

## Human Rights Developments

The Arab-Israeli peace process dominated the news of the Middle East, but ongoing domestic political conflicts between governments and opposition groups—mainly Islamist—had a far greater impact on human rights conditions in 1994.

The year demonstrated the danger of viewing improvements in the promotion and protection of human rights as merely the end results of a peace process. Human rights issues were crucial concerns at all stages. As states, like Syria, entered the peace process, they were reminded that improving their international image was no substitute for improving their human rights record. Courageous peace treaties and international agreements demanded complementary measures to introduce similarly sweeping changes in national legal systems to protect individual rights.

The rapid and dramatic international developments—including the implementation of the Israel-PLO accords, the signing of the Jordan-Israel peace treaty, and other openings in the Arab-Israeli relations—diverted attention from the internal problems of the countries involved, exposing deep rooted abusive government practices. As old and seemingly unsolvable international disputes moved toward resolution, internal political conflicts—some unrelated to the international issues—heated up; as shown by the chaos in Algeria, the civil war in Yemen, clashes in Israel and the occupied territories, and Islamist-government conflicts throughout the region.

Fueled by a combination of domestic and internal grievances and united by a religious ideology, Islamist opposition groups challenged established governments in practically every country in the Middle East, including conservative Saudi Arabia. Their goal was essentially the same, a radical transformation of society based on a return to the fundamentals of Islam and the establishment of Islamic states. But their methods varied, depending in large part on the policies and practices of the governments which they opposed. In Jordan, where the government displayed relative tolerance, the Islamic party took a moderate approach. In other countries, most notably Egypt and Algeria, some Islamist groups resorted to violent action, that was often indiscriminate.

In Algeria, the government and Islamist opposition groups remained locked in an escalating ideological and military struggle in which virtually no member of the population was safe—amidst death threats, mass arrests, reprisal killings, gun battles in the streets, summary executions, and a campaign of random violence and sabotage against public property. Over 4,000 persons had been killed in Algeria since 1992, many of them unarmed civilians.

In Egypt, conditions continued to deteriorate, with acts of political violence carried out by Islamist groups that violate international humanitarian standards, including deliberate attacks on foreign and Egyptian civilians. The security apparatus resorted to arbitrary arrest, incommunicado detention, torture, the use of excessive force, and possible extrajudicial execution. Harassment and intimidation by security forces affected not only families of suspected Islamist militants, but lawyers, journalists, and human rights advocates, contributing to a climate of fear and repression.

In Israel and the occupied territories, Palestinians and Jewish militants opposed to the peace process staged several attacks on civilians. In February, a Jewish settler opened fire in a crowded mosque in Hebron, killing twenty-nine worshippers. And in October, a Palestinian suicide bombing of a commuter bus in downtown Tel Aviv killed twenty-two people. Israeli forces in the occupied territories, in the name of protecting security, carried out arbitrary arrests,

tortured prisoners, used excessive force against demonstrators, and sometimes shot deliberately to kill when there was no immediate threat to their own or others' lives. They committed these violations with virtual impunity.

Even the nonviolent Islamist opposition in Saudi Arabia was subjected to a heavy handed crackdown of arbitrary arrests, incommunicado detention, torture and ill-treatment in prison.

In battles against armed insurgents, or as a means to stifle the emergence of any political opposition, governments maintained emergency measures that restricted rights. Emergency laws have been in force in Egypt since 1981, and were extended 1994 for three more years. Hafez Asad continues to rule Syria under a state of emergency, first imposed in 1963.

Emergency measures in Algeria, Egypt, Syria, Kuwait, and the Israeli-occupied West Bank and Gaza Strip included extensive arrest and detention powers and the use of courts of exception that fell well short of meeting international fair trial standards. These tribunals failed to provide adequate due process, including legal representation; they routinely dismissed claims of torture, even when there is clear evidence of it. In some cases there was no appeals process; the decision of the court is final. In Algeria the identity of the special court judges was kept secret. The "justice" of these courts was so compromised that they were little more than a legal facade for the rapid and high-volume processing of security and political prisoners. In Algeria, 3,000 Islamists were tried in special courts in 1994.

The sentences handed down by the state security courts were often harsh: lengthy prison terms and the death penalty. In Egypt and Kuwait, death sentences were handed down and executions carried out. Five Iraqis and one Kuwaiti were sentenced to death for plotting to assassinate former President Bush during his visit to Kuwait.

Lebanon limited a defendant's rights and abbreviated the legal process as it made more liberal use of special military courts to try civilians accused of nonviolent crimes. The state security court in Syria disregarded due process guarantees and continued to sentence members of opposition political parties to lengthy prison terms. Defendants in Iran's Revolutionary Court were routinely held in incommunicado pre-trial detention and denied access to legal counsel.

Harsh sentences were not limited to these special courts. Regular courts in Saudi Arabia sentenced to death more than thirty people convicted of drug trafficking. They were beheaded in 1994. Their trials did not come close to meeting international fair trial standards. The government of Yemen, in an apparent effort to demonstrate its control after emerging victorious from a civil war, ordered the execution of eleven common criminals who had been convicted several years earlier under dubious trial procedures.

In many cases, detainees' rights were violated long before they were brought before courts. In Kuwait, Palestinians and Bedoons (nomadic people indigenous to Kuwait but denied citizenship) were arrested arbitrarily in large numbers. The largest mass arrest in Saudi Arabia's recent history sent hundreds of Islamist opponents to prison in 1994. In Lebanon, scores of people were arrested on the basis of political affiliation, or after expressing criticism of the Lebanese or Syrian government. The newly established Palestinian Authority, under pressure to respond to a wave of attacks on Israelis, arrested hundreds of Gazans on the basis of their suspected political affiliation. Egypt's security forces practiced a particularly ruthless form of arbitrary arrest—taking hostage family members of fugitive security suspects to pressure suspects to turn themselves in.

When political conflicts intensified, human rights abuses often mounted. Detainees—often the same people caught up in random sweeps—were often abused. Torture was

practiced in nearly every country monitored this past year. Eradication requires work at two levels: enforcement of existing domestic laws that prohibit torture, and revision of legislation and directives that explicitly prescribes abuse: such as laws stipulating flogging in Saudi Arabia, amputation and branding in Iraq, and guidelines, approved by Israel's cabinet, for using "moderate physical pressure" in the interrogation of security suspects.

Keenly aware of what the political leadership required or tolerated, most security forces in the Middle East—including intelligence services, police, and army—violated fundamental human rights with impunity. In Egypt, torture by security forces continued unabated, with no signs that the government had the political will to identify and prosecute vigorously the abusers. The death in custody of a thirty-year-old Islamist lawyer in Cairo was one of the region's high-profile cases in 1994. Israeli forces systematically and severely abused Palestinians held for interrogation. Although dismissed by the government as isolated cases, Human Rights Watch concluded in a 1994 report that the abuses constituted a pattern that could only persist with government acquiescence.

The escalating political conflicts in several countries—most notably, Egypt and Algeria—engulfed and polarized societies, leaving little room for those who refused to take sides. Human rights monitors, lawyers, journalists, writers and artists found themselves targeted by either the government or its opponents, and in some cases by both.

In Egypt the government detained outspoken lawyers, harassed editors and journalists from opposition newspapers, and blocked the distribution of a report by a local human rights organization. In Algeria, sixteen journalists were murdered in the first ten months of the year by gunmen who in most cases went unidentified, but who appeared to be supporters of one of several clandestine Islamist groups. The president of one of the two main human rights leagues was killed by unknown assailants in June. In October, the eighty-three-year-old Egyptian writer and Nobel laureate Naguib Mahfouz was stabbed, in Cairo, in an attack widely believed to have been carried out by Islamist extremists. Iran maintained its call for the death of author Salman Rushdie and held incommunicado the prominent writer Ali Akbar Saidi-Sirjani. Defying intimidation, 134 Iranian writers courageously signed an open letter criticizing the government's "anti-democratic practices."

The human rights picture included some bright spots. The implementation of, and movement toward, peace agreements raised hopes for an environment more favorable to protecting human rights. Arab states began to open diplomatic or trade relations with Israel, in some cases tacitly acknowledging an end to the state of war they had so often used in the past to justify violating the rights of their own citizens.

The implementation of the Israeli-PLO Declaration of Principles led to the withdrawal of Israeli troops in May from population centers in Gaza and Jericho. The Palestinian Authority took over the administration of internal security and government services. Although it is too early to identify systematic patterns in the human rights record of the new authority several incidents, including a death under torture and the mid-November clash between police and demonstrators that left fifteen dead and more than eleven wounded, raise serious concerns. Before the November incident, the levels of violence, arrests and restrictions on movement within the Gaza Strip had dropped sharply since May.

For the vast majority of the West Bank, still under Israeli military occupation with no significant presence of the Palestinian Self-Rule Authority, the human rights picture remained largely unchanged: Israeli troops continued to arrest hundreds of Palestinians every month, use

excessive force against demonstrators and others, torture and ill-treat suspects under interrogation, and impose comprehensive curfews and other measures that amounted to collective punishments.

The massacre by an Israeli settler of worshippers in a Hebron mosque in February immediately drew attention to militant Israeli groups, and highlighted the need to address human rights issues related to the status of Jewish settlements and government tolerance of settler violence in the occupied territories.

Still waiting for the fruits of a peace process, a large portion of south Lebanon remained under Israeli occupation. Israel continued to violate international humanitarian law in this zone by indiscriminately shelling and bombing civilian areas, ostensibly targeting guerrilla bases. Hizballa, the sizable militia that Lebanon and Syria permit to operate in Lebanon, also violated humanitarian norms by indiscriminately firing rockets into northern Israel and Israeli-occupied south Lebanon, causing civilian casualties.

Gulf War after-shocks continued to bring human rights abuses. Hundreds of Kuwaiti citizens who disappeared during the Iraqi occupation remained unaccounted for. The Kuwaiti government maintained pressure on Bedoons, Palestinians, and individuals and groups suspected of harboring pro-Iraqi sympathies. Kuwait maintained its ban on political parties and took steps to close down over fifty human rights groups and other nongovernmental organizations.

The Iraqi government's treatment of its Shi'a population, part of which rose up in rebellion at the close of the Gulf War, stands out as the region's gravest example of violence and repression against an ethnic or religious group. Human Rights Watch received, but was unable to confirm, reports of mass executions of Shi'a in southern Iraq. The government continued to drain the southern marshlands, threatening the environment, livelihood, and security of hundreds of thousands of Shi'a Marsh Arabs who live there.

There was a deterioration of human rights conditions in Iraqi Kurdistan, which, under allied forces protection, remained outside Baghdad's control. In addition to the hardship caused by the Baghdad regime's continuing internal blockade of the north, clashes between the two main Kurdish political groups left hundreds of fighters and civilians dead or wounded.

Ethnic and religious conflict, one of the major human rights problems in the world today, simmered in a number of Middle East countries. In Iran, where religious minorities continued to suffer from state-sanctioned discrimination, three Christian clerics were killed under suspicious circumstances. In Saudi Arabia, non-Sunni Muslims faced discrimination and non-Muslims were strictly forbidden to practice their religion in public. Copts, which the Egyptian government has adamantly refused to recognize as a minority, were subjected to state-sanctioned discrimination and political violence from suspected Islamist militants.

Along with minorities, foreign workers faced discrimination by the state and ill-treatment by their employers. In Saudi Arabia alone there were five million foreign workers. There, as in most Middle East countries, local labor laws did not adequately protect them. Furthermore, authorities failed to apply relevant criminal laws to protect foreigners.

In September, women from the Middle East joined forces with women from around the world at the U.N. International Conference on Population and Development, hosted by the Egyptian government. In Cairo, women activists called for increased respect for women's human rights as a key to their reproductive health and to population planning. Governments at the conference responded by adopting a program of action that emphasized the importance of respecting women's rights in population programs.

In general, however, governments in the region took few steps to end violations of women's human rights. In Saudi Arabia the government enforced discrimination in employment and restrictions on women's freedom of movement. In Kuwait women were still denied the right to vote, or run for office. Also in Kuwait, foreign female domestic workers—mainly Filipina and Sri Lankan—were doubly vulnerable as women and foreign workers. About two thousand women fled from their employers in 1994, charging them with abuses ranging from withholding wages to physical assault and rape. Kuwait's criminal and labor laws offered little or not protection.

Women in Algeria were increasingly the victims of violence by Islamist groups, often in the name of religion, that targeted them as women. In Iran, despite some advances in access to education and in some professions, women were forced to live under increasingly arbitrary restrictions in their day to day activities. Two women were reportedly stoned to death for adultery.

After the unification of north and south Yemen in 1990, the country had enjoyed a relative opening to freedom of expression and association. A free and fair parliamentary election—with universal suffrage—was held in April 1993. But in May, a civil war erupted that brought rights abuses during seventy days of fighting. The government prevailed, but its actions during and after the war were a significant setback for human rights.

Human Rights Watch sent a mission to both northern and southern regions of the country in July and identified rights abuses by both parties to the conflict. Northern government forces killed and injured hundreds of civilians by indiscriminately shelling the city of Aden. They also deliberately damaged a water pumping station, cutting off Aden's water supply and leaving the city and suburbs practically without water for weeks. Separatist forces fired Scud rockets at northern cities and injured and killed civilians. Their attack on government military positions in the immediate vicinity of a Somali refugee camp injured and killed scores of refugees. Both sides arbitrarily detained people without charges and mistreated hundreds of civilians during the conflict.

When the fighting was over, first separatists and then government forces engaged in and tolerated extensive looting and vandalism in Aden. The victorious government of General Ali Abdullah Saleh continued to detain several hundred people despite the lifting of the state of emergency on July 27 and the declaration of a general amnesty. The death penalty, which had not been carried out for years, was abruptly used against five common criminals and upheld for nine others. Participants in a conference were arrested and beaten before being released. Printing companies, already disabled by vandalism, were warned not to publish opposition newspapers.

#### The Right to Monitor

Obstacles to human rights monitoring in the Middle East ranged from intimidation and fear in Lebanon, direct government interference in Egypt, banning by law in Kuwait and Saudi Arabia, long-term imprisonment in Syria, and assassination in Algeria. In June, the President of the Algerian League of Human Rights, Yucef Fathallah, was assassinated by unknown assailants. As the need for local monitoring increased, human rights activism in the Middle East became increasingly difficult and dangerous.

The governments of several countries (Egypt, Israel and the Occupied Territories, Tunisia, Morocco, Algeria, and Lebanon) tolerated human rights organizations, although at times they restricted and interfered with them.

Moncef Marzouqi, former president of the Tunisian League for Human Rights, was

imprisoned for four months. Egyptian security forces blocked the distribution of the annual report of the Egyptian Organization for Human Rights, and interfered with its investigators as they conducted field work.

Human rights organizations in the Israeli-occupied territories were generally allowed to operate and carry on their activities, although some Palestinian human rights workers were restricted or detained. In the Palestinian self-rule areas of Gaza and Jericho, human rights activists were allowed to work freely.

In Syria, Iraq, Iran, Kuwait, Libya, and Saudi Arabia, independent human rights organizations were prohibited from operating openly. The only recourse for activists was to move underground or work in exile.

Even exile did not guarantee safety. Former Libyan diplomat Mansour Kikhia, who disappeared from his Cairo hotel in December 1993, remains missing. Kikhia, a lawyer and prominent member of the Libyan political opposition, was a founding member of the Arab Organization for Human Rights and served on its board of directors.

While continuing its ban on local human rights groups, Syria improved its cooperation with international human rights organizations. Although scores of political prisoners were released in 1994, eleven human rights activists remained in prison, ten of them sentenced to terms of five to ten years.

Kuwait allowed visits by international human rights organizations in 1994, but refused to grant licenses to several local human rights groups and then proceeded to close them down because they were unlicensed. The organizations' attempts to carry on human rights work openly, in spite of the ban, were blocked.

### U.S. Policy

U.S. policy in the Middle East in 1994 was framed around several long-standing strategic imperatives: maintaining a commitment to Israel's security and well-being; facilitating the Arab-Israeli peace process; promoting U.S. commercial interests; maintaining pressure on Iraq and the isolation of Iran; and the defense of Kuwait and Saudi Arabia. Human Rights considerations were secondary, at best. In each of these areas, however, there were opportunities—and obligations—to press for improvement in the protection and promotion of human rights.

The Clinton administration had, at its inception, signalled that there would be greater emphasis on human rights in the conduct of U.S. policy toward the Middle East. Robert H. Pelletreau, Assistant Secretary of State for Near Eastern Affairs, said that one of the U.S. government's priorities for the region was "promoting more open political and economic systems, and respect for human rights and the rule of law." While such pronouncements were fairly common, public policy actions were rare. And although the State Department generally reported faithfully and carefully on human rights conditions and abuses, these reports were not consistently factored into foreign policy decisions.

A key factor in determining the potential for U.S. action on human rights issues was tangible influence. The U.S. found itself without much influence in countries such as Iran, Algeria, and Yemen. In others—Egypt, Kuwait, Saudi Arabia, the Israel-Occupied Territories, and Syria—the U.S. had significant opportunities to have an impact on human rights conditions.

The U.S. claimed to have only limited influence over the region's worst human rights disaster, Algeria. But, ironically, along with this diplomatic distance came a degree of helpful

objectivity. Unlike France—intimately involved and influential—which felt it had to uncritically support the government, the U.S. was able to take a more neutral and principled position. To its credit, the U.S. criticized both the government and opposition groups for human rights abuses and called on both sides to negotiate.

At the other end of the influence spectrum was Israel, recipient of \$3 billion in U.S. foreign assistance in 1994 and beneficiary of consistent U.S. commitments to its security and military superiority in the region. The U.S. maintained its silence on Israel's human rights abuses in the occupied territories and, even more disturbing, refused to articulate at critical junctures what had been long-standing U.S. policy positions on settlements and the status of Jerusalem, two thorny issues slated for future negotiations between Israel and the PLO.

The U.S. was generally reluctant to criticize publicly Egypt's human rights record, given its close relationship, an annual aid package of \$2 billion, and the fact that it was fighting against an Islamist opposition. The exception came when Assistant Secretary of State for Democracy, Human Rights and Labor John Shattuck mentioned in a Cairo press conference his concerns about human rights violations. And, in a display of support for a local human rights group, Shattuck visited the offices of the Egyptian Organization of Human Rights and publicly praised its work.

In the case of Syria, President Clinton had opportunities in both Geneva and Damascus in 1994 to raise human rights issues. He might have done so in private. The only issue related to human rights that the U.S. publicly raised was the question of Syrian support for terrorism.

In the Gulf region, U.S. policy included the staunch maintenance of sanctions and no-fly zones in Iraq, the isolation of Iran, and defense of Kuwait and Saudi Arabia—put to a test in October when Iraq moved troops near the Kuwaiti border.

After military and strategic issues, economic agreements appeared to be of paramount concern in the Gulf. In Kuwait, the U.S. placed far more importance on increasing American business than improving human rights. Bilateral military agreements with Saudi Arabia accomplished both strategic and commercial objectives. As the largest foreign investor in Saudi Arabia, the U.S. had significant leverage and an obligation to raise human rights issues, but generally chose not to do so, at least publicly.

The U.S. did not consistently appreciate the importance of human rights to the Arab-Israeli peace process. For example, soon after the signing of the Israel-PLO Declaration of Principles, the U.S., as well as other governments, sought ways to show Palestinians in the occupied territories "immediate tangible benefits" of the agreement. Rather than pressing for human rights improvements, the U.S. focused its efforts on economic development.

Jobs and infrastructure development were important, but when Secretary of State Warren Christopher stated in October, "Palestinians greatest need is economic development," and again when U.S. officials attributed the November violence in Gaza to poverty, the U.S. appeared to overlook the human rights dimension of this critical transition period in the West Bank and Gaza Strip.

If the promise of peace—to create an environment in which human rights are better protected—is realized, then the U.S. will have made an enormous contribution as a facilitator. But, persistent attention to human rights is needed to achieve this goal. Human Rights Watch realizes that there is more to peace negotiations than public statements and deals between competing authorities. There may be sound tactical reasons for dealing privately with some issues—including human rights concerns—in the course of negotiations. But it is the role of

objective third parties to ensure that fundamental human rights issues are not squashed under the weight of a stronger negotiating party, or shoved aside by the momentum of a peace process.

#### The Work of Human Rights Watch/Middle East

Human Rights Watch approached its overall goals of promoting and protecting human rights in the Middle East by monitoring human rights conditions and practices; supporting local human rights efforts; and bringing pressure for improvements through reporting and sharing concerns with governments, media, policymakers and colleagues. Nine countries, reviewed in detail below, were strategically selected for concentrated research in 1994. This does not suggest that abuses did not exist in other countries.

A report on violations of freedom of religious belief and expression of Egypt's Christian minority was slated for publication at the end of the year. Field research in Egypt also documented the security forces' practice of taking hostage the family members of suspects. The report will be released in December.

Consistent with our commitment to promote accountability, Human Rights Watch continued to coordinate an effort to bring before the International Court of Justice a case of genocide against Iraq for its massacre of Kurds in 1988. And in December, it will publish a report on the Iranian government's assassination campaign against political dissidents abroad.

Based on research on eighteen metric tons of Iraqi government documents seized by Kurdish rebel parties after the Gulf War, Human Rights Watch published *Bureaucracy of Repression: The Iraqi government in its Own words*.

A mission to Yemen in the aftermath of the civil war to study human rights and humanitarian law issues related to the conduct of the war and during the period immediately following the war, resulted in a report, *Human Rights in Yemen During and After the War*, was published in October.

Stressing the central role of human rights in the peace process, Human Rights Watch published a 316-page report in June based on field research in the West Bank and Gaza Strip entitled *Torture and Ill-Treatment: Israel's Interrogation of Palestinians from the Occupied Territories*. As Israel and the PLO proceeded to implement the accords, Human Rights Watch/Middle East focused its research and monitoring on the newly established self-rule areas of Gaza and Jericho, while maintaining coverage of the West Bank, as well. A report on the self-rule areas will be released in December.

A study of Israeli settler violence and state-sponsored discrimination in the occupied territories will be published along with a chapter on the Lebanese civil war in a study of communal violence worldwide.

