RESIDING IN EITHER TERRITORY, INCLUDING SOME 400,000 EGYPTIAN WORKERS IN EUROPE. ARTICLE 2 STATES THAT "RESPECT FOR HUMAN RIGHTS AND DEMOCRATIC PRINCIPLES" CONSTITUTES "AN ESSENTIAL ELEMENT OF THE AGREEMENT." AS IN SIMILAR AGREEMENTS WITH TUNISIA AND ISRAEL, EITHER PARTY MAY TAKE UNSPECIFIED "APPROPRIATE MEASURES" IF THE OTHER FAILS TO FULFILL ITS OBLIGATIONS. EGYPT'S AMBASSADOR IN BRUSSELS, RA'UF SA'AD, STATED IN LATE MARCH THAT EGYPT CONSIDERED THE HUMAN RIGHTS LANGUAGE TO BE A "REFERENCE," NOT A "CONDITION." E.U. AND EGYPTIAN OFFICIALS EXPECTED THE TEXT TO BE INITIALED BEFORE THE END OF 1999 AND SIGNED EARLY IN 2000. THE AGREEMENT MUST BE RATIFIED BY THE PARLIAMENTS OF EGYPT, THE E.U., AND THE E.U. MEMBER STATES BEFORE TAKING EFFECT.

E.U. OFFICIALS SAID THEY CLOSELY MONITORED DEVELOPMENTS RELATED TO THE NEW NGO LAW, AND AWAITED WITH CONCERN THE PROMULGATION OF ITS IMPLEMENTING REGULATIONS. IN JULY, THEN-EUROPEAN COMMISSION VICE PRESIDENT MANUEL MARIN WROTE TO HUMAN RIGHTS WATCH THAT THE COMMISSION WAS "AWARE OF THE RESTRICTIVE NATURE OF THE LAW AND THE CRIMINAL PENALTIES FORESEEN IN THE TEXT," AND ACKNOWLEDGED THAT THERE WERE "CURRENT UNCERTAINTIES WITH REGARD TO THE SCOPE OF LEGAL NGO ACTIVITIES IN THE FUTURE."

## United States

THE STATE DEPARTMENT SAID IN 1999 THAT EGYPT WOULD BE MOVING FROM "AN AID-BASED RELATIONSHIP TO A TRADE-BASED RELATIONSHIP" WITH THE U.S., AND THAT DISCUSSIONS HAD BEEN HELD WITH THE EGYPTIAN GOVERNMENT TO REDUCE ECONOMIC ASSISTANCE BY HALF OVER A TEN-YEAR PERIOD. BUT IN FISCAL YEAR 1999 THE U.S. REMAINED EGYPT'S LARGEST SUPPLIER OF FOREIGN AID, WHICH TOTALLED \$2.1 BILLION IN FISCAL YEAR 1999: \$775 MILLION IN ECONOMIC SUPPORT FUNDS AND \$1.3 BILLION IN MILITARY ASSISTANCE. "A SIGNIFICANT PORTION OF THE FUNDS IN BOTH ASSISTANCE CATEGORIES ARE USED BY EGYPT TO ACQUIRE U.S. GOODS AND SERVICES," THE STATE DEPARTMENT SAID IN ITS ANNUAL *COUNTRY REPORTS ON ECONOMIC POLICY AND TRADE PRACTICES*, PUBLISHED IN JANUARY 1999. ON MARCH 11, U.S. DEFENSE SECRETARY WILLIAM COHEN ANNOUNCED IN CAIRO THE CLINTON ADMINISTRATION'S SUPPORT FOR EGYPT'S REQUEST FOR \$3.2 BILLION OF U.S. WEAPONS, AND STATED THAT "A STRONG MILITARY RELATIONSHIP SUPPORTS A STRONG DIPLOMATIC AND POLITICAL RELATIONSHIP THAT BUILDS PEACE AND SECURITY IN THE REGION."

THERE WERE NO SIGNS THAT THE CLINTON ADMINISTRATION UTILIZED THIS MASSIVE FINANCIAL LEVERAGE TO PRESS ACTIVELY AND PUBLICLY FOR MEASURABLE IMPROVEMENT IN HUMAN RIGHTS CONDITIONS, DESPITE THE LARGELY ACCURATE AND EXTREMELY NEGATIVE ASSESSMENT PROVIDED EACH YEAR IN THE STATE DEPARTMENT'S *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES*. AS IN PAST YEARS, IT CLOSELY COORDINATED DIPLOMATIC, MILITARY, AND COMMERCIAL TIES THAT CEMENTED THE BILATERAL RELATIONSHIP, WITH LITTLE SAID IN PUBLIC ABOUT HUMAN RIGHTS AND DEMOCRATIC GOVERNANCE.

DURING PRESIDENT MUBARAK'S JUNE 26 - JULY 1 VISIT TO WASHINGTON, D.C., THERE WAS NO PUBLIC CRITICISM FROM SENIOR ADMINISTRATION OFFICIALS FOR HIS GOVERNMENT'S POOR HUMAN RIGHTS RECORD. ON JUNE 29, MARTIN INDYK, ASSISTANT SECRETARY FOR NEAR EASTERN AFFAIRS, TERMED EGYPT THE "STRATEGIC PARTNER" OF THE U.S. IN THE MIDDLE EAST. CITING THE ISRAELI-

ARAB PEACE NEGOTIATIONS AND POLICY ON IRAQ, HE ADDED: "WE SHARE A COMMON INTEREST AND A COMMON VISION FOR THE REGION. WE WANT TO PROMOTE—TOGETHER—MORE PEACE, MORE PROSPERITY AND MORE STABILITY."

PRIOR TO MUBARAK'S VISIT, THE STATE DEPARTMENT SPOKESPERSON ON MAY 28 ISSUED AN UNUSUALLY STRONG PUBLIC REBUKE OF THE JUST-PASSED NGO LAW, STATING THAT THE U.S. WAS "DEEPLY DISAPPOINTED WITH THE APPARENT THRUST OF THE BILL APPROVED BY THE PEOPLE'S ASSEMBLY. WE ARE STILL REVIEWING THE TEXT, BUT IT APPEARS THE LAW INCREASES THE AMOUNT OF GOVERNMENT CONTROL OF NON-GOVERNMENTAL ORGANIZATIONS. THIS IS THE WRONG DIRECTION TO GO IF EGYPT WANTS TO ENERGIZE CIVIL SOCIETY AND PROMOTE DEVELOPMENT....EFFORTS TO RESTRICT NON-GOVERNMENTAL ORGANIZATIONS ARE ALMOST INEVITABLY EFFORTS TO LIMIT FREE SPEECH AND FREE ASSOCIATION. WE ARE RAISING OUR CONCERNS WITH SENIOR LEVELS OF THE EGYPTIAN GOVERNMENT." BUT AT HIS JUNE 29 BRIEFING, INDYCK CONSIDERABLY SOFTENED THE EARLIER CRITICISM. "[W]E WERE CONCERNED ABOUT THE IMPACT OF THE NEW LAW ON NGOS. WE ENGAGED WITH THE EGYPTIAN GOVERNMENT ON THIS ISSUE, AND WE RECEIVED ASSURANCES FROM THE RESPONSIBLE MINISTER ABOUT THE WAY THAT THE LAW WOULD OPERATE TO ENSURE THAT NGOS WOULD BE ABLE TO OPERATE FREELY IN EGYPT," HE SAID.

THE CLINTON ADMINISTRATION CONTINUED TO PRAISE THE MUBARAK GOVERNMENT FOR MOVING FORWARD WITH PRIVATIZATION AND ECONOMIC REFORM PROGRAMS. U.S. AMBASSADOR TO EGYPT DANIEL KURTZER NOTED ON JULY 18 THAT THERE WAS SOME \$15 TO \$17 BILLION OF U.S. INVESTMENT IN EGYPT, AND STRESSED THE GOALS OF "MORE PRIVATIZATION, MORE U.S. INVESTORS, AND MORE TRADE." THE STATE DEPARTMENT'S ECONOMIC POLICY AND TRADE REPORT PUBLISHED IN JANUARY SHOWED A RISE IN U.S. EXPORTS TO EGYPT BETWEEN 1996-97, FROM \$3.1 TO \$3.8 BILLION, AND A DECLINE IN EGYPT'S EXPORTS TO THE U.S. OVER THE SAME PERIOD, FROM \$713 TO \$694 MILLION.

# IRAN

## Human Rights Developments

HUMAN RIGHTS PROGRESS CONTINUED TO BE HELD HOSTAGE TO INCREASINGLY POLARIZED CONFLICT WITHIN THE LEADERSHIP OF THE ISLAMIC REPUBLIC. THE CONFLICT RESULTED IN DISTURBING OUTBREAKS OF POLITICAL VIOLENCE WHICH THREATENED TO QUASH HOPES FOR REFORMS PLEDGED BY PRESIDENT KHATAMI SINCE HIS ELECTION IN 1997. A SERIES OF KILLINGS AND "DISAPPEARANCES" OF INDEPENDENT WRITERS AND GOVERNMENT CRITICS AT THE END OF 1998 EXPOSED THE INVOLVEMENT OF STATE OFFICIALS IN THE ILLEGAL VIOLENT SUPPRESSION OF DISSENT. STUDENT PROTESTS OVER RESTRICTIONS ON PRESS FREEDOM MUSHROOMED INTO DAYS OF VIOLENT STREET PROTESTS IN WHICH COMPETING POLITICAL FACTIONS TOOK THEIR DIFFERENCES TO THE STREETS OF TEHRAN AND OTHER MAJOR CITIES. REFORMERS FACED CRITICISM THAT THEIR CALLS FOR GREATER FREEDOM AND DEMOCRACY WERE RESULTING IN ANARCHY.

IN SOME CASES, REFORM EFFORTS WERE MET WITH REACTIONS FROM SOME IN THE LEADERSHIP WHICH LED TO A WORSENING IN THE HUMAN RIGHTS SITUATION. FOR EXAMPLE, EFFORTS TO PROMOTE FREEDOM OF THE PRESS WERE MET WITH ATTACKS ON JOURNALISTS AND EDITORS, CLOSURES OF NEWSPAPERS, AND PROPOSALS TO PASS NEW LAWS FACILITATING THE PROSECUTION OF JOURNALISTS FOR EXPRESSING THEIR NONVIOLENT OPINIONS, AND NARROWING THE SCOPE OF PERMITTED DEBATE. AN EVEN LIVELIER DEBATE ABOUT HOW TO GOVERN IN AN ISLAMIC STATE PROMPTED CONSERVATIVES TO DECLARE THAT THOSE WHO PROMOTED NEW INTERPRETATIONS OF ISLAM SHOULD BE CONSIDERED AS "CORRUPT ON EARTH" AND SENTENCED TO DEATH.

CONTINUING EFFORTS BY THE KHATAMI GOVERNMENT TO NORMALIZE RELATIONS WITH EUROPE AND THE REST OF THE WORLD APPEARED TO HAVE PROVOKED CONSERVATIVE OPPONENTS OF SUCH NORMALIZATION TO TARGET RELIGIOUS MINORITIES FOR PERSECUTION, AND TO ENGAGE IN OTHER INFLAMMATORY ACTS DESIGNED TO PROVOKE INTERNATIONAL OUTRAGE AND EMBARRASS THE GOVERNMENT.

PARTICIPATION IN THE POLITICAL PROCESS CONTINUED TO BE RESTRICTED TO SUPPORTERS OF THE CLERICAL REGIME THAT HAS RULED IRAN SINCE THE 1979 REVOLUTION. IN FEBRUARY REFORMISTS ASSOCIATED WITH PRESIDENT KHATAMI OVERCAME EFFORTS BY CONSERVATIVES TO BAR THEIR CANDIDACY IN DIRECT ELECTIONS TO LOCAL AND REGIONAL COUNCILS THROUGHOUT IRAN AND TRIUMPHED AT THE POLLS.

THE BRUTAL KILLINGS OF VETERAN POLITICAL ACTIVISTS DARIOUSH AND PARVANEH FOROUHAR IN THEIR TEHRAN HOME ON NOVEMBER 22, 1998, WERE PART OF A WAVE OF KILLINGS AND "DISAPPEARANCES" WHICH CREATED FEAR AND UNCERTAINTY IN INTELLECTUAL CIRCLES, BUT ALSO LED TO THE RESIGNATION OF THE MINISTER OF INTELLIGENCE, WHOSE AGENTS WERE BLAMED FOR THE KILLINGS, AND TO THE EXPOSURE OF A SINISTER ARM OF THE GOVERNMENT ENGAGED IN THE USE OF MURDER AS A POLITICAL WEAPON. OTHER VICTIMS OF KILLINGS IN NOVEMBER AND DECEMBER 1998 INCLUDED MOHAMMAD MOKHTARI, AND MOHAMMAD POLYANDEH, WRITERS AND FREE-EXPRESSION ADVOCATES WHO BOTH HAD BEEN BRIEFLY DETAINED IN OCTOBER 1998. PIROUZ DAVANI, A POLITICAL ACTIVIST FOR A BANNED LEFT-WING ORGANIZATION "DISAPPEARED" IN SEPTEMBER 1998 AND WAS BELIEVED TO HAVE BEEN KILLED FOR HIS POLITICAL VIEWS.



ALTHOUGH THE KILLING OF POLITICAL DISSIDENTS AT HOME AND ABROAD WAS NOT NEW TO IRAN, POPULAR REACTION TO THESE DEATHS WAS STRONG AND IMMEDIATE. THOUSANDS OF MOURNERS MARCHED IN THE FUNERAL PROCESSION FOR SLAIN LEADERS OF THE IRAN NATION PARTY DARIOUSH AND PARVANEH FOROUHAR IN TEHRAN ON NOVEMBER 30. DIFFERENT BRANCHES OF THE GOVERNMENT, INCLUDING THE JUDICIARY AND THE NATIONAL SECURITY COUNCIL (NSC), THE LATTER HEADED BY PRESIDENT KHATAMI, ANNOUNCED THAT INQUIRIES WOULD BE ESTABLISHED INTO THE KILLINGS AND THE PERPETRATORS BROUGHT TO JUSTICE. WHEREAS THE JUDICIARY SPOKE OF MYSTERIOUS "DOMESTIC AND EXTERNAL HANDS" BEING BEHIND THE MURDERS, THE NSC INQUIRY IDENTIFIED SERVING AGENTS WITHIN THE MINISTRY OF INTELLIGENCE AS RESPONSIBLE AND TOOK A NUMBER OF THEM INTO CUSTODY. MINISTER OF INTELLIGENCE GHORBANALI DORRI-NAJAFABADI AND SEVERAL OF HIS SENIOR DEPUTIES RESIGNED IN FEBRUARY AS THE EXTENT OF THE MINISTRY'S INVOLVEMENT BECAME KNOWN. HOWEVER, ALTHOUGH SENIOR OFFICIALS REPEATEDLY PROMISED AN OPEN TRIAL OF THE SUSPECTS, NO TRIAL HAD STARTED BY THE END OF THE YEAR.

SPECULATION ABOUT WHERE THE ULTIMATE RESPONSIBILITY FOR THE KILLINGS LAY PLAYED A DIRECT ROLE IN THE YEAR'S MOST TRAUMATIC INCIDENTS OF POLITICAL VIOLENCE, THE STUDENT PROTESTS OF JULY AND THEIR SUPPRESSION BY A COMBINATION OF UNIFORMED AND IRREGULAR FORCES. IN JUNE *SALAM*, ONE OF THE MOST POPULAR PRO-REFORM NEWSPAPERS, PUBLISHED AN INTERNAL MEMORANDUM SAID TO HAVE BEEN WRITTEN BY SAIED EMAMI, A DETAINED MINISTRY OF INTELLIGENCE OFFICIAL. IN THE MEMO, EMAMI SETS OUT A POLICY TO HARASS AND STIFLE THE INDEPENDENT PRESS THROUGH A VARIETY OF LEGAL AND EXTRALEGAL MEASURES, REMARKABLY SIMILAR TO THE ACTUAL EXPERIENCES OF THE JOURNALISTS AND THE PRESS THROUGHOUT THE YEAR.

IN JULY, *SALAM* WAS CLOSED DOWN AND CHARGES OF SPREADING FALSE INFORMATION BROUGHT AGAINST ITS PUBLISHER, MOHAMMAD MOUSAVI KHOENIHA, IN A SPECIAL COURT FOR THE CLERGY. THE CLOSURE TRIGGERED A PEACEFUL PROTEST BY STUDENTS AT TEHRAN UNIVERSITY ON JULY 8. DURING THE EARLY HOURS OF JULY 9, MEMBERS OF AN UNIDENTIFIED UNIFORMED MILITIA FORCE ENTERED THE UNIVERSITY DORMITORIES WHILE THE STUDENTS SLEPT AND ATTACKED THEM, THROWING SOME OUT OF WINDOWS AND TAKING SOME AWAY. THE DORMITORY ROOMS WERE RANSACKED AND FURNITURE AND EQUIPMENT SMASHED. ACCORDING TO THE WITNESSES AT LEAST FOUR STUDENTS WERE KILLED IN THE ASSAULT ON THE DORMITORY, THREE HUNDRED WOUNDED, AND FOUR HUNDRED TAKEN INTO DETENTION.

THE NEXT DAY, STUDENTS TOOK TO THE STREETS TO PROTEST THE ASSAULT ON THE DORMITORIES, TO DEMAND AN INQUIRY, AND TO CALL FOR THE RELEASE OF THEIR COLLEAGUES FROM DETENTION. THE DEMONSTRATION WAS BROKEN UP BY HARD-LINE ENFORCERS ASSOCIATED WITH CONSERVATIVE LEADERS WITHIN THE GOVERNMENT, THE *ANSAR-E HEZBOLLAHI* (PARTISANS OF THE PARTY OF GOD), WIELDING CLUBS AND CHAINS WHILE MEMBERS OF THE SECURITY FORCES STOOD BY OR JOINED IN THE ASSAULT ON THE DEMONSTRATORS.

HOWEVER, STUDENT PROTESTS CONTINUED IN TEHRAN ON JULY 10 AND SPREAD TO OTHER CITIES WITH CALLS FOR THE DISMISSAL OF TEHRAN POLICE CHIEF, HEDAYAT LOTFIAN AND FOR THE PROSECUTION OF THOSE RESPONSIBLE FOR THE RAID. OUTRAGE ABOUT THE BRUTALITY OF THE INITIAL NIGHT-TIME ASSAULT ON THE DORMITORIES SPREAD THROUGHOUT IRANIAN SOCIETY. BOTH PRESIDENT KHATAMI AND SUPREME LEADER AYATOLLAH ALI KHAMENE'I CONDEMNED THE RAID AND THE MINISTER OF THE INTERIOR, ABDULLAH MOUSAVI-LARI DECLARED THAT IT HAD TAKEN PLACE WITHOUT ANY AUTHORIZATION FROM THE MINISTRY.

THE STUDENT PROTESTS, ALSO AN OUTLET FOR POPULAR EXPRESSION OF DISSATISFACTION WITH GOVERNMENT POLICIES IN A WIDE RANGE OF AREAS, INCLUDING THE DIRE ECONOMIC SITUATION, THE LACK OF OPPORTUNITIES FOR UNIVERSITY GRADUATES, RESTRICTIONS ON BASIC FREEDOMS, AND THE SLOW PACE OF REFORM WERE LIKENED BY COMMENTATORS TO THE MASS DEMONSTRATIONS IN 1978 AND 1979 WHICH PRECEDED THE OVERTHROW OF THE SHAH. THE POPULAR MOOD CHANGED ABRUPTLY WHEN THE DEMONSTRATIONS DETERIORATED INTO LOOTING AND VANDALISM ON JULY 12 AND JULY 13. THE LEADERSHIP, WITH PRESIDENT KHATAMI AND AYATOLLAH KHAMENE'I ACTING IN CONCERT, MOVED SWIFTLY TO BAN FURTHER PROTESTS AND TO ARREST HUNDREDS OF PURPORTED RINGLEADERS. THE STUDENT MOVEMENT DISTANCED ITSELF FROM THE ACTIVITIES OF LOOTERS AND LAWBREAKERS, MAKING A DISTINCTION BETWEEN THE PEACEFUL PROTESTS OF JULY 9 - 11 AND THE RIOTOUS BEHAVIOR OF THE FOLLOWING TWO DAYS.

BLAME FOR THE UNREST WAS PINNED ON HOSTILE, FOREIGN-BACKED FORCES AND SEVERAL CONSERVATIVE LEADERS SUGGESTED THAT PUBLIC SUPPORT FOR A REFORM AGENDA WAS SOWING CONFUSION AND LEAVING THE NATION VULNERABLE TO ATTACK BY ITS ENEMIES. IN THE FOLLOWING WEEKS THE CONSERVATIVE PRESS CARRIED STATEMENTS BY REVOLUTIONARY GUARD LEADERS CALLING FOR AN END TO PRESIDENT KHATAMI'S "DANGEROUS EXPERIMENTS WITH DEMOCRACY."

PRESIDENT KHATAMI WEATHERED THIS MOST SERIOUS CHALLENGE TO HIS LEADERSHIP TO DATE, EMPHASIZING A COMMITMENT TO THE RULE OF LAW. SENIOR TEHRAN POLICE CHIEFS WERE CHARGED WITH RESPONSIBILITY FOR ALLOWING THE RAID ON THE DORMITORIES, THOUGH THE HEAD OF TEHRAN POLICE, HEDAYAT LOTFIAN WAS EXONERATED OF ANY RESPONSIBILITY, AND A HARD-HITTING REPORT THAT CRITICIZED THE POLICE AND CONSERVATIVE MILITIA GROUPS WAS ISSUED BY THE NSC IN MID-AUGUST. PRESIDENT KHATAMI STATED ON AUGUST 12 THAT "POLICE OFFICERS ACTING OUTSIDE THEIR AUTHORITY AND NON-MILITARY PERSONNEL" WERE RESPONSIBLE FOR THE DORMITORIES RAID, BUT NO PUBLIC CRIMINAL PROCEEDINGS ENSUED, LEAVING THE FULL STORY OF WHO ORDERED THE RAID AND WHICH FORCES CARRIED IT OUT STILL

SHROUDED IN MYSTERY. EYEWITNESSES CONFIRMED THAT THE MAIN FORCE INVOLVED IN THE VIOLENT ASSAULT WAS NOT THE ANSAR-E HEZBOLLAHI BUT A MUCH MORE DISCIPLINED, BETTER EQUIPPED, UNIFORMED FORCE WHICH ARRIVED AT THE SCENE IN ITS OWN VEHICLES, ENTERED THE CAMPUS WITH COOPERATION FROM POLICE OFFICERS, AND VANISHED INTO THE DAWN A FEW HOURS LATER. MYSTERY ALSO SURROUNDED RESPONSIBILITY FOR THE INCIDENTS OF LOOTING AND PROPERTY DAMAGE ON JULY 12 AND 13 WITH SPECULATION THAT THE STREET VIOLENCE WAS INITIATED BY STATE-BACKED AGENT-PROVOCATEURS IN ORDER TO DISCREDIT AND UNDERMINE THE PROTEST MOVEMENT.

FOLLOWING THE UNREST, HUNDREDS OF STUDENTS REMAINED IN DETENTION OR WERE UNACCOUNTED FOR. THE HEAD OF TEHRAN'S REVOLUTIONARY COURT STATED ON SEPTEMBER 11 THAT FOUR UNNAMED INDIVIDUALS HAD BEEN SENTENCED TO DEATH IN CONNECTION WITH THE PRO-DEMOCRACY PROTESTS. THE SENTENCES WERE HANDED DOWN IN SECRET REVOLUTIONARY COURT TRIALS IN WHICH PROCEDURES FALL FAR SHORT OF INTERNATIONAL FAIR TRIAL STANDARDS. IN AN INTERVIEW WITH THE CONSERVATIVE DAILY NEWSPAPER *JOMHOURI-E SLAMI*, HOJATOLESLAM GHOLAMHOSSEIN RAHBARPOUR SAID TWO OF THE SENTENCES HAD BEEN CONFIRMED BY THE SUPREME COURT AND HELD OUT THE POSSIBILITY OF FURTHER DEATH SENTENCES AMONG THE "THOUSAND ARRESTED" DURING THE PROTESTS.

THE STRUGGLE BETWEEN CONSERVATIVES AND THE INDEPENDENT PRESS CONTINUED TO RESULT IN RESTRICTIONS ON FREEDOM OF EXPRESSION INCLUDING CLOSURES OF NEWSPAPERS AND PROSECUTIONS OF WRITERS EDITORS AND PUBLISHERS. INDEPENDENT NEWSPAPERS SUCH AS *RAH-E NO* (NEW WAY), *JAME'EH SALEM* (HEALTHY SOCIETY), *IRAN-E FARDA* (TOMORROW'S IRAN), AND *ADINEH* (FRIDAY), A CULTURAL MONTHLY WERE ORDERED CLOSED BY THE PRESS COURT. HOWEVER, MOST CONTINUED TO PUBLISH DESPITE THE CLOSURE ORDERS, JUSTIFYING THEIR CONTINUED OPERATION ON THE GROUNDS THAT THEY HAD NOT RECEIVED THE FORMAL CLOSURE ORDERS. IN THE CASES OF *JAME'EH SALEM* AND *ADINEH*, THE JURY FOUND THEM IN VIOLATION OF THE PRESS LAW BUT RECOMMENDED MINIMUM PUNISHMENT, NOT INCLUDING CLOSURE. THE JUDGE DISREGARDED THE JURY'S RECOMMENDATIONS AND CLOSED THEM BOTH.

FOLLOWING THE *ADINEH* DECISION, THE JURY PROTESTED THE JUDGE'S ACTION BY NOT ATTENDING THE NEXT HEARING, INVOLVING A COMPLAINT AGAINST *KEYHAN* (GALAXY) NEWSPAPER, LEADING THE JUDGE TO DISMISS THE FIVE JURORS WHO HAD ABSENTED THEMSELVES. UNABLE TO PROCEED WITH TRIALS AFTER DISMISSAL OF THE JURORS, HE REQUIRED THAT ACCUSED PERSONS POST HIGH BAIL IN ORDER TO AVOID DETENTION. IN MAY AND JUNE TWO PROMINENT SUPPORTERS OF PRESIDENT KHATAMI, FEREDOUN VERDINEJAD, THE DIRECTOR OF THE OFFICIAL ISLAMIC REPUBLIC NEWS AGENCY (IRNA), AND MOHAMMED REZA LOHDI, THE PUBLISHER OF *ARYA*, A DAILY NEWSPAPER, WERE ARRESTED AND RELEASED ON PAYMENTS OF THE EQUIVALENT OF U.S.\$50,000 AND U.S.\$30,000 BAIL RESPECTIVELY. IN AUGUST 1999, THE HIGH JUDICIAL DISCIPLINARY TRIBUNAL FOUND THAT JUDGE SAEID MORTAZAVI HAD EXCEEDED HIS AUTHORITY IN ORDERING THE DISMISSAL OF THE JURORS, BUT RECOMMENDED NO PUNISHMENT AND HE REMAINED IN OFFICE. IN SEPTEMBER THE PRESS COURT ORDERED THE CLOSURE OF *NESHAT* (HAPPINESS) AND IN A SUBSEQUENT TRIAL, SENTENCED ITS PUBLISHER, LATIF SAFARI, TO A THIRTY MONTH SUSPENDED PRISON SENTENCE AND BANNED HIM FROM HIS PROFESSION FOR FIVE YEARS.

THE ROLE OF THE JURY IN PRESS COURTS WAS ONE AMONG SEVERAL CONTENTIOUS ELEMENTS IN THE SYSTEM OF REGULATION OF THE PRESS. ANOTHER WAS THE USE OF COURTS OTHER THAN THE PRESS COURTS TO PUNISH WRITERS FOR VIEWS EXPRESSED IN THE MEDIA. IN NOVEMBER 1999, *HAMSHAHRI* REPORTED THAT THE PARLIAMENTARY RESEARCH CENTER WAS DRAFTING LEGISLATION THAT WOULD MAKE WRITERS, EDITORS, AND PUBLISHERS LIABLE TO PROSECUTION IN COURTS OTHER THAN PRESS COURTS IF THEIR ARTICLES WERE DEEMED TO BE OFFENSIVE. ON MARCH 4, A SPECIAL COURT FOR THE CLERGY RULED THAT IT WOULD PROSECUTE ANY NEWSPAPER THAT EVEN MENTIONED THE NAME OF AYATOLLAH HOSSEIN-ALI MONTAZERI, AT ONE TIME THE DESIGNATED SUCCESSOR TO AYATOLLAH KHAMEINI AS LEADER BUT WHO HAS EMERGED AS A PERSISTENT CRITIC OF THE INSTITUTION OF *VELAYAT-E FAQIH*, ON WHICH THE AUTHORITY OF THE LEADER OF THE ISLAMIC REPUBLIC RESTS. SINCE AYATOLLAH MONTAZERI'S REMOVAL AS DESIGNATED SUCCESSOR BY AYATOLLAH KHOMEINI IN 1989, MONTAZERI AND HIS RELATIVES AND FOLLOWERS HAVE BEEN SUBJECTED TO PERSECUTION. IN FEBRUARY, MOHSEN KADIVAR WAS DETAINED AND A CASE BROUGHT AGAINST HIM IN A SPECIAL COURT FOR THE CLERGY ARISING FROM HIS JOURNALISTIC WRITINGS.

IN MARCH, *ZAN* (WOMAN) MAGAZINE WAS ORDERED CLOSED BY AN ISLAMIC REVOLUTIONARY COURT FOR PUBLISHING PART OF A NEW YEAR'S GREETING TO THE IRANIAN PEOPLE FROM THE FORMER EMPRESS, FARAH PAHLAVI, NOW LIVING IN EXILE, AND FOR PUBLISHING A CARTOON DEEMED TO BE DEFAMATORY OF THE ISLAMIC JURIDICAL TRADITION OF *DIYAH* (BLOOD MONEY). OTHER MAGAZINES PUBLISHED FARAH PAHLAVI'S MESSAGE IN FULL WITHOUT ANY REPERCUSSIONS.

IN JUNE, A REVOLUTIONARY COURT ORDERED THE CLOSURE OF THE STUDENT BI-WEEKLY NEWSPAPER *HOVEYAT-E KHISH* (SELF IDENTITY). ITS EDITOR, HESHMATOLLAH TABARZADI, AND DIRECTOR, HOSSEIN KASHANI WERE DETAINED ON ACCUSATIONS OF "SPREADING ANTI-ISLAMIC PROPAGANDA." KASHANI WAS RELEASED IN JUNE BUT TABARZADI REMAINED IN DETENTION. MOHSEN SAEIDZADEH, WHO HAD BEEN DETAINED BY ORDER OF A SPECIAL COURT FOR THE CLERGY IN JUNE 1999 FOR HIS WRITINGS ON WOMEN'S RIGHTS AND MUSLIM FAMILY LAW WAS RELEASED FROM DETENTION IN NOVEMBER 1999.

IN THE FACE OF AN UNRELENTING CONSERVATIVE CAMPAIGN AGAINST PRESS FREEDOM, DEPUTY MINISTER OF CULTURE AND ISLAMIC GUIDANCE AHMAD BORGHANI RESIGNED IN JANUARY. THE MINISTER, ATAOLLAH MOHAJERANI, WAS HIMSELF THE SUBJECT OF AN IMPEACHMENT MOTION WHICH HE SURVIVED BY A VOTE OF 135 TO 121. NEVERTHELESS, THE PRESSURE ON MOHAJERANI AND OTHERS ASSOCIATED WITH GREATER PRESS FREEDOM CONTINUED. DURING MAY CHARGES WERE PREPARED AGAINST A SENIOR OFFICIAL IN THE MINISTRY OF CULTURE AND ISLAMIC GUIDANCE, ISSA SAKHARKHIZ. HE FACED UP TO THREE YEARS IN PRISON AFTER GRANTING PERMISSION TO ZAN NEWSPAPER TO PRODUCE A SPECIAL EDITION FOR THE TEHRAN INTERNATIONAL BOOK FAIR WHILE THE NEWSPAPER WAS UNDER A CLOSURE ORDER. HIS TRIAL OPENED BEFORE A SPECIAL COURT FOR PUBLIC EMPLOYEES ON MAY 31, AND CONTINUED AS OF THIS WRITING.

IN ADDITION TO EFFORTS TO CONTROL THE PRESS THROUGH CLOSURES, PROSECUTIONS OF EDITORS AND PUBLISHERS, AND INTIMIDATION, CONSERVATIVE DEPUTIES SUBMITTED AMENDMENTS TO THE PRESS LAW TO THE MAJLIS WHICH PASSED A FIRST READING ON JULY 7, BY 125 VOTES TO NINETY WITH FIFTY-FIVE DEPUTIES ABSENT. THE PROPOSED AMENDMENTS SOUGHT TO CHANGE THE COMPOSITION OF THE FIVE-PERSON PRESS SUPERVISORY BOARD AND THE THREE-PERSON SELECTION BOARD OF THE PRESS JURY BY ADDING REPRESENTATIVES OF THE ISLAMIC PROPAGATION ORGANIZATION AND THE FRIDAY CONGREGATIONAL PRAYER LEADERS. THE AMENDMENTS WOULD ALSO AUTHORIZE REVOLUTIONARY COURTS TO PROSECUTE WRITERS AND JOURNALISTS WHO OVERSTEP THE BOUNDS OF PERMITTED CRITICISM.

THE AMENDMENTS WERE DENOUNCED BY REFORMISTS INCLUDING MINISTER OF CULTURE MOHAJERANI, WHO TOLD THE PARLIAMENT DURING THE DEBATE THAT "WE HAVE TO CREATE LAWS IN ACCORDANCE WITH FREEDOM, NOT FREEDOM ACCORDING TO OUR LAWS." IN SEPTEMBER, HEAD OF THE JUDICIARY SAYYED MAHMOUD HASHEMI SHAHROUDI, WHO HAD REPLACED LEADING CONSERVATIVE AYATOLLAH MOHAMMAD YAZDI IN AUGUST, CRITICIZED THE PROPOSED AMENDMENTS TO THE PRESS LAW AND STATED THAT THE ISLAMIC COMMISSION FOR HUMAN RIGHTS, A JUDICIAL BODY, WOULD BE PROPOSING ITS OWN DRAFT AMENDMENTS. HOWEVER, AYATOLLAH KHAMENE'I HIMSELF RESUMED ATTACKS ON INDEPENDENT NEWSPAPERS WHICH HE ACCUSED OF "CREATING MENTAL INSECURITY" BY CALLING INTO QUESTION THE COMMANDS OF ISLAM. CONSERVATIVES WENT ON THE OFFENSIVE AGAINST NEWSPAPERS WHICH HAD CRITICIZED THE USE OF THE DEATH PENALTY, DECLARING THAT SUCH COMMENTS CONSTITUTED APOSTASY AND WERE "AGAINST ISLAM."

FREEDOM OF THE PRESS WAS NOT THE ONLY AREA OF HUMAN RIGHTS WHICH SUFFERED BECAUSE OF THE CONTINUING STRUGGLE BETWEEN REFORMISTS AND HARDLINERS IN THE GOVERNMENT. IN NOVEMBER 1998, POLICE RAIDED MORE THAN 500 PRIVATE HOMES AND OFFICES BEING USED BY THE BAHAI INSTITUTE FOR HIGHER EDUCATION, A PREVIOUSLY TOLERATED INSTITUTION PROVIDING EDUCATIONAL OPPORTUNITIES TO BAHAIS WHO WERE DENIED ENTRY TO ORDINARY UNIVERSITIES AND COLLEGES. THIRTY-FIVE FACULTY MEMBERS IN THE INSTITUTE WERE DETAINED, AND FOUR WERE SENTENCED TO BETWEEN THREE AND TEN YEARS BY A REVOLUTIONARY COURT FOR DISTURBING NATIONAL SECURITY, BRINGING TO SEVENTEEN THE NUMBER OF BAHAIS IN PRISON BECAUSE OF THEIR FAITH BY THE END OF THE YEAR. SINA HAKIMIAN WAS SENTENCED TO TEN YEARS IMPRISONMENT, FARZAD KHAJEH-SHARIFABADI AND HABIBULLAH FERDOUSIAN-NAJAFABADI TO SEVEN YEARS AND ZEYIYOLLAH MIR ZAMANPOUR TO THREE YEARS. IN JUNE, THE GOVERNMENT ANNOUNCED THE ARREST OF THIRTEEN MEMBERS OF THE JEWISH COMMUNITY ON CHARGES OF SPYING FOR ISRAEL. THE GOVERNMENT DID NOT REVEAL ANY EVIDENTIARY BASIS FOR THE ARRESTS, WHICH HAD TAKEN PLACE IN FEBRUARY AND MARCH, AND HELD THE DETAINEES INCOMMUNICADO FOR MANY MONTHS. THE ARRESTS APPEARED DESIGNED TO EMBARRASS PRESIDENT KHATAMI IN HIS ATTEMPTS TO NORMALIZE RELATIONS WITH THE WEST. AFTER THE ANNOUNCEMENT OF THE ARRESTS, THE PRESIDENT SPOKE OUT ON THE NEED TO RESPECT THE RIGHTS OF IRAN'S RELIGIOUS MINORITIES, BUT OTHER GOVERNMENT LEADERS ANNOUNCED THAT THE THIRTEEN WERE GUILTY EVEN BEFORE THEIR TRIAL.

THE CONTROVERSY CONTINUED OVER THE JAILING OF FORMER MAYOR OF TEHRAN GHOLAM HOSSEIN KARBASCHI, SEEN AS A VICTIM OF FACTIONAL CONFLICT BETWEEN REFORMISTS AND CONSERVATIVES. IN MAY THE TRIAL BEGAN OF ELEVEN POLICE OFFICERS ACCUSED OF TORTURING TWO DISTRICT MAYORS AND OTHER SENIOR MUNICIPALITY OFFICIALS IN AN ATTEMPT TO GATHER EVIDENCE AGAINST THE MAYOR. THIS WAS THE FIRST TIME THAT TORTURE CHARGES HAD BEEN BROUGHT AGAINST POLICE OFFICERS, ALTHOUGH THERE WERE CREDIBLE REPORTS THAT USE OF TORTURE REMAINED WIDESPREAD.

THE HOLDING OF THE FIRST ELECTIONS FOR LOCAL TOWN AND VILLAGE COUNCILS IN FEBRUARY REPRESENTED A SUBSTANTIAL ACHIEVEMENT IN PARTICIPATION IN PUBLIC AFFAIRS AT THE LOCAL LEVEL. UP UNTIL THE LAST MOMENT, IT WAS UNCLEAR WHETHER CANDIDATES ASSOCIATED WITH REFORM POLICIES WOULD BE PERMITTED TO STAND BY A CONSERVATIVE-CONTROLLED SUPERVISORY COUNCIL APPOINTED BY THE PARLIAMENT. SEVERAL PROMINENT CANDIDATES, INCLUDING THE IMPEACHED FORMER MINISTER OF THE INTERIOR, ABDULLAH NOURI, WERE REJECTED BY THE COUNCIL BECAUSE OF THEIR "LACK OF BELIEF IN THE CLERICAL SYSTEM," BUT THEIR REJECTION WAS OVERRULED BY AN ARBITRATION COMMITTEE ESTABLISHED BY PRESIDENT KHATAMI TO SETTLE DIFFERENCES BETWEEN CANDIDATES AND THE COUNCIL. IN THE END, REFORMIST CANDIDATES TRIUMPHED AT THE POLLS. THE ISSUE OF HOW CANDIDATES FOR THE FEBRUARY 2000 PARLIAMENTARY ELECTIONS WILL BE SELECTED CONTINUED TO BE DEBATED. IN AUGUST, PARLIAMENT AGREED ON A REVISED FORM OF VETTING WHICH WOULD REQUIRE THE COUNCIL TO PROVIDE REJECTED CANDIDATES WITH WRITTEN REASONS FOR THEIR REJECTION. IN THE

Past, no reasons were given and a large proportion of prospective candidates were excluded. However, in September, the Council of Guardians vetoed the proposed amendment to the vetting procedure. Opposition political parties like the Freedom Movement of Iran continued to be denied permission to organize or to field candidates in elections.

## Defending Human Rights

There were no independent human rights organizations active inside the country, and the government continued to obstruct visits by international monitors from nongovernmental organizations, and refused access to the U.N. special representative on Iran, Maurice Copithorne of Canada. Nevertheless, human rights monitoring and open debate of the government's human rights policies was a notable aspect of the activities of the independent press. Several prominent intellectual figures like Abdol Karim Soroush and Mohsen Kadivar developed sophisticated critiques of government policies in their writings advocating the need for respect for human rights as part of Islamic government. They suffered threats and persecution, but continued to disseminate their ideas. In August a group of prominent writers, editors, publishers, and journalists announced the formation of the Association to Protect Press Freedom which championed international standards in the field of freedom of expression in its founding declaration. It was not officially recognized, but it was able to function. In a positive move the government did register the National Association for Children's Rights in Iran which advocated the adoption of standards set out in the U.N. Convention on the Rights of the Child.

Human Rights Watch was able to send its researcher, who carries an Iranian passport, to Iran; however, other Human Rights Watch staff members, and representatives of other international NGOs were not granted visas.

Former deputy prime-minister Abbas Amir Entezam remained in prison following his arrest in September 1998 for making critical comments about Assadollah Lajevardi, the assassinated former head of Evin Prison, where he had spent seventeen years in prison on spying charges he has always denied. Entezam was a witness to widespread violations of human rights during his time in detention and has spoken out about his experiences. His trial on slander charges opened in February, but did not reach a verdict. He continued to be held in detention pending the completion of his trial on questionable grounds.

## The Role of the International Community

### United Nations

Human rights violations in Iran continued to be a subject of concern to the United Nations (U.N.) General Assembly and the U.N. Commission on Human Rights. However, the international body increasingly recognized the reform efforts of President Khatami, who was praised by Secretary-General Kofi Annan as a "far-sighted leader." The General Assembly unanimously declared the year 2001 as the Year of Dialogue Among Civilizations, as proposed by President Khatami in his address to the Assembly in September 1998. The tone of the resolution passed by the commission was more positive than in previous years, noting a number of positive developments. It praised the expansion of freedom of expression and the emphasis on the rule of law. It noted with approval the local elections. And it praised the investigation of last year's series of political murders. It criticized torture and discrimination against minorities, as well as the large number of executions. In his report to the commission, Special Representative Copithorne praised President Khatami for trying "to create a more tolerant society in which the rule of law plays a part and which generally recognizes human rights to a considerable degree greater than in the past."

### European Union

Despite some localized difficulties, notably in the bilateral relationship with Germany, the improvement in relations between the European Union (E.U.) and Iran continued. The European governments were explicit in their support of reform efforts. For example, in August, the new Norwegian ambassador to Tehran, resuming diplomatic relations for the first time since the Norwegian translator of Salman Rushdie's *The Satanic Verses* was stabbed to death by an Iranian hit man, said that Norway would be doing everything it could to support political reform.

In December 1998 the German Supreme Court confirmed the guilty verdict against Kazem Darabi, accused of having been dispatched by the Iranian government to murder Kurdish dissidents in Berlin in 1992. The Iranian government continued to hold German national Helmut Hoffer on charges of having had illicit relations with a Muslim woman. Bilateral relations

WERE ALSO STRAINED BY NEGOTIATIONS OVER THE RESCHEDULING OF THE PAYMENT OF GERMAN LOANS TO IRAN. TRADE RELATIONS WITH OTHER EUROPEAN COUNTRIES MOVED FORWARD, NOTABLY IN THE ENERGY SECTOR.

ALTHOUGH THE KHORDAD FOUNDATION ANNOUNCED THAT ITS BOUNTY FOR THE KILLER OF BRITISH AUTHOR SALMAN RUSHDIE WAS STILL IN FORCE, THE PLEDGE IN 1998 THAT IRANIAN AUTHORITIES WOULD DO NOTHING TO IMPLEMENT THE DEATH THREAT WAS SUFFICIENT TO PERMIT THE EXCHANGE OF AMBASSADORS BETWEEN THE TWO COUNTRIES IN JULY. BRITISH FOREIGN SECRETARY ROBIN COOK STATED IN SEPTEMBER THAT THE BRITISH GOVERNMENT WAS CONFIDENT THAT THE IRANIAN GOVERNMENT HAD "STOOD BY THAT POLICY" ON SALMAN RUSHDIE. PRESIDENT KHATAMI CARRIED OUT A STATE VISIT TO ITALY IN APRIL, INCLUDING AN AUDIENCE WITH THE POPE AT THE VATICAN. IN SEPTEMBER, PRESIDENT THOMAS KLESTIL OF AUSTRIA WAS THE FIRST EUROPEAN HEAD OF STATE TO VISIT THE ISLAMIC REPUBLIC. HE EXPRESSED THE E.U.'S "DISMAY AND PREOCCUPATION OVER THE HUMAN RIGHTS SITUATION" IN IRAN, AND SINGLED OUT THE SITUATION OF FOUR PEOPLE SENTENCED TO DEATH BECAUSE OF THEIR ALLEGED PART IN STUDENT UNREST IN JULY, AND THE IMPRISONMENT OF THIRTEEN IRANIAN JEWS FACING TRIAL ON CHARGES OF SPYING FOR ISRAEL. WHILE IN TEHRAN, PRESIDENT KLESTIL EXPRESSED HIS SUPPORT FOR "PRESIDENT KHATAMI'S REFORM POLICY," AND EMPHASIZED THE DEVELOPMENT OF BILATERAL ECONOMIC RELATIONS.

## United States

THERE WERE SIGNS OF SOME EASING IN THE RELATIONSHIP BETWEEN IRAN AND THE UNITED STATES, NOTABLY IN THE LIFTING OF THE PROHIBITION OF THE EXPORT OF U.S.-PRODUCED FOODSTUFFS TO IRAN IN MAY. THE U.S. GOVERNMENT EMPHASIZED THAT NO CHANGE OF POLICY SHOULD BE READ INTO THE LIFTING OF ITS EMBARGO. THE U.S. CONTINUED TO EXPRESS OBJECTIONS TO IRANIAN POLICIES IN THE AREAS OF WEAPONS PROLIFERATION, SUPPORT FOR TERRORISM, AND HUMAN RIGHTS. IN MARCH, SECRETARY OF STATE ALBRIGHT CHARACTERIZED IRANIAN POLICIES IN EACH OF THESE AREAS AS "DISAPPOINTING." THE ANNUAL U.S. REPORT ON TERRORISM LISTED THE IRANIAN OPPOSITION GROUPS THE NATIONAL COUNCIL OF RESISTANCE AND THE PEOPLE'S MOJAHEDINE ORGANIZATION AS TERRORIST ORGANIZATIONS. THE STATE DEPARTMENT'S ANNUAL REPORT ON HUMAN RIGHTS PRACTICES SPOKE OF "SOME IMPROVEMENTS IN A FEW AREAS" BUT NOTED THAT OVERALL "THE GOVERNMENT'S HUMAN RIGHTS RECORD REMAINED POOR."

# IRAQ

## Human Rights Developments

THE IRAQI GOVERNMENT HEADED BY PRESIDENT SADDAM HUSSEIN CONTINUED TO RULE MOST OF THE COUNTRY EXCEPT FOR THE THREE NORTHERN GOVERNORATES OF DUHOK, ARBIL, AND SULAIMANIYA, AND SOME TOWNS AND VILLAGES IN KIRKUK AND NINEVEH GOVERNORATES. THERE WERE FREQUENT REPORTS FROM GOVERNMENT-CONTROLLED AREAS OF MASS SUMMARY EXECUTIONS OF PRISONERS. THE FEBRUARY 1999 ASSASSINATION OF A PROMINENT SHI'A CLERIC, APPARENTLY BY OR AT THE BEHEST OF THE GOVERNMENT, PROVOKED EXTENSIVE CLASHES BETWEEN DEMONSTRATORS AND SECURITY FORCES IN BAGHDAD AND MANY SOUTHERN CITIES, AND REPORTS OF FURTHER UNREST CONTINUED TO EMERGE OVER THE FOLLOWING MONTHS. FORCED RELOCATIONS REPORTEDLY CONTINUED IN VARIOUS AREAS, NOTABLY IN THE OIL-RICH REGION AROUND KIRKUK WHERE MANY KURDS AND TURKOMANS RESIDE, AND THERE WERE REPORTS OF PUNITIVE HOUSE DEMOLITIONS IN BAGHDAD AND ELSEWHERE.

IN THE NORTHERN AUTONOMOUS GOVERNORATES, THE RIVALRY BETWEEN THE KURDISTANI DEMOCRATIC PARTY (KDP) AND THE PATRIOTIC UNION OF KURDISTAN (PUK) CONTINUED. ARMED CLASHES BETWEEN THE MILITIAS OF THE TWO GROUPS DID NOT RESUME FOLLOWING THE TRUCE NEGOTIATED BETWEEN THE TWO PARTIES IN WASHINGTON, D.C., IN SEPTEMBER 1998, BUT PROVISIONS FOR SHARING BORDER REVENUES AND ARRANGING NEW ELECTIONS TO THE REGIONAL PARLIAMENT WERE NOT IMPLEMENTED, DESPITE FURTHER HIGH-LEVEL MEETINGS BETWEEN THE GROUPS IN WASHINGTON IN JANUARY AND AGAIN IN JUNE 1999.

THE UNITED NATIONS SECURITY COUNCIL EMBARGO OF IRAQI EXPORTS AND IMPORTS ENTERED ITS TENTH YEAR IN AUGUST 1999. THE STALEMATE OVER IRAQ'S INCOMPLETE COMPLIANCE WITH THE DISARMAMENT DEMANDS OF THE SECURITY COUNCIL CONTINUED, AS DID SHARP DIVISION AMONG THE FIVE PERMANENT MEMBERS OF THE COUNCIL OVER WHAT STEPS TO TAKE TO SECURE FULL COMPLIANCE AND TO ADDRESS THE CONTINUING HUMANITARIAN CRISIS, WHICH WAS COMPLICATED BY A SERIOUS DROUGHT IN THE REGION. RISING OIL PRICES IN THE SUMMER OF 1999 FINALLY ALLOWED IRAQ TO REACH AND EVEN EXCEED ITS QUOTA OF \$5.2 BILLION IN ALLOWABLE OIL EXPORTS UNDER THE EXPANDED "OIL-FOR-FOOD" PROGRAM AUTHORIZED BY SECURITY COUNCIL RESOLUTION 1153 (1998) FOR THE SIX MONTH PHASE ENDING NOVEMBER 20, BUT TOTAL OIL REVENUES UNDER THE PROGRAM REMAINED BELOW THE AUTHORIZED LEVEL. AS OF SEPTEMBER 20, OUT OF \$9.7

BILLION WORTH OF CONTRACTS SUBMITTED UNDER THE PROGRAM SINCE ITS BEGINNING IN EARLY 1997, THE SECURITY COUNCIL HAD APPROVED \$8 BILLION AND \$5.5 BILLION OF THIS, 72 PERCENT OF IT FOODSTUFFS, HAD ARRIVED IN IRAQ, ACCORDING TO THE U.N. OFFICE OF THE IRAQ PROGRAMME. A FOUR-NIGHT AIR ASSAULT ON IRAQ BY THE UNITED STATES AND THE UNITED KINGDOM IN MID-DECEMBER 1998 WAS FOLLOWED BY ALMOST DAILY ATTACKS ON IRAQI AIR DEFENSE INSTALLATIONS IN THE SOUTHERN AND NORTHERN "NO-FLY" ZONES.