In the course of its research and investigations, Human Rights Watch representatives traveled to Egypt, Kuwait, Israel and the occupied territories, Syria, and Lebanon in 1994.

As a rapid response to problems ranging from the detention of human rights activists to a death in custody, to the disappearance of a writer, Human Rights Watch/Middle East sent approximately fifty open letters to fifteen Middle Eastern governments expressing its concerns and lodging protests.

In the course of the year Human Rights Watch/Middle East provided extensive information to journalists working on human rights issues in nearly all countries in the Middle East.



## ALGERIA

### Human Rights Developments

The conflict between security forces and the Islamist insurgency grew far bloodier in 1994. Civilians playing no part in the armed conflict lived amidst growing terror and lawlessness.

Radical Islamist groups made good on death threats to a lengthening list of men and women and categories of persons accused of support for the regime or behavior contrary to Islam. Even the relatives of such persons were considered fair game.

Security forces sustained hundreds of casualties at the hands of Islamist groups, and responded with increasing brutality. They targeted not only armed rebels, but also the relatives of Islamists, suspected sympathizers, and, more generally, the local population of areas where armed groups were active.

Estimates of the number of persons killed between 1992 and September 1994 ranged between 4,000 and 30,000. In August, the government put the number at 10,000, a number that was more than double any previous official tally. Such figures cannot be confirmed, since reliable and detailed information of this kind is almost impossible to come by. No independent news or human rights organization has compiled an accurate tally of killings or been able to determine responsibility for the vast number of killings that went unclaimed by any party.

The conflict forced ordinary citizens into deadly dilemmas. They often could not tell whether the uniformed men at their door or at a checkpoint were bona fide police or Islamists in disguise, preparing an ambush. If their car was stolen by militants, and they reported the theft, they feared reprisals. But if they instead remained silent and the car was then used in a guerrilla operation, they risked accusations of complicity.

Islamists claimed responsibility for some killings and, on the basis of their threats and their clandestine publications, were the probable perpetrators of many that went unclaimed. But the authenticity of claims of responsibility could not always be verified. Most of the civilians killed during the conflict were not prominent political, intellectual or cultural figures, but ordinary men and women killed for causes that remained obscure.

Women encountered special risks. Islamist groups engaged in a campaign of threats, invective, and physical assaults that frightened many women who wished to hold jobs outside the home, move about freely, or wear Western clothes in public.

There were cases in which women appeared to have been targeted for defying these pressures. For example, an unveiled young woman was shot dead at a bus stop in the Islamist stronghold of Meftah on February 28. The attack was attributed to Islamists, but, like so many of the murders that took place during the year, it went unclaimed and the motive could not be confirmed.

While women felt the dangers and pressures to varying degrees, many shared a sense that the government was failing to protect them from Islamist intimidation and violence.

The current turmoil in Algeria stems from the halting of elections in January 1992 and the replacement of the president by the military-dominated "High State Council" (HSC). These steps were taken to block the Islamic Salvation Front (Front Islamique du Salut, or FIS) from capturing a majority in parliament after its strong showing in the first round of voting. In February 1992, the HSC declared a state of emergency that is still in effect, banned the FIS and cracked down on its members. The HSC was succeeded by Liamine Zeroual, who was appointed president in January 1994. Zeroual, like the HSC, presented himself as a caretaker authority, and has

promised presidential elections in 1995.

Since the cancellation of elections, a well-armed movement seeking Islamist rule has waged war against the regime. (Armed attacks by Islamists were before then an isolated phenomenon.) Composed of various groups whose tactics and objectives diverge in some respects, the insurgency established strongholds that the security forces contested only in massive operations.

Relations between the FIS and the armed groups were nebulous. FIS leaders were in prison, underground or in exile after 1992, and unable to convene and articulate definitive platforms or positions. This was not changed, at least initially, by the transfer from prison to house arrest in September of FIS chief Abbasi Madani and deputy chief Ali Belhadj. Party figures, however, continued to issue statements, both in exile and from hiding inside Algeria, that gave some indication of party thinking.

The two prominent armed groups were the AIS (Armée Islamique du Salut), considered the Islamic Salvation Front's armed wing, and the more radical GIA (Groupe Islamique Armé). Both violated fundamental norms of humanitarian law by targeting civilians in addition to security forces. During 1994, the FIS took steps to distance itself from some of the attacks on civilians, but did so in a halting and inconsistent way, and in any event failed to stop the carnage.

The GIA opposed "any dialogue, truce or reconciliation" with the regime. It issued death threats against broad categories of people including journalists, women who did not wear headscarves, foreigners who did not leave Algeria, butchers who did not lower their prices during the holy month of Ramadhan, proprietors of cinemas, and vendors of such "forbidden" products as musical cassettes, French newspapers, and tobacco. It claimed responsibility for a wave of car bombings in October, and for the bombs that killed three in a June 29 demonstration in Algiers.

The GIA also declared war on the public school system. In August it ordered the closure of all high schools and universities and declared that elementary and middle schools could remain open only if they: segregated students by gender; eliminated the teaching of music, French, and, for girls, physical education; and required headscarves for women staff and students past the age of puberty.

The sabotage began in the fall. An official tally on October 6 stated that 610 schools had been vandalized since the beginning of the summer, many of them completely destroyed. Several educators, from elementary schoolteachers to university rectors, were assassinated.

The Armée Islamique du Salut did not spare civilians either, although it condemned certain GIA tactics such as the assault on education. In August, it claimed responsibility for abducting a newspaper editor and then releasing him with a warning that the AIS had drawn up a death list of journalists who were "accomplices of the regime."

As a political party with aspirations to govern Algeria, the FIS had a strong moral obligation to condemn atrocities committed by Islamist forces. The initial, belated steps it took in this direction were disappointing. In February, Anouar Haddam, president of the FIS parliamentary delegation in exile, who had justified the slaying of some prominent intellectuals during 1993, took a step away from this deplorable practice when he urged "everyone to renounce the violence against Algerians—civilian or military— and foreigners who are not directing or taking direct part in security operations involving the use of force."

The FIS did not consistently project this message, however. It failed, for example, to condemn the August 3 killing of five French citizens, including three embassy guards, for which the GIA had claimed responsibility. Nor did it dissociate itself from the AIS's announcement of a

"death list" of journalists.

No security threat or atrocity for which the insurgency was responsible could justify the methods used by the security forces. They killed many of their victims not during armed clashes but after they had been captured or incapacitated. State repression thrived in an atmosphere of impunity. The government, to Human Rights Watch/Middle East's knowledge, never provided details of a case in which a security force member was punished for human rights abuses. An Amnesty International report on Algeria contained testimony of relatives of persons who had been executed after being detained by the security forces. Human Rights Watch/Middle East interviewed a surgeon at an Algiers hospital who said security forces brought in Islamists who had been wounded in clashes for emergency care. The security forces gave false names for the patients and, after initial care was administered, transferred them to a military hospital. Some of the patients he treated were never again seen alive, the surgeon said, even though their injuries were not life-threatening.

Several deadly reprisal raids were carried out against residents of neighborhoods in which security forces had been ambushed. In Blida, paratroopers went from door to door rounding up youths on March 20, the day after six members of the security forces had been killed. The corpses of fourteen of those arrested were found on the streets the following morning, Le Monde reported. Reprisals were sometimes carried out in death-squad-like operations by groups wearing civilian clothes. Death threats were issued against Islamists in the name of shadowy anti-Islamist groups. The links between these activities and the security forces were not clear. Authorities denied any connection to death-squad activity, but failed to condemn it and did not announce the arrest of anyone implicated in the killing of Islamists outside of clashes.

Many Islamists received anonymous death threats. A university instructor interviewed by HRW went into hiding and then fled abroad after receiving an unsigned written threat accompanied by a bullet. He said that many such threats had been delivered to pro-FIS intellectuals and persons who, like himself, had run as FIS candidates in the elections.

Torture under interrogation was common for persons detained on suspicion of participating in, or having information about, the armed opposition. Methods included various forms of beatings and forcing bound detainees to drink large quantities of dirty water.

More than 3,000 suspected Islamists were tried during 1994 in "Special Courts" set up by a 1992 anti-terrorism decree. Special Court judges routinely dismissed the claims of defendants that their confessions had been extracted under torture. They ignored violations of legal safeguards against mistreatment, such as the twelve-day limit on incommunicado detention in "terrorism" cases and the right of detainees to independent medical examinations.

The Special Courts have pronounced over 500 death sentences since their inception, most of them in absentia. However, none has been carried since 1993.

About 350 men were being held in administrative detention in September, according to the semi-official National Human Rights Monitoring Body. Some of those detained had been held without charge since early 1992.

Sixteen journalists were assassinated in the first ten months of 1994—more than in any other country during the same period. The murders usually went unclaimed, although they followed numerous threats from Islamist groups. The victims worked for both independent and state media; they were not necessarily prominent or known for anti-Islamist views. The terror drove many journalists to go into semi-hiding. Another 200 fled the country, the daily El-Watan reported.

Since the cancellation of legislative elections, Algerians have been ruled by an unelected head of state, and without a parliament. Most of the FIS members they had elected to local offices in 1990 were ousted by the national authorities. Thus, in 1994, Algerians spent another year deprived of their basic right "to take part in the conduct of public affairs, directly or through freely chosen representatives" as written in Article 25 of the International Covenant on Civil and Political Rights.

#### The Right to Monitor

While there are few formal strictures on human rights work, solid reporting about abuses was a casualty of the wanton violence that made fieldwork life-threatening and terrorized potential sources into silence. In June, unknown assailants murdered Youcef Fathallah, president of the Algerian League of Human Rights and a critic of both government and opposition abuses. The assassination campaign against journalists dissuaded many reporters from conducting field investigations; and prompted the exodus of most of the locally based international press. Many physicians and lawyers refused to correspond or converse openly with foreign journalists or organizations, fearing reprisals.

Foreign Minister Mohamed Saleh Dembri told the press in June that international human rights organizations were welcome to visit. In September, Amnesty International carried out a mission. But the International Committee of the Red Cross continued to be prevented from visiting administrative detainees in desert camps.

#### The Role of the International Community

##### U.S. Policy

During 1994, the United States continued to support the Algerian government through large commodity credit and loan guarantee programs. On the critical issue of debt relief, the U.S. went along with efforts to ease the government's crippling short-term obligations. Although the Clinton administration kept a certain distance from the regime, and State Department officials spoke frankly about human rights abuses, there was no effort to link U.S. credits, loan guarantees, or support for debt relief to a commitment by the government of Algeria to curtail rights abuses.

The U.S. has no direct assistance programs for Algeria, other than a \$50,000 International Military Education Training grant. No senior U.S. official publicly traveled to Algeria during 1994. No public displays of warm relations accompanied visits to the State Department by Algeria's foreign minister.

The main U.S. programs benefiting Algeria are Department of Agriculture loan guarantees, via the Commodity Credit Corporation (CCC), to purchase U.S. farm products; and Export-Import guarantees for private bank loans to U.S. firms doing business in Algeria. Algeria is one of the largest customers of the CCC, receiving \$550 million in credits during 1994.

The U.S. also supported World Bank loans to Algeria as well as debt relief provided by the International Monetary Fund as part of a structural adjustment program.

Despite prodding from France to become more involved, the Clinton administration viewed the Algeria crisis as of secondary importance in the Middle East, far behind developments in the Arab-Israeli conflict and the Persian Gulf.

Expressions of concern over the political situation in Algeria focused on the need to broaden political participation. Washington took a more nuanced view of the Islamist opposition than did Paris, attempting to distinguish between groups that favored the targeting of civilians and those that did not.

President Clinton made one of his rare public comments on Algeria at the G-7 conference of Western leaders in July. The U.S., he said, "supports the Algerian government in its attempts to halt terrorism...and hopes still to help it find a way to take into consideration legitimate opposition forces, so that a democracy, or at least a functioning government can exist in order to reduce the level of violence and destruction."

The section on Algeria in the State Department's Country Reports on Human Rights Practices for 1993 surveys the range of governmental and opposition abuses, although its cautious tone bespeaks the difficulty that Embassy staff faced in collecting first-hand information. State Department officials used appearances before Congress as occasions to reiterate the concerns expressed in the Country Reports. On March 22, Acting Assistant Secretary for Near Eastern Affairs Mark R. Parris, filling in for Assistant Secretary Robert H. Pelletreau, raised allegations of torture in testimony before the House, along with concerns about administrative detentions and the Special Courts.

Pelletreau spoke forcefully in testimony before the House on September 28. He began by urging Islamist political figures to dissociate themselves from violence. "At the same time," he said, "excesses by government security forces, in their efforts to contain the insurgency, continue. We are disturbed by reports of extra-judicial killings, torture, [and] detention without trial."

Although unwilling to impose any form of financial penalty on Algeria for its record of gross abuses, the U.S. has made its dissatisfaction known on human rights.

### French Policy

France actively supported the Algerian regime by extending financial credits and lobbying creditors to ease that nation's crushing debt burden. While the government claimed that these steps were aimed at benefiting "the people, and not this or that government," in the words of Minister of European Affairs Alain Lamassoure in December 1993, French policy bespoke a clear determination to bolster the regime against the insurgents. This translated into a double standard on human rights.

The French government pursued a policy based on the assumption that an Islamist victory would, as Foreign Minister Alain Juppé put it on April 15, mean "the arrival of an extremist regime, anti-France, anti-European, anti-West...[that] would threaten the balance throughout the region." Juppé made clear that this description applied to the FIS. Foremost among French concerns were that an Islamist victory would destabilize North Africa and provoke a wave of refugees to France.

France's generous support for Algeria gave it standing, if it had chosen to use it, to press for an end to abuses committed by government forces, despite the sensitivities surrounding relations between Algeria and its former colonizer. France is Algeria's leading public creditor, having provided it with credits for purchases totalling \$1.2 billion in 1993 and again in 1994. Algeria is the third leading beneficiary of credit guarantees furnished by France's state export credit agency, COFACE. France was also the key player in mobilizing the European Union and the Paris Club grouping of creditor nations to provide Algeria with desperately needed debt relief, following Algeria's signing in April of a standby agreement with the International

Monetary Fund.

France was always quick to condemn the violence committed by armed opposition groups, especially when French citizens were targeted. It responded also by detaining suspected Islamist activists in France, expelling some of them and banning several militant Islamist publications. But French officials only rarely, and in a passing manner, called attention to the gross violations committed by the Algerian government, despite growing evidence that security forces were engaging in reprisal killings and systematic torture. Never was a suggestion made, at least publicly, that French aid and advocacy on behalf of Algeria should be linked to the government making efforts to curtail human rights abuses.

France did grow sensitive, however, to criticism that its policy was one-sided. On August 11, Foreign Minister Juppé declared, "What right do observers have to accuse France of unconditionally supporting the Algerian authorities?" France, he pointed out, had been saying all along that "the solution to the Algerian situation cannot be an exclusively security one. It must include a political dimension....When conditions permit, the Algerian people must be able to express themselves."

But in the context of active French support for aid to Algeria at a time of worsening human rights abuses, these kinds of mild statements did not dispel the impression that France was unwilling to speak out on the human rights record of the regime, or to link continued French support to improvements.

#### The Work of

##### Human Rights Watch/Middle East

Human Rights Watch/Middle East pursued three principal objectives. First, it condemned the killing of civilians and of persons in custody committed by Islamist groups. It urged FIS leaders to condemn publicly and unequivocally these attacks, and to do everything within their power to halt these violations of basic humanitarian norms.

Second, Human Rights Watch/Middle East sought to complement the widely disseminated reports on killings by Islamist groups with information about the grave abuses committed by government forces.

Finally, Human Rights Watch/Middle East urged Algeria's creditors to use the process of deliberation over loans, credits, and debt relief for Algeria as a forum for raising the government's dismal human rights record.

In January, Human Rights Watch/Middle East released in Paris Human Rights Abuses in Algeria: No One is Spared. The report focused on Special Court trials, restrictions on the media, the killing of civilians by opposition groups, and the need for a more active human rights policy toward Algeria on the part of Western nations. The report, which was well covered by the French media, was sent, with cover letters, to European foreign ministries, E.U. and French parliamentarians, and international lending institutions.

Human Rights Watch/Middle East continued the advocacy in February, when it urged E.U. foreign ministers meeting with their Algerian counterpart to link aid to a commitment from Algeria to curb human rights violations.

Human Rights Watch/Middle East briefed journalists on Algeria, and urged them to keep pressing FIS spokesmen in exile on that party's views on the violence being carried out by Islamists. Apparently in response to this pressure, FIS spokespersons in exile made increasing, though still inadequate, efforts to condemn attacks on civilians.

## EGYPT

### Human Rights Developments

Egypt faced continued political violence and a deteriorating human rights situation in 1994. Military wings of underground Islamist opposition groups carried out acts of violence against members of security forces, Egyptian civilians, and foreigners. The security apparatus committed abuses with impunity. Increasingly, deadly force was used in encounters with suspected militants, and in some cases it appeared that security forces may have carried out extrajudicial executions.

In other developments, lawyers and journalists were detained, and human rights monitors harassed. There was no visible progress in the official investigation of the suspicious death in custody in April of thirty-year-old lawyer Abdel Harith Madani. Military courts handed down death sentences to civilians convicted of security offenses, and executions were carried out swiftly. Peaceful protests were forcibly, and sometimes violently, dispersed by riot police.

The country has been ruled under emergency law since October 1981. In April, the state of emergency was extended until May 31, 1997, and Prime Minister 'Atif Sidqi cited political violence as the justification: "There is a need to maintain the state of emergency in view of the regrettable terrorist acts in the country, including attacks on tourists, assassination of officials, bombing of banks, and the treacherous killing of innocent civilians, police officers and police commanders." Such violence was indeed a reason for concern in 1994.

With utter disregard for the minimum standards set forth in international humanitarian law, the Islamic Group—the clandestine militant organization that advocates the creation of an Islamic state in Egypt—continued to target civilians for murder. On September 27, two Egyptians and a German tourist were killed in the Red Sea resort of Hurghada, when gunmen opened fire with automatic weapons in a busy marketplace. The Islamic Group took responsibility, stating that the attack by one of its military brigades represented "the opening of a new front against the Egyptian regime." It warned "foreigners, especially tourists, not to come to Egypt in the immediate future." The group issued claims of responsibility for other actions during the year, such as attacks on cruise boats, trains and other vehicles, which caused the death and injury of both Egyptians and foreigners. On October 14, eighty-three-year-old Nobel laureate Naguib Mahfouz was stabbed by an assailant in Cairo. Although no organization claimed responsibility for this attack, clerical censorship of Mahfouz's novel *The Sons of Gaballawi*—banned since 1959 because Egypt's Muslim religious authorities continue to deem the work blasphemous—made the writer a target for Islamist extremists. In 1989, Sheikh Omar Abdel Rahman—the spiritual leader of the Islamic Group now awaiting trial in the U.S. on a twenty-count conspiracy indictment involving the bombing of the World Trade Center and plans for other acts of violence—declared that Mahfouz should be killed unless he repented for writing the book.

Members of the Christian minority also continued to fall victim to apparent political violence. On March 11, two Coptic priests and three Egyptians were killed when gunmen opened fire at the gates of the historic Muharraq monastery, north of Assyut in Upper (southern) Egypt. Police officials blamed Islamist extremists, although no organization claimed responsibility (which is typical when Christians have been targeted and killed in Egypt). Father Bakhmious, a priest at the monastery, told the Egyptian weekly *Rose al-Youssef* that one week prior to the

incident police had been alerted that an anonymous telephone caller warned the abbot of an attack. Father Bakhmious said that increased security measures were not taken, noting that protection had only been provided to tourists who visited the monastery. Christians have long complained about the inaction of police and security forces in the face of threats, intimidation and violence.

Human Rights Watch/Middle East condemns such acts of violence in the strongest terms. The deliberate targeting of civilians violates one of the basic principles of international humanitarian law, which prohibits indiscriminate attacks against the civilian population. But human rights abuses by one party in a situation of internal unrest, no matter how egregious, can never be used to justify violations by another party. Acts of murder and attempted murder by armed opposition groups do not give the Mubarak government a license to abandon the human rights standards that it has pledged to uphold under Egyptian and international law.

Egyptian security forces, particularly State Security Investigation (SSI), the internal-security agency attached to the Ministry of Interior, continued to operate in a lawless manner, with arbitrary arrest, incommunicado detention, and torture of suspects during interrogation the norm. These forces did not stop the practice of intimidating and detaining the relatives—including women, children and the elderly—of Islamist militants wanted by authorities on suspicion of carrying out violence. Threats and detention were also used to intimidate those with information about gross human rights abuses, and to discourage relatives of victims of abuse from pursuing complaints or speaking to the media and investigators from human rights organizations. The intended effect of these tactics was often achieved. In June and July, Human Rights Watch/Middle East representatives witnessed the overwhelming sense of fear—and in some cases, terror—that gripped family members in Upper (southern) Egypt, ensuring their silence or refusal to speak on the record.

The continuing practice of incommunicado detention provides security forces with a virtual blank check to torture suspects with impunity to extract confessions and information. Prosecutors have systematically failed to investigate vigorously the allegations of torture of suspected Islamist militants and to bring charges against SSI officers. The death in custody of thirty-year-old Islamist defense lawyer Abdel Harith Madani in April focused attention on the practice of torture in Egypt. Actions by authorities following Madani's death, including the detention and intimidation of members of his family, only raised additional suspicions of a government cover-up. The lack of progress to date in the official investigation of the death, which Prosecutor General Raga'a el-Arabi conceded in May was "criminal," is further proof that senior Egyptian officials lack the political will to identify and hold accountable security forces personnel who order and carry out acts of torture.

On the night of April 26, Madani was taken from his Cairo law office by SSI officers, following a two-hour search of the premises. The next day, Madani was dead, but, inexplicably, authorities did not notify the family until the morning of May 7, over one week later. Human Rights Watch/Middle East learned that while attorneys from the powerful Cairo Bar Association were negotiating with Prosecutor General el-Arabi on May 7-8 for a second autopsy by independent forensic pathologists (to ascertain Madani's cause of death, believed to be from torture) security forces were pressuring members of the Madani family in Cairo to accept custody of the body quickly and bury it. An uncle and two cousins were detained on May 7 at the Waraq police station, released, then re-detained in the evening, held for several hours, and again released. "They were told that if they would not accept the body, it would be buried in an



unknown place," a lawyer in close contact with the family told Human Rights Watch/Middle East. On May 8, one of the cousins was arrested again, held for six hours, and subjected to what one lawyer described as "severe pressure." The cousin then informed the bar association that the family had decided to take the body. "He would not say what the pressures were," the lawyer said, "but he asked us to understand [his position]."

The body, delivered to the family in a sealed coffin, was brought under police guard to Madani's home village of Mat'ana in Upper Egypt. Following the burial, security forces guarded the grave and placed family members in the village under surveillance. Local security operatives used intimidation and threats to discourage relatives from speaking with international human rights monitors and foreign journalists in June and July.

Minister of Interior Hassan el-Alfi claimed on May 14 that Madani died in custody from a fatal asthma attack, although family members and close friends told Human Rights Watch/Middle East that the young lawyer had been in excellent health and suffered from no particular ailments. The official autopsy report has not yet been made public, although Cairo Bar Association head Abdel Aziz Muhammed told the press on June 28 that Egyptian Bar Association chairman Ahmad al-Khawajah had learned from authorities that the post-mortem examination of Madani's body by state doctors documented "seventeen injury marks." Additional information was not provided, and lawyers and human rights groups were unable to obtain authorization for a second independent autopsy.

Since 1990, security forces have been accused of carrying out summary executions of suspected militants, including Dr. Alaa Mohei al-Din, the spokesperson for the Islamic Group who was shot and killed in Cairo in September 1990 under suspicious circumstances. Beginning in February 1994, a series of operations by security forces generated charges that the Ministry of Interior had embarked upon a policy of "shoot-to-kill" in retaliation for its own heavy losses in the ongoing battle with armed militants. In February alone, two separate raids in Cairo left ten suspected "terrorists" dead. At least three of the victims were summarily executed, according to eyewitnesses. Also in February, six suspected militants were killed in one operation in Upper Egypt; local lawyers claim that three of them were in custody at the time, brought to the scene, and summarily executed.

On February 14, three men were shot dead in the Zeinoh section of Cairo in what the government Middle East News Agency (MENA) described as "a good preemptive strike" by security forces against terrorists. But the testimony of neighborhood residents suggested that the men may have been victims of extrajudicial execution. Residents told investigators from the Egyptian Organization for Human Rights (EOHR) that they first heard screams and then saw a large number of men in plainclothes holding four people. Three of the four were moved into a truck, and the residents then heard shooting coming from inside the vehicle. "According to eyewitnesses," EOHR reported on February 20, "the bodies of the victims were moved out on to the street where a machinegun and some bombs were placed beside the bodies."

Local lawyers told Human Rights Watch/Middle East that three persons in custody had been summarily executed on March 21, when six suspected Islamist militants—three of them teenagers—were shot to death in a cemetery during a dawn raid in Balayza village west of Abu Tig in Upper Egypt. The killings occurred several hours after five policemen, including two high-ranking officers, died in an ambush by the Islamic Group near Abu Tig. The semi-official government daily al-Ahram described the Balayza killings as an immediate act of revenge for the deaths of the five policemen: "Before the blood of the martyrs, the innocent victims of blind

terrorism, had turned cold, swift retribution was delivered on the vampires of darkness." Such language lends support to theories that security forces have summarily executed suspects already in detention to avenge the killings of fellow officers.

The father of Muhammed Ra'fit Tawfiq al-Naqrashi, one of the Balayza victims, claimed that his son had been in custody at the Abu Tig police station prior to his death, and that he had visited him there. The father provided this information to the local prosecutor, who neglected to include it in his report about the killings, according to EOHR. One SSI officer—believed by local residents to have been involved in the killings—later prevented an EOHR investigator from discussing the case with family members and the prosecutor.

The police explained to EOHR that al-Naqrashi and two other detainees, also victims, had revealed that armed members of the Islamic Group were in the area and that the detainees accompanied security forces to the hiding place. A gunbattle erupted, according to the police version, and the three detainees and three other suspected militants were killed. It remains to be explained by authorities how detainees in custody of the heavily armed police force that approached the hideout could have been so poorly protected and killed.

Civilians accused of involvement in violent security offenses continued to be tried by three-judge Supreme Military Courts. The courts' lack of independence and due process flaws, including the absence of the right to appeal verdicts to a higher tribunal in violation of international fair trial standards, were exacerbated by defendants' allegations of torture and sentences of capital punishment. As of November 9, 1994, fifty-eight death sentences had been handed down since President Hosni Mubarak began to move cases to the military courts in October 1992. Forty-one of the condemned men had been put to death, the largest number of executions in recent Egyptian history.

Continuing the pattern of surveillance, harassment, and detention of Egyptian lawyers who support the Islamist political trend, attorneys who represented militants before the military courts were themselves detained in 1994. Montasser al-Zayyat, a leading defense attorney who has been outspoken in his criticism of torture and other abuses against Islamists and their families, has been detained since May 17. He is under investigation by the state security prosecutor for membership in an illegal organization seeking to undermine the constitution, spreading false information against the interests of the state, and having contact with terrorists. According to EOHR and lawyers interviewed by Human Rights Watch/Middle East, the prosecutor's questioning of Zayyat is based solely upon his home and office telephone conversations with clients, Egyptian and foreign journalists, and human rights organizations, that were recorded by authorities since June 6, 1993. One lawyer who attended the early investigation sessions told Human Rights Watch/Middle East in July that prosecutors were concerned about Zayyat's "meetings with the media, communicating with international and local human rights organizations, and his speeches in defense of political cases." On October 4, Zayyat's detention was extended for forty-five days.

On September 18, lawyers Ibrahim Nasr and Hussein Gaber, who had managed Zayyat's Cairo law office since his arrest, were detained. They were accused by the state security prosecutor of having contact with fugitive Tharwat Salah Shehata. (Shehata, along with three others, was condemned to death in absentia by the Supreme Military Court in Cairo on March 17 for involvement in the attempted assassination of Prime Minister Sidqi in November 1993. An additional five defendants, all of them in custody, were sentenced to death in the same trial and hanged on May 3.) After Nasr's arrest, he was first held at SSI headquarters in Cairo and

interrogated. When he was seen by lawyers who attended his session with the prosecutor on October 1, there were obvious blindfold marks on his face and he looked weak. Nasr informed the prosecutor that he had been tortured, but was not examined by state forensic medical doctors until November 1.

The government continued to backslide on freedom of expression. State security prosecutors in 1994 detained journalists and editors from the opposition press and questioned them about articles that were critical of the government. In one controversial case, journalist Abdel Sattar Abu Hussein, a writer on military affairs for al-Sha'b, the twice-weekly newspaper of the opposition Labor Party, who reported on alleged corruption involving the Egyptian military, was tried before a military court and sentenced to one year in prison with hard labor on April 30. He was convicted of "publishing news related to the armed forces without prior permission," the government news agency MENA reported. The "news" in this case concerned Egypt's joint military exercises with other countries; the story was confirmed by the Ministry of Defense and published in two semi-official Egyptian newspapers less than two weeks after Abu Hussein's piece appeared in June 1993. The journalist's prison term was later reduced to three months.

During the year authorities prevented students, political activists, lawyers, and workers and their families from exercising the right to peaceful assembly. In March, following the massacre of Palestinians at the mosque in Hebron, Egyptian authorities deployed riot police to break up protest demonstrations. On May 17, security forces blocked hundreds of attorneys who had assembled at the headquarters of the bar association in Cairo from marching peacefully to the presidential palace to protest the death in detention of Abdel Harith Madani. Twenty-seven lawyers were arrested; the next day, another ten lawyers, including three officers of the Cairo Bar Association, were detained and charged with inciting the demonstration. On October 2, four people were killed and dozens injured in the industrial city of Kafr el-Dawwar in the Nile Delta, where some of the 23,000 workers at the huge, state-owned textile factory had days earlier begun a peaceful sit-in to protest unfair actions by management. Anti-riot forces were deployed around the factory and in the adjacent residential quarters on September 30. Security forces on October 2 attempted to disperse relatives who had gathered near the factory and to prevent them from bringing food to the workers. Tensions escalated, and police fired tear gas, rubber bullets and buckshot into the factory and at the crowds, and then stormed a nearby residential area. "A large amount of buckshot was fired indiscriminately," EOHR reported on October 6. It later documented nine cases—including that of an eleven-year-old girl—of serious injury from buckshot in one or both eyes. After the violence, over seventy workers and their relatives were arrested.

#### The Right to Monitor

Egyptian authorities tolerated—but sometimes interfered with—the activities of locally based and international human rights organizations. EOHR continues to operate without official legal status and thus remains subject to arbitrary closure at any time. In October, the Ministry of Interior banned the Egyptian branch of Amnesty International from holding two days of scheduled meetings in Cairo.

Senior government officials continue to deny that the state commits human rights violations, and have accused rights monitors of harming Egypt's image and providing moral support to "terrorists." Interior Minister el-Alfi stated that "calls for the protection of human

rights are out of place in Egypt" and "that those who make such calls are encouraged by foreign quarters," MENA reported on June 13. EOHR officials have expressed concern about an overly broad provision in the penal code, Article 80(d), which specifies prison terms of up to five years for any Egyptian who has intentionally published or written information, news, reports or "malicious rumors" concerning the internal conditions of the country that could weaken Egypt's financial stability, reputation or image. The same penalties apply to anyone who in any way has undertaken any activity that harms Egypt's interests. EOHR had been warned through informal official channels that authorities could use these provisions against the organization.

Over the last year, state security agents interfered with the work of EOHR investigators in Upper Egypt, and twice in Cairo took action to block the dissemination of its reports. EOHR reported in December 1993 that SSI had pressured several printing houses to obstruct the timely publication of its report *A Crime Without Punishment: Torture in Egypt*. At one company, SSI officers remained on the premises to prevent the book from being printed. The report was eventually published, although SSI blocked a second report in 1994. EOHR reported in September that security authorities had orally informed publishers Akhbar al-Youm and al-Akhbar that the organization's report on human rights conditions in Egypt in 1993—a paperback book released at a press conference in Cairo in July 1994—could not be distributed and sold inside the country. The same publishers had distributed two earlier EOHR reports on human rights. In another serious development, the Ministry of Interior banned two meetings scheduled for October 28-29 in Cairo by the Egyptian branch of Amnesty International, which comprises some 300 members organized in over thirty local groups. The Ministry of Interior told the branch's secretary general that the reason for the action was the group's lack of official legal status.

For the second consecutive year, the movements of Human Rights Watch/Middle East representatives were closely monitored by security forces in Upper Egypt. In June, continuous surveillance by agents in plainclothes—on foot and on the roads in a variety of unmarked vehicles—hampered the delegation's ability to interview families and lawyers and collect information about alleged abuses. Human Rights Watch/Middle East was forced to curb its activities and contacts so as not to place unprotected individuals at risk of harassment or other punitive actions by security forces. On June 23, Human Rights Watch/Middle East sent a letter of protest to President Mubarak about the surveillance, and provided details in a memorandum delivered on June 29 to the Ministry of Interior. On July 8, SSI officers in Mallawi, north of Assyut, attempted to detain for questioning the Egyptian interpreter accompanying Human Rights Watch/Middle East in Upper Egypt. This incident occurred immediately after the delegation had watched armed plainclothes and uniformed security forces raid a mosque used by the Islamic Group, remove a large quantity of materials from the building, and cart it away in waiting vehicles.

In July, the Ministry of Foreign Affairs refused to provide Human Rights Watch/Middle East representatives access to senior government officials in Cairo, despite repeated written requests for such meetings since May. The ministry also did not permit visits to prisons; requests had been made to inspect the new maximum-security facility (known as al-Aqrab, or the scorpion) opened in May 1993 in the Tora prison complex near Cairo, where conditions and treatment were said to be appalling. Prison authorities had banned all visits by families and lawyers since December 1993, despite an April 1994 ruling by the administrative court that found the open-ended ban on visits unjustifiable.

## U.S. Policy

Despite persistent patterns of human rights abuse, Egypt remains the recipient of the second-largest package of U.S. military and economic assistance in the world, after Israel. The Mubarak government's reliance on annual U.S. aid of \$1.3 billion, from the Foreign Military Financing Program, and \$814 million in Economic Support Funds offers enormous potential for the Clinton administration to press for specific human rights improvements, such as low-cost steps to prevent incommunicado detention and demonstrable progress on official investigations of suspicious deaths in custody. But other foreign policy considerations continue to override human rights and—to the best of Human Rights Watch/Middle East's knowledge—no measurable performance criteria have been laid down for Egyptian authorities.

"Egypt needs and deserves our continuing support," Assistant Secretary of State for Near Eastern Affairs Robert H. Pelletreau, the former U.S. Ambassador to Egypt, told the Middle East subcommittee of the House Foreign Affairs Committee on March 1, emphasizing the Mubarak government's domestic problems and its backing of U.S. foreign policy. "Despite difficult economic problems at home and an ongoing confrontation with Islamic extremists, President Mubarak has been immensely helpful in advancing the [Arab-Israeli] peace process. He has also supported enhancement of stability in the gulf and has rigorously enforced international sanctions against Iraq and Libya."

National security advisor Anthony Lake noted in an article in *The Washington Post* on July 24 that "the stability of friendly Arab countries" is in U.S. interests. Citing "Islamic extremism" as a threat to the future of the Middle East, Lake put forth the case for a lead U.S. role in "helping to form a community of like-minded regional states that share our goals of free markets, broad democratic values and controls on proliferation of weapons of mass destruction."

With one important exception, Clinton administration officials maintained a conspicuous silence over the last year about the long-term threat to Egypt's stability posed by the deteriorating human rights situation, and did little to stress publicly the incompatibility of democratic values with continued erosion of the rule of law.

In December 1993, Assistant Secretary of State for Democracy, Human Rights, and Labor John Shattuck visited Egypt for three days. At a press conference in Cairo on December 4, Secretary Shattuck criticized the Mubarak government's performance. "[T]here is evidence of torture, some extrajudicial killings, incommunicado detentions and some constraints on freedom of expression," he said, adding that "violations of human rights are neither lawful nor effective in combatting political violence." He refrained, however, from linking the continued practice of torture either to high-level established policy or to the consistent failure of authorities to investigate torture complaints made by security detainees and to prosecute the officers responsible for abuses. Instead, he stated that the office of the public prosecutor gave him "a strong commitment that all allegations of torture would be fully investigated and that appropriate action will be taken."

Secretary Shattuck should have known that the proffered commitment carried no special significance; similar assurances have been offered in the past, with no discernible effect, as the Clinton Administration itself has recognized. Two months after Secretary Shattuck's comment, the State Department's Country Reports on Human Rights Practices for 1993 stated—accurately—that torture is systematically practiced by police and security forces in Egypt, and that "the Government does not adequately investigate torture complaints in cases involving

detainees in political or religious cases. There is no public record that offending officers in such cases are punished, thus suggesting that the Government tacitly condones the mistreatment of those it considers to be opponents." Commendably, Secretary Shattuck did meet with EOHR during his mission, and at the press conference publicly acknowledged the importance of the role of EOHR and other nongovernmental organizations in Egyptian civil society.

#### The Work of Human Rights Watch/Middle East

Initiatives on Egypt during the year were guided by three objectives: to support and publicize the work of Egyptian human rights organizations; to monitor and report on state policies and practices that have an impact on human rights and the rule of law; and to communicate concerns to Egyptian government officials, the media, and policymakers in the U.S. and the European Union.

Human Rights Watch/Middle East protested and publicized the harassment of EOHR (December 1993 and September 1994); possible excessive use of lethal force by security forces (March); detention of lawyers without charge or trial (April); the death in custody of Abdel Harith Madani (May); the lack of information about investigations of deaths in detention from 1991 to 1993 (May); violations of freedom of expression (September); and the torture and detention of children (October). Of seven letters of protest sent by Human Rights Watch/Middle East to various Egyptian government officials between March and October, not one was acknowledged in writing.

In June and July, Human Rights Watch/Middle East conducted a four-week fact-finding mission to examine security forces practices, Madani's death in detention, and the crackdown on lawyers. On June 14, during this mission, SSI arrested five defense and human rights lawyers in Cairo. Human Rights Watch/Middle East representatives collected information and issued a press release the following day. Citing the state's continuing attempts to harass and intimidate lawyers, Human Rights Watch/Middle East called on President Mubarak to release immediately all lawyers detained or charged for the exercise of their right to free expression and free association. On July 5, the prosecutor general ordered the five lawyers released.

Human Rights Watch/Middle East issued reports about the intimidation and detention of family members by security forces, and violations of freedom of religious belief and expression of the Christian minority.

#### IRAN

##### Human Rights Developments

The human rights situation in Iran showed no improvement in 1994. A picture emerged of new obstacles to the rule of law, a marked worsening in the situation of religious minorities, heightened enforcement of intrusive restrictions on every day life, limitations on basic freedoms of expression, thought, opinion and the press, and discrimination against women. The government generally excluded independent human rights monitors.

The cumulative effect of the erosion of human rights in Iran was reflected in March in a resolution of the U.N. Commission on Human Rights condemning Iran's violations of human rights. Its wording was strong, particularly with reference to Iran's failure, for the third consecutive year, to grant access to the U.N. Special Representative on the Human Rights Situation in Iran. The resolution expressed "deep concern at the high number of executions,

cases of torture and cruel, inhuman or degrading treatment and punishment."

In August 1994 the U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities denounced widespread violations of human rights by the Iranian government including "arbitrary and summary executions, arbitrary arrests and imprisonment, unexplained disappearances, the absence of guarantees essential for the protection of the right to a fair trial." The Sub-Commission regretted the refusal of the Iranian government to implement existing agreements for delegates of the International Committee of the Red Cross (ICRC) to visit Iranian prisons.

In a population of sixty-two million, Iran's religious minorities include 3.5 million Sunni Muslims, 350,000 followers of the Bahai faith, 80,000 Christians and 30,000 Jews. Tens of thousands of Christians, Jews and Bahais have fled Iran in the past fifteen years. During 1994 the government mounted a fierce campaign against the small Christian minority. Churches have been shut down, scores of young Christians—many of them converts from Islam—have been imprisoned and tortured, especially in the cities of Gorgan and Kermanshah. Three leading Evangelical Christians were killed in suspicious circumstances. In January, Bishop Haik Hovasepian Mehr, who had come to international prominence leading a campaign for the release of Pastor Mehdi Dibaj, was murdered. Mehdi Dibaj, who converted from Islam to Christianity about forty-five years ago, had been imprisoned in Sari, northeastern Iran, from 1983 to 1994. In late June, another evangelical minister, Tateos Michaelian was shot and killed. He was acting chair of the Council of Protestant Ministers in Iran, a post he assumed following the murder of Bishop Hovasepian Mehr. Pastor Mehdi Dibaj was killed a week later in early July.

There was no evidence of a thorough official investigation into the killings, and Christian sources held the government responsible for the deaths. Iranian officials claim that evangelical churches have political agendas besides worship.

There was also no let up in the persecution of the Bahai minority, which is not recognized as a religion under the Constitution of the Islamic Republic and is referred to as a heretical sect.

In February a judge released two Muslims who had killed a Bahai citing a religious authority to the effect that Bahai blood may be shed with impunity. The judge based his ruling on the late Ayatollah Khomeini's fatwa (edict) that a Muslim will not be killed for killing an apostate.

According to Amnesty International, Haji Mohammad Ziaie, a Sunni Muslim leader from Bandar-Abbas, known to be critical of government policies, was found dead in suspicious circumstances in July. He had been summoned for interrogation by security forces in Laar, Fars province on July 15, and he was never been seen alive again.

These incidents appear to illustrate the growing strength of militant forces within the Islamic leadership. The persecution of religious minorities, which received widespread media attention in the West, worked directly against the interests of others in the government who had hoped to normalize relations with the West.

One of the few remaining public voices of dissent in Iran appeared to have been silenced with the detention in Tehran in March of Ali Akbar Saidi-Sirjani. His associate, Mohammad Sadeq Said, a poet, whose pen-name is Niazi-Kermani, was also arrested. The arrest of Saidi-Sirjani, a prolific writer, further narrowed the scope of expression in the Islamic Republic.

Since 1989, the authorities have imposed a complete ban on all of Saidi-Sirjani's seventeen volumes of essays and social commentary. The writer responded to this muzzling by circulating open letters to the authorities, courageously denouncing censorship and the lack of

freedom in Iran.

A month after his arrest the authorities produced an alleged confession they attributed to Saidi-Sirjani, of a wide range of crimes "conspiring to defame the Islamic regime and its founders." He also purported to have confessed to being a homosexual (a criminal offense in Iran punishable by death), as well as to gambling, drinking, and smoking opium. At the end of the year Mr. Saidi-Sirjani's status was unclear.

Iran's news media, too, suffered strict controls and editors and journalists faced arbitrary arrest and imprisonment. For example, in April, Abbas Abdi, editor-in-chief of the newspaper Salam, and a frequent critic of President Rafsanjani's policies, was released after serving ten months of a one year sentence on payment of a bond.

In June, the Press Council, a government appointed body, announced the withdrawal of the right of publication of a magazine, Havades, which it deemed "obscene and empty."

In an episode that has chilled freedom of expression worldwide, Salman Rushdie and all associated with the publication and translation of his novel, *The Satanic Verses*, remained under the express threat of assassination on the authority of the Iranian state. In June, Ayatollah Meshkini—head of the eighty-two member Assembly of Experts, which appoints the leader—endorsed the principle that one fatwa (edict) can be challenged by another, thus opening the door for Ayatollah Khamenei to revoke the death sentence on Rushdie. In a public sermon, Ayatollah Meshkini said "if even a religious leader issues a fatwa, and [the current leader] issues a ruling, the latter takes precedence." Yet Khamenei, despite his title as Iran's supreme spiritual leader, remains a junior religious figure relative to Khomeini. For conservative Muslims, any countervailing fatwa he may issue on the Rushdie case would be unlikely to gain mass support. In addition President Rafsanjani in his interview with *Le Figaro*, in September, said "there is no question of pardon in Rushdie's case, because the fatwa was pronounced against him. One cannot reverse this. It is not in the interests of the West to protect someone who has insulted a billion Muslims."