IN NOVEMBER 1998 THE CENTRE FOR HUMAN RIGHTS, A LONDON-BASED AFFILIATE OF THE OPPOSITION IRAQI COMMUNIST PARTY, REPORTED THAT ON OCTOBER 1, 1998, IRAQI AUTHORITIES UNDER THE COMMAND OF GEN. SABAH FARHAN AL-DURI EXECUTED 119 IRAQIS AND THREE EGYPTIANS IN ABU GHRAIB PRISON NEAR BAGHDAD. THE GROUP REPORTED THAT TWENTY-NINE OF THOSE KILLED WERE MEMBERS OF THE ARMED FORCES, AND FIFTY HAD BEEN IMPRISONED FOR THEIR PARTICIPATION IN THE MARCH 1991 UPRISINGS THAT FOLLOWED THE GULF WAR. AMONG THEM, ONLY THE BODIES OF THREE SENIOR MILITARY OFFICERS WERE TURNED OVER TO RELATIVES; MANY OF THE OTHERS WERE REPORTEDLY BURIED IN A MASS GRAVE IN AN AREA CONTROLLED BY THE ABU GHRAIB MUNICIPALITY.

THIS MASS EXECUTION WAS APPARENTLY A CONTINUATION OF THE "PRISON-CLEANSING" CAMPAIGN LAUNCHED BY THE GOVERNMENT A YEAR EARLIER. THE U.N. SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN IRAQ, IN HIS FEBRUARY 1999 REPORT TO THE U.N. ECONOMIC AND SOCIAL COUNCIL, REPORTED HAVING RECEIVED THE NAMES AND BACKGROUND INFORMATION REGARDING MORE THAN 200 PRISONERS EXECUTED BETWEEN OCTOBER AND DECEMBER 1998, MAKING A TOTAL OF SOME 2,500 EXECUTED SINCE THE LAST MONTHS OF 1997. HUMAN RIGHTS WATCH RECEIVED REPORTS OF MORE THAN 600 DETAINEES WHO WERE REPORTEDLY EXECUTED IN THE FIRST FOUR MONTHS OF 1999, MANY BY NAME AND DATE OF EXECUTION. NONE OF THESE REPORTED EXECUTIONS APPEARED TO FOLLOW FROM ANY JUDICIAL DUE PROCESS.

AYATOLLAH MUHAMMAD SADIQ AL-SADR, THE LEADING SHI'A CLERIC IN IRAQ, WAS ASSASSINATED IN NAJAF WHILE DRIVING HOME ON THE EVENING OF FEBRUARY 19 ALONG WITH HIS TWO SONS AND CHIEF ASSISTANTS, MUSTAFA AND MU'AMMAL, AND THEIR DRIVER. THE GOVERNMENT HAD RECOGNIZED AL-SADR AS GRAND AYATOLLAH IN 1992, BUT IN THE MONTHS PRECEDING HIS DEATH HE HAD BEGUN DISTANCING HIMSELF FROM THE GOVERNMENT IN FRIDAY SERMONS AND URGING PEOPLE, AGAINST GOVERNMENT WISHES, TO ATTEND MASS PRAYER GATHERINGS. IN EARLY DECEMBER 1998 HE REPORTEDLY CALLED OFF A MARCH TO THE SHRINE OF IMAM HUSSEIN IN KERBALA AFTER THE GOVERNMENT MASSED SECURITY FORCES AROUND THE CITY TO ENFORCE ITS BAN ON THE MARCH. ACCORDING TO IRAQI OPPOSITION SOURCES, MUHAMMAD HAMZA AL-ZUBAIDI, COMMANDER OF THE MID-EUPHRATES REGION, VISITED AYATOLLAH AL-SADR IN JANUARY 1999 AND WARNED HIM TO CEASE HIS CRITICISMS OF THE GOVERNMENT. THE *INDEPENDENT* (LONDON) REPORTED THAT IN HIS LAST SERMON, ON FEBRUARY 12, RECORDED ON A TAPE SMUGGLED OUT OF IRAQ, AYATOLLAH AL-SADR DEMANDED THE RELEASE OF MORE THAN ONE HUNDRED SHI'A CLERGY WHO HAD BEEN DETAINED FOLLOWING THE MARCH 1991 UPRISING AND WHOSE FATE OR WHEREABOUTS HAD NOT BEEN ACCOUNTED FOR.

THE OFFICIAL GOVERNMENT NEWSPAPER *AL-JUMHURIYYA* LABELED THE KILLINGS AS "AMONG THE MANY CONSPIRACIES AGAINST IRAQ" AND AN EFFORT TO "DISTURB INTERNAL SECURITY," AND QUICKLY ANNOUNCED THE ARREST OF SEVERAL SUSPECTS. THE OFFICIAL IRAQ NEWS AGENCY ON APRIL 6 ISSUED A BRIEF ANNOUNCEMENT THAT TWO CLERICS, SHAIKH ABD AL-HASSAN ABBAS AL-KUFI AND SHAIKH ALI QAZIM HAJMAN AND TWO RELIGIOUS STUDENTS, AHMAD MUSTAFA ARDEBILI AND HAIDAR ALI HUSSEIN, HAD BEEN CHARGED WITH THE CRIME AND HANGED, SAYING THAT "THE AGENTS OF SEDITION HAD BEEN EXTIRPATED" BUT WITHOUT PROVIDING A DATE OF EXECUTION OR ANY SUGGESTION THAT JUDICIAL DUE PROCESS WAS OBSERVED. THE STATEMENT ALSO SAID THE FOUR WERE "FOREIGNERS," INSINUATING THAT THEY WERE IRANIAN. THE APRIL 7 EDITION OF *LIBERATION* (PARIS), CITING A SHI'A OPPOSITION WEEKLY DATED JANUARY 31, NOTED THAT ONE OF THE FOUR, SHAIKH AL-KUFI, HAD BEEN ARRESTED IN NAJAF ON DECEMBER 24 AND THUS WAS LIKELY TO HAVE BEEN IN DETENTION AT THE TIME OF AYATOLLAH AL-SADR'S ASSASSINATION.

FOLLOWING THE MURDER OF AYATOLLAH AL-SADR THERE WERE WIDESPREAD REPORTS OF AT LEAST FOUR DAYS OF HEAVY CLASHES BETWEEN PROTESTERS AND SECURITY FORCES IN HEAVILY SHI'A NEIGHBORHOODS OF BAGHDAD SUCH AS MEDINAT AL-TAHAWRA AND IN MAJORITY SHI'A CITIES SUCH AS KERBALA, NASRIYYA, NAJAF, AND BASRA IN WHICH SCORES WERE KILLED AND HUNDREDS ARRESTED. THE GOVERNMENT DENIED THESE ACCOUNTS BUT REFUSED TO ALLOW REPORTERS TO VISIT THE AREAS IN QUESTION. IN LATE SEPTEMBER THE CENTRE FOR HUMAN RIGHTS PROVIDED THE NAMES OF TWENTY-ONE PERSONS WHOSE BODIES THEY SAID WERE AMONG SCORES DISCOVERED IN A MASS GRAVE NEAR THE SOUTHERN TOWN OF ZUBAIR. ACCORDING TO THE GROUP, THEY HAD BEEN EXTRAJUDICIALLY EXECUTED AFTER BEING DETAINED FOLLOWING A "POPULAR REVOLT" LASTING SEVERAL DAYS IN BASRA IN MID-MARCH.

THERE WERE ALSO OPPOSITION REPORTS OF COLLECTIVE PUNISHMENT IN THE FORM OF PUNITIVE HOUSE DEMOLITIONS IN QURNA IN NOVEMBER 1998, MEDINAT AL-TAHAWRA IN JULY, AND IN VILLAGES OF THE AL-RUMEIDH TRIBE IN EARLY AUGUST. IN SEPTEMBER THE U.S. GOVERNMENT RELEASED AERIAL PHOTOS THAT IT SAID SUBSTANTIATED OPPOSITION REPORTS THAT GOVERNMENT FORCES HAD RAZED 160 HOMES IN THE SOUTHERN VILLAGE OF AL-MASHA ON JUNE 29 FOLLOWING PROTESTS OVER THE FAILURE TO DELIVER FOOD AND MEDICINE. THERE WERE ALSO SEVERAL REPORTS OF EXECUTIONS OF ARMY OFFICERS FOR ALLEGED COUP PLOTS IN DECEMBER 1998 AND FEBRUARY AND MARCH 1999.

FORCED DISPLACEMENT OF ETHNIC KURDS, TURKOMANS, AND OTHER NON-ARAB MINORITIES REPORTEDLY RESUMED IN THE LAST MONTHS OF 1998, PARTICULARLY IN THE OIL-PRODUCING REGION AROUND THE NORTHERN CITY OF KIRKUK. OFFICIALS OF THE KURDISH REGIONAL GOVERNMENT (KRG) IN THE AUTONOMOUS REGION SAID IN DECEMBER 1998 THAT SOME 200,000 ETHNIC KURDS HAD BEEN EVICTED FROM AREAS UNDER GOVERNMENT CONTROL SINCE 1991. MUSTAFA ZIYA, THE HEAD OF A COALITION OF TURKOMAN PARTIES, SAID THAT ABOUT 5,000 EVICTED TURKOMANS WERE LIVING IN "SUBHUMAN CONDITIONS IN NORTHERN IRAQ" WHILE 20,000 OTHERS HAD FLED ILLEGALLY TO EUROPE. A KRG STATEMENT OF NOVEMBER 19, 1998, CLAIMED THAT OVER THE PREVIOUS TWO MONTHS THIRTY-FIVE FAMILIES HAD BEEN ORDERED TO LEAVE THE SHORJA QUARTER OF KIRKUK, WHILE IN THE TUZKHURMATU DISTRICT LAND BELONGING TO KURDS AND TURKOMANS PREVIOUSLY DISPOSSESSED AND FORCIBLY RELOCATED TO SOUTHERN IRAQ WERE ALLOCATED TO ARAB FAMILIES FOR HOUSING AND FARMING. JAWHAR NAMIQ SALEM, THE SPEAKER OF THE KURDISTAN NATIONAL ASSEMBLY IN IRBIL, WROTE TO U.N. SECRETARY-GENERAL KOFI ANNAN ON MARCH 10, URGING A U.N. INVESTIGATION OF THE "ETHNIC CLEANSING" POLICIES OF THE IRAQI GOVERNMENT. THE IRAQI NATIONAL ACCORD, AN OPPOSITION GROUP, REPORTED IN LATE APRIL THAT THE GOVERNMENT HAD EXPELLED INTO THE AUTONOMOUS REGION 400 KURDISH AND TURKOMAN FAMILIES FROM THE KIRKUK NEIGHBORHOODS OF AZADI, ISKAN, IMAM QASIM, AL-SHORJA, RAHIM AWA, QARIA, BAGLAR, AND SARI KAHIA.

THE RELATIONSHIP BETWEEN IRAQ AND THE U.N. SECURITY COUNCIL ENTERED ANOTHER CONFRONTATIONAL PERIOD IN DECEMBER 1998, WHEN RICHARD BUTLER, CHAIRMAN OF THE SPECIAL DISARMAMENT COMMISSION (UNSCOM), REPORTED TO THE SECURITY COUNCIL THAT IRAQ HAD FAILED TO LIVE UP TO ITS EARLIER PROMISES TO COOPERATE. THE U.S., WITH THE SUPPORT OF THE U.K., LAUNCHED FOUR NIGHTS OF MISSILE AND AIRCRAFT ATTACKS AGAINST MILITARY-RELATED SITES IN BAGHDAD AND ELSEWHERE. UNSCOM INSPECTORS WERE EVACUATED PRIOR TO THE ATTACK, AND THERE HAVE BEEN NO ON-SITE ARMS INSPECTIONS IN IRAQ SINCE THEN. FOLLOWING THE ASSAULT, IRAQ AIR DEFENSE SYSTEMS BEGAN TO CHALLENGE U.S. AND BRITISH AIR PATROLS IN THE SO-CALLED "NO-FLY" ZONES ABOVE THE 36TH AND BELOW THE 32ND PARALLELS, AND U.S. AND U.K. REPORTED THAT THEIR WARPLANES RESPONDED BY ATTACKING THOSE SITES WHEN PROVOKED. THE NEW YORK TIMES, CITING U.S. MILITARY SOURCES, WROTE THAT AS OF OCTOBER 3 SOME 1,650 MISSILES AND LASER-GUIDED BOMBS HAD BEEN FIRED AGAINST 395 TARGETS. THE COMMANDER OF IRAQ'S AIR FORCE SAID ON SEPTEMBER 17 THAT THE RAIDS HAD KILLED 197 CIVILIANS AND WOUNDED 494. IN AN ASSOCIATED PRESS STORY OF SEPTEMBER 25, A U.S. MILITARY SPOKESPERSON SAID THAT CIVILIAN DAMAGE HAD BEEN "MINIMAL TO NONE—MOST OF WHAT THE IRAQIS HAVE REPORTED DID NOT HAPPEN."

THE EXPANDED "OIL-FOR-FOOD" PROGRAM HAD SOME POSITIVE EFFECTS ON THE HUMANITARIAN CRISIS STEMMING FROM THE SECURITY COUNCIL EMBARGO AND THE IRAQI GOVERNMENT'S EFFORTS TO REDIRECT THE EMBARGO'S IMPACT FROM ITSELF ONTO THE CIVILIAN POPULATION. THE OVERALL HUMANITARIAN SITUATION, HOWEVER, REMAINED APPALLING. BENON SEVAN, THE EXECUTIVE DIRECTOR OF THE OFFICE OF THE IRAQ PROGRAM IN THE U.N. SECRETARIAT, STATED IN MID-NOVEMBER 1998, "THE MOST I CAN SAY IS THAT IN A NUMBER OF KEY AREAS THE PROGRAM HAS STOPPED THE SITUATION FROM GETTING WORSE. IN OTHER AREAS IT HAS SLOWED DOWN THE RATE OF DETERIORATION." UNICEF, COMPARING THE 1984-89 AND 1994-99 PERIODS IN THE GOVERNMENT-CONTROLLED CENTER AND SOUTH OF THE COUNTRY, FOUND THAT INFANT MORTALITY HAD INCREASED FROM 47 TO 108 DEATHS PER 1000 LIVE BIRTHS, WHILE CHILD MORTALITY (UNDER FIVE YEARS OF AGE) HAD INCREASED FROM 56 TO 131 DEATHS PER 1,000 LIVE BIRTHS—A RAPID AND SUSTAINED INCREASE IN INFANT AND CHILD MORTALITY RATES THAT WAS VIRTUALLY UNPRECEDENTED. UNICEF REPORTED, BY CONTRAST, DECLINING MORTALITY RATES IN THE NORTHERN AUTONOMOUS GOVERNORATES. THE REPORT OF THE SECRETARY-GENERAL COVERING THE THREE MONTHS ENDING ON JULY 31 NOTED THAT FOR THE FIRST TIME THE RATE OF CHRONIC CHILD AND INFANT MALNUTRITION HAD STARTED TO DECLINE IN THAT PART OF THE COUNTRY UNDER GOVERNMENT CONTROL. THE SECRETARY-GENERAL AND THE "HUMANITARIAN PANEL" ESTABLISHED BY THE SECURITY COUNCIL (SEE BELOW) CRITICIZED THE "HOLDS" PUT ON IRAQI APPLICATIONS TO IMPORT GOODS AND PARTS FOR THE ELECTRIC POWER, WATER AND SANITATION, AND OIL PRODUCTION SECTORS UNDER "OIL-FOR-FOOD." THE PANEL CRITICIZED THE GOVERNMENT OF IRAQ FOR "UNJUSTIFIABLE BOTTLENECKS" THAT PREVENTED THE DELIVERY OF NON-FOOD GOODS, PARTICULARLY MEDICAL SUPPLIES, TO END-USERS. THE SECRETARY-GENERAL IN SEVERAL REPORTS CRITICIZED IRAQ FOR FAILING TO ORDER RECOMMENDED SPECIAL FOODS FOR INFANTS, CHILDREN, AND NURSING MOTHERS, FOR ENCOURAGING BOTTLE FEEDING AGAINST THE ADVICE OF VIRTUALLY ALL INTERNATIONAL PUBLIC HEALTH EXPERTS, AND FOR USING THE MEDICAL ALLOCATION TO IMPORT EXPENSIVE AND SOPHISTICATED EQUIPMENT WITH LIMITED USE RATHER THAN MEDICINES AND MEDICAL SUPPLIES NEEDED BY THE GENERAL POPULATION.

## Defending Human Rights

THE GOVERNMENT ALLOWED NO INDEPENDENT HUMAN RIGHTS ORGANIZATIONS TO OPERATE IN THE GOVERNORATES UNDER ITS CONTROL AND PREVENTED FOREIGN JOURNALISTS OR DIPLOMATS AND PERSONS WORKING WITH HUMANITARIAN RELIEF PROGRAMS FROM TRAVELING OUTSIDE OF BAGHDAD WITHOUT ESCORT OR REPORTING ON HUMAN RIGHTS ABUSES.

THE CENTRE FOR HUMAN RIGHTS, AFFILIATED WITH THE IRAQI COMMUNIST PARTY, RELAYED INFORMATION FROM INSIDE GOVERNMENT-CONTROLLED IRAQ THROUGH ITS OFFICE IN SHAQLAWA IN THE AUTONOMOUS REGION AND ITS HEADQUARTERS IN LONDON. OTHER IRAQI OPPOSITION GROUPS SUCH AS THE SUPREME COUNCIL FOR THE ISLAMIC REVOLUTION IN IRAQ (SCIRI), THE IRAQ NATIONAL ACCORD, AND THE IRAQ NATIONAL CONGRESS ALSO PROVIDED INFORMATION ABOUT HUMAN RIGHTS ABUSES BY THE GOVERNMENT IN BAGHDAD. THE BORDER BETWEEN THE GOVERNMENT-CONTROLLED AND AUTONOMOUS REGIONS REMAINED RELATIVELY POROUS, AND MANY IRAQIS REPORTEDLY TRAVELED TO THE NORTH AND BACK WITH LITTLE HINDRANCE. HOWEVER, THE PRESENCE OF GOVERNMENT INTELLIGENCE OPERATIVES IN THE NORTH AND THE REFUSAL OF NEIGHBORING COUNTRIES TO ALLOW PASSAGE TO THE NORTH OF IRAQ MADE IT DIFFICULT FOR INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS TO INVESTIGATE ABUSES OR TO VERIFY THE INFORMATION PROVIDED BY OPPOSITION GROUPS.

## **The Role of the International Community**

### **United Nations**

POLARIZATION OVER IRAQ POLICY IN THE SECURITY COUNCIL INTENSIFIED FOLLOWING THE RESORT TO MILITARY FORCE BY THE U.S. AND THE U.K. IN DECEMBER AND CONTINUED U.S. INSISTENCE ON MAINTAINING INTACT THE EMBARGO ON IRAQI IMPORTS AND EXPORTS. U.S. OFFICIALS FREQUENTLY ASCRIBED THE OPPOSITION OF FRANCE AND RUSSIA IN PARTICULAR TO THEIR PROSPECTIVE COMMERCIAL INTERESTS IN IRAQ, BUT FOR MANY COUNTRIES THE HUMANITARIAN CRISIS WAS CLEARLY A FACTOR AS WELL. AMBASSADOR ANTONIO MONTEIRO OF PORTUGAL, THEN THE CHAIR OF THE "661 COMMITTEE" SUPERVISING THE IRAQ SANCTIONS, TOLD A SYMPOSIUM IN EARLY DECEMBER 1998 THAT THE IRAQ SANCTIONS HAD BEEN INTENDED AS A SHORT TERM MEASURE. "WE MUST RECOGNIZE TODAY," MONTEIRO SAID, "THAT, FAR FROM TARGETING THE EFFECTS OF THE SANCTIONS ON THOSE WHO HAVE THE POWER TO DECIDE AND PUTTING PRESSURE ON THEM TO FULFILL THE OBLIGATIONS, THE MEASURES IMPOSED ON IRAQ HAD CONVERSELY A BIGGER IMPACT ON THE GENERAL POPULATION." LATER IN DECEMBER SECRETARY-GENERAL KOFI ANNAN URGED THE SECURITY COUNCIL TO REVIEW THE EMBARGO IN SPITE OF THE UNSCOM REPORT CRITICAL OF IRAQ'S NONCOOPERATION WITH ARMS INSPECTORS. "I'M NOT SURE THAT THE COMPREHENSIVE REVIEW IS SOMETHING THAT IRAQ DESERVES OR DOES NOT DESERVE," ANNAN SAID. "I THINK THE COUNCIL WOULD WANT TO KNOW, AFTER EIGHT YEARS OF SANCTIONS, WHERE IT STANDS."

THE COUNCIL IN JANUARY ADOPTED A CANADIAN PROPOSAL SETTING UP THREE EXPERT PANELS ON THE DISARMAMENT SITUATION, THE HUMANITARIAN SITUATION, AND KUWAITI PERSONS AND PROPERTY STILL NOT ACCOUNTED FOR BY IRAQ. THOSE RECOMMENDATIONS WERE MADE PUBLIC AT THE END OF MARCH. THE DISARMAMENT PANEL STRESSED THAT "THE STATUS QUO [OF NO ON-SITE INSPECTIONS] IS NOT A PRACTICAL ALTERNATIVE" AND RECOMMENDED "REFOCUSING" DISARMAMENT EFFORTS FROM DETECTION AND DESTRUCTION OF REMAINING WEAPONS OF MASS DESTRUCTION TO A RIGOROUS PROGRAM OF ONGOING MONITORING AND VERIFICATION (OMV) WHICH WOULD "IF ANYTHING, BE MORE INTRUSIVE THAN THE ONE PRACTICED SO FAR" BUT WOULD ALSO PLACE "GREATER RELIANCE...ON THE PROVISION OF INFORMATION BY SUPPLIERS."

THE "HUMANITARIAN PANEL" SUMMARIZED THE REPORTS IT HAD RECEIVED FROM U.N. AND OTHER HUMANITARIAN AGENCIES AS INDICATING "A CONTINUING DEGRADATION OF THE IRAQI ECONOMY WITH AN ACUTE DETERIORATION IN THE LIVING CONDITIONS OF THE IRAQI POPULATION AND SEVERE STRAINS ON ITS SOCIAL FABRIC" AND CONCLUDED THAT "ALMOST THE WHOLE YOUNG CHILD POPULATION WAS AFFECTED BY A SHIFT IN THEIR NUTRITIONAL STATUS TOWARDS MALNUTRITION." THE PANEL RECOMMENDED: REMOVING THE CEILING ON IRAQI EXPORTS; ALLOWING PRIVATE INTERNATIONAL INVESTMENT TO REHABILITATE IRAQ'S OIL INDUSTRY; "PREAPPROVAL" OF APPLICATIONS TO IMPORT FOOD, PHARMACEUTICAL, MEDICAL, AGRICULTURAL, AND EDUCATIONAL EQUIPMENT; A "CASH COMPONENT" BY WAY OF PAYMENT FOR INSTALLATION BY AND TRAINING FOR IRAQI WORKERS AND PROFESSIONALS; AND STEPS TO END THE INTELLECTUAL AND INFORMATIONAL ISOLATION OF IRAQI EDUCATORS AND HEALTH PROFESSIONALS IN PARTICULAR. SOME OF THESE RECOMMENDATIONS WERE ALSO MADE IN THE SECRETARY-GENERAL'S TWO-YEAR REVIEW OF THE "OIL-FOR-FOOD" PROGRAM, RELEASED ON APRIL 28.

THE PANEL REPORTS DID NOT RESOLVE THE DIVISIONS IN THE COUNCIL. FRANCE, RUSSIA, AND CHINA SUPPORTED A SUSPENSION OF SANCTIONS IN RETURN FOR IRAQI AGREEMENT TO RESUME INSPECTIONS WHILE THE U.K. AND THE NETHERLANDS PROPOSED SUSPENDING SOME ASPECTS OF THE EMBARGO FOLLOWING A THREE-MONTH PERIOD OF FULL IRAQI GOVERNMENT COOPERATION WITH ARMS INSPECTIONS. THE U.S., AFTER SOME HESITATION, ENDORSED THIS PROPOSAL, AS DID MOST OF THE TEN NONPERMANENT MEMBERS. IN A PRESS INTERVIEW ON SEPTEMBER 19, HANS VON SPONEK, THE U.N. HUMANITARIAN COORDINATOR FOR IRAQ, CALLED ON THE SECURITY COUNCIL TO "NOT PLAY THE BATTLE ON THE BACKS OF THE CIVILIAN POPULATION BY LETTING THEM WAIT UNTIL THE MORE COMPLEX ISSUES ARE RESOLVED" AND TO "PLEASE REMOVE THE HUMANITARIAN DISCUSSIONS FROM THE REST IN ORDER TO REALLY END A SILENT HUMAN TRAGEDY." AS OF THIS WRITING, THE PERMANENT MEMBERS HAD NOT AGREED ON A COMPROMISE DRAFT RESOLUTION.