A bill on banning the use of television satellite reception equipment passed through the parliament in September, but is not yet law. Before the bill passed, the Head of the Judiciary announced that judges may order the removal of satellite dishes in order to halt the spread of "corruption." Ayatollah Yazdi justified the immediate removal of the offending dishes by saying that "in the view of Islamic judges, satellite programs come under the category of spreading corruption." Yazdi's opinion appeared to short-circuit the parliamentary process, and opened the door for the security forces to enter houses by force to remove dishes with no basis in law for these actions.

There were conflicting signals for women in Iran, and increasing arbitrary harassment. In December 1993, the government lifted all restrictions on what women can study in the nation's universities. On the other hand, single women were still banned from traveling abroad to study.

In April parliament ratified a bill concerning the selection of judges enabling qualified women to work as assessors in administrative tribunals, and in other low-level judicial positions. This was the first time since 1979 that women were permitted by law to work as judges of any kind.

Such small advances for women had to be weighed against a constant barrage of arbitrary restrictions. For example, in June the police issued a statement condemning women's smiles as something which could arouse corruption in men. In September, the daily newspaper *Jomhuri-e-Islami* reported on a meeting of officials in which the Minister of the Interior had



called for no toleration of non-compliance with the Islamic dress code (Bad Hejabe). He also condemned women who ride motorcycles with men as disrespectful of Islamic principles.

Public discontent over economic and other conditions led to riots in Iranian cities. Serious public demonstrations, leading to violent confrontations between demonstrators and the security forces, took place in Tehran, Zahedan, Qom, Qazvin, Tabriz, Najafabad and many other cities.

In March, people in Tehran clashed with security forces who had been ordered to suppress all public manifestations of the traditional "fire-day" observances which mark the Iranian new year. Leader of the Islamic Republic, Ayatollah Khamenei, condemned such manifestations as "atheist celebrations." According to journalist Safa Ha'eri, a secret official report recorded eleven dead and more than five hundred wounded in the clashes.

In August, in Tabriz, the capital of Iranian Azerbaijan, hundreds of angry demonstrators were arrested and some were reported killed in protests after the Basij (militia) attacked young women who had mixed with young men at the end of a soccer match. The government's interpretation of Islamic rules forbid social mixing of men and women.

According to Middle East International, Qazvin, an industrial town 150 kilometers west of the capital, was the scene of social unrest and virtual insurrection in August. After the rejection by parliament of a bill to promote the status of the surrounding district to a province, thousands of Qazvinis poured into the streets of the city to show their frustration. The peaceful demonstration deteriorated into violent confrontations as soon as non-native security forces were rushed to the scene with orders to open fire to disperse demonstrators. At least thirty people were killed, 400 wounded and over 1,000 arrested. Putting down the riot in Qazvin, turned out to be one act of repression too many for some members of Iran's army. Four generals who claimed to be speaking on behalf of the whole of the armed forces including the Pasdaran (Revolutionary Guards), which are generally considered more loyal to the Islamic leadership, warned the political leadership that the army could "no longer remain silent" while the country was threatened by "aggression from outside and disintegration from within."

Nevertheless, in November Associated Press reported that the parliament passed a bill authorizing law enforcement officers to shoot and kill demonstrators "to restore law and order at times of unrest."

In June a bomb explosion killed twenty-six and injured scores of other pilgrims at Iran's holiest shrine in Mashhad. This was the most shocking incident in a year of widespread social unrest, and came as yet another sign of spreading discontent. No group claimed responsibility, but in the politically charged atmosphere conspiracy theories were rampant.

Closer cooperation between the governments of Iran and Turkey, in security measures targeting opposition groups from both countries, threatened the security of thousands of Iranian refugees and asylum-seekers in Turkey. Iranians who were recognized as refugees by the office of the United Nations High Commission for Refugees (UNHCR), and some whose cases were pending, were forcibly returned by the Turkish authorities to Iran, even though many of them risked serious human rights violations in Iran. For its part, in March the Iranian government handed over four alleged members of the separatist Kurdistan Working Party (PKK) to stand trial in Turkey, where torture of political prisoners is endemic. Other PKK supporters were attacked or harassed by the Iranian authorities.

Another group of Iranians at risk in Turkey were refugees who had been registered by UNHCR in Iraq, but who had moved to Turkey looking for better living conditions. Some of

these refugees feared persecution in Iraq as Kurds or as former members of the Iranian opposition group, the People's Mojahedin Organization of Iran (PMOI), based in Iraq. UNHCR refers to such cases as "irregular movements" and encourages them to return to Iraq despite the risk of persecution there as well as in their native Iran.

Iran's Kurdish minority continued to suffer persecution inside and outside the country. In April, two villages in Iraq sheltering displaced Iranian Kurds were virtually destroyed by Iranian shelling. According to the Democratic Party of Iranian Kurdistan (PDKI), in October the Iranian government activated plans, dating from 1975, to depopulate the border region with Iraq. Inhabitants of six villages in Piranshahr region, part of Western Azerbaijan province in Iran, were ordered to evacuate. Members of Kurdish opposition groups were assassinated in attacks attributed to the Iranian government by Kurdish sources. In January Taha Kerminch, a refugee, was killed in Turkey. A leader of the PDKI was assassinated on August 4, in Baghdad.

Opponents of the Iranian government living abroad continued to fear attack by Iranian government agents active in Turkey and throughout Europe. In November, the trial began in Paris of the accused killers of former Prime Minister Shahpour Bakhtiar. The three defendants, all with links to the Iranian government, went on trial for the August 1991 murder. Despite the more than sixty murders of Iranian dissidents abroad, this is only one of the few times an assassination case has been tried. In most of the other cases the suspected assassins either escaped arrest or were permitted to return to Iran by western governments fearing reprisals against their interests or their nationals by the Iranian government.

In any country, the law, upheld by a strong impartial court system is the basis of human rights protection. After six years of discussion, a law reorganizing the court system passed the parliament in August. It is envisaged that this system will be implemented gradually within a five-year period. In places where the new General Courts (Dadgahayeh Aam) are established, existing structures of revolutionary courts, penal courts, and other courts will be dissolved. However, in places where the new system is not implemented, the old systems still pertain. This means that different parts of the country will have widely varying court structures; defendants accused of the same crimes will not necessarily be tried before the same type of court or enjoy the same procedural safeguards.

For example, the new law provides for the abrogation of the function of the prosecutor. In the new General Courts, the judge acts as both investigator and judge. Among the major objectives of this new law is to expedite the legal process. This means that the two-phase study of a case, first by an investigating magistrate and then by a trial judge, will be reduced to a single phase. This will shorten the time needed for cases to pass through the system at the expense of the rights of the defendant. A right of appeal to a higher court is not clearly established in the law, and in some cases it is explicitly ruled out, further contravening international fair trial standards to which Iran is a party. In support of the new law Ayatollah Yazdi, the Head of the Judiciary, asserted that giving powers of investigation to the judge is more consistent with Islamic Law.

Another special characteristic of the new law is that power over the judiciary, and the appointment of judges in particular, is concentrated in the hands of the Head of the Judiciary. No reference is made in the law to regulations governing the qualifications required by those serving as judges, thus opening the door for unqualified but compliant judges to be appointed at the discretion of the Head of the Judiciary. The concentration of such wide powers in the hands of one man works against the independence of the judiciary, and to the detriment of the rule of law.

Despite continuing efforts by the Head of the Judiciary to promote judicial reform, the workings of the judicial system continued to be capricious. Basic fair trial safeguards have long been absent, particularly in political trials, which take place before revolutionary courts. Defendants in such trials have no access to legal counsel and are held in indefinite incommunicado pre-trial detention.

In an incident that highlighted the contradictions at the heart of the task of judicial reform in a theocracy, Ayatollah Yazdi traveled to the province of Khuzestan, in May, to negotiate with local tribal leaders and government officials "to put an end to practices contrary to religious and civil law." Ayatollah Yazdi in particular drew attention to the practice of fathers who murder their own daughters but go unpunished because, under Islamic Law, they "own the blood." Ayatollah Yazdi condemned "honor crimes"—crimes committed on the pretext of defending family honor—saying, "although the Lord of the Universe has given the right to the owner of blood, he has also given the right to the government."

Incidents of corporal punishments which violate international human rights standards were also reported. According to the daily newspaper Abrar, in Gilan province seven thieves were punished in one day by amputation of the four fingers of their right hands in accordance with the penal code. Human Rights Watch/Middle East received reports of two cases of women stoned to death for adultery, one in Evin Prison, Tehran in February, the other in Qom in March. In May an American woman was given eighty lashes in public for alleged "prostitution."

If the Head of the Judiciary was able to reassess traditional interpretations of Islamic Law in Khuzestan, he could have acted to prevent such abusive punishments. President Rafsanjani has been quoted on a number of occasions in the international press expressing his disapproval of such practices, and in September, he told *Le Figaro*, evidently in error, that the punishment of stoning no longer took place in the Islamic Republic. If the government asserts that it has a right to legislate against practices which some defend as condoned by Islamic law, such as honor crimes, then its arguments that Islam is an immutable system preventing compliance with international norms lose consistency.

### The Right to Monitor

Iran remained hostile to both internal and external human rights monitors. No independent international human rights organization was given access to the country during the course of the year, and would-be Iranian monitors faced severe problems. Opposition political activity is also severely curtailed. The Freedom Movement headed by former Prime Minister Mehdi Bazargan applied for a permit as political party more than ten years ago, and still is waiting for an official response from the government. Other parties have also met with no success in achieving registration. Similarly, the Association of Writers has been unable to reopen despite public requests from leading writers. The Bar Association, was taken over by the government in 1980. Lawyers have been seeking for many years to elect a new leadership, but the government has not permitted free elections to be held.

Although parliamentary deputy Said Rajaie Khorassani was able to establish a Parliamentary Human Rights Committee, its activities have yet to show any signs of independent monitoring of, or comment on, the human rights situation.

Criticism of the government did emerge from inside Iran. For example, in May, Darioush Forouhar, the leader of the National Party of Iran, and a former minister in the Bazargan Cabinet, criticized the government and asked for democratic reform, a call that was echoed in September

by prominent retired general, Azizollah Amir Rahimi. In October a group of 134 renowned writers and poets wrote an open letter to the government criticizing "anti-democratic practices" such as restrictions on freedom of expression, and harassment and persecution of writers.

## The Role of the International Community

### U.S. Policy

Although U.S. officials made reference to Iran's poor human rights record with some frequency, and described it as "the world's most significant state sponsor of terrorism", bilateral trade between Iran and the United States continued to grow. U.S. law forbids the direct import of Iranian exports, including oil. However, as U.S. oil companies purchased Iranian crude oil on the international market, the volume of U.S.-Iran trade in 1994 reached \$5 billion. The U.S. became Iran's chief trade partner. The Clinton administration consolidated its policy of "Dual Containment"—seeking to isolate the political influence in the region of the Baghdad and Tehran regimes. For example, President Clinton said in August, "The two key obstacles of [peace] are Iraq and Iran and the radical groups they continue to support."

Secretary of State Warren Christopher said in May, "Iran is an outlaw country, and deserves to be treated with containment and isolation." But this isolation did not extend to trade, where Christopher said the U.S. "cannot expect to end trade with them." In August Christopher blamed Iran for bombings in Argentina and London. He used the occasion to pressure Russia to hold back arms sales, and he was critical of other states that maintained close trade and financial ties with Iran.

The U.S. pressure on its allies to limit ties with Iran could be seen at the World Bank. This year, there was no World Bank loan to Iran, largely due to U.S. pressure. At the G-7 meeting in July, Russia, France and Germany joined the U.S. in condemning Iran as a "sponsor of international terrorism." These nations are four out of Iran's top five trading partners.

### The European Community

European governments were more conciliatory in their statements and actions towards the Iranian government. For example, the Swiss authorities requested the extradition of the two suspects wanted in connection with the 1990 assassination, near Geneva, of prominent opposition leader, Kazem Rajavi, but in January the French government returned the suspects to Iran.

President Francois Mitterand of France met in Paris with Iranian Deputy Foreign Minister Mahmoud Vaezi in June, his first meeting with an Iranian official since the assassination in Paris of former Prime Minister Shahpour Bakhtiar. In a move out of step with U.S. efforts to curb Iranian access to credit, France, Germany, Japan, and the Netherlands began to reschedule Iran's short and medium term debts. There was continuing tension in the Iran-British relationship, partly because of the Rushdie affair. The British government formally complained to the Iranian government, who it also alleged had sought to hire the Irish Republican Army to carry out contract killings against targeted opposition figures in Europe.

### The Work of

#### Human Rights Watch/Middle East

Human Rights Watch/Middle East played a leading role in reporting on the suspicious deaths of Evangelical Christian leaders. In February, it made the first of a series of requests to send

observers to attend the trial of those accused of carrying out these killings, and to be kept informed of the progress of the investigations. No reply was received.

Human Rights Watch/Middle East protested on a number of occasions the imprisonment of Ali Akbar Saidi-Sirjani and sought information about his case, including the circumstances leading to his confession, and his access to legal counsel. At the end of the year Human Rights Watch/Middle East was seeking information about his current whereabouts. We received no reply.

At the invitation of the General Prosecutor, international journalists visited Tehran's Evin prison in April. Human Rights Watch/Middle East welcomed the access granted to the international press and sought permission to send a delegation to carry out a study of Iran's prison system. No reply was received.

Human Rights Watch/Middle East monitored the situation of Iranian refugees in Turkey, making a number of interventions to the Turkish government on behalf of refugees threatened with deportation. In March Human Rights Watch/Middle East presented its concerns about refugee protection in Turkey to UNHCR officials in Geneva.

Following press reports of torture and ill-treatment of prisoners by the Iranian opposition group PMOI, and the receipt of complaints from former PMOI members, in October Human Rights Watch/Middle East wrote to their leader in Iraq, requesting access to detention facilities within PMOI bases in Iraq.

Throughout the year Human Rights Watch/Middle East maintained contact with a broad range of activists, scholars, and concerned individuals inside and outside Iran. It participated in conferences on human rights issues, and gave interviews to the U.S. and international press on these and other human rights issues.

## IRAQ AND IRAQI KURDISTAN

### Human Rights Developments

The government of Saddam Hussein continued to rely upon police, military and intelligence agencies to control and intimidate the general populace. Pervasive violations of human rights included torture, executions and disappearances, and arbitrary detention. Through these various means of abuse, the government repressed ethnic groups and stifled freedom of expression and association.

After the Gulf War, the U.N. Security Council's Resolution 687 of April 3, 1991 required Iraq to eliminate all its weapons of mass destruction and to recognize Kuwait's sovereignty and borders. Two days later, in Resolution 688, the Security Council expressed great concern about "the repression of the Iraqi civilian population in many parts of Iraq" and called on the government to take steps to end the repression. Iraq maintained that it had fully complied with Resolution 687 and that the sanctions that limited the sale of oil and the importation of goods should be lifted.

Rolf Ekeus, the U.N. envoy in charge of dismantling and monitoring weapons systems, acknowledged that the Iraqi government had grown more cooperative and essentially complied with the provisions regarding weapons monitoring under Resolution 687. He still proposed a six month probationary period of monitoring, to begin in October 1994, before the Security Council lifts the sanctions.

Before U.N. discussions regarding the renewal of sanctions were held in October, the government sent over 50,000 troops to within twelve miles of the Kuwaiti border. Within a week, however, the Iraqi forces had largely withdrawn from their positions near Kuwait. On November 10, Hussein issued a decree accepting the "sovereignty of the State of Kuwait, its territorial integrity and political independence."

Iraq argued that sanctions violated human rights by starving its citizens. In October, Deputy Prime Minister Tariq Aziz said that the sanctions and the embargo were "a process of vengeance, a process aimed at depriving the people of Iraq...of the simplest constituents of human life." Iraq avoided widespread hunger, however, distributing monthly food rations that provided 70 percent of the average daily caloric requirements. Hyperinflation, however, made supplementing the rations difficult for many. In September, the Iraqi government announced that it was cutting the food rations in half. Iraq refused to make a one-time sale of \$1.6 billion in oil, as authorized by Security Council Resolutions 706 and 712, to pay for essential civilian food and medical needs, because it rejected the U.N.'s conditions by which the expenditure would be monitored and controlled.

As the economic situation worsened, the regime employed new measures of repression to bolster its position and power. In May, Hussein assumed the Prime Minister's position. Following the formation of a new Cabinet, he appointed three deputy prime ministers (Tariq Aziz, the former Foreign Minister, Vice President Taha Yasin Ramadan, and Muhammad Hamzah al-Zubaydi). Several members of Hussein's family also received cabinet positions in a further consolidation of power.

Following the cabinet reshuffle and ostensibly in response to increasing crime, the Iraqi government issued several new decrees introducing cruel and extreme punishments said to be based on Islamic law, Shari'a, for a range of crimes.

First-time offenders convicted of stealing cars and other property valued over five thousand dinars (approximately \$15 U.S.) are to have their right hand amputated and an "X" tattooed on their forehead. A second conviction would result in another amputation. The penalty for forging official government documents is amputation of the right hand or life imprisonment. Deserters from the military are to have their earlobes amputated and their foreheads tattooed. If a person had a weapon during the commission of a crime or a death occurred during the commission of the crime, the person is liable to the death penalty. A death sentence will also be handed down if the person committing the crime is a member of the armed forces, the security service or a government employee. Conviction for smuggling Iraqi antiquities too, was made punishable by death.

Iraqi courts moved promptly to sentence people under the new decrees; an Iraqi government official told Human Rights Watch/Middle East that in the first months after their introduction several hundred convicts had suffered the amputation of limbs and earlobes and been branded. Opposition groups and fleeing soldiers estimate the number is much higher. The Iraqi government explained that these penalties were "an improvement" upon the previous policy of executing deserters.

News reports suggested that the government enacted these punishments to relieve prison overcrowding and the costs of caring for prisoners. According to the Times (London), riots ensued in September to protest the ear amputations. In the southern city of Amarah, angry crowds stormed Ba'ath Party offices and cut off the ears of several Ba'ath Party officials. Moreover, the Times indicated that a man in Nasiriyeh later killed the doctor who performed the

amputation on his hand in an incident highlighting the public's rising frustration. Iraqi doctors who opposed the amputations were warned not to protest.

The government also began a crackdown against money changers in the spring. Under a new law issued in June, conviction for currency speculation, too, carries a punishment of hand amputation. Amnesty International reported that on March 26 five money changers were executed for currency speculation at Abu Ghraib Prison outside Baghdad.

During the Iraqi occupation of Kuwait, thousands of Kuwaitis were taken as captives to Iraq. After the war, over 7,000 were repatriated, and the Hussein regime maintains that as of January 1992 all Kuwaitis held in Iraq had been released, but hundreds who have yet to be accounted for were last seen in Iraqi custody. The Kuwaiti government claims that 625 Kuwaitis are still being held by Iraq. Recent Iraqi exiles continue to report gross human rights violations at the Radwaniya military camp situated west of Baghdad. Hussein Sharastani, head of the Gulf War Victims organization, reported that Iraqi exiles fleeing to Iran charge that the Iraqi regime executed two thousand prisoners early in the year, mostly Shi'a, who have been detained since the failed 1991 uprising in southern Iraq. Sharastani said that although many of the victims were buried in mass graves, the regime delivered hundreds of bodies for family burials in the first quarter of 1994 in order to further intimidate the Shi'a. Independent confirmation could not be obtained since Iraq does not permit human rights monitoring and the few journalists who visit the country are severely restricted.

On April 12, Iraqi opposition figure Taleb al-Suheil, a leader of the London-based Free Iraqi Council and a principal actor in an attempt to oust Hussein from power last year, was assassinated in Beirut. Within hours of the assassination, Lebanese authorities arrested several diplomats from the Iraqi Embassy, two of whom allegedly confessed that the Baghdad office of Mukhabarat, the Iraqi foreign intelligence service, ordered the assassination. Lebanese security personnel also arrested Ali Darweesh, the Iraqi Consul, and Hadi Hassan as they attempted to board a plane to Amman. Lebanese authorities claimed Darweesh planned the assassination while Hassan actually shot al-Suheil.

On April 3, Lissy Schmidt, a German reporter and Aziz Qadar, her Kurdish bodyguard, were driving on the road between Sulemaniyeh and Penjwin in the Kurdish controlled region near the Iranian border when they were killed by gunmen with automatic weapons. Kurdish authorities arrested Zaki Said Abbas and Ismail Muhammad Mustafa. They allegedly confessed to the murder as well as other attacks against foreigners in Iraqi Kurdistan. They maintained that Mukhabarat had recruited them and offered them at least \$3,000 for every foreigner killed. The two men also claimed that their relatives were held hostage by Mukhabarat until they carried out such attacks.

In two separate incidents in March and April, U.N. guards were wounded by gunfire in Iraqi Kurdistan. In March, two Swedish journalists were seriously injured in a car bomb explosion near Aqrah in northern Iraq.

Western journalists reported in June that Hussein allegedly extrajudicially executed three senior army officials in a political purge. The victims were all from the el-Douri family and had served within Hussein's circle of close advisors.

The state employs a policy of discrimination and repression against ethnic minorities; in addition to Arabs, Iraq has populations of Kurds, Turkomen, Yazidis, and Armenians. Its population is also religiously diverse. Sunni Muslims dominate the present government, despite a Shi'a Muslim majority. Moreover, there are minority communities of Assyrian and Chaldean

Christians and Jews. Government policy forbids citizens from classifying themselves as members of any ethnic group except Arab or Kurd. Furthermore, in a campaign of Arabization, government demographers frequently coerced non-Kurdish people to identify themselves as Arabs. This policy was also applied to groups like the Yazidis who consider themselves Kurdish, although practicing their own religion, unlike the Kurds, who are Sunni Muslims.

Although Shi'a Muslims constitute approximately 55 percent of the Iraqi population, the ruling Baath party has generally excluded them from any role in the government. Since the Shi'a uprisings after the Gulf War, Hussein's military forces have waged an aggressive campaign against the Shi'a in southern Iraq, including the Marsh Arabs, Shi'a Muslims who have traditionally lived in the marshy area of southern Iraq. By diverting the major rivers, the government is draining the marsh region and destroying the environment that is essential to the economy and culture of the Marsh Arabs.

Among the government documents seized by Kurdish rebels after the Gulf War was a 1989 document entitled "Plan of Action for the Marshes." It declares that "security operations (such as poisoning, explosions and the burning of houses) must be conducted against the subversives." The plan further describes measures to destroy local village life. "The principle of economic blockade must be applied to the villages and areas in which subversives are operating." This blockade calls for "withdrawal of all food supply agencies;... a ban on the sale of fish;... the severest of measures against persons who smuggle foodstuffs;... [and] prohibiting goods traffic from entering those villages and areas." Lastly, the plan required the region to be drained in order to facilitate controlling the population and building roads in the area.

The government maintains that the massive marsh draining operation is actually a development project to create new agricultural land. In February, the MacNeil/Lehrer Newshour reported that Hussein described the operations in the marsh region firstly as an issue of national security: "[t]he opposition in our country, it was no longer a local opposition but an international opposition. It calls for it to be subject to execution and to torture. In accordance with the law, we say he who collaborates with a foreign party is sentenced to death."

### The Right to Monitor

Private citizens, individually or collectively, can monitor or disseminate information about government violations of human rights only at extreme personal peril in Iraq and access to international human rights monitors is closed. Laws punish harshly those who "insult or demean" any government or Ba'ath Party institutions, subjecting them to arrest, detention, imprisonment, and even the death penalty. As a result, Iraqi human rights organizations are either located abroad or, since October 1991, operate in the Kurdish-controlled enclave.

Iraqi exiles monitor human rights developments primarily from Tehran, Damascus, and London. The Iraqi National Congress, a London-based coalition of opposition parties; the Documental Center on Human Rights in Iraq, affiliated with the Supreme Assembly of the Islamic Revolution in Iraq; the Organization for Human Rights in Iraq, a private London-based group; and Gulf War Victims, a private relief organization located in Tehran, were principal sources of information about human rights violations. The last three organizations focus on the rights of the Iraqi Shi'a. Various international human rights organizations, including Human Rights Watch/Middle East as well as the U.N. Commission on Human Rights have repeatedly called on Iraq to permit human rights monitoring to determine whether Iraq was complying with Resolution 688.



## The Role of the International Community

### U.S. Policy

The United States has maintained a strong stance against lifting the U.N. sanctions despite growing pressure from several countries. In March, Assistant Secretary of State for Near Eastern Affairs Robert Pelletreau told the House Foreign Affairs Committee that lifting the embargo hinged on Iraqi compliance with Security Council resolutions and not the removal of Hussein.

In October, Chief U.S. Delegate to the U.N., Ambassador Madeleine K. Albright, called for expanding the conditions for lifting of sanctions to include compliance with human rights requirements under Resolution 688. Observers noted that from both a legal and practical perspective changing compliance conditions at this late stage could discourage compliance.

The U.S. military maintained its "no-fly" zones above the 36th parallel and below the 32nd parallel. In October, the U.S. sent approximately 50,000 troops to counter the Iraqi troop buildup near the Kuwaiti border.

The Clinton administration gave periodic reports to Congress during the year on the situation in Iraq, including human rights conditions. President Clinton cited Iraq's refusal to sell oil pursuant to Resolutions 706 and 712, in arguing that Iraq bears full responsibility for the suffering of its citizens, since the income would buy food, medicine and other essential goods to meet civilian needs. President Clinton also asserted that the Hussein regime continued to repress the civilian population and to deprive them of humanitarian assistance, among other means through a total blockade of Iraqi Kurdistan and the military attack on the Marsh Arabs. He expressed concerns about Iraqi chemical weapons capabilities and highlighted Iraq's failure to cooperate in the location and release of Kuwaitis detained during the Gulf War.

In September, Central Intelligence Agency Director James Woolsey asserted that Iraq "is still hiding Scud missiles, chemical munitions and its entire biological-weapons warfare program." He claimed that "Iraq is accelerating construction of deep underground shelters and tunnels to produce and store weapons of mass destruction."

### U.N. Policy

The U.N. Human Rights Commission issued a report listing numerous human rights violations, condemning the Hussein regime for creating "an all-pervasive order of repression and oppression which is sustained by broad-based discrimination and widespread terror." Nigel Rodley, the Special Rapporteur on Torture to the Commission on Human Rights, submitted a report discussing torture and cruel or inhuman punishment which named several Iraqis who allegedly died in detention from torture.

On February 25, Special Rapporteur on Human Rights in Iraq Max Van der Stoep issued a report on the human rights situation in Iraq, accusing Hussein and his cousin, Defense Minister Ali Hassan al-Majid of committing crimes against humanity. It states that Iraqi military and security forces routinely cause people to disappear, arbitrarily detain individuals, and commit torture. They commit executions in an extrajudicial, summary or arbitrary manner. He discussed a system of collective punishment, whereby civilians are routinely detained and held responsible for the crimes and activities of their family members.

Rolf Ekeus, head of the U.N. Special Commission for weapons monitoring in Iraq, issued

a report on October 7 stating that Iraqi cooperation and declarations had improved but fell short of full compliance with Resolution 687. The Commission anticipated installing all monitoring devices by the end of 1994.

#### E.U. Policy

On May 8, the Council of Ministers issued a statement calling for prompt and full Iraqi implementation of all Security Council resolutions as a prerequisite for the establishment of peace and security in the region. It stressed that Iraq must fully comply "with Resolution 687 concerning the immediate release of all Kuwaiti and other POWs and detainees held by Iraq, Iraq's weapons of mass destruction, and Iraq's payment of full compensation for the losses and damages caused by her aggression against the State of Kuwait." Furthermore, the European Union expressed concern regarding "the continued repression and sufferings of the entire Iraqi population, for which the Iraqi regime bears sole responsibility." In December 1993, the European Parliament issued a resolution condemning continued attacks against the Marsh Arabs and linked lifting sanctions to the end of these abuses.

#### The Work of

##### Human Rights Watch/Middle East

Human Rights Watch/Middle East focused on the examination of Iraqi government documents captured in Iraqi Kurdistan in March 1991, during the uprising against the Hussein regime. In January, the organization published its second report on these documents, *Bureaucracy of Repression: The Iraqi Government in Its Own Words*. The report offers a unique look into the inner workings of a sophisticated, one-party police state responsible for over twenty-five years of systematic repression of Iraq's Kurds. These documents, from the files of the General Security Directorate and other government agencies, corroborate eyewitness testimony and forensic evidence gathered by Human Rights Watch in Iraqi Kurdistan regarding the 1988 genocidal campaign against the Kurds. The extraordinarily brutal methods of control practiced against the Kurds in the past are still official policy—part of the governmental arsenal that continues to be used against other groups branded as dissidents, such as the southern Marsh Arabs. Among the abuses brought to light by the documents published in the report are Baghdad's long-standing policy of "Arabizing" Kurdish-populated regions of northern Iraq; the carte blanche given to security forces to carry out extrajudicial executions; and the measures Hussein took in 1991 to restore control over Iraq.

In a five-page letter dated October 18, the Iraqi government responded to several key issues discussed in *Bureaucracy of Repression*. The main arguments are summarized as follows: Iraq's military actions were in response to a hostile insurgency by Kurdish rebels assisting Iranian forces; reports that the Iraqi military used chemical weapons against the Kurds are erroneous; Kurdish rebels inserted forged documents among the genuine ones. The documents project is part of a wider effort by Human Rights Watch to provide evidence that Iraq's Anfal campaign against its population of rural Kurds amounted to genocide. On the basis of the evidence contained in the eighteen tons of documents and two years of field research, Human Rights Watch is fully convinced that the Anfal campaign breached the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, to which Iraq is a party. Thus, the organization is urging governments to bring a case under the Convention against the Government of Iraq at the International Court of Justice.

## IRAQI KURDISTAN

### Human Rights Developments

Human rights conditions in the Kurdish controlled region deteriorated during 1994. Extrajudicial executions reportedly occurred during fighting between the Islamic Movement in Kurdistan and Patriotic Union of Kurdistan (PUK) in December 1993 as well as between the Kurdistan Democratic Party (KDP) and the Socialist Party. Both sides are believed to be responsible for killing outside of combat, although the PUK's Washington representative Barham Salih denied this charge in January.

Fighting broke out between the PUK and the KDP in May and spread quickly throughout the region. In KDP heartlands, PUK offices were surrounded and their members and soldiers were arrested and disarmed. The PUK took similar actions in their territory. The hostilities resulted in violations of the laws of war, including summarily executing persons held in custody.

A fragile cease-fire was declared after a week of fighting which left hundreds of peshmerga—Kurdish rebel fighters—and civilians dead. PUK peshmerga allegedly opened fire on a crowd mourning the death of a KDP commander on June 13 killing twelve people. Several cease-fire agreements were reached and breached shortly thereafter. The head of the Iraqi National Congress Ahmed Chalabi mediated talks between the two Kurdish leaders in June.

### The Right to Monitor

The Kurdish regional authorities have generally been open to foreign human rights monitoring. Many Western nongovernmental organizations have conducted missions to Iraqi Kurdistan, although these visits have become more dangerous with the recent attacks on foreigners by Iraqi agents in the region. The politicization of Kurdish life based on the split between the PUK and the KDP hinders some investigation efforts.

Amnesty International investigated alleged abuses during the fighting in December between PUK and the Islamic Movement in Kurdistan. It documented abuses committed by both sides with photographic and medical evidence.

### U.S. Policy

The United States has been careful to call for limited autonomy in the Kurdish area without promoting independence for the Kurdish region. The maintenance of the Combined Task Force/Operation Provide Comfort has remained central to U.S. policy toward Iraqi Kurdistan. The military mission provides a shield over the areas of Iraq north of the 36th parallel. Aircraft patrolling the region enforcing the "no-fly" zone as well as a small allied liaison force at Zakho depend entirely on the Turkish government for base support and logistics. Turkey has become increasingly less cooperative with the U.N. sanctions over both Iraq and its operations with regard to the Kurdish region. It wishes to resume trade with Iraq and is wary of initiatives that grant the Iraqi Kurds autonomy, fearing that it would serve as a potential catalyst for autonomy demands by Turkish Kurds.

In January, the U.S. expressed grave concern over allegations of extrajudicial executions by the PUK in discussions with the PUK's Washington representative.

### The Work of

Human Rights Watch/Middle East

Human Rights Watch/Middle East was in correspondence with Kurdish leaders throughout the year expressing concern over human rights abuses during the fighting between factions, especially summary executions of prisoners. The organization emphasized the need to adhere to the laws of war.

In a December 17, 1993 letter to Massoud Barzani, the organization questioned the KDP's involvement in an attack with gunfire on a large crowd of peaceful demonstrators outside the KDP headquarters building in Suleimaniyeh on December 13. A letter was sent on May 17, 1994 to Massoud Barzani, Jalal Talabani, and Abullah Rasoul, Prime Minister of the Kurdistan Regional Government, discussing the fighting. The letter highlighted international legal obligations under international humanitarian law, including the protection of civilian populations from harm during military operations as well as the prohibition on indiscriminate attacks under the 1949 Geneva Conventions.

Iraq's Crime of Genocide: The Anfal Campaign Against the Kurds, based on previously published reports by Human Rights Watch/Middle East, will be co-published with Yale University Press in early 1995.

## ISRAELI- OCCUPIED WEST BANK AND GAZA STRIP

### Human Rights Developments

This section is divided into two parts. The first concerns the areas under Israeli occupation with no concessions to Palestinian control (apart from limited responsibility in education, tourism and social welfare). These areas included all of the West Bank and Gaza Strip through May 1994, and, from May onward, only the West Bank excluding Jericho, an area with a combined population of about one million. The second covers the areas where, beginning in May, partial self-rule was implemented, namely the Gaza Strip and greater Jericho, with some 800,000 inhabitants.

### Human Rights Developments

#### In the Areas Not Under Palestinian Partial Self-Rule

The peace process under way between the government of Israel and the Palestine Liberation Organization (PLO) dominated political developments in the West Bank and the Gaza Strip during 1994. In May, the first step was taken to transfer responsibilities to an interim Palestinian Authority (PA) as envisioned in the September 1993 Israeli-PLO Declaration of Principles. Israeli troops withdrew from population centers throughout the Gaza Strip and the West Bank

town of Jericho, and the PA took over internal security and governmental services inside these areas. In August, the two sides reached an agreement in principle on transferring responsibilities over several civilian sectors throughout the occupied territories, excluding East Jerusalem. (Human Rights Watch/Middle East considers the parts of Jerusalem captured in 1967 to be occupied territory. However, since Israel unilaterally annexed these areas and applies to them its domestic law, the human rights situation there differs from the rest of the West Bank and is not covered in this report.)

The applicable legal framework for Israel's treatment of the Palestinian population includes the Hague Regulations of 1907, the Fourth Geneva Convention of 1949, and broad portions of international human rights law. Israel's government has, in defiance of a broad international consensus, never recognized the de jure applicability of the Fourth Geneva Convention.

During 1994, Palestinians under Israeli direct rule continued to experience widespread abuses, including killings through the excessive use of force, torture, arbitrary arrests, and long-lasting curfews over wide areas. They also were subjected to strict and arbitrary controls on movement, which impeded their ability to earn a living, study at universities, obtain goods and services, and otherwise conduct their everyday lives.

The level of certain abuses, including killings by the security forces, declined compared to previous years. No Palestinians were deported during the first ten months of 1994, and scores who had been deported in the past were permitted to return. No houses were demolished as a security-related sanction.

These trends accompanied a decline in the level of everyday violence in the occupied territories. The fervor of the early intifada, or uprising, had cooled for Palestinians, although it was easily reignited. The Israeli security forces also entered Palestinian population centers less frequently than in past years, thereby reducing the opportunities for violent clashes that so often ended in unarmed Palestinians being shot dead by soldiers.

Palestinians also suffered at the hands of Israeli settlers, who are licensed to bear arms by the state. Settlers continued to use unjustifiable force against Palestinians with little risk of experiencing the harsh response that the military authorities reserved for Palestinian attacks on Israelis.

Militant Palestinian groups were also responsible for grave abuses. Between January and October, forty-nine Palestinians were murdered by other Palestinians on suspicion of collaborating with the Israeli authorities, according to an Associated Press tally. The rate of such killings in the past had been higher.

The Islamist Hamas movement claimed responsibility for a number of attacks on Israelis. These included bombings in April directed at civilians in the Israeli towns of Hadera and Afula, killing twelve people and an October 19 suicide bombing of a civilian bus in Tel Aviv that killed twenty-three persons, including the bomber. Earlier in October Hamas militants took a soldier hostage and then apparently killed him during a failed rescue operation. All of these acts violated basic humanitarian principles that prohibit the targeting of civilians and acts of violence against any person who is in custody.

The peace process brought about the release of over 5,000 prisoners between October 1993 and October 1994, halving the number of Palestinians in Israeli prisons. In negotiating releases with the PLO, Israel said priority would be given to prisoners who did not "have blood on their hands." However, as of early November, some of the prisoners still being held had not

been convicted of or charged with any violent offense. And, as in previous years, hundreds of West Bank Palestinians were arrested each month by the Israeli security forces.

The majority of Palestinian prisoners were held in detention facilities inside Israel, in violation of Article 76 of Geneva Convention IV, which forbids the occupying power to transfer prisoners out of the occupied lands. One consequence of this policy was that relatives and lawyers faced difficulties in visiting prisoners because of restrictions on entering Israel.

Many detainees were subjected to torture or ill-treatment at the hands of their interrogators. They underwent some combination of beatings, shackling, confinement for prolonged periods in painful positions, hooding, sleep deprivation, denial of access to a toilet, and other forms of humiliation. The abuse is systematic, and not limited to persons suspected of committing grave acts of violence. Many who are mistreated are not themselves suspected of serious offenses, but rather are picked up and interrogated for the purpose of obtaining information about acquaintances.

There were 163 Palestinians in administrative detention (internment without charge or trial) as of August 3, 1994, according to official figures. This number indicated the continuing overall decline in the resort to this measure, but obscured a surge that put the number of administrative detainees over 400 in May as a result of a crackdown on Islamists following two bombing attacks inside Israel. Geneva Convention IV permits the use of administrative detention only as an exceptional measure.

Between January and October, Israeli security forces killed 102 Palestinians, including fourteen aged sixteen or under. Many of these killings occurred in situations where the soldier's resort to lethal force could not be justified in terms of an imminent danger facing the soldier or others. As Human Rights Watch/Middle East has pointed out in its reports, both the Israel Defense Forces' permissive open-fire orders (especially with regard to shooting at fleeing suspects) and its failure to vigorously punish breaches of these norms contribute to this phenomenon.

Israeli special forces continued to carry out undercover operations, mainly in the pursuit of fugitive militants. While these units often succeeded in arresting the persons being sought, they also killed a number of persons, sometimes in what appeared to be shoot-to-kill operations.

For example, on May 31, two men were shot dead as they got off a bus near Jerusalem. Eyewitnesses said the men were shot without warning by members of an undercover unit, who continued to fire into their bodies as they lay on the ground. Security sources said one of the men was wanted in connection with the killing of an undercover agent, and the other in connection with membership in Hamas. But at the time they were killed, they were posing no threat to others, according to the witnesses.

The mass murder committed at the Ibrahimi mosque in Hebron on February 25 forced the issue of settler violence to center stage. Early that morning, settler and reserve soldier Baruch Goldstein, armed with an army-issued automatic rifle, entered the shrine and fired indiscriminately on worshippers, killing twenty-nine and wounding scores more.

The government-appointed commission of inquiry into the massacre concluded in June that Goldstein had acted alone. But the testimony before the commission revealed that settler violence did not occur in a vacuum. Soldiers and officers testified to conflicting instructions on handling settlers, with several asserting that the standing orders were never to fire at a settler, even if he or she was unjustifiably endangering lives.

Embarrassed, the Israel Defense Forces (IDF) promptly "clarified" the orders, stating that

the procedures for responding to life-threatening situations applied whether the perpetrators were Jews or Palestinians. A communiqué from the Israeli Cabinet affirmed that the government "is solely responsible...for the security of all inhabitants, both Jewish and Arab" of the occupied territories, and "will continue to act to prevent harm to Jews and Arabs."

Israeli security and judicial authorities have long practiced a double standard, moving forcefully to prevent and punish acts of violence perpetrated by Palestinians against Israelis, but acting leniently when armed settlers shot at Palestinians, launched vigilante raids in villages and refugee camps, or harassed motorists. Palestinian suspects are tried in military courts, while settlers, should they be charged, face judgment in civil courts, where they enjoy greater due-process rights.

These points were made in a March 1994 study by B'Tselem that assessed the Israeli judicial system's handling of the sixty-two cases in which Palestinians were killed by Israeli civilians (nearly all of them settlers) between 1988 and 1992. In at least forty-nine cases, B'Tselem found, the perpetrator was not in mortal danger. Yet among these cases, only one resulted in a murder conviction and one in a manslaughter conviction.

In responding to Palestinian unrest following the Hebron massacre, the IDF displayed some of its most abusive practices. When protests broke out, troops suppressed them forcibly, killing twenty-one Palestinians during the six days following the massacre.

Three-quarters of the population of the occupied territories was placed under a curfew lasting four to five days after the massacre. In addition, authorities imposed a strict closure of the West Bank and Gaza Strip, preventing Palestinians from entering Israel or East Jerusalem. As in the past, settlers were exempted from both measures.

Hebron's 100,000 inhabitants remained under a round-the-clock curfew for more than a month, with infrequent breaks. Employment, commerce, school, and medical services were all severely disrupted for Palestinian residents of the Hebron region, as the Palestine Human Rights Information Center documented in a May report.

The IDF spokesman said the post-massacre closure and curfews were imposed owing to the "valid security considerations" of "prevent[ing] massive disturbances, and the risk to human life, and to reduce friction between Jews and Arabs." However, these disruptive measures were carried out on a wholly disproportionate scale. They constituted a collective punishment of nearly two million Palestinians for a crime committed by a Jewish settler.

In responding to demands to rein in settler violence Israel took unprecedented measures against settler militants. It banned two militant organizations and applied military orders, rather than domestic law, to administratively detain six men. But administrative measures against a handful of individuals known for their advocacy of violence, in violation of their rights to due process are no substitute for a committed and consistent policy of preventing, investigating, and prosecuting all acts of violence.

After a month of difficult negotiations after the massacre, Israel and the PLO agreed to a three-month, 160-person multinational monitoring presence in Hebron whose purpose was to create "a feeling of security among Palestinians" by "promoting stability and in monitoring and reporting the efforts to restore normal life." The Temporary International Presence in Hebron (TIPH) represented the first time that Israel had consented to the insertion of a multinational force in the occupied territories. However, the mandate of the TIPH was weak. It sought to protect rights by its mere presence on the ground, its offer of good offices, and by filing reports to a joint Israeli-Palestinian committee and to donor governments. (It did not make these reports

public.) It was not given police powers or any other means of physically intervening to halt abuses, mobilizing international opinion, or enlisting third-party intervention. The TIPH was hobbled further by the absence of any reference in its mandate to applicable humanitarian and human rights law.

Many human rights advocates hope that future agreements on international observers—envisioned in general terms in the Declaration of Principles — will assure a protection role more substantive than the one performed by the TIPH.

Regulatory controls on various aspects of Palestinian life by the occupying power are an often underestimated form of abusive conduct. The opaque, inconsistent and time-wasting procedures Palestinians endure when seeking permits and authorizations seriously impede the exercise of freedom of movement and other rights. Moreover, they affect nearly the entire Palestinian population and not only those suspected of resistance activities.

Israel's internal intelligence agency, the General Security Service (GSS), routinely reviews applications to travel abroad or to obtain permission to enter Israel and East Jerusalem. As B'Tselem pointed out in a September 1994 report, "Unlike a conventional civilian authority, the GSS does not operate according to uniform, reasonable, and open criteria. Its considerations are secret and it is under no obligation to explain its decisions, endowing it with immense power, which it frequently uses arbitrarily."