The Commission on Human Rights, at its annual meeting, adopted a resolution on April 23 strongly condemning Iraq's "systematic, widespread and extremely grave violations of human rights and of international humanitarian law...resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror," and extending the mandate of Special Rapporteur May van der Stoep.

Iraq submitted its fourteenth periodic report to the Committee on the Elimination of Racial Discrimination in February 1999. In its concluding observations of August 19, the committee "recognized the adverse consequences of the economic sanctions on the enjoyment of human rights by the civilian population" and "join[ed] the appeals to the international community and the United Nations, in particular, the Security Council, for the lifting of those embargo provisions affecting, in particular, the humanitarian situation of the population of Iraq. The committee also expressed concern over reports of forced relocation of and discrimination against Kurds and other non-Arabs in the Kirkuk and Khanaqin areas. On March 10 the committee adopted a statement of concern "about acts and policies of suppression of the fundamental rights and the identity of the Kurds as a distinct people," but did not mention by name Iraq or any other country in which Kurds are a sizeable minority.

On October 26, 1998, the Committee on the Rights of the Child issued its Concluding Observations on Iraq's report, which it had considered in September. The committee "noted the adverse effects of the Security Council embargo, "thereby impeding the full enjoyment by the State party's population, particularly children, of their rights to survival, health and education," and expressed concern over the absence of data on adolescent health, the dramatic increase in the economic exploitation of children, and the incompatibility of Iraq's administration of juvenile justice with the Convention and other U.N. standards.

## European Union

The United Kingdom supported U.S. military attacks on Iraq, but moved away from the U.S. position opposing any modification of the embargo. In late March the U.K. reportedly suggested the transfer of responsibility for approving humanitarian contracts from the Sanctions Committee to the Office of the Iraq Program in the Secretariat, a proposal that was then incorporated in a draft resolution drawn up with the Netherlands. In closed Security Council talks on July 12, U.K. ambassador Jeremy Greenstock reportedly proposed that the council agree upon a "simplified" list of Iraq's outstanding disarmament tasks.

In a joint press conference with French President Jacques Chirac on June 17, President Clinton said that their differences over Iraq "were largely a difference over what is likely to be more effective." Chirac responded that to reestablish arms inspections "what we need, at the very least, is to reexamine the conditions of the embargo...for reasons that have to do with the very serious degradation of living conditions of the Iraqi people, who are the victims of the situation.... If we are not convinced we're going to reach a result...that in any case Iraq will refuse the resolution...it would be a somewhat pointless gesture which would not lead to any results but might strain the solidarity of the Security Council."

The European Parliament, in a January 14 resolution, condemned Iraq's noncompliance with Security Council Resolution 687 (1991), endorsed the continued enforcement of the no-fly zones, urged the council to cooperate with the U.S. and regional states to establish "respect for the rule of law and basic human and democratic rights in Iraq," and demanded "an immediate and substantial increase" in the oil-for-food program and an end to Iraqi government obstruction of humanitarian aid. In a March 3 resolution on "the influx of migrants from Iraq and the neighboring region," the parliament criticized the January 1998 "action plan" of the Council of Ministers as "not established lawfully." The resolution requested the European Commission to submit a new proposal which included an analysis of the reasons for increased emigration, including human rights violations by Iraq and Turkey and Turkish military incursions into northern Iraq.

## United States

Top United States officials throughout the year stressed the importance of maintaining the total embargo of Iraq. In December President Clinton's National Security Adviser Sandy Berger stated that without sanctions "oil for food would likely become oil for tanks." There were a number of indications that the administration considered the embargo a higher priority than renewing on-site arms inspections. "We would like to see an effective UNSCOM going back in there," said

State Department spokesperson James Foley on January 7, "and only an effective UNSCOM going back in there. In the absence of that, we can live with the status quo. We're not panting to have UNSCOM go in there now." Pentagon spokesperson Kenneth Bacon acknowledged on May 26 that "[t]here is no sign that [Saddam Hussein] is losing his grip on power. But he does have less to maintain a grip on. His economy continues to shrink. The U.N. sanctions continue having a big impact."

Assistant Secretary of State for Near Eastern Affairs Martin Indyk said in Congressional testimony on June 9 that the U.S. is "committed to maintaining UNSC sanctions against the Iraqi regime, while lifting the burden of sanctions off the backs of the Iraqi people through the expansion and streamlining of the oil-for-food program." Indyk also stated that "we will work with forces inside and outside Iraq, as well as Iraq's neighbors, to change the regime in Iraq," and said that the administration was using \$8 million in congressionally earmarked funds "to strengthen opposition political unity, to support the Iraq war crimes initiative, to support humanitarian programs and the development of civil society, and for activities inside Iraq."

In response to congressional passage in October 1998 of the Iraq Liberation Act, which authorized \$97 million for U.S. support of opponents of the Iraqi government, the administration in January designated seven opposition groups as eligible to receive support but resisted in public congressional pressures to provide military equipment and training to the groups and appointed to the National Security Council the co-author of a *Foreign Affairs* article that derided as a "fantasy" the project of a U.S.-sponsored insurgency.

The administration frequently exaggerated the humanitarian impact of the "oil-for-food" program. President Clinton said on December 19, 1998, that the program "generates more than \$10 billion a year for food, medicine and other critical humanitarian supplies for the Iraqi people." In fact, only two-thirds of the proceeds go to pay for humanitarian imports, and due to low oil prices and the decrepit state of Iraq's oil production facilities, Iraq was only able to export approximately \$5.3 billion worth of oil in 1998. Undersecretary of State Thomas Pickering told the U.S. Senate on March 17 that the program had "tremendous positive impact on conditions for the average Iraqi," although the administration's sixty-day report to the Congress on May 25 also stated that because of the absence of arms inspectors "[t]he U.S. has placed holds on a number of contracts that might otherwise have been approved as a result."

On September 13, on the eve of high-level negotiations with other permanent members of the Security Council on a compromise draft resolution, the Department of State issued a report charging that the Iraqi government bore sole responsibility for the country's humanitarian crisis and reiterating many of the government's extensive human rights violations.

# ISRAEL, THE OCCUPIED WEST BANK & GAZA STRIP, AND PALESTINIAN AUTHORITY TERRITORIES

## Human Rights Developments

### Israel and the Occupied West Bank and Gaza Strip

A new government led by Ehud Barak took office on July 6 after elections to the Knesset and for the prime minister on May 17. New ministers promised to address human rights issues in areas under Israeli control including torture, prolonged administrative detention and hostage-taking, house demolitions, Jerusalem residency revocations, and discrimination against Palestinian citizens of Israel, but with limited progress to date. The High Court of Justice ruled many established interrogation practices illegal, though it did not decisively prohibit torture in all circumstances.

Widespread and systematic discrimination against ethnic and religious minorities and against women on issues such as personal status, housing, and employment continued to be a serious problem. In May the Ministry of Internal Security reported that there were more than 200,000 battered women in Israel—one in seven.

DESPITE SOME ENCOURAGING RULINGS ON ISSUES AFFECTING NON-ORTHODOX SEGMENTS OF THE JEWISH COMMUNITY, THE COURTS OVERALL WERE RELUCTANT TO CHALLENGE DISCRIMINATORY LAWS AND PRACTICES. FOR EXAMPLE, IN ITS NOVEMBER 26, 1998 RULING THE HIGH COURT OF JUSTICE ACKNOWLEDGED THAT "THERE IS NO EQUALITY FOR ARAB RELIGIOUS COMMUNITIES IN BUDGET ALLOCATIONS OF THE MINISTRY OF RELIGIOUS AFFAIRS," BUT DECLINED TO RULE ON WHETHER ISRAELI LAW SAFEGUARDED THE RIGHT TO EQUALITY. IN 1998 THE MINISTRY HAD ALLOTTED 1.96 PERCENT OF ITS BUDGET TO THE COMBINED MUSLIM, CHRISTIAN, AND DRUZE COMMUNITIES, ALTHOUGH THEY COMPRISED CLOSE TO 20 PERCENT OF THE POPULATION. THE LEGAL CENTER FOR MINORITY RIGHTS IN ISRAEL (ADALAH) HAD ASKED THE COURT TO DECLARE PROVISIONS OF THE KNESSET BUDGET LAW INVALID BASED ON THE PRINCIPLE OF EQUALITY, AND TO ALLOCATE RESOURCES ACCORDING TO THE RELIGIOUS COMMUNITIES' PERCENTAGE OF THE TOTAL POPULATION. THE COURT FOUND THE REQUESTED REMEDY WAS TOO GENERAL BECAUSE IT DID NOT PROVIDE A DETAILED AND INDEPENDENT ASSESSMENT OF THE COMMUNITIES' NEEDS, AND SAID THE PETITIONERS HAD NOT PROVED SUBSTANTIVE INEQUALITY EXISTED.

LABOR CONDITIONS FOR FOREIGN AND PALESTINIAN WORKERS REMAINED POOR. WEAK LAWS AND POOR ENFORCEMENT LEFT WORKERS WITH FEW PROTECTIONS AGAINST EXPLOITATION BY EMPLOYERS AND LABOR CONTRACTORS. ON JULY 19 THAILAND'S AMBASSADOR THREATENED TO STOP THE FLOW OF THAI WORKERS TO ISRAELI FARMS IF THEY WERE NOT PAID THE MINIMUM WAGE. HE ESTIMATED THAT APPROXIMATELY 17,000 THAIS WORKING IN AGRICULTURE WERE OWED \$30 MILLION BECAUSE OF UNDERPAYMENTS. IN JULY THE HIGH COURT ORDERED THE MINISTRY OF INTERIOR TO BRING FOREIGNERS AWAITING DEPORTATION BEFORE A JUDGE WITHIN FOURTEEN DAYS, BUT AS OF EARLY OCTOBER THE RULING HAD NOT BEEN IMPLEMENTED. THE RULING WAS INTENDED TO PREVENT THE PROLONGED DETENTION WITHOUT JUDICIAL REVIEW OF MIGRANT WORKERS AWAITING DEPORTATION.

MINISTER OF INTERIOR NATAN SHARANSKY ANNOUNCED ON OCTOBER 17 THAT HE HAD ENDED THE ENFORCEMENT OF THE SO-CALLED "CENTER OF LIFE" POLICY, WHICH REVOKED PERMANENT RESIDENCY PERMITS OF PALESTINIAN RESIDENTS OF EAST JERUSALEM WHO WERE UNABLE TO PRODUCE THE MANY DOCUMENTS NEEDED TO PROVE THAT THEIR "CENTER OF LIFE" WAS WITHIN JERUSALEM MUNICIPAL BOUNDARIES. IN SEPTEMBER THE INTERIOR MINISTRY REVISED UPWARDS ITS COUNT OF THE PALESTINIANS WHOSE RESIDENCY RIGHTS HAD BEEN REVOKED UNDER THE POLICY TO 2,721 FOR THE PERIOD JANUARY 1996 THROUGH APRIL 1999. THE BETHLEHEM-BASED BABIL RESOURCE CENTER ESTIMATED THAT BY INCLUDING FAMILY MEMBERS WHO ALSO LOST THEIR RESIDENCY RIGHTS DUE TO THE REVOCATIONS, THE TOTAL NUMBER OF PALESTINIANS AFFECTED WAS 10,994 FOR THIS PERIOD.

IN CONTRAST, THE HIGH COURT MET ON APRIL 22 TO HEAR A PETITION CHALLENGING THE REVOCATIONS, AND SET A DEADLINE OF AUGUST FOR THE PETITIONERS AND THE STATE ATTORNEY TO SUBMIT ADDITIONAL INFORMATION AND PREPARE A JOINT REPORT OUTLINING THEIR POSITIONS. THE GOVERNMENT DELAYED SUBMITTING ITS REPORT, AND AS OF MID-OCTOBER THE COURT HAD NOT ACTED ON A PETITION FOR A TEMPORARY INJUNCTION AGAINST FURTHER REVOCATIONS OF RESIDENCY RIGHTS.

FOLLOWING ITS NOVEMBER 20, 1998 PARTIAL REDEPLOYMENT UNDER THE TERMS OF THE WYE RIVER MEMORANDUM, ISRAEL EXERCISED FULL OR PARTIAL CONTROL OVER APPROXIMATELY 90 PERCENT OF THE WEST BANK AND 40 PERCENT OF THE GAZA STRIP, WHILE THE PALESTINIAN AUTHORITY (P.A.) HAD FULL CONTROL OVER THE REST. UNDER THE TERMS OF THE SHARM AL-SHEIKH MEMORANDUM SIGNED ON SEPTEMBER 4, FURTHER REDEPLOYMENTS SCHEDULED FOR NOVEMBER 1999 AND JANUARY 2000 WOULD RAISE THE PORTION OF THE WEST BANK UNDER FULL P.A. CONTROL TO APPROXIMATELY 19 PERCENT. OTHER PROVISIONS OF THE MEMORANDUM INCLUDED A PHASED RELEASE OF 350 OF THE PALESTINIAN PRISONERS HELD BY ISRAEL, PLANNED "SAFE PASSAGE" ROUTES FOR TRAVEL BETWEEN THE WEST BANK AND GAZA, AND A ONE YEAR DEADLINE FOR COMPLETION OF FINAL STATUS NEGOTIATIONS.

ISRAEL RETAINED EXTENSIVE CONTROL OVER AND PLACED RESTRICTIONS ON THE FREEDOM OF MOVEMENT OF ALL WEST BANK AND GAZA STRIP PALESTINIANS. FOR EXAMPLE, ISRAEL HAD BARRED PALESTINIANS LIVING IN THE WEST BANK AND GAZA STRIP WHO LACKED HARD-TO-OBTAIN PERMITS FROM ENTERING OR TRANSITING THROUGH ISRAEL OR EAST JERUSALEM SINCE MARCH 1993, AND IMPOSED CLOSURES AND CURFEWS ON TOWNS AND VILLAGES UNDER ITS CONTROL IN THE WEST BANK AND GAZA. THESE POLICIES OBSTRUCTED PALESTINIAN ECONOMIC ACTIVITY AND ACCESS TO HEALTH CARE, SCHOOLS AND UNIVERSITIES, PLACES OF WORSHIP, AND FAMILY MEMBERS IN OTHER PARTS OF THE TERRITORIES OR IN ISRAELI PRISONS. DESPITE ISRAELI CLAIMS THAT CLOSURE WAS A JUSTIFIED SECURITY MEASURE, THE ARBITRARY NATURE OF THE PROCEDURES AND CRITERIA FOR ISSUING PERMITS AND THEIR INDISCRIMINATE IMPOSITION ON AN ENTIRE POPULATION MADE IT AN ACT OF COLLECTIVE PUNISHMENT.

ISRAEL'S EXPANSION OF SETTLEMENTS IN GAZA AND THE WEST BANK (INCLUDING EAST JERUSALEM) THAT ARE ILLEGAL UNDER THE FOURTH GENEVA CONVENTION (SEE *HUMAN RIGHTS WATCH WORLD REPORT 1999*) INCREASED AFTER THE SIGNING OF THE OCTOBER 1998 WYE RIVER MEMORANDUM, AND ESPECIALLY IN THE PERIOD AROUND THE MAY ELECTIONS. ACCORDING TO THE ISRAELI GROUP PEACE NOW, BETWEEN 1996 AND JULY 1999 JEWISH SETTLERS ERECTED FORTY-ONE NEW SETTLEMENT OUTPOSTS IN THE WEST BANK. SPENDING ON

SETTLEMENT EXPANSION CONTINUED UNDER THE NEW GOVERNMENT. ACCORDING TO PEACE NOW, AS OF SEPTEMBER 23 HOUSING MINISTER YITZHAK LEVY HAD ISSUED TENDERS FOR A TOTAL OF 2,594 NEW BUILDINGS IN WEST BANK SETTLEMENTS.

THE DEMOLITION OF PALESTINIAN HOMES BUILT WITHOUT PERMITS IN ISRAELI OCCUPIED TERRITORIES AND IN ISRAEL ALSO CONTINUED UNDER THE NEW GOVERNMENT, DESPITE INTERNAL SECURITY MINISTER SHLOMO BEN AMI'S STATEMENT IN AUGUST THAT HE WAS "OPPOSED WITH EVERY OUNCE OF MY BEING TO THE DESTRUCTION OF HOUSES." ACCORDING TO THE SOCIETY FOR THE PROTECTION OF HUMAN RIGHTS AND THE ENVIRONMENT (LAW), AS OF SEPTEMBER 20 THERE HAD BEEN AT LEAST FIFTY HOUSE DEMOLITIONS IN THE WEST BANK AND GAZA, INCLUDING SEVEN SINCE THE BARAK GOVERNMENT CAME TO POWER.

ACCORDING TO THE PRISONERS' SUPPORT ASSOCIATION (ADDAMEER), AFTER THE SEPTEMBER 9 RELEASE OF 199 PRISONERS UNDER THE FIRST PHASE OF THE SHARM AL-SHEIKH MEMORANDUM ISRAEL HELD APPROXIMATELY 1,900 PALESTINIANS PRISONERS CONVICTED OF "SECURITY" OFFENSES. A FURTHER 151 PRISONERS, INCLUDING FORTY-TWO FROM ARAB STATES, WERE RELEASED ON OCTOBER 15. LAWYERS REPORTED THAT PALESTINIAN PRISONERS IN ASHKELON PRISON WERE SUBJECTED TO SEVERE RESTRICTIONS ON FAMILY VISITS, AND IN JUNE PRISONERS IN THE ISOLATION WING WENT ON HUNGER STRIKE TO PROTEST THE CONDITIONS THERE. PRISONERS HELD A SECOND HUNGER STRIKE IN AUGUST TO PROTEST THE ISRAELI RESTRICTIONS ON THE CATEGORIES OF PRISONERS RELEASED IN SEPTEMBER: AMONG THOSE EXCLUDED WERE PRISONERS FROM OCCUPIED EAST JERUSALEM AND ISRAEL ITSELF, MEMBERS OF HAMAS AND ISLAMIC JIHAD, AND PRISONERS ACCUSED OF KILLING OR SEVERELY WOUNDING ISRAELIS.

THE LONGEST-SERVING ADMINISTRATIVE DETAINEE HELD UNDER MILITARY ORDERS, OSAMA BARHAM, WAS RELEASED ON JULY 19, JUST PRIOR TO THE HIGH COURT HEARING A PETITION CHALLENGING HIS DETENTION. WITH THE EXCEPTION OF SIXTEEN DAYS IN 1994, BARHAM HAD BEEN DETAINED SINCE NOVEMBER 1993. HE WAS REQUIRED TO POST A NIS 20,000 BOND AND REPORT REGULARLY TO A POLICE STATION AS A CONDITION OF HIS RELEASE. AS OF SEPTEMBER 23 ISRAEL HELD TWENTY-NINE ADMINISTRATIVE DETAINEES UNDER MILITARY ORDERS. THE OFFICE OF THE MILITARY ADVOCATE GENERAL REFUSED HUMAN RIGHTS WATCH'S REQUEST TO OBSERVE MILITARY COURT HEARINGS ON APPEALS AGAINST ADMINISTRATIVE DETENTION ORDERS IN MAY.

IN ADDITION TO THOSE HELD UNDER MILITARY ORDERS, ISRAEL CONTINUED TO HOLD TWENTY-ONE LEBANESE CIVILIANS HOSTAGE UNDER ISRAELI CIVIL LAW. ON JANUARY 17 AND MAY 26 AN EXPANDED NINE JUDGE PANEL OF THE HIGH COURT REVIEWED THE 1997 RULING THAT ISRAEL COULD ADMINISTRATIVELY DETAIN THEM AS "BARGAINING CHIPS," BUT HAD NOT RULED AS OF MID-OCTOBER.

TORTURE BY THE GENERAL SECURITY SERVICE (GSS) WAS WIDESPREAD AND SYSTEMATIC, WITH ONE JERUSALEM-BASED ORGANIZATION, THE PUBLIC COMMITTEE AGAINST TORTURE IN ISRAEL (PCATI), REPORTING THAT BY MID-SEPTEMBER IT HAD FILED FIFTY-FIVE PETITIONS FOR INJUNCTIONS AGAINST TORTURE. INITIAL REPORTS SUGGESTED THAT THE USE OF TORTURE DECLINED OR STOPPED IN THE DAYS IMMEDIATELY AFTER THE SEPTEMBER 6 HIGH COURT RULING THAT GSS OFFICERS WERE NOT AUTHORIZED TO USE "PHYSICAL MEANS"—TORTURE—DURING INTERROGATIONS. HOWEVER, THE RULING STOPPED SHORT OF THE ABSOLUTE BAN ON TORTURE AND ILL-TREATMENT REQUIRED BY INTERNATIONAL LAW AND LEFT THE DOOR OPEN FOR A TORTURER TO ESCAPE PUNISHMENT BY INVOKING A "NECESSITY" DEFENSE UNDER ARTICLE 34(11) OF THE PENAL LAW (1977), OR FOR THE KNESSET TO PASS LEGISLATION LEGALIZING TORTURE OR ILL-TREATMENT. ON SEPTEMBER 14 MEMBERS OF THE KNESSET SUBMITTED A BILL AUTHORIZING THE HEAD OF THE GSS TO ORDER TORTURE IN CASES WHERE A SUSPECT WAS BELIEVED TO HAVE INFORMATION THAT COULD STOP AN IMMINENT ATTACK.

THE HIGH COURT ALSO RELIED ON THE "NECESSITY" DEFENSE WHEN IT REJECTED A PETITION THAT SOUGHT TO REVOKE THE PROMOTION OF AN ISRAELI DEFENSE FORCE (IDF) COMMANDER AND BEGIN PROSECUTION PROCEEDINGS AGAINST HIM. THE COMMANDER, IDENTIFIED ONLY AS RESPONDENT NO. 4, HAD SHOT A BOUND CAPTIVE AND THEN ORDERED ANOTHER SOLDIER TO SHOOT HIM AGAIN DURING A 1993 COMMANDO RAID IN SOUTH LEBANON. THE COURT BASED ITS RULING ON THE MILITARY ATTORNEY GENERAL FINDING THAT THE COMMANDER WAS ENTITLED TO A DEFENSE OF NECESSITY BECAUSE OF HIS "RESPONSIBILITY FOR THE SAFETY OF HIS SOLDIERS," AND THE IDF CHIEF COMMANDER'S FINDING THAT RESPONDENT NO. 4 WAS "ONE OF THE BEST FIGHTERS OF THE IDF." THE COURT RULED THAT "AS JUDGES WE DO NOT REPLACE [THE CHIEF COMMANDER'S] REASONING WITH OUR OWN," AND ORDERED THE PETITIONER TO PAY THE RESPONDENTS' LEGAL EXPENSES.

ISRAEL CONTINUED TO HOLD THE BODIES OF 'ADEL AND 'IMAD AWADALLAH, KILLED IN SUSPICIOUS CIRCUMSTANCES BY A POLICE SPECIAL FORCES UNIT IN SEPTEMBER 1999 (SEE *HUMAN RIGHTS WATCH WORLD REPORT 1999*). IN MARCH THE ISRAEL INFORMATION CENTER FOR HUMAN RIGHTS IN THE OCCUPIED TERRITORIES (B'TSELEM) AND THE CENTER FOR THE DEFENSE OF THE INDIVIDUAL (HAMOKED) ISSUED A REPORT DOCUMENTING AT LEAST TWENTY-TWO OTHER PALESTINIANS' CORPSES BEING HELD BY ISRAEL IN SO-CALLED "CEMETERIES FOR ENEMY DEAD," WHERE IT SAID THE BODIES WERE BURIED "IN A DEMEANING AND SHAMEFUL MANNER" WITH ONLY MINIMAL MEASURES TAKEN TO ENSURE IDENTIFICATION.

## Palestinian Authority

Arbitrary detention without charge or trial, torture and ill-treatment during interrogation, grossly unfair trials, and restrictions on freedom of association and expression continued. Efforts by individuals, nongovernmental organizations (NGOs), and the Palestinian Legislative Council (PLC) to document and combat these violations were constrained by the lack of a legal framework clearly specifying the duties and responsibilities of the executive, judicial, and legislative branches of government. Palestinian Authority (P.A.) President Yasir Arafat's continued refusal to sign the Basic Law, as well as eight of the twenty-seven other laws passed by the PLC since 1996, further undermined efforts to institutionalize necessary safeguards and to limit serious executive branch abuses.