The most wide-reaching bureaucratic controls are over the movement of Palestinians into Israel and East Jerusalem. Because the latter was unilaterally annexed in 1967, all Palestinians who are not registered as Jerusalem residents are required to obtain permits in order to enter the city.

These controls have tightened in response to violent attacks inside Israel carried out by residents of the occupied territories. Now, Palestinians wishing to enter Israel and East Jerusalem must obtain hard-to-get temporary permits. Many categories of persons, such as those with security records, are usually refused.

Obstacles to travel affect not only Palestinians who work in Israel and East Jerusalem, but also those who need to cross Israel when traveling between the West Bank and Gaza Strip. The Gaza Strip is not a self-sufficient entity; cut off from Israel and the West Bank, Gazans are deprived of access to certain essential services such as comprehensive health care facilities, foreign consulates, and a broad range of higher education institutions.

Immediately after the Hebron massacre, Israel closed the occupied territories and cancelled all valid permits. Most men who had jobs in Israel found themselves unemployed for months with no compensation. (Few alternative jobs are available in the occupied territories, owing in large part to Israeli policies that stunted economic development in these areas.)

The post-Hebron closure was lifted very gradually beginning in March. Prime Minister Rabin pointed out in August that, according to a defense establishment study, none of the political killings inside Israel since the March 1993 closure had been committed by workers holding permits. A new closure was nevertheless imposed in October in response to a series of attacks inside Israel claimed by Hamas and carried out by residents of the occupied territories.

Israel, like all countries, has the right to restrict entry at its borders, and is permitted by humanitarian law to restrict the movement of the population under its occupation. However, Israel is obliged to weigh these prerogatives against the obligation to attend to the occupied population's legitimate daily needs, some of which require enjoying freedom of movement.



## Human Rights Developments

### In the Areas under Palestinian Partial Self-Rule

An unprecedented legal situation in the West Bank and Gaza Strip has emerged from the Israeli-PLO peace process. The Palestinian Authority has assumed control over Jericho and much of the Gaza Strip, yet it lacks essential elements of sovereignty. Israel, meanwhile, no longer exercises full nor exclusive control over these areas, yet its impact on daily life remains significant.

Both Israel and the PA bear responsibility for protecting the human rights of the residents of the self-rule areas. Israel's legal responsibilities as occupying power have not ended, even if its contact with the protected population has diminished.

As for the Palestinian Authority, it is not a state government and therefore cannot formally accede to human rights treaties. Nevertheless, it is bound by humanitarian norms and customary human rights law. The Geneva Convention IV affirms that the protection it provides toward a population under occupation cannot be compromised by any interim agreement, short of a definitive political solution, that is reached between the occupying power and other authorities.

While Gazans celebrated the withdrawal of Israeli troops from most of the Gaza Strip, they were soon reminded how utterly dependent their economic and community life remained on Israeli decisions, particularly with regard to their freedom to travel into and out of the Strip. Israeli control over the population of the self-rule areas was also evident in the continued incarceration, as of early November, of over one thousand residents of the self-rule areas, nearly all charged with or convicted of "security" offenses.

In its first half year in office, the Palestinian Authority had a mixed record on human rights. For most Palestinians in the self-rule areas, the replacement of Israeli troops by Palestinian forces in population centers marked a substantial improvement in their safety and freedom. There were no more daily casualties in clashes with troops, and no more nighttime curfew. The number of persons imprisoned for periods longer than a few days dropped sharply.

At the same time, the Palestinian Authority took a number of troubling steps, including hundreds of arbitrary arrests, the temporary banning of the only critical daily newspaper, and directives restricting political gatherings. The first violent clashes between the Palestinian police and demonstrators erupted on November 18. The toll of at least fifteen dead and hundreds wounded raised troubling questions about the commitment and ability of the police to use non-lethal means in confronting unarmed protestors.

Despite widespread confusion over what laws and regulations were in effect, the Palestinian Authority failed to anchor the conduct of its agencies and security forces in the rule of law. Security forces in Gaza, for example, routinely carried out arrests without warrants, without explaining the reasons for the arrest, and without informing families of the whereabouts of the person taken into custody.

Some of the problems could be attributed to the extraordinary difficulties that the Palestinian Authority faced in assuming responsibilities over a restive population in the wake of a twenty-seven-year occupation. The Palestinian Authority commenced governing without adequate funding and with substantial limits on its powers, pursuant to the Israeli-PLO agreements. Its security forces lacked the experience, training and equipment that might have helped to promote respect for human rights in their conduct.

None of these shortcomings, however, could excuse the violations of fundamental rights that occurred, such as the use of violence against detainees under interrogation, and the closure of

an-Nahar newspaper because its views offended the PLO.

Arbitrary arrests generally took the form of round-ups of supporters of a particular opposition movement shortly after an attack on Israeli targets claimed by or attributed to that group. Hundreds of alleged supporters of Hamas, Islamic Jihad, and the Democratic Front for the Liberation of Palestine were rounded up in this fashion beginning in August. Most of those arrested were never charged, and were released within three weeks. The handling of these detainees and the way they were questioned suggested that persons were being detained on the basis of their suspected political affiliations rather on solid evidence linking them to specific criminal acts.

There was no pattern of physical abuse of opposition group members and supporters while in detention. However, these sweeps formed a dangerous precedent. Even the Palestinian Justice Minister, Freih abu Medein, acknowledged to the Los Angeles Times in September, "Mass arrests are political arrests, and they are against the law. To make an arrest, you must have evidence and go to a specific address and detain a specific person. You can't just sweep through a mosque and pick up those you find."

Beatings and harsher conditions were experienced by some suspects detained on suspicion of collaborating with the Israeli authorities. One such suspect, Farid Jarbou', died under torture in July. Authorities quickly acknowledged that he had died under torture, and three security-force members were charged in connection with causing the death. But other collaboration suspects arrested in May and June complained to their lawyers and to visitors that they too had been beaten.

In July, the Palestinian Authority took a laudable step toward promoting accountability by authorizing the International Committee of the Red Cross to conduct regular visits to all persons detained by the Palestinian Authority.

The PA's record has been mixed with regard to freedom of expression, assembly and association. The gravest attack on press freedom came on July 28, when PA Chair Yasir Arafat banned the only critical daily newspaper, the Jerusalem-based an-Nahar. The pretext provided was that the paper's license had expired, but the legal basis of the licensing requirement was never made clear. Instead, the ban was widely seen as an act of displeasure with an-Nahar's sympathies for Jordan's King Hussein at the expense of Arafat. An-Nahar resumed publication on September 5, with a distinctly more pro-PLO line than before.

At the same time, there has been no systematic effort by the Palestinian Authority to suppress the diverse and vibrant political life in the self-rule areas. Permits have been issued to independent and opposition figures to launch new papers in the Gaza Strip. And while the Gaza police chief in September banned unauthorized political gatherings in Gaza's four largest meeting halls, opposition political organizations continued to hold meetings, rallies, and demonstrations without police interference; human rights organizations documented and publicized abuses without harassment, and criticism of the authorities was heard from a variety of quarters.

By the end of October, one of the most important rights of Palestinians, the right to take part in public affairs through the free election of representatives, had yet to be realized. With Israeli-PLO negotiations bogged down over the modalities of Palestinian elections, the Palestinian Authority remained entirely an unelected body. This made it vulnerable to charges from Palestinian critics that its authority derived entirely from the Israeli occupation authorities.

The Right To Monitor

Human rights work was generally permitted. A variety of organizations conducted monitoring and produced highly critical reports with minimal interference from the authorities.

However, restrictions on movement affecting much of the Palestinian population also impeded the work of Palestinian rights workers. Monitors and journalists based in Gaza or the West Bank were constantly forced to miss work-related appointments in Jerusalem because of closures and permit problems. Because of curfews, checkpoints, and other restrictions, field workers had great difficulty documenting the aftermath of the Hebron massacre in and around that city. Israeli and foreign journalists were able to work with only occasional hindrance from soldiers on the ground or the military censors. Palestinian journalists faced more difficulty moving about, and have sometimes been assaulted by soldiers. Human rights reporting by the Palestinian media was subject to significant Israeli censorship.

The International Committee of the Red Cross (ICRC) and the United Nations Relief and Works Agency both maintained representatives in the field whose responsibilities included monitoring human rights conditions (but not making public their findings). They carried passes that generally enable them to reach trouble spots without hindrance. The ICRC was permitted by the Israeli authorities to visit all Palestinians arrested for security reasons within fourteen days of their arrest.

Human Rights Watch/Middle East was invited to visit Israeli prisons during 1994, but declined the invitation because the IDF, in contrast to the Israel Prison Service, had stipulated that conversations with inmates would have to take place in the presence of IDF escorts.

A number of human rights workers were subjected to administrative sanctions. Al-Haq field worker Zahi Jaradat was prevented from traveling in August to attend a human rights seminar in Cyprus. Al-Haq paralegal Sha'wan Jabarin was held in administrative detention from March until May and again under a six-month order commencing in June. Israel's Ministry of Justice asserted that "Jabarin has never been detained for his work with al-Haq....In addition to his open activities in al-Haq, Jabarin has been for many years a senior member of the Popular Front for the Liberation of Palestine, a terrorist organization..." Similarly, the Ministry of Justice stated that the administrative detention for five months of lawyer Faraj al-Ghoul, director of the Gaza-based organization House of Right and Law, was due not to his professional work but to his being a "senior activist" in Hamas. In the absence of specific charges or trials, the official claims that these detentions had nothing to do with human rights work could only be met with skepticism.

In the Palestinian self-rule areas, the Palestinian authorities allowed human rights organizations to work freely. They collected information, criticized violations committed by the Palestinian Authority, and met with Palestinian officials. However, unlike the ICRC, which obtained PLO approval to conduct regular visits to all detainees in Palestinian hands, no independent Palestinian organizations obtained authorization to conduct regular prison visits, although some were able to conduct ad hoc visits.

In 1994, a group of prominent Palestinians formed the Independent Commission for the Rights of the Citizen, pursuant to a vow by Yasir Arafat to charter an independent human rights ombudsman agency. The Commission, which is independently funded and chaired by Dr. Hanan Ashrawi, received complaints and made interventions with the Palestinian authorities, mostly in private. Although Dr. Ashrawi occasionally publicly criticized violations by the Palestinian Authority, the Commission adhered to its declared preference for attempting to discourage abuses through direct and private contacts with the authorities.

## U.S. Policy

The U.S., the leading third-party player in the Middle East, has actively promoted the peace process in the region. It is also Israel's largest benefactor, with a military and economic aid program exceeding \$3 billion a year.

The Clinton administration insisted that maintaining U.S. aid to Israel was essential to achieving peace. Deputy Assistant Secretary of State Dan Kurtzer stated on April 13 that President Clinton had "reaffirmed his commitment to work with Congress to maintain our present levels of assistance to Israel" and "to maintain and enhance Israel's qualitative military edge over any likely combination of aggressors. The security of Israel must not be in doubt if the peace process is to succeed."

After Israel and the PLO signed the Declaration of Principles in 1993, the U.S. pledged \$500 million in assistance over five years to the West Bank and Gaza Strip, a huge jump from previous years. The stated objective was to provide Palestinians with quick rewards from the peace process.

Israel's poor human rights record in the occupied territories has never been a focus of U.S. policy. No administration has publicly suggested that aid should be conditioned on improvements in Israel's treatment of Palestinians. The U.S. approach to human rights problems has been, almost invariably, to treat them as subordinate to the quest for peace: variously as symptoms of the lack of peace, as irritants to negotiations, or as candidates for confidence-building measures.

The relationship between peace and human rights is indeed complex. Achieving progress toward peace can brighten the human rights outlook, while stigmatizing abusive governments can upset delicate negotiations. But neglect of human rights can also derail peace moves. Abuses can erode public support for the process, fuel the cycle of violence, and undermine the prospects for a stable, democratic authority in the West Bank and Gaza Strip. Third parties do not necessarily serve the goal of a stable peace by placing faith in whatever is agreed upon by a weak and unelected Palestinian negotiating team and a far stronger Israeli side.

During 1994, as the peace process was producing tangible changes on the ground, the Clinton administration pursued to its logical conclusion the policy of subordinating human rights to the peace process. The administration remained virtually silent on Israeli human rights abuses, despite its clear grasp of their gravity, as shown in the generally sound section in the 1993 State Department's Country Reports on Human Rights Practices for 1993.

Whenever an issue with human rights dimensions was slated for negotiations between Israel and the PLO, the U.S. adopted a hands-off approach in public, stating that the issue was a matter for discussion between the parties. The U.S. even backtracked on issues on which it had, in the past, taken at least partially principled positions, including settlements, the status of Jerusalem, and the rights of refugees. And when new issues arose, such as the presence of a multinational observer force, the U.S. missed opportunities to advocate principled positions, declaring that whatever the two sides okayed would also be fine with Washington.

This approach was pursued at the United Nations, where Ambassador Madeleine K. Albright wrote in July to member nations urging them to adopt a policy in the General Assembly such that "Resolution language that refers to 'final status' issues of the peace process should be dropped on the grounds that such issues are now under negotiation by the parties themselves....Key final status subjects include refugees, settlements, territorial sovereignty and the status of Jerusalem."

The U.S. position would have been less objectionable if Israel had frozen its activities in these realms pending negotiations. But new settlement activity, especially in and around annexed East Jerusalem, was changing facts on the ground, while Washington obligingly remained silent on these "final-status" issues.

The U.S. was quick to deplore the Hebron massacre, as it was to condemn attacks on Israeli civilians by militant Palestinians. But at the United Nations, the U.S. invoked the peace process to oppose a resolution on the massacre that referred to East Jerusalem as occupied territory and that endorsed "the need to provide protection and security for the Palestinian people."

On March 18, Resolution 280 passed only after the Security Council had accepted a U.S. demand for a paragraph-by-paragraph vote. Alone among the fifteen Council members, the U.S. abstained on the passages regarding international protection and Jerusalem. Although the U.S. had in the past approved resolutions referring to East Jerusalem as occupied territory, this was no longer desirable, Ambassador Albright explained, because the city's final status was now a matter for bilateral talks.

U.S. efforts during the post-massacre crisis focused not on promoting effective protection mechanisms or compliance with human rights and humanitarian law, but rather on finding a package acceptable to Israel that would coax the PLO back to the negotiating table. Palestinian human rights organizations reported being asked at the time by U.S. diplomats to suggest the "minimum price" sought by Palestinians in terms of protection that would ensure the PLO's return to the talks.

In the view of Human Rights Watch/Middle East, the U.S. should use its standing as Israel's most generous backer and staunchest ally to promote respect for human rights and humanitarian law in the territories, including, when necessary, through publicly criticizing abusive practices. Such a policy will help rather than hinder the prospects for peace.

With regard to the Palestinian Authority, the U.S. has to its credit pledged to increase aid programs aimed at promoting the rule of law in the self-rule areas. It has endorsed free and fair elections as vital to Palestinian self-rule. But while senior officials publicly urged Palestinian authorities to establish fiscal accountability and prevent attacks on Israelis, they were more circumspect toward the human rights of Palestinians in the self-rule areas. Initial missteps by the Palestinian Authority, including the first death in detention and the banning of an-Nahar daily, occasioned no public comment by senior officials.

Secretary of State Warren Christopher, in Jerusalem in October during the crisis over the kidnapping by Hamas of an Israeli soldier, echoed Prime Minister Rabin's incorrect assertion that the hostage was being held in the self-rule areas. He was also widely reported to have endorsed the Israeli assertion that Arafat was directly responsible for solving the crisis. Christopher's statements came at a time when Palestinian security forces were carrying out their most indiscriminate round-up of suspected opposition figures to date. In their timing and content, Christopher's comments gave the impression that the U.S. condoned the mass arbitrary arrests in the self-rule areas.

The Work of

Human Rights Watch/Middle East

With the peace process and transfer of authority dominating the news, Human Rights Watch/Middle East worked both to cover the evolving situation and to re-direct attention toward abuses that continued unabated.

In keeping with its focus on abuses involving violence, Human Rights Watch/Middle East released a report in June on Israel's torture of Palestinians under interrogation. The inclusion of testimonies of persons who had been tortured since the signing of the Declaration of Principles showed that the peace process had not done away with the problem of torture. Press interest in the report was enhanced by releasing it just as Israel television was airing a major documentary on the same subject. Following the report's release, Human Rights Watch/Middle East worked to engage the world medical community in the issue of the complicity of Israeli prison doctors in abusive interrogations.

After the Hebron massacre, Human Rights Watch/Middle East visited the West Bank to research settler violence. A study of the issue is included in the forthcoming Human Rights Watch report on communal violence around the world.

With regard to the Palestinian self-rule areas, Human Rights Watch/Middle East visited the Gaza Strip in June, September and October to assess human rights conditions. Human Rights Watch/Middle East wrote letters to the Palestinian Authority regarding the first death in detention and the banning of an-Nahar newspaper, and met with both civil and security officials to discuss Human Rights Watch/Middle East's preliminary findings and concerns. And in December, Human Rights Watch/Middle East issued a report on human rights conditions in the self-rule areas, documenting both Israel and Palestinian violations and making recommendations to both parties.

Human Rights Watch/Middle East also issued statements and wrote open letters to Israeli authorities in response to a number of specific cases and incidents throughout the year. In April, we wrote to the Hamas organization to demand a halt to attacks targeting Israeli civilians. This demand was repeated in a statement, issued in English and Arabic, condemning the suicide bomb attack on a crowded bus in Tel Aviv in October.

## KUWAIT

### Human Rights Developments

There was no change in the government's policy to pressure the Bedoons, Kuwait's longtime native residents, to leave the country. Asian maids remained without legal protection from abusive employers. Early promises to give women and naturalized citizens the right to vote were not fulfilled and dissolved human rights organizations were not permitted to reopen. The State Security Court handed down death penalties and other harsh punishments in proceedings falling far short of international standards for fair trials. Torture and ill-treatment continued to be reported.

Renewed Iraqi threats against Kuwait were cited in 1994 by Kuwaiti officials as justifications for continued human rights abuses and delays in dealing with past violations. Those tensions and Iraq's refusal to assist in locating missing Kuwaitis contributed to a hostile atmosphere for groups suspected as a whole to hold Iraqi sympathies, including the Bedoon and Palestinian communities, leading to renewed pressure on the two groups to leave the country; they were denied freedom of movement, employment, and education for their children.

With few exceptions, the authorities failed to account for the hundreds of extrajudicial executions, disappearances, and torture cases that took place during the post-liberation martial-law period (February through June 1991). In the first case of its kind, however, a

Kuwaiti government official was tried for abuses during the martial-law period; in December 1993, Jaber al-Omairi, a Ministry of Interior official, was sentenced to life in prison for killing Ismael Farhat, a Lebanese citizen, and his son Osama, and the attempted murder of Naimat Farhat, his daughter. In June an appeals court reduced his sentence to fifteen years, citing as a mitigating circumstance what it believed had been al-Omairi's motives—the desire to avenge Iraqi atrocities. Although members of the Farhat family in fact supported the Kuwaiti resistance to the occupation, the courts appeared to make light of the serious crimes which the defendant—and other Kuwaitis—committed in the name of vengeance against foreign residents of Kuwait shortly after the end of the war.

In August, police officers accused of torturing Sudanese prisoner Ahmad Mubarak Badawi in 1992 were arrested and charged with aggravated assault. Other than these two notable exceptions, none of the officials implicated in extrajudicial executions, disappearances or the torture of hundreds of prisoners have been brought to justice. In both the Farhat and Badawi cases, it took years of concerted efforts by local and international human rights organizations, and those of U.S. officials and Kuwaiti parliament members—in addition to extensive media coverage—to bring those responsible to justice. In most other cases Kuwaiti officials expressed doubts that any further investigations of post-liberation abuses would take place.

During 1994, continuing a process begun immediately after liberation, the State Security Court tried scores of Iraqis, Palestinians, and Bedoons charged with collaboration with the Iraqi occupying forces. Although the procedures followed in their trials were an improvement over those of the 1991 martial-law courts, serious shortcomings remained, including the use of confessions obtained through torture, the denial of legal counsel of the defendants' own choosing and a limited right of appeal. Collaboration was defined by the prosecution to include many forms of minor association with the occupiers, under the broadly worded State Security Law of 1970. Assertions made by many defendants that they had been coerced into cooperating with the Iraqi occupation authorities were not accepted in mitigation.

During 1994, the Court of Cassation reduced to long periods of imprisonment eleven death sentences imposed in 1993 by the State Security Court for collaboration. Most other judgments were upheld, despite often credible charges of torture at the hands of investigative authorities; the evidence of torture in the case of ten Palestinians, convicted on charges of supporting the occupation as members of the Arab Liberation Front, was disregarded even when court-appointed physicians documented defendants' injuries.

On June 4, the State Security Court sentenced five Iraqis and one Kuwaiti to death for plotting to kill former U.S. President George Bush during his April 1993 trip to Kuwait. Eight others were sentenced in the same case to prison terms ranging between six months and twelve years. On October 16, the Court of Cassation held its first session to review the case against nine of the defendants. The petition of the other five's convictions was denied, because their sentences were less than three years. Several defendants recanted their earlier confessions, which they said had been obtained through the use of torture. Three defendants, Ali Khudair, Wali al-Ghazali, and Ra'ad al-Asadi told the court that they made their confessions after they had been subjected to torture. Although most of the accused faced the death penalty, all but one of the fourteen defendants were denied legal counsel until their first court appearances.

During 1994, hundreds of foreign residents and Bedoons were administratively detained without charge or trial in the Talha Deportation Prison and then given a choice between leaving voluntarily or remaining in the overcrowded makeshift detention facility indefinitely. Some had

been held since the end of the war, including many who were stateless or refugees. The promise made by the Prime Minister in June 1993 to improve conditions and relocate Talha inmates after some of its residents went on a hunger strike went largely unfulfilled, despite urging from the National Assembly's human rights committee.