Palestinian security forces continued to carry out arbitrary arrests and detentions, holding detainees for years without charge and without access to lawyers or family visits, sometimes even after the P.A.'s attorney general or courts had ordered access to lawyers or releases. For example, Wa'il 'Ali Faraj, arrested on April 25, 1996, remained in detention despite a February 20, 1999 High Court order for his release. Those released were sometimes immediately rearrested, as in the case of Dr. 'Abd al-'Aziz al-Rantisi. Arrested on April 9, 1998 and ordered released on June 4, 1998, he was released on July 19, 1999—to attend his mother's funeral—but rearrested on August 8 after being quoted in *al-Quds* newspaper as saying his detention was due to P.A. security cooperation with Israel and the US. The court ordered his release on September 27, but as of mid-October he remained in custody.

Security forces sometimes detained or placed under house arrest the relatives of wanted individuals. For example, fifteen-year-old Bilal Yehya al-Ghoul was detained by the General Intelligence Service from 12 February to 2 March. The Gaza-based Palestinian Center for Human Rights (PCHR) reported that his arrest and torture was primarily to force his father, Yehya al-Ghoul, to surrender to police. The entire family had previously been placed under house arrest when the older al-Ghoul escaped from prison on December 11, 1998. Bilal was reportedly detained with adults and denied visits by his family and lawyer.

As of mid-October there had been one death in custody. Muhammad Ahmad Shrietei died in hospital after being transferred from the Hebron police station in convulsions. According to LAW he had been detained without a warrant by Preventative Security Services on September 28.

Lawyers continued to report difficulty in seeing their clients, despite receiving permits from the attorney general or court orders allowing visits, with the denial of access sometimes having a punitive character. Beginning in May LAW, the Gaza office of Addameer, and PCHR were denied access to clients held in Gaza prisons controlled by the police department because of their reporting on violations of detainees' rights. According to LAW, Prison Service Director General Hamdi al-Rifi attributed the ban to a decision by Chief of Police Ghazi Al-Jabali. The Palestinian Bar Association held a one day strike on April 15 to protest interference in lawyers' fulfillment of their legal duties and the "lack of respect for the law, vacancy of the chief justice and attorney general's posts, failure to implement the Judiciary Law, and abandonment of the judiciary to suffer from a huge shortage of judges and administrative personnel."

Public protests against untried political detentions increased, with detainees holding lengthy hunger strikes and family members demonstrating to demand their trial or release. On January 13 the legislature passed a resolution calling for a prohibition on political detentions and the immediate release of political detainees. In late September Addameer estimated there to be 280 political prisoners in P.A. custody.

The judiciary continued to suffer from a severe lack of human and material resources, and trials fell far short of international fair trial standards. The June appointment of a chief justice and a civilian attorney general filled posts long vacant but had no effect on the State Security Courts (SSC) and military courts. President Arafat refused to sign and implement the Judicial Authority Law passed by the parliament in November 1998, leaving the West Bank and Gaza with separate judicial systems. In addition, Presidential Decree 28, issued September 19, gave the Gaza-based chief justice powers to discipline and transfer judges in both the West Bank and Gaza, although West Bank law and the Judicial Authority Law gave these powers to a Supreme Judicial Council. On October 11, a group of West Bank judges declared an open strike to protest transfers ordered by the chief justice.

Military and State Security Courts had the power to try civilians and denied almost all due process rights, including the right to appeal. Empowered to issue death sentences for a variety of vaguely worded crimes, they were responsible for the majority of the death sentences issued. Sentences were sometimes issued only hours after arrest, and often appeared

to be influenced by political considerations, as in the case of Ahmed 'Atiya Abu Mustafa, executed on February 26. Mustafa, who was arrested on February 21 on charges of raping a child, was sentenced to fifteen years hard labor for the rape, and under the 1979 Revolutionary Code was additionally sentenced to death for "inciting the public against the authorities," apparently in reference to public outrage and demands for his execution. On July 1 President Arafat expanded the jurisdiction of the State Security Courts by presidential decree to include "economic offenses."

Despite a proliferation of media outlets, press freedom remained restricted. Repeated interrogations and arrests of journalists, closures of media outlets, and the P.A.'s direct political or financial links to two of the three major daily newspapers ensured a climate of fear and self-censorship. Media oversight was split among a number of ministries and agencies with overlapping jurisdiction, often making it difficult to determine which, if any, agency had ordered a particular closure or investigation. Despite the 1998 court ordered reopening of the Islamist weekly al-Risala, police continued to harass its journalists and commentators, briefly detaining a journalist suspected of reporting on a sex scandal involving government officials on September 28 and on May 22 and 23 briefly detaining the publisher and two editors after the newspaper reported on a case of alleged police torture. Television and radio stations were also subject to repeated closures: as of mid-October the Bethlehem-based al-Ru'ah TV, which was ordered closed on May 17 after broadcasting a play that security officials alleged incited prejudice between Christians and Muslims, had not been allowed to reopen. The station, along with several others, had been ordered closed twice in 1998 after airing footage of protests against the U.S. bombing of Iraq.

The Palestinian Legislative Council's efforts to retain its legislative role despite increasing encroachments by the executive branch suffered a further setback on August 12, when its speaker called an unannounced vote to amend the NGO law it passed on December 21, 1998. The vote came at the end of the last session of the council's term, after many members had left, and violated its bylaws, which gave the president a one month deadline to sign or submit amendments and required a absolute majority vote to pass a presidential amendment. President Arafat had not returned the law to the council until April, when he sought an amendment to make the Ministry of Interior, and not the Ministry of Justice, responsible for NGO oversight. The PLC had rejected this demand during the bill's original consideration and again by a vote of thirty-eight to twelve on May 25. The government responded with the creation of Ministry of NGO Affairs and a series of attacks against human rights NGOs and activists (see below).

## **Defending Human Rights**

### **Israel and the Occupied West Bank and Gaza Strip**

Israel continued to permit human rights organizations to collect and disseminate information in the areas under its control, but closures often kept Palestinian human rights workers and lawyers, including those with Israeli citizenship or Jerusalem identity cards, from traveling freely within the West Bank, the Gaza Strip, and Israel. Palestinians who had previously detained were also refused access to prisons and detainees.

Sha'wan Jabarin, fieldwork coordinator for al-Haq, was subject to travel restrictions following his January 1998 release from administrative detention. A July 4 High Court ruling permitted him one exit and entry to attend a human rights training program abroad. The judge and the GSS told him informally that he could not travel via neighboring Arab countries, and that he would not be allowed to leave the country again.

### **Palestinian Authority**

Palestinian NGOs, particularly human rights NGOs, were increasingly subject to police harassment and threats by P.A. officials, including major smear campaigns in the semi-official media. Many of the attacks were a direct outcome of the P.A.'s effort to override the provisions of the NGO law. For example, representatives of NGOs who refused to register their organizations with the Ministry of Interior reported that they were repeatedly called in for police interrogations and threatened with arrest under a 1909 Ottoman-era law prohibiting unregistered associations.

Other actions appeared to be aimed at silencing NGOs and activists who criticized P.A. abuses. In an August 28 letter to PCHR director Raji Sourani, Chief of Police Ghazi al-Jabali said "words are not sufficient, especially with those who sold their consciences and their pens to the interests of those who want us to have neither a state or law." Al-Jabali was

RESPONDING TO PCHR CRITICISMS OF GROSS FAIR TRIAL VIOLATIONS IN THE TRIAL OF IMAN MOHAMMED ABU SA'ADA, WHO WAS ACCUSED OF KILLING A POLICE OFFICER. ABU SA'ADA, A CIVILIAN, WAS SENTENCED TO DEATH AFTER A SIX HOUR STATE SECURITY COURT HEARING. THE LETTER WAS COPIED TO THE MINISTERS OF JUSTICE AND NGO AFFAIRS, AND TO ALL REGIONAL POLICE CHIEFS AND STATIONS "TO ACQUAINT THEM WITH THE POSITION OF RAJI SOURANI AND HUMAN RIGHTS ORGANIZATIONS."

IN JUNE AND JULY THE DIRECTORS OF LAW AND PCHR, AND THE SECRETARY GENERAL OF PICCR FILED SEPARATE COMPLAINTS ASKING FOR THE PROSECUTION UNDER THE PRESS LAW OF JOURNALISTS AND GOVERNMENT OFFICIALS WHO HAD MADE SLANDEROUS STATEMENTS ABOUT THEM AND THEIR ORGANIZATIONS DURING THE JUNE GOVERNMENT CAMPAIGN AGAINST NGOS. INDIVIDUALS NAMED IN THE COMPLAINTS INCLUDED KHALIL AL-ZABEN, COORDINATOR OF THE GOVERNMENT-APPOINTED NGO COUNCIL, AND P.A. MINISTER NABIL AMER, THE EDITOR OF AL-HAYAT AL-JADIDA NEWSPAPER.

## **The Role of the International Community**

### **United Nations**

#### ***Israel and the Occupied West Bank and Gaza Strip***

THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS REVIEWED ISRAEL'S FIRST PERIODIC REPORT ON ITS IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR) ON NOVEMBER 17 AND 19, 1998. THE COMMITTEE EXPRESSED CONCERN OVER TWENTY-THREE DIFFERENT TYPES OF VIOLATIONS AND RESTRICTIONS ON THE ENJOYMENT OF ECONOMIC, SOCIAL, AND CULTURAL RIGHTS IN ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORIES, INCLUDING DISCRIMINATION AGAINST NON-JEWS, EXPROPRIATION OF PALESTINIAN LAND AND RESOURCES TO EXPAND EXCLUSIVELY JEWISH SETTLEMENTS, THE PRACTICE OF HOUSE DEMOLITIONS AND RESTRICTIONS ON FAMILY REUNIFICATION AND RESIDENCY RIGHTS, AND THE POLICY OF CLOSURE. IN ITS RECOMMENDATIONS IT URGED ISRAEL TO REVIEW REENTRY POLICIES FOR PALESTINIANS "WITH A VIEW TO BRINGING SUCH POLICIES LEVEL WITH THE LAW OF RETURN AS APPLIED TO JEWS"; TO "RECOGNIZE EXISTING ARAB BEDOUIN VILLAGES, THE LAND RIGHTS OF THEIR INHABITANTS AND THEIR RIGHT TO BASIC SERVICES, INCLUDING WATER"; AND "AS A MATTER OF THE HIGHEST PRIORITY, TO UNDERTAKE TO ENSURE SAFE PASSAGE AT CHECKPOINTS FOR PALESTINIAN MEDICAL STAFF AND PEOPLE SEEKING TREATMENT, THE UNHAMPERED FLOW OF ESSENTIAL FOODSTUFFS AND SUPPLIES, THE SAFE CONDUCT OF STUDENTS AND TEACHERS TO AND FROM SCHOOLS, AND THE REUNIFICATION OF FAMILIES SEPARATED BY CLOSURES."

IN AN UNPRECEDENTED MOVE, THE HIGH CONTRACTING PARTIES (HCP) OF THE FOURTH GENEVA CONVENTION (RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR) MET ON JULY 15 TO DISCUSS "MEASURES TO ENFORCE THE CONVENTION IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING JERUSALEM, AND TO ENSURE RESPECT THEREOF IN ACCORDANCE WITH COMMON ARTICLE 1."

ISRAEL CONTINUED TO REFUSE TO COOPERATE WITH HANNU HALINEN, U.N. SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN THE PALESTINIAN TERRITORIES OCCUPIED SINCE 1967. IN A LETTER TO HALINEN, ISRAEL'S AMBASSADOR IN GENEVA DAVID PELEG SAID ISRAEL WOULD CONTINUE TO REFUSE COOPERATION UNTIL THE SPECIAL RAPPORTEUR'S MANDATE WAS REVISED TO INCLUDE BOTH ISRAELI AND P.A. ABUSES, BE LIMITED IN TIME, AND NOT START FROM AN ASSUMPTION OF ISRAELI VIOLATIONS. HALINEN, WHO SUBMITTED HIS FOURTH REPORT TO THE COMMISSION ON HUMAN RIGHTS ON JANUARY 20, HAD PREVIOUSLY ASKED FOR SIMILAR CHANGES IN HIS MANDATE, AND INCLUDED INFORMATION ON P.A. ABUSES IN HIS REPORTS.

### ***Palestinian Authority***

ON SEPTEMBER 21, THE U.N. SECRETARY GENERAL APPOINTED TERJE ROED-LARSEN AS SPECIAL COORDINATOR FOR THE MIDDLE EAST PEACE PROCESS AND HIS PERSONAL REPRESENTATIVE TO THE PLO AND THE P.A., EFFECTIVE OCTOBER 1. THE POSITION INCLUDED RESPONSIBILITIES PREVIOUSLY IN THE MANDATE OF THE U.N. SPECIAL COORDINATOR FOR THE OCCUPIED TERRITORIES (UNSCO), A POST ROED-LARSEN HELD FROM 1994 TO 1996.

IN HIS JANUARY 20 REPORT TO THE COMMISSION ON HUMAN RIGHTS, U.N. SPECIAL RAPPORTEUR HALINEN CALLED ON THE P.A. TO TRY OR RELEASE ADMINISTRATIVE DETAINEES, PROHIBIT TORTURE, AND GUARANTEE JUDICIAL INDEPENDENCE, AND UNDERTAKE "DETERMINED LEGISLATIVE EFFORTS" TO ENFORCE THE RIGHTS OF WOMEN AND CHILDREN. P.A. AMBASSADOR TO THE U.N. NABIL RAMLAWI WROTE A FORMAL PROTEST TO THE HIGH COMMISSIONER FOR HUMAN RIGHTS AND THE CHAIRPERSON OF THE COMMISSION ON APRIL 12. HE CRITICIZED HALINEN FOR STEPPING OUTSIDE HIS MANDATE AND SAID THAT P.A. COOPERATION WOULD ONLY CONTINUE IF HALINEN REMAINED WITHIN HIS EXISTING MANDATE.

## European Union

THE EUROPEAN UNION (E.U.) CONTINUED TO BE THE LARGEST SINGLE DONOR TO THE P.A. IN 1999 IT EXPANDED ITS INVOLVEMENT IN ISRAELI AND PALESTINIAN AFFAIRS, ALTHOUGH ITS EFFORTS REMAINED FOCUSED ON FACILITATING PROGRESS IN ADVANCING POLITICAL NEGOTIATIONS BETWEEN ISRAEL AND THE PLO. THE ROTATING E.U. PRESIDENCY MADE MULTIPLE VISITS TO ISRAEL AND THE P.A. TERRITORIES, IN AN APPARENT ATTEMPT TO GAIN A LARGER ROLE FOR THE E.U. GERMAN FOREIGN MINISTER JOSCHKA FISCHER VISITED ISRAEL AND THE P.A. IN FEBRUARY AND JULY, AND FINNISH FOREIGN MINISTER TÄRJA HALONEN VISITED IN AUGUST. THE FEBRUARY VISIT CAME ON THE HEELS OF A JANUARY 25 STATEMENT BY THE COUNCIL OF MINISTERS THAT "DEPLORED THE CONTINUED SUSPENSION BY THE ISRAELI GOVERNMENT OF THE IMPLEMENTATION" OF THE WYE RIVER MEMORANDUM, WHICH IT SAID WAS "IN CONTRAVENTION OF BOTH THE SPIRIT AND THE LETTER OF THE MEMORANDUM."

ON MARCH 3 THE EUROPEAN COMMUNITY AND ISRAEL SIGNED A COOPERATION AGREEMENT ALLOWING ISRAEL TO PARTICIPATE IN THE FIFTH FRAMEWORK RESEARCH AND DEVELOPMENT PROGRAM. THE DECISION REVERSED A DECEMBER 1998 DECISION BY THE COUNCIL OF MINISTERS TO EXCLUDE ISRAEL FROM A EURO 14.96 BILLION PROGRAM BECAUSE OF ITS FAILURE TO IMPLEMENT THE OCTOBER WYE RIVER MEMORANDUM.

IN CONJUNCTION WITH THE SIGNING OF THE SHARM AL-SHEIKH MEMORANDUM E.U. PRESIDENT HALONEN PROVIDED PRESIDENT ARAFAT WITH A LETTER OF ASSURANCE THAT REAFFIRMED E.U. SUPPORT FOR PALESTINIAN SELF-DETERMINATION AND EXPRESSED THE E.U.'S "CONVICTION" THAT THE MEMORANDUM WOULD BE IMPLEMENTED ACCORDING TO ITS TIME TABLE, "REGARDLESS OF DEVELOPMENTS IN NEGOTIATIONS RELATED TO PERMANENT STATUS ISSUES." HALONEN ALSO SAID THE E.U. BELIEVED THAT FINAL STATUS NEGOTIATIONS COULD BE CONCLUDED WITHIN THE ONE YEAR TARGET PERIOD, CALLED ON BOTH PARTIES TO "REFRAIN FROM ACTIVITIES WHICH PREJUDGE THE OUTCOME OF THE FINAL STATUS NEGOTIATIONS AND FROM ANY ACTIVITY CONTRARY TO INTERNATIONAL LAW, INCLUDING ALL SETTLEMENT ACTIVITY, AND TO FIGHT INCITEMENT AND VIOLENCE," AND PROMISED THE E.U.'S "FULL POLITICAL COMMITMENT TO FACILITATE THE IMPLEMENTATION OF SHARM E-SHEIKH MEMORANDUM ALONG THE LINES EXPRESSED IN THIS LETTER." THE LANGUAGE ECHOED STATEMENTS MADE AT THE APRIL EURO-MEDITERRANEAN CONFERENCE OF FOREIGN MINISTERS AND THE MARCH EUROPEAN COUNCIL MEETING IN BERLIN.

AS OF OCTOBER, FRANCE AND BELGIUM HAD YET TO RATIFY THE EURO-MEDITERRANEAN ASSOCIATION AGREEMENT BETWEEN THE E.U. AND ISRAEL.

## United States

UNITED STATES AID TO ISRAEL AND THE P.A. FELL SLIGHTLY IN 1999/99, BUT ISRAEL REMAINED THE LARGEST RECIPIENT OF U.S. BILATERAL AID. THE U.S. HELD HIGH LEVEL MEETINGS WITH BOTH ISRAELI AND PALESTINIAN OFFICIALS THROUGHOUT THE YEAR BUT WAS LESS DIRECTLY INVOLVED IN THE ISRAEL-PLO PEACE NEGOTIATIONS AFTER PRIME MINISTER BARAK'S ELECTION. WHILE MOST MEETINGS WERE CONCERNED WITH FURTHERING THE NEGOTIATIONS AND RARELY ADDRESSED SPECIFIC HUMAN RIGHTS VIOLATIONS, IN FEBRUARY ROBERT SEITZLE, THE U.S. SPECIAL REPRESENTATIVE FOR INTERNATIONAL RELIGIOUS FREEDOM, MET WITH ISRAEL'S DEPUTY MINISTER OF RELIGIOUS AFFAIRS, AND WITH THE P.A. PRESIDENT ARAFAT TO DISCUSS CONCERNS ABOUT RELIGIOUS FREEDOM UNDER BOTH ISRAEL AND THE P.A.

DESPITE FREQUENT EXPRESSIONS OF CONCERN OVER ISRAELI SETTLEMENT EXPANSION, U.S. OFFICIALS STRONGLY OPPOSED EFFORTS TO CONVENE THE JULY 15 MEETING OF THE GENEVA CONVENTIONS HIGH CONTRACTING PARTIES. ASSISTANT SECRETARY OF STATE C. DAVID WELCH TESTIFIED BEFORE THE HOUSE INTERNATIONAL RELATIONS COMMITTEE ON JULY 14 THAT PRESIDENT CLINTON HAD PERSONALLY CONVEYED U.S. OBJECTIONS TO THE PRESIDENTS OF SWITZERLAND AND FRANCE, AND ON MAY 23, VICE-PRESIDENT GORE TOLD THE ANNUAL MEETING OF THE AMERICAN-ISRAEL PUBLIC AFFAIRS COMMITTEE THAT "WE WILL WORK DILIGENTLY TO HALT THE MEETING....AMERICA WILL BOYCOTT IT, AND WE WILL URGE OTHERS TO DO THE SAME." STATEMENTS BY ASSISTANT SECRETARY OF STATE INDYK MADE CLEAR THAT THE U.S. CONSIDERED ENFORCEMENT OF THE TREATY AS SECONDARY TO FINALIZING PEACE NEGOTIATIONS, SAYING "[T]HIS MEETING WILL NOT CONTRIBUTE TO THE PEACE PROCESS," AND COMPARING IT TO "UNILATERAL STEPS—SUCH AS UNILATERAL DECLARATION OF STATEHOOD OR PROVOCATIVE SETTLEMENT ACTIVITY—THAT COULD PREJUDGE THE OUTCOME OF PERMANENT STATUS NEGOTIATIONS," WHICH THE U.S. SO OFTEN CRITICIZED.

SECRETARY OF STATE MADELEINE ALBRIGHT FACILITATED LAST MINUTE NEGOTIATIONS BETWEEN ISRAEL AND THE PLO LEADING TO THE SEPTEMBER 4 SIGNING OF THE SHARM AL-SHEIKH MEMORANDUM. ALBRIGHT ALSO PROVIDED PRESIDENT ARAFAT WITH A LETTER OF ASSURANCE SIMILAR TO THAT PROVIDED BY THE E.U.

ON JUNE 18 PRESIDENT CLINTON INVOKED A WAIVER TO POSTPONE MOVING THE U.S. EMBASSY FROM TEL AVIV TO JERUSALEM. THE JERUSALEM EMBASSY ACT OF 1995 HAD SET A MAY 31 DEADLINE FOR THE MOVE, BUT ALLOWED A SIX MONTHS WAIVER TO "PROTECT THE NATIONAL SECURITY INTERESTS OF THE UNITED STATES."



# SAUDI ARABIA

## Human Rights Developments

THE LACK OF BASIC FREEDOMS OF EXPRESSION AND ASSOCIATION, INSTITUTIONALIZED DISCRIMINATION PARTICULARLY AGAINST WOMEN AND RELIGIOUS MINORITIES, AND THE USE OF CORPORAL AND CAPITAL PUNISHMENTS TO SUPPRESS AND INTIMIDATE POLITICAL OPPOSITION REMAINED SAUDI ARABIA'S MOST PRESSING HUMAN RIGHTS PROBLEMS DURING 1999. AN ABSOLUTE MONARCHY, THE STATE ALLOWED NO CRITICISM OF THE RULING FAMILY, ESTABLISHED RELIGION, OR THE GOVERNMENT AND USED THE THREAT OF ARBITRARY ARREST, DETENTION WITHOUT TRIAL, TORTURE, AND EXECUTION TO SILENCE CRITICISM.

CROWN PRINCE 'ABDULLAH BIN 'ABD AL-'AZIZ PROGRESSIVELY TOOK OVER THE REINS OF POWER FROM HIS BROTHER KING FAHD, WHO HAD SUFFERED A STROKE IN 1995, AND WAS REFRESHINGLY OUTSPOKEN ABOUT THE COUNTRY'S ECONOMIC PROBLEMS, THE FIGHT AGAINST CORRUPTION, AND THE NEED FOR WOMEN TO PLAY A GREATER ROLE IN SOCIETY. "WE WILL ALLOW NO ONE, WHOEVER THEY ARE, TO UNDERMINE HER OR MARGINALIZE HER ACTIVE ROLE IN SERVING HER RELIGION AND COUNTRY" HE STATED IN APRIL, CAUSING AN UNPRECEDENTED DEBATE IN SAUDI SOCIETY ABOUT THE ROLE OF WOMEN. HOWEVER, WOMEN CONTINUED TO FACE INSTITUTIONALIZED DISCRIMINATION AFFECTING THEIR FREEDOM OF MOVEMENT AND ASSOCIATION AND THEIR RIGHT TO EQUALITY IN EMPLOYMENT AND EDUCATION. THEY WERE NOT ALLOWED TO DRIVE, NEEDED WRITTEN PERMISSION FROM MALE RELATIVES TO TRAVEL, COULD NOT MARRY NON-MUSLIMS AND THEIR TESTIMONIES IN COURT WERE EQUAL TO HALF THOSE OF A MAN. IN RESPONSE TO THE PUBLIC DEBATE, AND PERHAPS AS AN INDICATION OF DIFFERENCES WITHIN THE ROYAL FAMILY, MINISTER OF INTERIOR PRINCE NAYEF DECLARED "WE HAVE NO INTENTION TO ALLOW WOMEN TO DRIVE." WOMEN WERE COMPELLED TO COVER THEMSELVES FROM HEAD TO TOE IN PUBLIC, AND THOSE WHO DID NOT RISKED BEATINGS OR DETENTION BY THE MUTAWWA'IN, THE RELIGIOUS POLICE OF THE COMMITTEE FOR THE PROPAGATION OF VIRTUE AND THE PREVENTION OF VICE, WHICH ENFORCED ISLAMIC NORMS BY MONITORING PUBLIC BEHAVIOR.

SAUDI LABOR LAWS PROHIBITED THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY AND GAVE EMPLOYERS EXTENSIVE CONTROL OVER FOREIGN WORKERS' FREEDOM OF MOVEMENT. MANY FOREIGN WORKERS CONTINUED TO SUFFER UNDER OPPRESSIVE WORKING CONDITIONS AND WERE DENIED LEGITIMATE CLAIMS TO WAGES, BENEFITS, OR COMPENSATION. LABOR PROTECTIONS DID NOT EXTEND TO DOMESTIC WORKERS AND LABOR COURTS RARELY ENFORCED THE FEW PROTECTIONS PROVIDED BY LAW WHEN WORKERS SOUGHT TO HAVE THEIR TERMS OF CONTRACTS HONORED OR PURSUED OTHER CLAIMS.

WHILE UNEMPLOYMENT AMONG THE SAUDI WORKING-AGE POPULATION SOARED TO AROUND 27 PERCENT, THE CAMPAIGN BEGUN IN OCTOBER 1997 TO LIMIT THE NUMBER OF FOREIGN WORKERS CONTINUED. IN SEPTEMBER, *AL-BILAD* NEWSPAPER, QUOTING GENERAL HASSAN RASHWAN, HEAD OF MECCA'S PASSPORT DEPARTMENT, REPORTED THE ARREST IN THE CITY OF MORE THAN 10,000 FOREIGNERS WITHOUT VALID RESIDENCY PERMITS. OFFICIAL FIGURES RELEASED AT THE END OF 1998 INDICATED THAT 1.5 MILLION PEOPLE, MOSTLY FROM THE INDIAN SUBCONTINENT, HAD BEEN EXPELLED WHILE A FURTHER ONE MILLION HAD REGULARIZED THEIR RESIDENCY.

AT THIS WRITING THE NUMBER OF EXECUTIONS CARRIED OUT IN SAUDI ARABIA HAD RISEN TO EIGHTY-FOUR, MORE THAN DOUBLING THE TOTAL OF TWENTY-NINE IN 1998. DEATH SENTENCES WERE TYPICALLY IMPOSED FOR SUCH CRIMES AS MURDER, RAPE, DRUG TRAFFICKING, AND ARMED ROBBERY, WITH THE EXECUTIONS, USUALLY BEHEADINGS, CARRIED OUT IN PUBLIC AFTER FRIDAY PRAYERS. THE MAJORITY OF THOSE PUBLICLY BEHEADED WERE FOREIGNERS, INCLUDING TWO NIGERIAN WOMEN, HAWA FARUK AND AISHA SAADA KASSEM. UNTIL THE MID-NINETIES WOMEN WERE USUALLY EXECUTED BY FIRING SQUAD IN PRISONS AND NOT IN PUBLIC. PUBLIC FLOGGINGS WAS ANOTHER TYPE OF CRUEL, INHUMAN, AND DEGRADING PUNISHMENT HANDED DOWN IN SAUDI ARABIA. VICTIMS INCLUDED TWO FILIPINOS WHO WERE FOUND GUILTY IN AUGUST OF PERFORMING ILLEGAL ABORTIONS AND SENTENCED TO TWO YEARS AND 700 HUNDRED LASHES EACH. EARLIER, IN APRIL KING FAHD HAD PARDONED A FILIPINO NURSE, VIOLETA MIRANDA, WHO WAS FACING A SEVEN-MONTH JAIL TERM AND 150 LASHES FOR POSSESSION OF FIVE OUNCES OF METHAMPHETAMINE HYDROCHLORIDE, AS AN ACT OF GOODWILL AHEAD OF A VISIT BY A MEMBER OF THE RULING FAMILY TO MANILA. MIRANDA HAD ADMITTED CARRYING THE PACKAGE FOR A FRIEND BUT DID NOT KNOW ITS CONTENTS.

CONCERN ABOUT CRUEL PUNISHMENTS WAS FURTHER HEIGHTENED BY UNFAIR LEGAL PROCEDURES AND BY OTHER FACTORS WHICH CONTINUED TO UNDERMINE THE INDEPENDENCE OF THE JUDICIARY, ENCOURAGED ARBITRARINESS IN SENTENCING, AND ALLOWED GREAT SCOPE FOR MANIPULATION OF THE JUSTICE SYSTEM BY WELL-CONNECTED INTERESTED PARTIES. THESE FACTORS INCLUDED THE LACK OF A PUBLICLY DISSEMINATED PENAL CODE OR CODE OF CRIMINAL PROCEDURES; THE BROAD POWERS ENJOYED BY THE KING IN APPOINTING AND DISMISSING

JUDGES, AND IN CREATING SPECIAL COURTS; AND THE WIDE DISCRETION AFFORDED JUDGES IN DEFINING CRIMINAL OFFENSES AND SETTING PUNISHMENTS, INCLUDING FLOGGINGS, AMPUTATIONS, AND BEHEADING.

UNDER THE PRINCIPLES OF ARREST, TEMPORARY CONFINEMENT, AND PREVENTATIVE REGULATIONS ISSUED BY THE MINISTER OF INTERIOR IN 1983, DETAINEES HAD NO RIGHT TO JUDICIAL REVIEW, COULD BE HELD FOR FIFTY-ONE DAYS BEFORE THEIR DETENTION WAS REVIEWED BY THE REGIONAL GOVERNOR, AND COULD BE HELD INDEFINITELY IF NEITHER THE GOVERNOR NOR THE MINISTER ORDERED THEIR RELEASE OR TRIAL. DETAINEES HAD NO RIGHT TO LEGAL COUNSEL, TO EXAMINE WITNESSES, OR TO CALL WITNESSES IN THEIR OWN DEFENSE. SAUDI LAWS ALSO ALLOWED CONVICTIONS ON THE BASIS OF UNCORROBORATED CONFESSIONS. THE MINISTER OF INTERIOR HAD VIRTUALLY UNLIMITED AUTHORITY OVER SUSPECTS IN "CRIMES INVOLVING NATIONAL SECURITY," WHICH WERE DEFINED SO BROADLY AS TO ENCOMPASS NONVIOLENT OPPOSITION TO THE GOVERNMENT.

ON JULY 2, CLERICS SALMAN AL-AWADH, SAFAR AL-HAWALI, AND NASIR AL-'OMAR WERE RELEASED AFTER SPENDING ALMOST FIVE YEARS IN DETENTION WITHOUT TRIAL FOR PUBLICLY CRITICIZING THE GOVERNMENT. AS OF THIS WRITING SA'ID BIN ZACHIR, A FOURTH CLERIC DETAINED AT THE SAME TIME, REMAINED IN DETENTION. IN DECEMBER 1998 SOME 3,500 PRISONERS WERE REPORTED RELEASED AS PART OF THE ANNUAL HOLY MONTH OF RAMADHAN AMNESTY.

MUSLIM RELIGIOUS PRACTICES DEEMED HETERODOX BY GOVERNMENT-APPOINTED ISLAMIC SCHOLARS, AND ALL NON-MUSLIM RELIGIOUS PRACTICES, WERE BANNED AND SUBJECT TO CRIMINAL PROSECUTION. BOTH CITIZENS AND FOREIGNERS RESIDING IN SAUDI ARABIA WERE REQUIRED TO CARRY IDENTITY CARDS INDICATING THE BEARER'S NATIONALITY AND RELIGION. WHILE PRIVATE RELIGIOUS WORSHIP APPEARED TO BE TOLERATED, PUBLIC NON-MUSLIM RELIGIOUS ACTIVITIES WERE NOT PERMITTED AND WORSHIPERS ATTRACTING OFFICIAL ATTENTION RISKED ARREST AND DEPORTATION. THE U.S. STATE DEPARTMENT REPORTED IN ITS ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM, PUBLISHED ON SEPTEMBER 9, THAT A KOREAN NATIONAL WAS ARRESTED IN NOVEMBER 1998, ACCUSED OF CHRISTIAN PROSELYTIZING, AND DEPORTED IN JANUARY.

GRAND MUFTI 'ABD AL-'AZIZ "ABDULLAH BIN BAZ DIED ON MAY 13. AS SAUDI ARABIA'S HIGHEST RANKING CLERIC AND HEAD OF THE COUNCIL OF SENIOR RELIGIOUS SCHOLARS FOR THREE DECADES, BIN BAZ'S RELIGIOUS RULINGS HAD STRONGLY IMPACTED ON SAUDI LIFE, INCLUDING THE BAN ON WOMEN'S DRIVING. HE WAS REPLACED BY SHEIKH 'ABD AL-'AZIZ BIN 'ABDULLAH AL-SHEIKH.

THE GOVERNMENT CONTINUED ITS LONG PRACTICE OF DISCRIMINATION AGAINST THE SHI'A COMMUNITY, WHICH WAS OFTEN VIEWED WITH SUSPICION, PARTICULARLY AFTER THE 1979 IRANIAN REVOLUTION. SHI'A FACED UNEQUAL ACCESS TO SOCIAL SERVICES AND GOVERNMENT JOBS AND WERE RARELY PERMITTED TO BUILD PRIVATE SHI'A MOSQUES OR COMMUNITY CENTERS. WHILE PREVIOUS RESTRICTIONS ON PUBLIC SHI'A RELIGIOUS PROCESSIONS, SUCH AS ON THE HOLY DAY OF 'ASHURA, NO LONGER PERTAINED SO LONG AS MARCHERS DID NOT DISPLAY BANNERS OR SYMBOLS, ACCORDING TO THE REPORT ON INTERNATIONAL RELIGIOUS FREEDOM, IN NOVEMBER 1998 SEVERAL MUTAWWA'IN ATTACKED AND KILLED AN ELDERLY SHI'A LEADER IN HOFUF FOR REPEATING THE CALL TO PRAYER TWICE - A TRADITIONAL SHI'A PRACTICE.

THE GOVERNMENT OWNED ALL DOMESTIC RADIO AND TELEVISION STATIONS, AND CLOSELY MONITORED THE DOMESTIC PRIVATELY-OWNED BUT PUBLICLY SUBSIDIZED PRINT MEDIA, ALLOWING NO CRITICISM OF ISLAM, THE RULING FAMILY, OR THE GOVERNMENT. A 1982 MEDIA POLICY STATEMENT STILL IN FORCE INSTRUCTED JOURNALISTS TO UPHOLD ISLAM, OPPOSE ATHEISM, PROMOTE ARAB INTERESTS, AND PRESERVE THE CULTURAL HERITAGE OF SAUDI ARABIA. THE MINISTRY OF INFORMATION APPOINTED AND COULD REMOVE EDITORS IN CHIEF AND PROVIDED GUIDELINES TO NEWSPAPERS ON SENSITIVE ISSUES. FOREIGN PUBLICATIONS WERE OFTEN CENSORED OR BANNED, AND SEVERAL IMPORTANT FOREIGN-BASED PRINT AND BROADCASTING MEDIA WERE OWNED BY MEMBERS OF THE RULING FAMILY OR THEIR ASSOCIATES, INCLUDING UNITED PRESS INTERNATIONAL, *al-Hayat*, A MAJOR REGIONAL DAILY NEWSPAPER, AND MBC, A LONDON-BASED SATELLITE TELEVISION NETWORK.

LOCAL ACCESS TO THE INTERNET WAS MADE AVAILABLE TO THE SAUDI PUBLIC IN DECEMBER 1998 ONCE FILTERING TECHNOLOGY WAS IN PLACE TO SCREEN OUT MATERIALS DEEMED BY THE AUTHORITIES AS DANGEROUS FOR THE NATION'S SECURITY OR PUBLIC MORALS. THE GOVERNMENT HAD ASKED THE KING ABDUL AZIZ CITY FOR SCIENCE AND TECHNOLOGY (KACST) TO CREATE A PROXY SERVER FOR ALL INTERNET SERVICE PROVIDERS WHICH WOULD BLOCK RESTRICTED SITES ACCORDING TO AN UPDATED LIST OF THOSE DEEMED UNDESIRABLE, HOWEVER, IN PRACTICE IT APPEARS THAT THE SYSTEM COULD NOT PREVENT SOME USERS FROM ACCESSING UNSANCTIONED SITES AND CHAT PROGRAMS. IN JULY, ACCORDING TO DR FAHD HOYMANI OF KACST, THE NUMBER OF INTERNET USERS HAD RISEN TO 30,000.

## Defending Human Rights

HUMAN RIGHTS ORGANIZATIONS COULD NOT OPERATE UNDER THE STRICT CONTROLS ON INFORMATION AND HARSH SUPPRESSION OF FREEDOM OF CONSCIENCE OR EXPRESSION. GOVERNMENT MONITORING OF TELEPHONE AND MAIL COMMUNICATIONS CREATED A CLIMATE OF FEAR WHICH PREVENTED SAUDIS FROM COMMENTING ON HUMAN RIGHTS CONDITIONS THERE. SAUDIS LIVING ABROAD OFTEN REQUESTED

anonymity when providing human rights information, so as to avoid reprisals against their families inside the country. Two groups in exile, the Committee for the Defence of Rights, headed by Muhammad al Mas'ari, and the Islamic Reform Movement, headed by Sa'ad al-Faqih, publicly criticized the Saudi government and the lack of freedoms and rights in the country. Amnesty International reported that on November 30, authorities arrested and briefly detained al-Mas'ari's sister, Suha, upon her arrival from the United Kingdom. Although the reasons for her arrest were not known and she was released a week later without charge, her brother's activities in exile may have been a strong factor. No international organization has been granted permission to carry out research in Saudi Arabia in recent years. Foreign journalists needing visas to enter Saudi Arabia were often refused access.

## The Role of the International Community

### United Nations

Of an original 33,000 Iraqi civilians, refugees, and prisoners of war allowed refuge in Saudi Arabia in 1991, following the end of the Gulf war, the United Nations High Commissioner on Refugees reported that the agency continued to monitor the situation of a remaining 5,390 who remained held in Rafha refugee camp near the Saudi-Iraq border. While most of the refugees were resettled or voluntarily repatriated to Iraq, none were granted permanent asylum in Saudi Arabia. Saudi Arabia is not a party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol, and there are no legislative procedures for granting asylum to refugees.

### United States

The U.S. does not have a formal defense treaty with Saudi Arabia, but the informal and discreet security relationship between the two countries is nonetheless extensive. Saudi Arabia continued to be a major customer for U.S. manufactured weapons systems as well as training and maintenance contracts, and the U.S. had 4,973 military personnel in the country as of September 1998. Although since October 1997 Saudi Arabia has not allowed the U.S. to launch air attacks against Iraq from Saudi territory, the government did cooperate by supporting airborne refueling and command and control operations. According to the latest U.S. Congressional Research Service annual report on conventional weapons, U.S. arms deliveries to Saudi Arabia increased from \$10.5 billion in 1991-94 to \$16.4 billion in 1995-98. The State Department reported that in fiscal year 1998 it authorized commercial military exports to Saudi Arabia worth \$528.8 million. As of this writing, the Defense Department had not declassified its report of direct government-to-government foreign military sales (FMS) for this period.

Secretary of State Madeleine Albright visited Saudi Arabia in late January to introduce Frank Ricciardone, the newly-appointed "special representative for the transition of Iraq," to high Saudi officials. Secretary of Energy Bill Richardson visited in February to discuss investments by U.S. firms in Saudi oil and natural gas industries. When Secretary of Defense William Cohen met with Saudi leaders in Riyadh in March he announced the sale of advanced air-to-air missiles and an increase in joint ground forces training activities. Robert Seiple, who was sworn in as the first ambassador at large for international religious freedom in May, visited Saudi Arabia and Saudi Arabia figured prominently in the State Department's first annual report on international religious freedom. The Saudi chapter stated that "freedom of religion does not exist" in the country and that "Islamic practice is limited to that of the Wahabi order." The report claimed that U.S. officials, including the ambassador, raised the issue of religious freedom on "numerous occasions," but the only specific references were to meetings around issues of mistreatment of Christians residing in the country and accused of proselytizing.

Other than the chapter on Saudi Arabia in the State Department's *Country Reports on Human Rights Practices for 1998*, U.S. officials made no public comments on Saudi Arabia's human rights record, although the U.S. statement on women's rights at the 55th session of the Commission on Human Rights observed that "[w]omen in Saudi Arabia continue to face institutionalized discrimination affecting their right to equality in employment and education." Saudi Arabia, however, was not mentioned in the State Department's budget presentation to Congress in connection with programs to promote democratic values, civil society, and human rights.

# SYRIA

## Human Rights Developments

Political life in Syria remained one-dimensional, dominated by the ruling Ba'th Party apparatus and a handful of smaller, pro-government political parties that comprised the National Progressive Front (NPF). Syria's quadrennial parliamentary elections took place on November 30, 1998, with 7,364 candidates competing for 250 seats. Interior Minister Muhamed Harba announced on December 3 that 167 candidates affiliated with NPF parties won seats and the remaining eighty-three went to independents. On January 14, 1999, the new parliament approved unanimously the nomination for another seven-year term in office of President Hafez al-Asad, who has ruled the country since 1970. A national referendum followed on February 10 to endorse his presidency. According to the interior ministry, the overwhelming majority approved of another term, with only 219 of some 8.9 million voters casting ballots of "disapprove."

Peaceful opposition politics or human rights monitoring was not tolerated inside Syria, and punishment for either activity was severe. The country continued to lack a law under which any political party could apply for legal status, and membership in the Muslim Brotherhood was punishable by the death penalty, pursuant to Law No. 49 of 1980. Infrequent calls for meaningful reform came only from organized Syrian political exiles. For example, after a secret meeting of its ruling council, the Syrian Muslim Brotherhood issued a statement in July urging the release of all political prisoners and "lifting the state of emergency, revoking martial law and the adoption of political pluralism." The statement also criticized "economic and social corruption," which it said "enlarged the circle of poverty and widened the gap [between various classes of] society."

Authorities still viewed human rights activists as criminals and subjected them to harsh punishment. Five associates of the Committees for the Defense of Democratic Freedoms and Human Rights in Syria (known by the acronym CDF) were serving eight to ten year prison terms imposed by the Supreme State Security Court in an unfair trial in 1992. They were the only human rights advocates in the Arab world serving such lengthy sentences for the peaceful exercise of the right to freedom of expression and association.

Authorities were unresponsive to requests for information about "disappearances" of Syrians, Lebanese and other foreign nationals, and stateless Palestinians believed detained in Syria. Families continued to contact international human rights organizations about "disappeared" relatives, some of them last seen ten years ago or longer. Lebanese activists abroad again pressed for the release of several hundred "disappeared" Lebanese who were abducted on Lebanese soil and were believed transferred to Syria. Evasiveness with the Syrian government's silence about the "disappeared" was apparent in the comments of one Jordanian official. In an interview published in the daily *al-Dustour* (Amman) on November 7, 1998, then-information minister Nasir Judah criticized the lack of information about Jordanians imprisoned in Syria. "The number of Jordanian detainees in Syria is increasing and we expect some Syrian clarification. Where are they? What are the charges brought against them? Can their relatives visit them? How and where were they tried, and in which prisons are they now? And what are their prison terms?" He added: "If a Jordanian enters Syria and commits an offense, there are norms and diplomatic channels through which the offense can be communicated to us."

On July 12, President Asad issued Legislative Decree No. 3 of 1999, which granted a general amnesty for persons charged or convicted of a wide variety of offenses, ranging from misdemeanors to military desertion, foreign currency violations, hoarding or speculating in subsidized food, and other economic offenses. The state-owned daily *Tishrin* initially reported on July 13 that the amnesty would apply to tens of thousands of citizens. On July 14, the pan-Arab daily *al-Hayat* said it covered some 2,200 people imprisoned for "economic crimes" and that another 150,000 cases before the courts for "hoarding-related offenses" would be dropped. Syrian justice minister Hussein Hassoun told the press on July 19 that certain so-called economic offenses were anachronistic: "We think that the sentences imposed by these laws [on economic crimes] are severe and that the amnesty complements the economic opening under way." Syrian officials told Agence France-Presse on July 19 that "more than 200,000 cases" were included in the amnesty, and officials who requested anonymity added that about 250 political prisoners would be released. The decree reportedly also applied to cases that had been tried in absentia, and media reports noted that a committee had been organized to prepare lists of the amnesty's beneficiaries. In September, a report from the Gulf Center for Strategic Studies, published in Bahrain's daily

AKHBAR AL-KHALEEJ, said that 300 political prisoners were released in the amnesty, most of them members of the Muslim Brotherhood. As of this writing, only a few unconfirmed names of released political prisoners were circulating.

As in past years, some political prisoners were not released after the completion of their lengthy prison sentences. Amnesty International publicized the case of Doha 'Ashur al-Askari, who continued to be held in Adra Prison after the expiration of her six-year term in February. 'Ashur, who was prosecuted and sentenced in the Supreme State Security Court for alleged membership in an unauthorized political party, went on hunger strike in June and was released in July.

An undetermined number of Syrians who fled the country during the harsh repression of the 1980s continued to live abroad as political exiles under difficult circumstances. These men and women no longer had valid Syrian passports, placing them at risk of arrest or deportation. Exiles, and their wives and children, could not obtain passports at Syrian embassies if their names were recorded on black lists in Damascus. Entire families thus were left without documentation of Syrian nationality when their passports expired. Exiles also reported to Human Rights Watch that the names of children born to Syrian political exiles abroad could not be entered in Syria's civil status register, making it impossible for them to obtain passports and in effect depriving them of legal recognition of their Syrian nationality. The daughter of one exile, who left Syria with her mother and siblings when she was ten years old, said that her applications for a passport were repeatedly denied. Without a passport, she was unable to return to Syria to pursue advanced university studies and marry her Syrian fiancé. In another case, an exile reported that his son, who earned a medical degree in Jordan but lacked a passport, could not travel outside of Jordan for specialized medical studies. At a meeting in 1999 with nine Syrian women who were the wives or widows of political exiles, Human Rights Watch counted among them seventy-seven children without Syrian passports who were effectively stateless. The twenty-six-year-old daughter of one of the women said: "My father is dead. What is my crime? I have a right to my Syrian nationality and I want to go back to my country."

Inside Syria, the relatives of political exiles also faced restrictions on freedom of movement and in some cases were not permitted to leave the country. Syrians required an exit visa to travel abroad, and there were reports that those on black lists had their passports seized at the time they applied for these visas in Syria. Some exiles who approached Syrian embassies abroad were reportedly given permission to return but then were either arrested on entering the country or were not allowed to leave again. For example, Medhat Tayfour, who was born in Hama in 1954, left Syria in 1993, living first in Saudi Arabia and then Jordan, where he worked as a construction foreman for five years. His brother was a member of the Muslim Brotherhood living in exile. The Syrian embassy in Jordan reportedly gave Tayfour a laissez-passer travel document to enter Syria, in lieu of his passport, but when he left for Syria on May 22, 1999, he was arrested at the border. As of this writing, his whereabouts were unknown. His wife and five children, aged three to fifteen years old, remained in Jordan.

The state owned and strictly controlled newspapers and the audio-visual media, although there was movement to provide limited Internet access to some segments of Syrian society and to introduce cellular telephones. In June, the information ministry banned the pan-Arab daily *al-Quds al-Arabi* (London) from distribution in Syria. According to the London-based Center for Media Freedom, the ban was in reaction to articles in the newspaper that discussed bilateral contact between Syria and Israel to revive negotiations concerning a peace treaty that had been suspended in 1996.

On April 25, some thirty-five state institutions, including universities as well as ministries, were reportedly connected to the Internet. On July 15, the government daily *al-Thawrah* (Damascus) reported that the Syrian Telecommunications Establishment (STE) "will start providing Internet services to private and public sector companies, as well as email, to individuals with legal status." The paper said that email service required "the subscriber to have professional status, like doctors, journalists, and lawyers." The article also suggested that the STE would closely monitor users: "STE will be the only service provider and will suspend any subscriber who encodes files sent outside the Syrian net." STE chairman Makram Obeid announced on February 11 that he was optimistic that mobile phones would be available to the public before the end of 1999.

Bilateral ties between Syria and neighboring Lebanon continued to be extremely close. Critics of the dominant Syrian role in Lebanese affairs, and the presence of Syrian intelligence operatives and tens of thousands of troops there, maintained that Lebanon was "occupied." Syrian vice president Abdel Halim Khaddam reportedly had been relieved of his responsibility for Lebanon and the "file" transferred to Col. Bashar Asad, the president's son and apparent successor. In an interview published in *al-Kifah al-Arabi* (Beirut) on February 4, Colonel Asad warned Lebanese against reactivating

"CONFessional and sectarian tendencies," and said that Syria would not "endorse such a dangerous game." He also said that the "relationship between Lebanon and Syria is that of one people in two countries who are bound by historical and geographical links as well as a joint struggle. As such, we cannot reduce the relationship to a mere file."

To the consternation of many Lebanese, Syria set up some thirty-six voting booths throughout Lebanon so that Syrian residents of the country, and troops, could easily cast ballots in the February Syrian presidential referendum. The *Daily Star* (Beirut) noted that in many voting stations "guest books were distributed to Lebanese citizens to record statements supporting Hafez al-Asad." In advance of the vote, Lebanon's influential Maronite patriarch, Cardinal Nasrallah Boutros Sfeir, said that the polling stations insulted Lebanon's sovereignty. "In other countries, foreigners vote at their embassies because they are considered to be the country's territory. We do insist on the importance of maintaining close relations with Syria, but we also require our country's sovereignty," the February 7 *Daily Star* quoted him as saying. According to press reports, the voting booths were guarded by personnel from Lebanon's Internal Security Forces and supervised by Syrian intelligence operatives in plainclothes. A February 10 dispatch from Reuters in Beirut described how "[a]t polling stations near the border, Syrian soldiers with machineguns forced voters into queues and then prompted them to dance and repeat pro-Asad slogans."

## Defending Human Rights

The harsh repression in 1991-92 of a fledgling network of human rights activists inside the country continued to have a pernicious effect. There were no locally based organizations that openly monitored and reported on human rights conditions, and information about developments remained a scarce commodity. Syrian rights activists abroad continued to stress that Syrian authorities must recognize the right of citizens to form independent nongovernmental organizations and release those imprisoned for exercising peaceful freedom of association and expression.