The Kuwaiti government employed a range of actions to induce Iraqi, Palestinian, and Bedoon residents to leave the country. Measures of intimidation included arbitrary arrest and detention, torture and ill-treatment of prisoners, unlawful searches, heavy fines, threats, public humiliation, and the denial of employment. Having succeeded in reducing the nearly 400,000-strong Palestinian community to about 33,000, the Kuwaiti government has sought to achieve similar results with the Bedoon community. During the year, it escalated pressure on the Bedoons to secure citizenship elsewhere if they wanted to remain in Kuwait lawfully. Most Bedoons are long-term residents of Kuwait who were born there and have lived there all their lives, but are not officially deemed to qualify for Kuwaiti citizenship. Government figures estimated the community size in 1994 at about 125,000, down from a prewar estimate of over 250,000.

Accused as a group of aiding the Iraqi occupying forces, Bedoons were targeted for retribution, although many had in fact resisted the Iraqis and been killed by the Iraqi occupiers for acts of resistance. Since liberation, Bedoons have been prevented from sending their children to government schools and threatened with expulsion from the only country they have ever known. All those employed by the government were dismissed from their jobs. The military and the police, which before the invasion were largely composed of Bedoons, rehired only a small fraction of their prewar employees—depriving the community of its chief source of income. In 1994, Bedoons found outside the remaining Bedoon slums were detained and pressured to leave the country in exchange for the government dropping the charges of illegal residence. The government remained opposed to reopening the citizenship application process to give Bedoons an opportunity to make their claims.

Many of the Palestinians still in Kuwait are stateless refugees who came originally from the Gaza Strip, but are not allowed by Israel to return. During 1994 in Kuwait, most Gazans were harassed, threatened with imprisonment, denied employment and education, or subjected to fines for every day they stayed in Kuwait.

Another vulnerable group of foreign residents subjected to violent mistreatment was the nearly 200,000 Asian maids, mainly from the Philippines, Sri Lanka, India, and Bangladesh. They are expressly excluded from the protection of labor legislation, and in practice also left at the mercy of their private employers with regard to violent abuse. Hundreds of abused Asian expatriates sought refuge in their respective embassies, charging their employers with rape, physical assault or unlawful confinement, as well as withholding wages. In 1994, about two thousand runaway maids sought shelter in foreign embassies, notably those of the Philippines, where 250 runaways sheltered in October, and Sri Lanka, with 120 in the same month. Abuses by employers recorded in 1994 included cases of murder, rape and other sexual abuse, beatings, confinement, and passport confiscation. Most were not investigated and only two abusive employers were known to have been prosecuted during the year.

The Dasma Police Station, used to detain maids pending their deportation or the resolution of their claims, became extremely overcrowded during 1994, with an average population of 300 maids. In December 1993, a Human Rights Watch investigator found credible evidence of physical and sexual abuse by Dasma guards. Kuwaiti law requires maids who



complain about their employers to either stay with their employers until the conflict is resolved or be detained. Most of those complaining who were not in embassy shelters were detained until their cases were resolved, which may take months, leading many maids to drop their complaints and accept repatriation.

In 1994, the Kuwaiti government reiterated its ban on political parties and took steps to enforce a 1985 moratorium on the formation of new private associations, including human rights groups. On April 21, Shaikh Sabah al-Ahmad, First Deputy Prime Minister and Minister of Foreign Affairs told KUNA, the official news agency, that Kuwait did not have political parties and none would be allowed there. The government also enforced its 1993 decision to close down over fifty unlicensed private organizations, including six human rights groups. The authorities prevented the unauthorized groups from holding public functions or advertising their activities.

In 1994, earlier hopes of enfranchising women and naturalized citizens were not realized. However, the Parliament took action to give the right to vote to male children of naturalized males, provided that they were born after their fathers were naturalized. If implemented, the change is expected to add about 25,000 voters. The enlarged electorate would still be only 16 percent of all citizens, who themselves represent less than 40 percent of the total population.

#### The Right to Monitor

The right to monitor was dealt a severe blow with the closure in August 1993 of all human rights groups in Kuwait, including the Kuwaiti Association to Defend War Victims (KADWV) and Kuwaiti Association for Human Rights (Kuwait's branch of the Cairo-based Arab Organization for Human Rights). Established immediately after the Gulf War, KADWV had been the main local human rights group. The Kuwaiti government, which never formally recognized the organization's legal existence, ordered KADWV and the other human rights and humanitarian groups to close down, because they had not been licensed.

Although the order was directed at all unlicensed organizations, government officials cited only human rights and humanitarian organizations and singled out KADWV for criticism. Groups that attempted to defy the ban in 1994 were threatened with the use of force if they held public meetings or conducted public activities. Newspapers were barred from publishing advertisements for the dissolved organizations, and licensed groups were ordered not to host activities by the banned organizations. An attempt in March by KADWV and the Kuwaiti Association for Human Rights to hold a symposium on human rights was scuttled by the Ministry of Social Affairs. In May, the government ordered the eviction of KADWV, the League of Families of POWs and the Missing, the Popular Committee for Solidarity with POWs and the Missing and the Amnesty International's Kuwait group from the public building they had occupied since 1991. Nevertheless, KADWV continued to work privately, as have some of the other banned groups, albeit in a much reduced capacity.

Included in the government's ban were four other human rights and humanitarian groups: Mutual Assistance Fund for the Families of the Martyrs and POWs, Pro-Democracy Committee, Supporters of Single-Citizenship Committee, and Women Married to Non-Kuwaitis Support Association.

In 1994, the Kuwaiti government allowed visits by several international human rights groups, but rarely provided information required by these groups to conduct their research. Most non-Kuwaiti lawyers who volunteered to travel to Kuwait to represent those accused of state security offenses or to assist victims of abuse were not granted entry visas by Kuwaiti embassies.

The few who were able to secure visas were not permitted to represent their clients in court.

### U.S. Policy

Since the end of the 1991 Gulf War, the U.S. has been the main force protecting Kuwait from renewed Iraqi attack and Kuwait's chief arms supplier. Under a 1991 military agreement, the U.S. maintained a substantial naval presence nearby and held frequent U.S.-Kuwaiti maneuvers. These exercises amount to a semi-permanent presence in light of their frequency, their duration and the large number of troops involved. The U.S. has pre-positioned a large amount of war materiel in Kuwait and integrated Kuwaiti facilities with those of the U.S. In October, when Iraq amassed a reported 70,000 Republican Guards near the Kuwaiti border, the U.S. demonstrated its commitment to Kuwait by dispatching tens of thousands of troops to the region and threatening to take military action against Iraq unless Iraq withdrew its troops far from the border.

Senior U.S. officials who visited Kuwait during 1994, including President Bill Clinton, Secretary of State Warren Christopher and Secretary of Defense William Perry cited the defense of Kuwait as a key part of the U.S. strategy for the defense of the Arabian Peninsula.

In statements before the House Subcommittee on Europe and the Middle East in March and October, Robert H. Pelletreau, Assistant Secretary of State for Near Eastern Affairs, listed as one of the U.S. priorities in the region "promoting more open political and economic systems, and respect for human rights and the rule of law." There was little evidence of the administration's efforts towards achieving that priority, other than occasional statements that human rights were raised with Kuwaiti officials in private meetings. One potentially effective method was pursued in 1994 by the Overseas Private Investment Corporation. OPIC withheld approval of insurance for investment in a petrochemical project in Kuwait until the State Department engaged in a high level dialogue with the Kuwaiti government regarding the treatment of Asian maids. OPIC also decided to condition additional insurance on achieving progress in the field of workers' rights.

In addition to military ties, commercial interest appeared to dominate the bilateral relationship. In March, Secretary Pelletreau emphasized the need to ensure unimpeded access, at reasonable prices, to the Gulf's vast petroleum resources and "fair access for American business to commercial opportunities in the region." In June, he told the Congress that, "Since the liberation of Kuwait, American companies have won over \$5 billion in reconstruction contracts constituting 50 percent of all the contracts that were awarded. The U.S. Government, our Embassy, our officials in Washington and members of our cabinet have been active in supporting the bids of U.S. contractors....I can assure you that I will be personally engaged in this effort as will our Embassy in Kuwait and other members of the administration." In October, Secretary Pelletreau told Congress, "From President Clinton down, this Administration has made crystal clear its view that supporting American business overseas would be at the heart of our foreign policy interests...Our embassies have been active...in the Gulf helping American business to secure, for instance, over 500 construction contracts in Kuwait worth approximately five billion dollars and a 98 million dollar contract to dredge a channel in Doha."

There were no comparable declarations on human rights. In fact, there was rarely public criticism of the human rights practices of the Kuwaiti government other than the cataloguing of human rights abuses in the State Department's Country Reports on Human Rights Practices for 1993.

On specific issues, such as the trial of those accused of plotting to assassinate former

President Bush, administration officials expressed their satisfaction with the Kuwaiti record. In June, Secretary Pelletreau defended the trial and praised the "vibrant and growing" role of Kuwait's parliament—an elite all-male body—and made no reference to, for example, previous assurances by U.S. officials that the government had pledged that Kuwait would expand its electorate to include women. The reticence to raise human rights issues is particularly disappointing given Kuwait's near-complete reliance on the U.S. to protect it from external threats, thus giving the U.S. a unique opportunity as well as a greater obligation to press for improvement in human rights.

#### The Work of Human Rights Watch/Middle East

In 1994, Human Rights Watch/Middle East focused on advocacy to improve the observance of human rights in Kuwait, engaging in substantive discussions with Kuwaiti officials and following up previous published reports. A mission sent to Kuwait in December 1993 and January 1994 investigated the conditions of the Bedoons and raised other human rights concerns with officials, including the ban on local human rights groups and the plight of Asian maids.

A Human Rights Watch/Middle East representative observed trials before the State Security Court and the first trial ever of a government official accused of human rights violations in Kuwait v. al-Omairi, a case in which Human Rights Watch/Middle East had been instrumental since 1991. Human Rights Watch/Middle East sent letters to Kuwaiti officials urging them to rescind orders preventing human rights and humanitarian groups from continuing their activities.

Human Rights Watch/Middle East sent letters to Kuwaiti officials regarding the mistreatment of Asian maids. It also raised the issue with the Overseas Private Insurance Corporation. OPIC decided to withhold its approval of insurance for investment in Kuwait until the State Department conducted a high level dialogue with Kuwaiti officials on workers' rights. In addition, Human Rights Watch/Middle East worked closely with U.S. Justice Department attorneys who successfully prosecuted a Kuwaiti employer, living in the U.S., charged with holding his Sri Lankan maid in servitude in violation of the Thirteenth Amendment of the U.S. Constitution.

## LEBANON

#### Human Rights Developments

The year was marked by an intensified arrest campaign against government opponents, especially suspected supporters of the banned Lebanese Forces and the ousted General Michel Aoun. The government increased its reliance on military courts to try civilians accused of offenses considered harmful to national security, often in proceedings falling far short of internationally recognized standards for fair trials. In 1994, the government banned all private radio and television stations from broadcasting news bulletins or political programs. Under the pretext of maintaining civil peace, the government jailed protesters and prosecuted reporters and publishers who wrote or aired materials deemed harmful to "civil harmony."

In addition to the Lebanese government, other forces in Lebanon also committed

violations of human rights and humanitarian law, including Syria's Military Intelligence, Israel and its ally the South Lebanon Army, the Iranian-supported organization Hizballa, and the Lebanese Forces, a Maronite militia.

After a bomb exploded on February 27 in the Church of Our Lady of Deliverance killing eleven worshippers and injuring about forty, the authorities moved swiftly against the Lebanese Forces, whose loyalists were blamed by the government for the church bombing and a spate of violent acts that preceded it. The political wing of the group was dissolved by executive order, although evidence of its responsibility for the blast was not determined by the courts. Scores of its supporters were arrested and detained, often without due process of law.

Under Lebanese law, those arrested must be released or referred to the Public Prosecutor's office within twenty-four hours of their arrest. This rule was frequently violated, with detainees held incommunicado without charge for weeks or longer. Access to lawyers improved during 1994, as defense lawyers—both Lebanese and foreign—were more aggressive in their efforts to represent prisoners charged with politically motivated crimes. However, lawyers complained of delayed access to clients detained by the military until after confessions were extracted from them by use of force. No private conferences with lawyers were allowed in most cases.

Human Rights Watch confirmed reports of torture and ill-treatment of those detained by Military Intelligence and held in the Ministry of Defense detention facilities. On April 21, Fawzi al-Rasi, from the Lebanese Forces, died after suffering a heart attack while being questioned at the Ministry of Defense, according to an official statement. His family's request for an independent autopsy was rejected. Other detainees were beaten to extract confessions. In July, the military prosecutor rejected a request by a team of international medical experts to examine defendants before the military court who alleged that they had been tortured and forced to sign confessions of guilt. Two physicians from the International Federation for Human Rights and SOS Torture traveled to Beirut but were not allowed to meet with or examine Magi Karam, Gabi Karam, Jeanette Haddad, George Haddad, Chirbil Deeb, Mohamad Sakr, Josef al-Anjam, or Ali al-Bazzal, all on trial before military courts. The defendants were subsequently convicted without consideration of their charges of ill-treatment.

Several suspected supporters of General Aoun were arrested after they had attended a conference held in Paris in June. In speeches before the conference, the ousted general and his supporters criticized the Syrian presence in Lebanon.

The government increased its reliance on military courts to try civilians accused of state security offenses, including the distribution of leaflets critical of the Lebanese government or of Syria. Procedures before the military courts were abbreviated and the rights of defense were circumscribed. Military prosecutors and judges were military officers, with little or no legal training, who were appointed and dismissed by the Minister of Defense and had no tenure or guarantee of independence.

The government continued to selectively prosecute individuals for crimes committed during the civil war period—most of which were included in a 1991 amnesty law covering the 1975-1991 period. While members of the current cabinet implicated in serious crimes from that period were not questioned, almost all of those prosecuted in 1994 for crimes prior to the 1991 law were members or supporters of the Lebanese Forces or other opposition groups.

In March, the government escalated its campaign against the media by banning private broadcasters from airing news or political programming or commentary. During the year, the government pressured private stations to cease operation, with the government-owned LTV

continuing to take legal action against private companies for infringing on its monopoly over television, scheduled to continue until 2012.

In February, a Beirut court acquitted two executives and two journalists from the privately owned ICN television network, which had been shut in April 1993. Henri Sfeir, the owner, Farid Sulaiman, an executive, and news editors Antoine Qustantin and Tony Shamiyya had been charged with fomenting civil strife, a crime under Lebanese law. In May, George Louis Bashir and Youesf Hanna al-Huwaik, two journalists from al-Diyar daily, were indicted under civil war-era Decree 104 for allegedly reporting false news related to Maronite Patriarch Nasralla Sfeir's visit to Australia.

The General Directorate of Public Security (GDPS), the national police force, exercised control over all non-periodical publications, including leaflets and press releases. All such publications were required to be submitted to the police for approval before being distributed. The same rules applied to books, plays and films. In September, Hikmat Deeb, Lina Ghraib, Najla Selim, Fadi Abu-Shaqra, Jean Aoun, Huda Yameen, Mona Shakibyan, Michel Alfteriados, Qizhiya Qurqumaz, Alftari Anastassiou and others were arrested for printing and distributing wall posters protesting a September 17 government-sponsored rally in downtown Beirut.

In addition to the Lebanese government, other forces in Lebanon committed violations of human rights and humanitarian law. Syria's 35,000 troops were deployed mainly in the Beqa' valley, where Iran's Revolutionary Guards are also stationed. Israel and its ally the South Lebanon Army control a self-declared security zone along the Lebanese-Israeli border. The pro-Iranian Hizballa has considerable territorial control in parts of the south and the southern suburbs of Beirut. Until it was dissolved in March, the Lebanese Forces had control over parts of the Metn and Kisrawan districts, north of Beirut.

Under the terms of the September 1991 Syrian-Lebanese agreement, Lebanese officials consulted regularly with commanders of Syrian forces in Lebanon over most security matters, whether involving Syrian nationals or others. Officers of Syrian Military Intelligence were active at the Beirut International Airport and other Lebanese ports of entry, detaining or interrogating Syrian government opponents before permitting them to enter or leave the country. Human Rights Watch/Middle East also received reports of arrests of Lebanese citizens and Palestinian residents by Syrian forces in Lebanon.

Israel and the Israeli-sponsored South Lebanon Army (SLA) were responsible for serious human rights violations in Lebanon during the year. Shelling and air raids by Israel and its allies on southern Lebanese villages and towns, while always ostensibly directed against guerrilla bases, produced a heavy toll of civilian casualties. For example, on August 4, an Israeli jet fired a missile into a residential building in the southern village of Deir Zahrani, killing six and wounding eleven, all civilians. Israel apologized for what it said was a mistake, but according to a Reuters dispatch, Uri Lubrani, the Israeli coordinator for southern Lebanon, said, "[T]hings like this apparently cannot be avoided because when you chop down trees...sometimes chips fly and this is one of them." On October 19 and 20, Israel and its allied SLA gunners shelled two towns in southern Lebanon, killing seven people and wounding four. All but one—a Lebanese soldier—were civilians.

Israel continued to hold an undisclosed number of Lebanese detainees without charge or trial. Other Lebanese prisoners were held in Israeli prisons beyond the expiration of sentences handed down by Israeli military courts, in "administrative detention" without charge or trial under British Mandate-era emergency regulations. Some of these prisoners had been abducted by

Israeli forces from their villages in Lebanon, as happened in May when Israeli commandos seized the Shi'a activist Mustafa Dirani from his home in the Beqa', reportedly because they believed that he had information on Israeli soldiers missing in action.

The SLA also engaged in the indiscriminate shelling of villages adjacent to the area it controls, the forced conscription of young men, and a policy of arbitrary arrest, lengthy incommunicado detention and torture of suspected opponents held in the notorious al-Khiam prison it controls with Israeli support. In 1994, about 200 detainees were being held in al-Khiam without charge or trial and without access to family or lawyers. The International Committee of the Red Cross continued to be denied access to these detainees.

The Iranian-supported Hizballa, whose forces are supplemented by Iranian Revolutionary Guards, is the only major militia beside the SLA that has not been disarmed by the Lebanese government. It, too, was implicated in abuses, including summary executions, abductions, and beatings. In February, a Hizballa ad hoc tribunal summarily imposed the death penalty on Hassan Awwadha, a sixteen-year-old murder suspect, who was immediately executed with a bullet to the head. Also in 1994, assailants believed connected with Hizballa murdered a Lebanese actor believed to have performed in a pornographic film. In light of the foreign support it enjoys and the significant bloc of parliamentarians from Hizballa in the Chamber of Deputies, the government appeared reluctant to curb abuses by Hizballa loyalists.

Ostensibly aiming to pressure Israel to abandon the Lebanese border area it controls, Hizballa also engaged in 1994 in indiscriminate shelling of northern Israel and areas of southern Lebanon under SLA control, causing extensive damage and casualties among noncombatants.

Elements in the Lebanese Forces, the largest Maronite militia and a major opposition force, were implicated in attacks on civilians, including the bombing on February 27 of the Church of Our Lady of Deliverance, in which eleven worshippers were killed and over forty injured. In contrast with most other abuses, the government swiftly moved against the Lebanese Forces and their supporters suspected of taking part in violence.

### The Right to Monitor

There was no prohibition in law of human rights work in Lebanon, but local human rights groups and individual activists reported that fear of Lebanese and Syrian intelligence services curbed their activities. The military prosecutor's office repeatedly summoned Dr. Muhamad Mugraby, a prominent human rights lawyer, to question him about statements he made before the military court in defense of his clients. Government officials contended that elements of Mugraby's statements were punishable under the penal code because they were harmful to Lebanon's foreign policy. A media campaign against Mugraby was believed inspired by government officials, after Mugraby voiced—during a June meeting in Paris attended by Aoun loyalists—criticism of the Syrian presence in Lebanon and the Hrawi/Hariri government.

In September, Hikmat Deeb, active in the Foundation for Humanitarian and Human Rights, was arrested with others and charged with taking part in the printing and distribution of flyers and posters critical of the government.

Among the established groups inside Lebanon were the Lebanese Association for Human Rights, the Foundation for Human and Humanitarian Rights, and the Lebanese Lawyers Association. Outside Lebanon, the Lebanese League for Human Rights was especially active in France and Belgium. Humanitarian and academic organizations reported regularly on issues related to human rights in Lebanon. Among the Beirut-based groups were the Lebanese NGO

Forum and the Movement of the Handicapped and Youth for Human Rights and Peace. The Lebanon Report, published monthly by the Lebanese Center for Policy Studies, a research institution in Beirut, provided information related to human rights.

#### U.S. Policy

After a meeting in late September between Secretary of State Warren Christopher and Faris Bouez, his Lebanese counterpart, the U.S. voiced strong support for "Lebanese independence, sovereignty, and territorial integrity." Throughout 1994, U.S. officials appeared concerned primarily with bolstering the Lebanese government and armed forces, and ensuring Lebanon's active participation in the regional peace process. No concern was voiced publicly by officials when the Lebanese government waged an abusive campaign against its opponents in the spring or over the drastic steps taken to further muzzle the media.

While the Clinton administration maintained the travel restrictions imposed by previous administrations on U.S. citizens wishing to travel to Lebanon, it lifted in 1993 an eight-year old ban on the sale of lethal weapons to Lebanon and increased its assistance level. The U.S. approved the sale of 175 M-113A2 armored personnel carriers, out of which 106 were received by July 1994, and funded a training program for the Lebanese military.

Although U.S. economic aid remained relatively small—nine million dollars in fiscal 1994—it had a high multiplier effect; Washington persuaded U.S. allies and multilateral institutions to continue the previous year's record levels of economic aid that made Lebanon, on a per capita basis, the second largest recipient of foreign aid in the Middle East, next only to Israel.

According to U.S. officials, President Clinton personally communicated with a number of Arab and European heads of state to encourage their support and assistance to Lebanon. Partly at U.S. urging, the World Bank extended a three-year \$2.4 billion aid package for a reconstruction program that was part of a \$13 billion expenditure planned by the Lebanese government. U.S. allies, including Saudi Arabia, Kuwait, Qatar, Italy, and Germany, provided the bulk of aid to Lebanon in 1994.