Of the original group of ten CDF members who were sentenced to prison terms of five to ten years in 1992, five were still behind bars: Nizar Nayouf, Muhamed Ali Habib, Afif Muzhir, Bassam al-Shaykh, and Thabet Murad. Conditions were particularly harsh for Nayouf, who had been held in solitary confinement in Tadmor and Metz military prisons since 1993. As reports circulated of his deteriorating physical and psychological health, including information that he had been diagnosed with Hodgkin's disease but refused medical treatment unless he renounced his political beliefs and acknowledged that he made "false declarations concerning the situation of human rights in Syria," international and regional human rights organizations campaigned for his release on humanitarian grounds.

In a letter to Human Rights Watch on December 10, 1999, Walid al-Moualem, Syria's ambassador to the U.S., denied that Nayouf had Hodgkin's disease. "Rather, he is suffering [from] hernia of nucleus pulposus [slipped disc]. The doctors treating him have concluded that he did not require surgery, treatment with medicines should be sufficient. His health condition has since improved," the ambassador wrote. He added that Nayouf and the other CDF activists convicted with him in 1992, had "deliberately fabricated lies against Syria and caused her harm, under the pretext of defending human rights." Subsequently, Human Rights Watch received credible information that authorities reportedly provided Nayouf with treatment for Hodgkin's disease in early 1999, following the international campaigning on his behalf, and that his condition improved. As of this writing, the most recent reliable report indicated that Nayouf's disease had again returned in its life-threatening form, based on test results in August, and that chemotherapy was necessary to ensure his short-term survival.

Aktham Nuassa, a lawyer and one of the CDF members sentenced to nine years in prison in 1992, was released in 1999 because of poor health. But he has been unable to obtain a passport and was informed that he was not authorized to leave the country, making it impossible for him to travel abroad for medical care or to participate in regional and international human rights events. Syrian authorities have typically imposed such restrictions on the freedom of movement of former political prisoners.

## The Role of the International Community

### United Nations

THE U.N. COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION CONSIDERED AT ITS FIFTY-FOURTH SESSION, MARCH 10-11, FOUR PERIODIC REPORTS SUBMITTED BY SYRIA AS A STATE PARTY TO THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION. THE COMMITTEE SINGLED OUT AS A PRINCIPAL SUBJECT OF CONCERN SYRIA'S DISCRIMINATORY TREATMENT OF THE KURDISH MINORITY, PARTICULARLY SYRIAN-BORN KURDS WHO WERE STATELESS. THE COMMITTEE NOTED THAT THE STATELESS KURDS WERE "CONSIDERED EITHER AS FOREIGNERS OR AS *MAKTOUMEN* (UNREGISTERED) BY THE SYRIAN AUTHORITIES" AND "FACE ADMINISTRATIVE AND PRACTICAL DIFFICULTIES IN ACQUIRING SYRIAN NATIONALITY, ALTHOUGH THEY HAVE NO OTHER NATIONALITY BY BIRTH." IT RECOMMENDED THAT AUTHORITIES TAKE FURTHER ACTION TO "PROTECT THE RIGHTS OF ALL PERSONS BELONGING TO ETHNIC AND NATIONAL GROUPS...NOTABLY THE RIGHT TO NATIONALITY AND CULTURAL SELF-EXPRESSION." IT CALLED ON SYRIA TO "REVIEW ITS LEGISLATION ON NATIONALITY IN ORDER TO FIND AN EXPEDITIOUS SOLUTION TO THE SITUATION OF SYRIAN-BORN KURDS AND REFUGEE CHILDREN BORN IN THE SYRIAN ARAB REPUBLIC."

## United States

SYRIA REMAINED ONE OF THE SEVEN COUNTRIES THAT THE U.S. DESIGNATED AS "STATE SPONSORS OF INTERNATIONAL TERRORISM," ALONG WITH CUBA, IRAN, IRAQ, LIBYA, NORTH KOREA, AND SUDAN. THE STATE DEPARTMENT'S "PATTERNS OF GLOBAL TERRORISM," RELEASED ON APRIL 30, FOUND "NO EVIDENCE THAT SYRIAN OFFICIALS HAVE ENGAGED DIRECTLY IN PLANNING OR EXECUTING INTERNATIONAL TERRORIST ATTACKS SINCE 1986." BUT IT CITED CONTINUING U.S. CONCERNS, INCLUDING SYRIA'S PROVISION OF "SAFE HAVEN AND SUPPORT TO SEVERAL TERRORIST GROUPS," AND ITS FAILURE "TO STOP ANTI-ISRAELI ATTACKS BY HIZBALLAH AND PALESTINIAN REJECTIONIST GROUPS IN SOUTHERN LEBANON." THE REPORT NOTED THAT "SYRIA ALLOWED—BUT DID NOT PARTICIPATE IN—a MEETING OF PALESTINIAN REJECTIONIST GROUPS IN DAMASCUS IN DECEMBER [1998] TO REAFFIRM THEIR PUBLIC OPPOSITION TO THE PEACE PROCESS." THE STATE DEPARTMENT ALSO ACKNOWLEDGED IN "BACKGROUND NOTES: SYRIA," PUBLISHED IN APRIL, THAT "SYRIA AND THE U.S. HAVE WORKED TOGETHER IN AREAS OF MUTUAL INTEREST," CITING THE MIDDLE EAST PEACE CONFERENCE IN MADRID (1991) AND OPERATION DESERT STORM AGAINST IRAQ (1990-91).

SYRIA RECEIVED NO U.S. AID. PURSUANT TO U.S. TRADE SANCTIONS FIRST IMPOSED IN 1979 AND BROADENED IN 1996—BOTH ON THE GROUNDS OF SYRIAN INVOLVEMENT IN TERRORISM—SYRIA WAS DENIED FUNDING FROM THE U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT (AID), THE COMMODITY CREDIT CORPORATION PROGRAM FOR AGRICULTURAL PRODUCTS, AND THE EXPORT ENHANCEMENT PROGRAM. U.S. EXPORTERS TO SYRIA ALSO WERE NOT PERMITTED TO BENEFIT FROM EXIM BANK AND OPIC. EXPORT LICENSES WERE ALSO REQUIRED FOR DUAL-USE ITEMS SUCH AS "AIRCRAFT, AIRCRAFT PARTS, AND COMPUTERS OF U.S.-ORIGIN (OR CONTAINING 25 PERCENT U.S.-ORIGIN COMPONENTS AND TECHNOLOGY," THE STATE DEPARTMENT REPORTED IN 1999. BILATERAL TRADE IN 1998 TOTALLED \$161 MILLION IN U.S. EXPORTS TO SYRIA, AND ABOUT \$45 MILLION IN SYRIAN EXPORTS TO THE U.S., ACCORDING TO U.S. CENSUS BUREAU DATA. IN NOVEMBER 1998, THE U.S.-BASED ENERGY COMPANY CONOCO AND THE FRENCH ELF-AQUITAINE ANNOUNCED A JOINT \$430 MILLION NATURAL GAS DEVELOPMENT AND INFRASTRUCTURE CONSTRUCTION CONTRACT WITH THE STATE-OWNED SYRIAN PETROLEUM COMPANY.

CLINTON ADMINISTRATION OFFICIALS ONLY COMMENTED PUBLICLY ABOUT DISCUSSIONS WITH SYRIAN COUNTERPARTS CONCERNING THE ONGOING MILITARY CONFLICT ON THE SOUTH LEBANON-ISRAELI BORDER AND RESUMPTION OF PEACE NEGOTIATIONS WITH ISRAEL. FOR EXAMPLE, ON MARCH 14, ASSISTANT SECRETARY OF STATE MARTIN INDYK MET PRESIDENT ASAD IN DAMASCUS AND REPORTED THAT THEY DISCUSSED "HOW TO PREPARE THE GROUND FOR AN EFFORT TO RESUME NEGOTIATIONS ON THE SYRIAN AND LEBANESE TRACKS" AFTER THE ISRAELI PRIME MINISTERIAL ELECTIONS. AT A PRESS CONFERENCE IN WASHINGTON WITH ISRAELI PRIME MINISTER-ELECT EHUD BARAK ON JULY 19, PRESIDENT CLINTON SAID THAT PRESIDENT ASAD HAD "A GOLDEN OPPORTUNITY" TO RESUME TALKS WITH ISRAEL. HE ALSO STATED THAT THE U.S. SOUGHT "MORE NORMAL RELATIONS" WITH SYRIA AND THAT "ANYTHING THAT SYRIA DOES TO DISASSOCIATE ITSELF FROM TERRORISTS IS A POSITIVE STEP IN THE RIGHT DIRECTION." ON A VISIT TO DAMASCUS ON SEPTEMBER 4 TO MEET MR. ASAD AND OTHER OFFICIALS, SECRETARY OF STATE MADELEINE ALBRIGHT DELIVERED A SIMILAR MESSAGE. SHE SAID THAT HER TASK WAS TO "EXPLORE THE PROSPECTS" FOR THE RESUMPTION OF PEACE TALKS BETWEEN ISRAEL, SYRIA, AND LEBANON, AND DISCUSS "THE IMPORTANCE OF RESTORING AND MAINTAINING CALM IN SOUTHERN LEBANON" BECAUSE IT WAS "AN AREA WHERE INCIDENTS OF VIOLENCE TEND TO FEED EACH OTHER."

BILATERAL TENSION ERUPTED ON DECEMBER 19, 1998, WHEN SYRIAN DEMONSTRATORS STORMED AND DAMAGED THE U.S. AND BRITISH EMBASSIES AND THE U.S. AMBASSADOR'S RESIDENCE IN DAMASCUS DURING OPERATION DESERT FOX, THE CODENAME FOR THE U.S. AND BRITISH BOMBING CAMPAIGN AGAINST IRAQ THAT COMMENCED ON DECEMBER 17. IN FEBRUARY 1999, THE GOVERNMENT-OWNED DAILY *ITSHRIN* QUOTED SYRIAN DEFENSE MINISTER MUSTAFA TLASS SAYING THAT THE DEMONSTRATORS WERE "BRAVE YOUTH WHOSE ACTIONS DEALT A SLAP TO THE UNITED STATES." FOLLOWING AN OFFICIAL U.S. PROTEST, TLASS SAID THAT HE HAD BEEN MISQUOTED.

## European Union

In a January 7 report in *al-Ba'th* daily (Damascus), the government reported that Syria's trade with E.U. countries was slowly growing. It named Germany, Italy, and France as the leaders in exports to Syria in 1997, and said that the largest market for Syrian exports was Italy, followed by France, Spain, and Germany. There was no indication that any of these major European trading partners publicly raised human rights concerns.

## TUNISIA

### Human Rights Developments

A growing number of students, lawyers, union activists, and human rights defenders defied the government's intolerance of political dissent and criticism. Many were sanctioned with incessant surveillance, harassment, reprisals against family members, or imprisonment.

Suspected Islamist sympathizers continued to receive the harshest treatment. Actual or suspected members of the outlawed an-Nahdha movement remained in prison, in exile, or at liberty but subject to harsh restrictions and the whims of the local police. They continued to comprise the majority of Tunisia's political prisoners, estimated at between 1,000 and 2,000. Most were convicted of nonviolent offenses such as membership in or attending meetings of an "unrecognized" organization. Women were barred from wearing religious head scarves in schools, government offices, and in public and were forced to remove them when visiting prisoners.

Tunisia has been almost entirely free of political violence for several years. The exiled leadership of an-Nahdha cited this as evidence of the movement's nonviolence. The authorities credit instead their own vigilance and insist that an-Nahdha is extremist and terrorist, citing an Islamist role in sporadic disturbances and an alleged coup plot that preceded a massive crackdown in 1991-1992.

Torture and illegal detentions remained commonplace even as legal reforms were adopted at the initiative of President Zine el-Abidine Ben Ali that broadened the definition of torture under domestic law and reduced the permissible length of incommunicado detention from ten days to three days renewable but once. But the problem with torture in Tunisia was less one of definition than a climate of impunity. That climate was fostered by a judiciary that ignored evidence of torture and routinely convicted defendants on the basis of coerced confessions.

Similarly, the problem with incommunicado detention was less the legal time limit than the police practice of exceeding the limit and then covering it up. Judges colluded by blocking defense efforts to demonstrate that police had falsified the real date of arrest.

The U.N. Committee against Torture in November 1998 declared itself "disturbed by the reported widespread practice of torture" in Tunisia and "concerned over the pressure and intimidation used by officials to prevent the victims from lodging complaints." The committee charged that by denying these allegations, "the authorities are in fact granting those responsible for torture immunity from punishment, thus encouraging the continuation of these abhorrent practices."

The lack of judicial independence was manifest in political trials throughout the year, including several attended by international observers. The most visible case involved twenty-one defendants, thirteen of them students, tried in a single twenty-hour session before the Tunis Court of First Instance on July 10. Sixteen of the accused had been in detention since their arrest in early 1998, following demonstrations that broke out on campuses over the conditions of study. They were initially charged with belonging to a criminal and terrorist gang, holding unauthorized meetings, defamation of the judiciary, and other charges. One of their lawyers, Radhia Nasraoui, and five others were later indicted as codefendants, including Nasraoui's husband, leftist activist Hama Hammami. He and two others were tried in absentia and remained in hiding as this report went to press. Charges against one were dropped.

The sixteen defendants who had been in pretrial detention all disavowed their "confessions" and said, almost without exception, that they had been tortured into signing. They described to the court methods of torture including beatings on sensitive parts of the body, tying their hands behind the back and hanging them from the ceiling by the wrists; and the "rotisserie" (*poulet roti*) method of tying their wrists together under the knees and passing a pole horizontally between arms and thighs.



THE DEFENDANTS WERE SYSTEMATICALLY REFUSED MEDICAL EXAMINATIONS DESPITE HAVING EXERCISED THEIR RIGHT UNDER ARTICLE 13BIS OF THE CODE OF CRIMINAL PROCEDURE TO REQUEST THEM. THIS PROVISION "REQUIRES" A MEDICAL EXAM WHEN REQUESTED BY DETAINEES OR THEIR RELATIVES, ACCORDING TO THE GOVERNMENT'S 1997 REPORT TO THE U.N. COMMITTEE AGAINST TORTURE. THE DEFENDANTS WERE ALSO PREVENTED FROM CALLING WITNESSES WHOM THEY SAID WOULD REFUTE THE DATE OF ARREST AS RECORDED BY THE POLICE. THUS, THE JUDGE PREVENTED THE DEFENDANTS FROM CHALLENGING THE "CONFESSIONS" AND INSTEAD USED THEM AS THE MAIN EVIDENCE TO CONVICT THEM ALL.

DESPITE THE PURELY POLITICAL AND NONVIOLENT NATURE OF THE OFFENSES BEING PROSECUTED, TWENTY OF THE DEFENDANTS—including the three in hiding—received prison sentences ranging from fifteen months to nine years. (ONLY ONE DEFENDANT, LAWYER NASRAOUI, ESCAPED ACTUAL PRISON TIME AND RECEIVED A SUSPENDED SIX-MONTH SENTENCE INSTEAD.) IN ONE SIGN OF A BOLDER CIVIL SOCIETY, MORE THAN ONE HUNDRED TUNISIAN LAWYERS APPEARED IN COURT IN SOLIDARITY WITH THEIR COLLEAGUE NASRAOUI, MANY OF THEM TESTIFYING IN HER DEFENSE.

THERE WAS ALSO MORE ASSERTIVENESS DURING THE YEAR AMONG UNION DISSIDENTS SEEKING GREATER AUTONOMY FROM GOVERNMENT CONTROL OF THE GENERAL UNION OF TUNISIAN WORKERS. HOWEVER, TEN OF THEM WERE DETAINED BRIEFLY IN MAY, APPARENTLY FOR THEIR PEACEFUL CHALLENGES TO THE UNION LEADERSHIP.

TUNISIAN AUTHORITIES CONTINUED TO PUNISH, IN MANY CASES ADMINISTRATIVELY, FORMER POLITICAL PRISONERS RANGING FROM OPPOSITION PARTY HEAD MOHAMED MOVADA IN TUNIS TO OBSCURE SUSPECTED NAHDHA SYMPATHIZERS LIVING IN RURAL VILLAGES. AUTHORITIES USUALLY DEPRIVED THEM OF PASSPORTS, REQUIRED THEM TO SIGN IN ON A DAILY OR OTHER FREQUENT BASIS WITH THE POLICE, AND SUBJECTED THEIR HOMES TO SEARCHES WITHOUT WARRANTS. PUBLIC-SECTOR JOBS WERE OFF-LIMITS AND IN MANY CASES PRIVATE-SECTOR EMPLOYERS WERE PRESSURED NOT TO EMPLOY THEM.

FAMILY MEMBERS OF POLITICAL PRISONERS, EX-PRISONERS, POLITICAL REFUGEES ABROAD, AND HUMAN RIGHTS ACTIVISTS WERE QUESTIONED, FOLLOWED, SUBJECTED TO HOME SEARCHES, DENIED PASSPORTS, AND SOMETIMES IMPRISONED THEMSELVES ON TRUMPED-UP CHARGES.

1998 LAW ENHANCING JUDICIAL OVERSIGHT OF THE ISSUANCE OF PASSPORTS PROVIDED NO NOTICEABLE RESTRAINT ON THE PRACTICE OF ARBITRARILY VIOLATING THE RIGHT OF CRITICS AND THEIR RELATIVES TO TRAVEL ABROAD. FOR EXAMPLE, MATHEMATICIAN MONCEF BEN SALEM'S SON OUSSAMA WAS REFUSED A PASSPORT TO STUDY ABROAD FOR NO APPARENT REASON OTHER THAN THAT HIS FATHER HAD BEEN IMPRISONED IN THE EARLY 1990S FOR CRITICIZING PRESIDENT BEN ALI AND CONTINUED TO SPEAK OUT AGAINST THE VIRTUAL HOUSE ARREST IMPOSED ON HIM AND HIS FAMILY.

IN JUNE, AUTHORITIES CONDITIONALLY RELEASED PRISONERS RACHIDA BEN SALEM AND RADHIA AOUIDIDI, RESPECTIVELY THE WIFE AND FIANCE OF POLITICAL REFUGEES IN EUROPE. THE WOMEN HAD BEEN CONVICTED FOR TRYING TO LEAVE THE COUNTRY ILLEGALLY AFTER THEIR APPLICATIONS FOR PASSPORTS HAD BEEN REFUSED. FOLLOWING THEIR RELEASE THE TWO WERE REQUIRED TO SIGN IN REGULARLY WITH THE POLICE AND AS OF THIS WRITING HAD NOT BEEN PERMITTED TO TRAVEL ABROAD TO JOIN THEIR FIANCE AND HUSBAND. A BROTHER OF AOUIDIDI AND A BROTHER OF HER FIANCE SPENT FIVE MONTHS IN PRISON IN 1998-1999 ON DUBIOUS CHARGES THAT WERE EVENTUALLY DROPPED. THE CHARGES WERE REINSTATED ON APPEAL BY THE PROSECUTOR AND SCHEDULED FOR A COURT HEARING AS THIS REPORT WENT TO PRESS.

PRISON CONDITIONS IN TUNISIA WERE SEVERE BY DESIGN RATHER THAN DUE TO ECONOMIC CONSTRAINTS; THE COUNTRY'S PER CAPITA INCOME IS ONE OF THE CONTINENT'S HIGHEST. OVERCROWDING WAS SEVERE AND DISCIPLINARY MEASURES CRUEL AND DEGRADING. POLITICAL PRISONERS WERE SHUTTLED INCESSANTLY AMONG INSTITUTIONS, FORCING FAMILIES TO TRAVEL GREAT DISTANCES FOR VISITS. SEVERAL LEADERS OF THE NAHDHA MOVEMENT, SENTENCED TO LONG PRISON TERMS DURING UNFAIR TRIALS BEFORE MILITARY COURTS IN 1992, WERE HELD IN ISOLATION CELLS AND ALLEGEDLY DENIED ADEQUATE MEDICAL TREATMENT. FOR SEVERAL YEARS, LEADER ALI LAARIDH HAS BEEN HELD IN ROUND-THE-CLOCK ISOLATION EXCEPT WHEN HE RECEIVED FAMILY VISITS, AND WAS PREVENTED FROM RECEIVING READING AND WRITING MATERIALS, HIS FAMILY REPORTED.

TUNISIA'S TELEVISION, RADIO, AND DAILY PRESS EXHIBITED NO INDEPENDENCE WHEN IT CAME TO EXAMINING GOVERNMENT POLICIES. HOWEVER, SMALLER PERIODICALS SUCH AS *AL-MANQIF* MONTHLY PUBLISHED SOME CRITICAL ARTICLES. FOREIGN NEWSPAPERS WERE RESTRICTED FROM ENTERING THE COUNTRY IF THEY MENTIONED TUNISIA IN AN UNFAVORABLE WAY. FOURTEEN ISSUES OF THE PARIS DAILY *LE MONDE* AND SEVEN OF *LIBERATION* WERE BANNED DURING THE FIRST HALF OF 1999, ACCORDING TO THE FRENCH ORGANIZATION REPORTERS SANS FRONTIÈRES.

TUNISIANS COULD ACCESS THE INTERNET MORE EASILY THAN IN PREVIOUS YEARS AS PRICES DROPPED, APPLICATIONS WERE PROCESSED MORE QUICKLY, AND PUBLIC PAY-PER-USE ACCESS POINTS OPENED FOR THE FIRST TIME. HOWEVER, TUNISIA'S INTERNET LEGISLATION

violated the privacy rights of users, the government continued to block the website of Amnesty International, and Tunisians voiced wariness that their online communications, like phone and fax lines, were subject to surveillance.

On October 24, President Ben Ali was reelected with an official tally of 99.42 percent of the votes cast. His Democratic Constitutional Rally party captured 92 percent of the votes for parliamentary seats; however, a new electoral law reserved at least twenty percent of the seats to other parties.

With respect to landmines, Tunisia could take pride in becoming in November 1999 the first North African country to ratify the treaty banning anti-personnel landmines. It has since begun to destroy stockpiles, as required by the treaty.

## Defending Human Rights

Tunisians who discussed abuses publicly ran risks that included loss of work or passport, arrest, vandalism of property, harassment of relatives, and physical and phone surveillance. Despite these risks, the human rights community exhibited new vitality in 1999. The National Council on Liberties in Tunisia (NCLT), a monitoring organization formed by veteran activists in December 1998, issued critical bulletins throughout the year even though the minister of interior in March rejected legal status for the council, saying its application did not conform to provisions of the Associations Law. The council continued to speak out even after three of its founding members were arrested in separate incidents. Omar Mestiri was picked up on May 12 and held overnight. Moncef Marzouki was then arrested on June 5 by plainclothesmen who refused to identify themselves or show a warrant, and then released on June 7. Both were questioned by an investigating judge on various charges including maintaining an "illegal" organization, defaming "the public order" and "spreading false information intended to disturb the public order." Neither had been formally indicted as of this writing but they remained barred from foreign travel. In reprisal for his activism, Marzouki's work as a professor of medicine in a public university and hospital was sharply circumscribed and his home telephone service cut.

A third NCLT cofounder, Taoufik Ben Briq, endured even more severe harassment, no doubt because his accounts of repression in Tunisia published in European media made him stand out among a generally compliant Tunisian press corps. His phone and fax service were frequently interrupted throughout the year. His wife's car was vandalized. On April 28 he was prevented from traveling to Switzerland. On May 20, he was assaulted on the street with sticks and bicycle chains by three men that Ben Briq identified as among the more than twenty who kept his house under regular surveillance. Four days later, his house was extensively searched and he was detained for three hours. The government press office ridiculed Ben Briq's claims of being harassed, describing him as someone who "passes himself off as a martyr" in order "to escape from anonymity." The police opened an investigation into the assault but no suspects were identified.

At least twenty-five lawyers were refused passports at some point during the year. As of this writing, most had received them but rights lawyers Jaleddine Bida of Tunis, Anouar Kousri of Bizerte, and Nejib Hosni of Le Kef continued to be barred from travel. Attorneys who were also office-holders within the Tunisian Human Rights League (Ligue Tunisienne des Droits de l'Homme, LTDH) reported losing clients in their private practices due to pressure from authorities. Nejib Hosni, an outspoken human rights lawyer who had been released from prison in 1996 after serving two and-a-half years on spurious charges, remained barred from practicing his profession. Najet Yacoubi, one of the lawyers most active in the independent Tunisian Association of Democratic Women, remained under close surveillance for much of the year.

The lawyer most in the line of fire was Radhia Nasraoui. She was convicted as a "coconspirator" for organizing an "illegal" meeting in her office (see above). For over a year preceding the trial she had been placed under a judicial order preventing her from leaving greater Tunis, thus impeding her defense of political detainees elsewhere. In February she was given a two-week suspended sentence for leaving the capital to attend her mother-in-law's funeral after her application to do so was ignored. Nasraoui spent much of the year under intense police surveillance that extended to her eleven- and seventeen-year-old daughters and that was conducted in a manner calculated to unnerve and terrorize. The ransacking of her office in February 1999, in which case files were stolen, remained an unsolved crime as this report went to press. Nasraoui had publicly accused the police of being behind the break-in, which was not the first such suspicious assault on her property.

On September 22, Khema s Ksila, a vice-president of the Tunisian League for Human Rights, was conditionally released from prison, just before completing the second year of a three-year prison sentence imposed for a statement he had issued in his own name denouncing President Ben Ali's repressive policies. The day after his release, police briefly detained and pressed Ksila to sign an engagement not to discuss his situation; he refused. In March, while Ksila was still in prison, his son was prevented from traveling in March to Cairo to accept an award on his behalf. In a June 15 response to an inquiry about Ksila from the U.N. High Commissioner for Human Rights, the government noted that the prisoner had yet to petition for clemency. This argument seemed to reinforce the determination made in May by the U.N. Working Group on Arbitrary Detention that Ksila's imprisonment was "arbitrary." Its May 20 finding stated that, "contrary to the information provided by the government," Ksila's offending communiqué was "no call to violence but rather...a vigorous political criticism and a call to protest by peaceful means." The Working Group urged Tunisia to modify "its legislation to adapt it to pertinent international law."

The brothers of two leading human rights campaigners were imprisoned on dubious charges indicating they had been targeted for reasons of kinship. Moncef Marzouki's brother Mohamed Ali Bedoui served a six-month sentence in 1999 for refusing to comply with an administrative order that he sign in daily with the police. He spent half of 1998 in prison on similar charges.

On July 30, Abderraouf Chammari was given a twelve-month sentence on charges of defaming public authorities and spreading false information in a remark uttered in a private conversation about high-level corruption. Chammari, a senior government bureaucrat with no previous reputation for political activity, denied making the comment. He is the brother of Khemais Chammari, an activist and member of a legal opposition party who has continued to defend human rights in his native land while living in France since 1997. On August 31 he was freed "on humanitarian grounds" after spending almost two months behind bars.

Tunisian rights groups remained hampered in their efforts to attract wider audiences. First, they were subjected to a blackout by the main Tunisian media except when their declarations could be presented as favorable to the government. Second, their offices and gatherings were subjected to conspicuous police surveillance that scared off all but the most committed members and determined victims. Third, attempts to hold gatherings of any size were blocked. For example, on December 12, 1998, participants in a fiftieth anniversary commemoration of the Universal Declaration of Human Rights had to crowd into the modest office of the Tunisian Human Rights League after authorities blocked their use of the larger venue they had reserved.

## **The Role of the International Community**

### **European Union**

The Euro-Mediterranean Association Agreement with Tunisia—the first and so far the only one in force—completed its first year without clear indications whether, and how, the European side intended to implement the human rights provisions in a concrete fashion. (Article 2 defines respect for human rights and democratic principles as an essential element of the accord.) The European Council gave no public indication through mid-October that the lack of improvement in Tunisia's human rights record might adversely affect relations. However, in a declaration made at the closed-door meeting of the bilateral Association Committee in Tunis on June 25, the E.U. insisted, over Tunisian objections, on the right to raise human rights concerns at these periodic "technical" meetings.

A March 1999 report prepared for the European Commission evaluated its "MEDA Democracy Program," a program of grants aimed at promoting democracy and human rights in the context of the Euro-Mediterranean Partnership. The report focused on six countries receiving grants from the 22.95 million ECUs disbursed between 1995 and 1999. It explained that Syria and Tunisia received the smallest grants due to "the severe political obstacles to directly assist[ing] NGOs in these countries without agreement by the governments and the totalitarian nature of the political systems." The European Commission had approved a grant to the LTDH to conduct training on electoral systems, but canceled it in response to objections raised by the Tunisian government. Meanwhile, the Commission provided a grant to the pro-government Higher Committee for Human Rights and Fundamental Freedoms.

## United States

THE U.S. CONTINUED TO SIGNAL MUTED DISAPPOINTMENT IN THE TUNISIAN GOVERNMENT'S HUMAN RIGHTS PRACTICES WHILE PRAISING ITS STABILITY, LIBERAL ECONOMIC AND PRO-WESTERN FOREIGN POLICIES, AND ITS SUPPORT FOR THE ARAB-ISRAELI PEACE PROCESS. THE U.S. ENGAGED IN JOINT MILITARY EXERCISES WITH TUNISIA AND MADE AVAILABLE TO IT EQUIPMENT UNDER ITS EXCESS DEFENSE ARTICLES PROGRAM, BUT PROVIDED NO DIRECT ECONOMIC OR MILITARY AID. THROUGH THE U.S.-NORTH AFRICAN ECONOMIC PARTNERSHIP LAUNCHED IN 1999, THE U.S. PROMOTED INVESTMENT IN TUNISIA AND ITS NEIGHBORS. A SUMMIT BETWEEN PRESIDENTS CLINTON AND BEN ALI PLANNED FOR MARCH WAS CANCELLED BY THE TUNISIANS, REPORTEDLY OUT OF DISSATISFACTION WITH THE LEVEL OF PROTOCOL OFFERED BY WASHINGTON.

THE ONLY DIRECT PUBLIC CRITICISM OF TUNISIA'S RECORD, AT LEAST THROUGH MID-OCTOBER, CAME IN THE THOROUGH SURVEY OF ABUSES PROVIDED BY THE STATE DEPARTMENT'S ANNUAL *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1999*. PRIVATELY, WASHINGTON DISCUSSED HUMAN RIGHTS WITH TUNISIA "REGULARLY AND AT SENIOR LEVELS," ACCORDING TO THE U.S. EMBASSY IN TUNIS. U.S. AMBASSADOR ROBIN RAPHEL AND VISITING OFFICIALS MET ON SEVERAL OCCASIONS WITH TUNISIAN RIGHTS ACTIVISTS, AND EMBASSY STAFF ATTENDED AT LEAST FOUR TRIALS WITH HUMAN RIGHTS DIMENSIONS.

THE TWO MOST SENIOR OFFICIALS TO VISIT TUNISIA DURING THE YEAR—SECRETARY OF DEFENSE WILLIAM COHEN IN FEBRUARY AND ASSISTANT SECRETARY OF STATE MARTIN S. INDYK IN SEPTEMBER—MET WITH THE PRESIDENT AND PUBLICLY HAILED THE STATE OF BILATERAL RELATIONS WHILE AVOIDING ANY PUBLIC HINT OF DISMAY OVER HUMAN RIGHTS. AT BEST, THEY REFRAINED FROM BESTOWING UNWARRANTED PRAISE PUBLICLY ON THEIR ALLY'S RECORD ON HUMAN RIGHTS AND DEMOCRATIZATION. THE SAME CANNOT BE SAID FOR THE STATE DEPARTMENT'S BUDGET PRESENTATION TO CONGRESS FOR FISCAL YEAR 2000, WHICH HAILED TUNISIA AS A "STABLE, DEMOCRATIC COUNTRY" AND OVERLOOKED ITS RIGHTS ABUSES AND INTOLERANCE OF POLITICAL PLURALISM.

UNWARRANTED PRAISE WAS CONFERRED BY FIRST LADY HILLARY RODHAM CLINTON DURING HER GOODWILL VISIT TO THE REGION. IN A MARCH 26 SPEECH IN TUNIS SHE HAILED TUNISIA AS A "MODEL FOR THE ENTIRE WORLD" WITH RESPECT TO THE PROGRESS MADE "ON BEHALF OF WOMEN AND WOMEN'S RIGHTS." BUT WOMEN, LIKE MEN, WERE THWARTED OR PUNISHED WHENEVER THEY EXERCISED THEIR RIGHTS TO SPEAK, ASSOCIATE, AND ASSEMBLE IN A MANNER THAT DISPLEASED THE AUTHORITIES. CLINTON, MOREOVER, ACCORDED ALMOST NO TIME TO THE INDEPENDENT RIGHTS COMMUNITY DURING HER VISIT. BUT SHE DID MEET ON MARCH 27 WITH PRESIDENT BEN ALI AND, ACCORDING TO U.S. OFFICIALS QUOTED IN THE MEDIA, DISCUSSED HUMAN RIGHTS WITH HIM.

## YEMEN

### Human Rights Developments

ON SEPTEMBER 25 PRESIDENT ALI ABDALLAH SALEH WON THE FIRST YEMENI DIRECT PRESIDENTIAL ELECTION, GAINING AN OFFICIALLY CLAIMED 96.3 PERCENT OF THE TOTAL VOTE, AND ENTERING HIS FIFTH TERM IN OFFICE. THE PRESIDENT PLEDGED TO FIGHT CORRUPTION AND BUILD A MODERN STATE BASED ON LAW AND ORDER. IN HIS FIRST ACT AS HE ENTERED HIS NEW TERM HE RESIGNED HIS POSITION AS HEAD OF THE SUPREME JUDICIAL COUNCIL, A MEASURE THAT COULD CONTRIBUTE TO JUDICIAL INDEPENDENCE.

IN 1999 HUMAN RIGHTS PROBLEMS IN YEMEN RECEIVED GREATER INTERNATIONAL ATTENTION LARGELY BECAUSE OF THE HIGH-PROFILE TRIAL OF EIGHT BRITISH AND TWO ALGERIAN NATIONALS ON CHARGES OF PLANNING TERRORIST ATTACKS IN THE COUNTRY. THE TRIAL IN ADEN, WHICH RESULTED IN CONVICTIONS IN AUGUST AND PRISON TERMS OF BETWEEN SEVEN MONTHS AND SEVEN YEARS, HIGHLIGHTED SERIOUS SHORTCOMINGS IN THE YEMENI JUSTICE SYSTEM, INCLUDING ARBITRARY DETENTION, TORTURE, AND UNFAIR TRIALS. WOMEN CONVICTED OF VIOLATING TRADITIONAL SEXUAL MORES WERE SOMETIMES HELD IN DETENTION BEYOND THE END OF THEIR SENTENCE UNTIL A MALE GUARDIAN COLLECTED THEM FROM THE PRISON. MANY PRISONERS AND DETAINEES WERE HELD IN UNREGULATED DETENTION CENTERS OPERATED BY TRIBAL LEADERS OR BRANCHES OF THE SECURITY FORCES.

JOURNALISTS AND OPPOSITION POLITICAL LEADERS WERE FREQUENTLY SUBJECTED TO DETENTION, ASSAULT, OR INTIMIDATION BY SECURITY FORCES AND UNIDENTIFIED ARMED GANGS. NEWSPAPERS WERE SUBJECTED TO CLOSURES AND ARBITRARY RESTRICTIONS IN VIOLATION OF LOCAL AND INTERNATIONAL LAW. REPORTERS WHO EXPOSED GOVERNMENT CORRUPTION WERE PARTICULAR TARGETS. IN THE RUN-UP TO PRESIDENTIAL ELECTIONS IN SEPTEMBER, ONLY ONE CANDIDATE WAS PERMITTED TO STAND FOR ELECTIONS AGAINST INCUMBENT PRESIDENT ALI ABDULLAH SALEH AND HE WAS A MEMBER OF THE PRESIDENT RULING POLITICAL PARTY.

MANY INDEPENDENT AND OPPOSITION NEWSPAPERS IN YEMEN FACED PROSECUTION OR EXTRAJUDICIAL HARASSMENT OVER THE COURSE OF THE YEAR. PROMINENT EDITORS AND JOURNALISTS, SUCH AS THE LATE DR. ABDUL AZIZ AL-SAQQAQ OF THE *YEMEN TIMES*, HISHAM BASHRAHEEL OF *AL-AYYAM*, NO'AMAN QAID SEIF OF *AL-SHOURA* AND ABDEL LATIF AL-QUTBI OF *AL-HAQ* WERE DETAINED AND INTERROGATED. OTHER NEWSPAPERS WHICH FACED PROSECUTION AND HARASSMENT INCLUDED *AL-RAI AL-AAM*, *AL-TAWRI*, *AL-WAHDAWI*, AND *AL-BALAGH*.

REPORTING ON HIGH-LEVEL GOVERNMENT CORRUPTION LED TO SOME PROSECUTIONS. FOR EXAMPLE, THE *YEMEN TIMES* WAS ACCUSED OF SLANDER AND SPREADING LIES AFTER PUBLISHING ARTICLES IN NOVEMBER 1998 ACCUSING GOVERNMENT OFFICIALS OF CHANNELING INTERNATIONAL DEVELOPMENT FUNDS INTO THEIR OWN BANK ACCOUNTS. THE PROSECUTION WAS DROPPED IN JULY FOLLOWING THE DEATH OF EDITOR ABDUL-AZIZ AL-SAQQAQ IN A TRAFFIC ACCIDENT. THE WEEKLY NEWSPAPER, *AL-SHOURA*, THE OFFICIAL MOUTHPIECE OF THE OPPOSITION POLITICAL PARTY, THE UNION OF YEMENI POPULAR FORCES (UYPF), WAS A PARTICULAR TARGET OF OFFICIAL HARASSMENT AND RESTRICTIONS BECAUSE OF ITS CRITICISM OF GOVERNMENT POLICIES. QAYED NUMAN SEIF, THE EDITOR OF *AL-SHOURA*, WAS DETAINED FOR TWO DAYS IN FEBRUARY 1999 FOLLOWING THE PUBLICATION OF AN ARTICLE ENTITLED, "THE PRESIDENT IS ASKED TO FIGHT CORRUPTION." ON FEBRUARY 25, THE MINISTRY OF INFORMATION ISSUED A DECREE ORDERING *AL-SHOURA* SHUTDOWN FOLLOWING THE PUBLICATION OF A SECOND VERSION OF THE NEWSPAPER BY A SMALL GROUP OF FORMER UYPF MEMBERS. THIS CONSTITUTED A VIOLATION OF THE PRESS LAW WHICH FORBIDS THE PUBLICATION OF TWO NEWSPAPERS WITH THE SAME TITLE. *AL-SHOURA* JOURNALISTS AND UYPF LEADERS CLAIMED THAT THE GOVERNMENT HAD FINANCED THE PUBLICATION OF THE "FALSE" *AL-SHOURA* IN ORDER TO DISCREDIT THEM AND ACCUSED THE GOVERNMENT OF ENGAGING IN ACTIVITIES AIMED AT DISCREDITING THEIR OPPONENTS AND CREATING A PRETEXT FOR PUNITIVE LEGAL ACTION. FROM JANUARY 1998 *AL-SHOURA* AND ITS JOURNALISTS WERE PROSECUTED ON ELEVEN SEPARATE OCCASIONS FOR ARTICLES WHICH APPEARED IN THE NEWSPAPER ALLEGING OFFICIAL CORRUPTION OR CRITICIZING GOVERNMENT POLICIES.

IN EARLY MARCH EDITOR OF THE ADEN WEEKLY *AL-AYYAM*, HISHAM BASHRAHEEL AND JOURNALIST HAITHAM AL-GHAREEB WERE TAKEN INTO DETENTION, AND THE PUBLICATION OF THE NEWSPAPER WAS SUSPENDED. IN MAY THEY WERE BROUGHT TO TRIAL ON CHARGES OF "SPREADING IDEAS WHICH HARM NATIONAL UNITY." THEY WERE CONVICTED IN AUGUST AND GIVEN SUSPENDED PRISON TERMS AFTER SPENDING FIVE MONTHS IN DETENTION.

OTHER SENSITIVE SUBJECTS, COVERAGE OF WHICH COULD LEAD TO PROSECUTION, INCLUDED THE DEEPENING SECURITY RELATIONSHIP BETWEEN THE YEMENI AND U.S. ARMED FORCES, AND THE ROLE OF YEMEN IN THE CONFLICT BETWEEN ERITREA AND ETHIOPIA IN THE HORN OF AFRICA. ON MARCH 2, 1999 ARMED MEMBERS OF THE SECURITY FORCES IN PLAINCLOTHES DETAINED SIXTY-EIGHT-YEAR-OLD ABDEL LATIF AL-QUTBI, EDITOR-IN-CHIEF OF THE OPPOSITION WEEKLY *AL-HAQ*. HE HAD RECEIVED A SUMMONS TO APPEAR BEFORE THE PRESS AND PUBLICATIONS DEPARTMENT OF THE OFFICE OF THE PUBLIC PROSECUTOR IN CONNECTION WITH AN ARTICLE THAT HAD APPEARED IN THE NEWSPAPER ALLEGING THAT YEMEN WOULD PERMIT U.S. FORCES TO MAKE USE OF ITS MILITARY FACILITIES ON THE ISLAND OF SOCOTRA, IN THE ARABIAN SEA. HE WAS DETAINED FOR THREE DAYS AND CRIMINAL PROCEDURES WERE OPENED AGAINST HIM BY THE PRESS AND PUBLICATIONS PROSECUTOR. AL-QUTBI IS A LEADING MEMBER OF THE OPPOSITION POLITICAL PARTY, LEAGUE OF THE SONS OF YEMEN (RAY).

IN APRIL, THE GOVERNMENT APPEARED TO INCREASE ITS INFLUENCE OVER THE YEMENI JOURNALISTS SYNDICATE BY FORCING IT TO ADMIT HUNDREDS OF NEW MEMBERS FROM THE ARMED FORCES ON THE GROUNDS THAT THEY WERE MILITARY JOURNALISTS AND WAR CORRESPONDENTS. THE OFFICIAL ARMED SERVICES NEWSPAPER, *26 SEPTEMBER* REGULARLY DENOUNCED INDEPENDENT JOURNALISTS AND EDITORS AS "TRAITORS" AND "FOREIGN AGENTS."

HARASSMENT OF THE INDEPENDENT PRESS WAS NOT LIMITED TO THREATS OF LEGAL ACTION AND PROSECUTIONS. JOURNALISTS AND EDITORS COMPLAINED OF BEING THREATENED AND INTIMIDATED BY MEMBERS OF THE SECURITY FORCES AND AT LEAST EIGHT JOURNALISTS HAVE BEEN BEATEN UP BY UNIDENTIFIED ATTACKERS ALLEGED TO BE LINKED TO THE AUTHORITIES. ON MAY 10, FOUR MASKED MEN ATTACKED SAIF AL-HADHERI, THE EDITOR OF *AL-SHUMU'A* WEEKLY NEWSPAPER AT HIS SANA'A HOME. HE WAS HOSPITALIZED AS A RESULT OF HIS INJURIES.

ALLEGATIONS OF TORTURE WERE AT THE CENTER OF CONTROVERSY OVER THE TRIAL OF EIGHT BRITONS OF YEMENI BACKGROUND AND TWO ALGERIANS ON CHARGES OF CONSPIRACY TO COMMIT ACTS OF TERRORISM ON BEHALF OF EXTREMIST ISLAMIST GROUPS. THE AUTHORITIES CLAIMED THAT THE GROUP OF TEN WERE ASSOCIATED WITH ISLAMIST MILITANTS CONVICTED OF KIDNAPPING SIXTEEN WESTERN TOURISTS IN DECEMBER 1998, FOUR OF WHOM DIED WHEN THE YEMENI SECURITY FORCES TRIED TO FREE THEM FROM THEIR CAPTORS. SIX OF THE TEN WERE DETAINED AT THE END OF DECEMBER AND WERE BROUGHT TO TRIAL ON JANUARY 27. FOUR MORE WERE BROUGHT TO TRIAL ON FEBRUARY 13. THE TRIAL TOOK PLACE AT HEARINGS OVER THE FOLLOWING SIX MONTHS. WHILE THE DEFENDANTS AND THEIR SUPPORTERS POINTED TO NUMEROUS IRREGULARITIES IN THE TRIAL PROCEDURES, THEIR MAIN COMPLAINT WAS THAT THE STATEMENTS MADE

by the defendants to prosecutors had been extracted under torture. On April 5, British Prime Minister Tony Blair called on the Yemeni government to permit an independent doctor to examine the prisoners. A British Home Office pathologist had reported signs of "serious physical ill-treatment" when he met with some of the prisoners in February. On May 6, after carrying out an examination of four of the detainees, a three person medical team, including a Dutch doctor, reported that they "found no evidence of torture" in their examinations. A comprehensive, independent examination of all the prisoners was never carried out and the defendants were convicted on August 9 and sentenced to prison terms ranging from seven months to seven years.

In contrast to this general trend of inaction in the face of torture, on June 1 Mawheet Primary Court convicted police officer Major Ali Shouaibi of torturing to death an eighteen-year-old criminal suspect, Mohammed Koukabani. The testimony at the officer's trial brought to light a horrific series of coercive measures, including beating with cudgels and immersion in water, suffered by the prisoner. Major Shouaibi was sentenced to ten years' imprisonment and ordered to pay \$19,000 compensation (*diyah*) to the victim's family. Two other police officers also received prison terms.

Yemen continued to be plagued by tribal and inter-communal violence, which the state seemed powerless to control. Some foreign visitors were kidnapped and held hostage in demand of payment or concessions from the government. For example, on August 20 a married couple employed by the French embassy was kidnapped by tribesmen and held for twelve days before being released. Earlier, in December 1998, four western hostages were killed in a shoot-out between kidnappers and the security forces. The conflict between the state and armed groups also resulted in political violence, including a bomb blast which killed at least three at a supermarket in the center of the capital, Sana'a, close to the British Embassy in late August.

Yemen continued to impose the death penalty for crimes of murder and rape. Amnesty International reported that a presidential decree in August 1998 extended the death penalty "to any person who heads a group which engages in kidnapping (or) theft of public or private property by use of force." Most executions were carried out in public and by a firing squad. The bodies of two men executed for murder and rape in Sana'a in August were strung up at the city's entrance as a deterrent.

The arbitrary detentions of women convicted of "moral" offenses for indefinite periods under the Yemeni penal code violated article 15(1) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), to which Yemen was a party. The government continued to detain female prisoners beyond their sentences until they were collected by a male guardian.

Yemen showed leadership in the Middle East in the movement to ban antipersonnel landmines. It was one of three Middle Eastern countries to become a state party to the Mine Ban Treaty, along with Jordan and Qatar. According to the annual report of 1999 of the International Campaign To Ban Landmines, Yemen signed the treaty on December 4, 1997 and ratified it on September 1 1998. It attended Vienna and Brussels preparatory meetings, endorsed the pro-treaty Brussels Declaration in June 1997, was a full participant in treaty negotiations in Oslo in September 1997, and voted in favor of pro-ban U.N. General Assembly Resolutions in 1996, 1997, and 1998.

In November 1997, the Yemeni Mines Awareness Committee organized a Regional Seminar on Landmines with Radda Barnen (Swedish Save the Children), sponsored by the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF) and hosted by the President's Office. In December 1998 the committee registered as a separate NGO under the name Yemen Mine Awareness Association, and dealt with mine awareness education in mine infested areas in the south of Yemen and advocacy work on banning landmines. Although Yemen had in past years imported significant numbers of landmines, primarily from the Soviet Union as well as Czechoslovakia, Hungary, and Italy, according to the government Yemen has never manufactured or exported antipersonnel mines.

The government limited public access to the Internet, using proxy servers to filter and block specified content between the end-user and the Internet.

## Defending Human Rights

The Yemeni government permitted international human rights organizations to visit and local human rights groups functioned within the country. However, the freedom of local monitors was impaired by the restrictions on freedom of expression and a climate of intimidation surrounding criticism of government policy. Several groups reported on human

rights conditions in Yemen from outside the country. The ICRC was able to conduct visits to official prisons throughout the country, but its inspections did not cover unofficial detention facilities. In March the Supreme Elections Committee (SEC), with the assistance of the International Foundation of Election Systems (IFES), organized a national colloquium on the development of election administration in Yemen, bringing together governmental and nongovernmental actors to discuss issues such as voter education, election day operations and candidate and ballot issues. In September IFES opened a field office in Sana'a. On June 28, Yemen hosted an eighteen-country international conference of government and opposition delegates from states deemed to be engaged in a transition to democracy.

### **The Role of the International Community**

The highest level U.S. visitor to Yemen was General Anthony Zinni, commander of U.S. forces in the Middle East, whose visits on several occasions indicated the importance of U.S. – Yemeni military relations. Relations with the UK were strained by the kidnapping of British tourists and by irregularities in the trial of eight British nationals on terrorist charges. The trial brought to light links between Islamist opposition groups based in London and violent Islamist groups operating in Yemen. The British government was embarrassed by the charges against its nationals while faced with an obligation to uphold the rights of its citizens on trial.

In November 1998, the E.U. welcomed the acceptance of the first ruling by the London International Arbitration Committee on the territorial dispute by Yemen and Eritrea over islands in the Red sea in a declaration by the Presidency of the European Union on Yemen/Eritrea. In December the estimated E.U. aid to Yemen for 1998 according to Mr. Ahmed Sofan, Yemeni Minister of Planning and Development, was \$39.1 million.

German Foreign Minister Joschka Fischer in a press conference in February commended Yemeni officials and other parties for their efforts to release German hostages and said the recent abductions of Germans in Yemen would not affect ties between the two countries. The E.U. is one of Yemen's major aid partners. One of the poorest Arab states, Yemen was implementing economic reforms agreed on with the World Bank and the International Monetary Fund as of February 1999, when the E.U. approved a \$14 million aid package to help the state develop its strategic food reserves. In May, the E.U. agreed to provide Yemen with 6.7 million Euro (about \$7 m) to support health sector reform. In an aid project intended to improve treatment, prevention and awareness of malaria, and implement training of specialist staff, the E.U. cleared humanitarian aid worth Euro 900,000. Malaria was one of the country's biggest health problems, affecting up to 60 percent of the population, and particularly afflicting children, pregnant women, and the elderly. The European Community Humanitarian Office (ECHO) managed the project's funds.

In January 1999 the U.N. Committee on the Rights of the Child considered Yemen's second periodic report and in its concluding observations expressed concern at "the use of physical punishment, including flogging, and torture in detention centres."