The U.S. and its allies' expressions of support for the Lebanese government were not accompanied by public expressions of concern over the serious human rights violations committed by the Hrawi/Hariri government. To the contrary, foreign aid extended by Kuwait and Saudi Arabia was believed to be implicitly conditioned on the Lebanese government's curbing of media criticism of the two governments.

When asked in June about the Israeli commandos' kidnapping of the Shi'a activist Mustafa Dirani, Robert H. Pelletreau, Assistant Secretary of State for Near Eastern Affairs, told the House Subcommittee on Europe and the Middle East that the U.S. did not condemn the action "because it represents a number of complicated issues in our own system." Although, according to Secretary Pelletreau the U.S. had brokered an agreement between Hizballa and Israel under which the two sides were not to fire at civilian targets, the U.S. rarely condemned the frequent violations of this agreement.

#### The Work of Human Rights Watch/Middle East

There were two points of special focus to Human Rights Watch/Middle East's work during 1994: Lebanese government attacks on freedom of expression and the treatment of detainees arrested by military intelligence and tried before military courts.

In March, Human Rights Watch/Middle East protested the Lebanese government's decision to ban private radio and television stations from airing news and political commentaries. In June and July, a Human Rights Watch/Middle East consultant visited Lebanon to investigate recent restrictions on freedom of expression and association. The results of her research are planned for publication in 1995, intended to coincide with preparations for the presidential election scheduled for September 1995 and the parliamentary elections scheduled for 1996.

In 1994 Human Rights Watch/Middle East protested unfair trials by military courts, including their failure to address claims of torture and ill treatment, and refusal to permit independent international physicians to examine defendants who reported being coerced into confessing their guilt.

In October, Human Rights Watch/Middle East supported the efforts of U.S. senators on behalf of eight Lebanese detained for allegedly printing and distributing materials critical of the Lebanese and Syrian governments. All eight were released on bail shortly after the three senators issued a letter protesting their arrest.

## SAUDI ARABIA

### Human Rights Developments

In 1994 Saudi Arabia witnessed the largest roundup in recent history of opposition activists and a new low in the dismal human rights record of the Kingdom. Arbitrary arrest, detention without trial and ill-treatment of prisoners remained the norm during the year, especially for those accused of political offenses. Several hundred Islamist opponents are known to have been arbitrarily arrested and detained without trial. Scores of drug traffickers were executed, usually by beheading, after summary trials. The ban on free speech, assembly and association was strictly enforced; violators were jailed, deported, banned from travel or dismissed from their government positions. Restrictions on the employment and movement of women were strictly observed, and harassment of non-Muslims and discrimination against the Shi'a continued unabated.

In response to criticism abroad of the Kingdom's human rights record, the government orchestrated a campaign in the media it controls against human rights principles, which were dismissed as anti-Islamic, Western values. Criticism of human rights abuses in the country was occasionally described as part of "Zionist intrigue of the Israel lobby."

The most significant development in 1994 was the government's crackdown on peaceful dissent by Islamist groups, the largest in recent history. In a campaign begun in April but intensified in September, several hundred religious opponents of the government were arrested. In almost all cases, the arrests and accompanying searches were conducted without warrants and suspects were held without charge or trial. None of the detainees were allowed visits by legal counsel and most, for long periods after arrest, were denied family visits.

According to official statements, about one hundred and fifty of the Islamist detainees were suspected supporters of Shaikh Salman al-Audah and Shaikh Safar al-Hawali, both university professors and religious leaders who had been banned from speaking in public and dismissed from their academic posts in September 1993. Those detained also included founders and supporters of the banned Committee to Defend Legitimate Rights (CDLR), established in May 1993 by Islamist jurists and professors. During May and June 1994, in an attempt to apply



pressure and extract information, the government arrested relatives of CDLR spokesman Dr. Muhammed al-Mas'ari after he had fled the country and re-established the committee in London in April 1994. Others detained included religious leaders who signed a June 1994 statement critical of Saudi Arabia's reported support of Southern Yemeni separatists. Although no formal charges were filed against any of the detainees, government statements cited their public speaking in defiance of previous bans and "fomenting dissension and civil strife." Salman al-Audah's book Kissinger's Promise was cited in an official statement as evidence of subversion, as were audiocassettes and handbills distributed clandestinely, in defiance of government regulations.

Soon after the Islamist-inspired CDLR resumed its activities in exile in April 1994, the Directorate of General Investigations (DGI), the secret police known as al-Mabahith, began a campaign against all suspected Islamist opposition sympathizers, spokesmen and their family members. The campaign intensified during the summer, when prominent Islamists signed a strongly-worded statement, which was distributed widely, criticizing Saudi involvement in the Yemeni conflict. And on September 12, after Islamists pressured the government into boycotting the U.N. Conference on Population and Development, prominent leaders al-Audah and al-Hawali were arrested with a number of their followers. During the next weeks public protests were held in defiance of the government ban and hundreds more were arrested. By mid-November, the arrest campaign was still under way, with the arrest of many religious teachers, university professors, and others suspected of sympathy with the Islamist opposition.

In February, King Fahd ordered that Usama Bin Ladin, a prosperous businessman who helped finance the mujahideen of Afghanistan, be stripped of his Saudi citizenship and have his assets inside the country frozen. Scores of Bin Ladin's followers were detained without charges and most of the foreigners among them were summarily deported.

This crackdown on peaceful dissent belied the promises made by the government when the Basic Law of Government was adopted in March 1992. Although the law was hailed then by Saudi and United States officials as heralding a new era of respect for basic rights, the Saudi government's actions since its adoption proved that such hopes were premature.

In 1994, a government-appointed committee to investigate the violent events of March 1993 at the Rafha refugee camp exonerated camp officials of any wrongdoing. A confrontation there had resulted in the death of at least eight Iraqi refugees and three Saudi government employees and the injury of over 140 refugees. The uprising at the camp, located near the Iraqi-Saudi border, was triggered by the refusal of Saudi authorities to permit family members fleeing Iraq to join their relatives in the camp. To disperse the demonstrators, guards opened fire, killing one, after which refugees apparently set the camp administrative building on fire, resulting in the death of three civilian employees. When security forces subsequently opened fire to disperse the crowds and facilitate the extinguishing of the fire, eight more protesters were killed and hundreds were detained. Many of the detained are known to have been tortured, in an apparent attempt by the authorities to identify those who organized the protest.

Human Rights Watch/Middle East confirmed other reports during 1994 of torture and ill-treatment of detainees during interrogation by the secret police and the religious police. To compel prisoners to provide information they were frequently subjected to electric shock, falaqa (beating on the soles of the feet) and flogging with bamboo sticks. Ill-treatment included prolonged incommunicado detention, sleep deprivation, threats, and insults. Visits by family members or lawyers were often denied for long periods.

In an apparent response to a rise in drug use and other crimes, scores of drug smugglers—almost all foreigners—were beheaded during the first nine months of 1994 after proceedings that fell far short of international standards for fair trials. Most were not represented by lawyers at the trials or assisted in preparing their defense. In 1994, there was a marked increase in the application of corporal punishment, including flogging for a variety of crimes and amputations for theft. On one day in October, five Sudanese nationals had their right hands amputated as a penalty for theft.

Under the Imprisonment and Detention Law No. 31 of 1978 and its 1982 bylaws, issued by the Minister of Interior, detainees may be held indefinitely without trial or judicial review. Although families were often able to find out informally if one of their members had been detained, rarely was there formal notification. This problem applied equally to foreigners arrested in Saudi Arabia, many of whom had no family in Saudi Arabia to notice that they were missing. Saudi authorities did not notify foreign missions of the arrest of their nationals and declined to sign international or bilateral consular agreements mandating such notification or allowing immediate access by foreign consulates.

It was equally rare for a detainee to be informed of the charges against him or her. Saudi law permits interrogation of detainees without the benefit of counsel, and the use of force to elicit confessions was commonplace in the Saudi security system. The law explicitly sanctions flogging, indefinite solitary confinement, and deprivation of family visits, as methods for disciplining prisoners.

Foreigners, estimated officially at about five million (27 percent of the population), faced special hardships, including a ban on travel within the country or abroad without written permission from their employers. Hundreds of foreigners accused of violating the stringent visa regulations by overstaying their residency permits or changing their employers were being held in crowded, substandard deportation facilities throughout the Kingdom. Most were subsequently expelled without judicial review. Since regulations required that aliens secure clearance from their former employers before being permitted to leave the country, many were kept in deportation facilities awaiting these clearances.

Human rights abuses were facilitated by the absence of an independent judiciary and the lack of scrutiny by an elected representative body or a free press. The royal family's concentration of power and the absence of a free press or parliament left government officials and members of the royal family immune to criticism and free to take advantage of their positions. In 1994, there were several reports of unpunished abuse by members of the royal family, including murder and beatings of ordinary citizens and foreign residents. No one has been charged with the murder in 1993 of two men on the estate of Prince Mish'al, King Fahd's brother.

In December 1993, the Consultative Council held its first meeting since it was appointed by King Fahd in the preceding August. Almost all of the sixty-one members of the new council were government loyalists, the majority of them longtime government employees. According to the Consultative Council Bylaws issued in August by King Fahd, the Council's members retain their positions in the executive branch while serving their terms in the Consultative Council. By virtue of its mandate, composition and bylaws, the Council did not appear likely to provide a forum for significant political participation or act as a check on human rights abuses. Although all of the Council's meetings—after the inaugural meeting—have been secret, Human Rights Watch/Middle East learned that the Council did not take any independent decisions; in at least

one case, a decision was taken without debate in support of the government's plan to raise utility prices. Few officials were instructed by King Fahd to brief the council in private sessions, and no members are known to have questioned government policy in these sessions.

In 1994, buoyed by widespread dissatisfaction with the government's financial and foreign policies, Islamists intensified their public criticism of the government. In mosque sermons, books, leaflets and audiocassettes, they criticized corruption and favoritism and called for more political participation. Islamist spokesmen also sought greater autonomy for Islamic preachers, including freedom of expression, as well as an end to arbitrary arrests and searches. To combat this criticism, the government enforced its strict ban on public speaking, assembly, and association; in addition to arresting hundreds of Islamists, it dismissed many from their teaching jobs and banned many others from travel. It also introduced measures to tighten its control over the flow of information in and out of the country. In several statements issued by the Ministry of Interior, the government warned citizens and residents against publicly criticizing the state's "internal, foreign, financial, media or other policies," or "communicating with anyone outside the country, or any activist inside the country, by telephone or fax." The ban included religious sermons, university lectures and the distribution or ownership of hostile writings or audiocassettes.

The government owns and operates all radio and television stations in the Kingdom, and it keeps the privately owned local press on a very short leash, preventing criticism of government policies. Foreign publications, including daily newspapers and weekly magazines, were barred from the country in 1994 for publishing such views. Although the ban on foreign journalists was slightly relaxed in October, most visa applications submitted during 1994 by journalists from major U.S. and British news organizations were turned down.

During 1994, the government expanded its considerable influence over major regional and international news organizations. Royal family members and their close associates had purchased key news organizations during the preceding few years, including United Press International; al-Hayat, a major daily in the Middle East; and MBC, a London-based satellite television network. The Ministry of Information signed an agreement with Radio Monte Carlo's Middle East Division, a major source of news in the Kingdom, to highlight positive elements of government policy. In November 1993, MBC acquired the Arab Network of America (ANA), previously a private radio and television cable network with services in most U.S. metropolitan areas. In the months after it changed owners, ANA cancelled, suspended or censored several programs deemed critical of Saudi Arabia. Also during 1994, the British Broadcasting Corporation (BBC) announced plans to start an Arabic television service with the financial backing of a member of the Saudi royal family, whose company will have exclusive rights to retransmit the program to Saudi Arabia.

In March, a royal decree banned television satellite dishes, imposing a fine equivalent to U.S. \$26,667 for possessing and \$133,333 for importing the equipment. In June, in an apparent response to broadcast criticism of the government, the Ministry of Interior gave those who already owned dishes a month to re-export or otherwise dispose of them before imposing the fines. Also in March, another decree ordered the scrambling of television signals coming into the country. Foreign networks were instructed to transmit their signals to a central relay station owned by the Ministry of Information, which had the exclusive right to provide television programming "suitable for Saudi religious and social values."

## The Right to Monitor

Since monitoring human rights violations is considered by the government as political activity, Saudi Arabian law and practice strictly prohibited such an undertaking. Associations of any kind wishing to report on human rights violations in the Kingdom had to work either clandestinely inside the country, at the risk of arrests, or operate outside the Kingdom. In 1994, the ability to monitor human rights abuses in Saudi Arabia was handicapped by the shutdown in the previous year of groups reporting abuses and the arrests of activists attempting to monitor violations.

However, new opposition groups established in 1994 outside the Kingdom provided a steady stream of news and commentary on violations of the rights of dissidents and government opponents. Since April, the banned Committee for the Defense of Legitimate Rights, a mainstream Islamist opposition group, has resumed its activities from London, publishing regular reports on arrests of Islamist activists. In May, the Advice and Reformation Committee was established in London, representing a more hardline Islamist faction led by Usama bin Ladin, a Saudi businessman known for his support of radical groups in the region.

In May, Muhamed al-Khilewi, a senior diplomat at the Saudi Arabian U.N. mission in New York, sought political asylum in the U.S. accusing the Saudi government of corruption and widespread human rights violations. Al-Khilewi, who was granted asylum in August, announced that he would establish an opposition group with an emphasis on human rights advocacy. Ahmed al-Zaharni, a vice consul in Houston, Texas, sought political asylum in the United Kingdom, accusing Saudi officials of plans to harm him following the publication of his book on Saudi foreign policy.

By the end of the summer, the Reform Movement, the main Shi'a opposition group, had suspended all its activities outside Saudi Arabia, in exchange for promises made by the government to improve conditions for the Shi'a minority. Before they were suspended, the movement's activities had included the publication of a magazine in Arabic and another in English, and the distribution of human rights information by groups affiliated with the movement. During the year, the Holy Shrines Center, run by a smaller Shi'a opposition group continued to issue occasional reports on violations of the rights of the Shi'a minority.

No human rights organizations were permitted to visit Saudi Arabia in 1994. As in the past, requests for information and inquiries made by Human Rights Watch/Middle East during the year on specific incidents of human rights violations went unanswered. By mid-November, there had been no response to our request to discuss sending a Human Rights Watch/Middle East mission to Saudi Arabia.

## U.S. Policy

By virtue of an important strategic relationship with Saudi Arabia spanning over fifty years, the United States is uniquely well-placed to help curb human rights abuses in Saudi Arabia. Although the Clinton election campaign had cited Saudi Arabia as a target for human rights attention, the Clinton administration largely failed to criticize publicly Saudi violations, and occasionally praised the Kingdom's rulers. Apparently subordinating human rights principles to strategic and commercial interests, the increased level of military and commercial activity during the year was not accompanied by public candor in assessing the human rights record of Saudi Arabia. During the year, when senior administration officials, including President Clinton and the secretaries of State, Defense, Commerce and Treasury, as well as Mack McLarty, White House Counselor and former chief of staff, visited Saudi Arabia, they refrained from voicing any

concern over human rights violations. Their reticence may have reflected the mistaken belief that promotion of human rights and participatory democracy in the Kingdom would have a deleterious effect on other important interests.

U.S. commitment to the defense of Saudi Arabia is a key goal of U.S. foreign policy that the Clinton administration emphasized from the beginning of its term and repeated several times during 1994. This commitment was demonstrated through a permanent U.S. military presence offshore near Saudi Arabia, and the large number of U.S. military advisers with the Saudi military, in addition to pre-positioning of large stocks of weapons for use against threats to Saudi Arabia. When in October Iraq again threatened Kuwait, the U.S.-Saudi military alliance quickly responded by dispatching U.S. troops to the region using Saudi military facilities and pre-positioned armament.

The bilateral military arrangements included the sale of sophisticated weapons, scheduled for delivery throughout the remainder of the decade, with Saudi Arabia accounting for 30 percent of total U.S. military sales. In addition to military hardware, Saudi Arabia in 1994 awarded two major contracts to U.S. aircraft and telecommunications companies, after intensive lobbying by senior administration officials, including President Clinton, Lloyd Bentsen, Secretary of the Treasury, and Ron Brown, Secretary of Commerce, who traveled to Saudi Arabia for that purpose. A \$6 billion contract was awarded to Boeing Company and the McDonnell-Douglas Corporation for civilian jetliners for Saudia, the government-owned carrier. American Telephone & Telegraph won an estimated \$4 billion contract to expand the telephone network. According to an October 25 Wall Street Journal article, 80 percent of the funding for the Boeing-McDonnell deal was being arranged on favorable terms by the U.S. Export-Import Bank.

U.S. firms in general increased their investments in Saudi Arabia, making the U.S. by far the major foreign investor in the Kingdom, increasing the U.S. share from 25.3 percent in 1993 to 35.6 percent this year, according to an October 27 UPI dispatch.

In testimony before Congress in March, June, and October, Robert H. Pelletreau, Assistant Secretary of State for Near Eastern Affairs, repeated administration proclamations about the need to promote "more open political systems, and respect for human rights and the rule of law" as one of the administration's priorities. Despite widespread popular dissatisfaction in Saudi Arabia and the fact that the Saudi government has outlawed elections and popular representation for over thirty years, Secretary Pelletreau told Congress in written answer to members' questions submitted in June, "The U.S. believes that the Government of Saudi Arabia continues to enjoy the support of the overwhelming majority of Saudi citizens." The Secretary did not cite any evidence to support his conclusion.

Nevertheless, in 1994, the U.S. government for the first time in recent history publicly expressed some qualified concern over human rights developments in Saudi Arabia, although it refrained from describing them as violations. On September 29, weeks after mass arrests had taken place in Saudi Arabia, Christine Shelly, State Department Spokesperson, answered a reporter's question about the U.S. position on the Saudi government's arrest of 110 opponents, which had been acknowledged by Saudi authorities three days earlier. Ms. Shelly said, "We're aware of the fact that 110 Muslim militants have been arrested. It's a situation that we continue to monitor. Saudi authorities have indicated that these arrests were made on the basis of evidence that they had, that the individuals involved were seeking to disrupt internal security." (The evidence the Saudi official announcement had cited were leaflets and audiocassettes critical of the government, and a book on U.S. policy in the Gulf written by the central figure among

those arrested). Ms. Shelly further stated that, "human rights and rule of law issues, of course, are an important part of our ongoing dialogue with the Saudis. We do have—the United States does have serious concerns about the human rights situation in Saudi Arabia." When asked whether the arrests fell under "the heading of human rights concerns," Ms. Shelly said it was premature to classify them as such, "I think that the activity in question is something that we made a notation of in our human rights report, and we are also aware of what their particular regulations are regarding actions that they take in response to disruptions that they perceive to their internal security...and I think it's premature at this point to make that kind of a characterization." According to a November 4 New York Times article, administration officials later apologized to the Saudi government for Ms. Shelly's implication that the U.S. was concerned about the arrests.

#### The Work of Human Rights Watch/Middle East

In 1994, despite the Saudi government's failure to approve Human Rights Watch/Middle East's request for an official mission to the Kingdom, the organization continued its close monitoring of human rights conditions and advocacy on behalf of victims of abuse in Saudi Arabia.

Through letters to the government and the media, Human Rights Watch/Middle East protested the harassment of peaceful Islamist dissidents and the U.S. government's silence. It supported the asylum application of a Saudi diplomat who protested his government's abuses and the royal family monopoly of power. (He was granted asylum in the U.S. in August.) Previously, Human Rights Watch/Middle East had played a key role in efforts to persuade the Canadian government to grant asylum to a Saudi feminist. The successful effort resulted in an overhaul of the Canadian Immigration and Refugee Board's guidelines widening the scope of the definition of women refugees.

In 1994, for the second year in a row, in an effort supported by Human Rights Watch/Middle East, the House Judiciary Committee adopted an amendment to the Foreign Sovereign Immunities Act making it easier for U.S. citizens to seek legal remedies in the U.S. for human rights abuses committed abroad. The amendment was partly in response to the 1993 Supreme Court decision in *Saudi Arabia v. Nelson*, in which Human Rights Watch/Middle East had acted as *amicus curiae* in support of Scott Nelson, who was suing the Saudi government for torture and arbitrary arrest during his employment with a Saudi government agency.

## SYRIA

#### Human Rights Developments

The government of President Hafez al-Asad did not dismantle repressive laws and institutions, and gave no visible sign that the state was prepared to tolerate open criticism of its policies and practices by granting legal status to now-banned opposition political parties and human rights groups. The state of emergency, imposed in 1963, remained in effect, suspending constitutional rights and granting broad powers of detention without charge to security services. There was evidence of prolonged incommunicado detention of individuals subjected to arbitrary arrest. Trials of members of the political opposition continued before the security court, and lengthy sentences were handed down. Freedom of expression, association, and assembly existed only as

theoretical rights in the Syrian constitution. As in past years, criticism of President Hafez al-Asad and the powerful security apparatus was strictly off-limits.

Fourteen activists from the Committees for the Defense of Democratic Freedoms and Human Rights in Syria (CDF)—the independent group organized in 1989 by lawyers, physicians, engineers, journalists, writers, and students who were forced to work clandestinely inside the country—were imprisoned for most of 1994. Despite the release of four of them during the year, eleven were still behind bars as of early November, ten of them serving sentences ranging from five to ten years. The intimidating effect of the deliberate crippling of CDF—which began with a wave of arrests in late 1991—hampered in-depth monitoring of the human rights situation and, for the third consecutive year, complicated the collection and flow of information. "Human rights groups fail to understand that we must preserve the stability of the country," Minister of State for Foreign Affairs Nasir Qaddour told Human Rights Watch/Middle East in Damascus in October, "and in doing so, we have to limit rights." He justified the continuing state of emergency with these words: "We are in a state of war. We have Iraq to the east and Israel to the south, occupying the Golan [Heights]."

Prolonged incommunicado detention, a practice that facilitates torture, continued in 1994. Early in the year, it became known that thirty-four-year-old Lebanese citizen Dani Mansourati died in detention from torture and ill-treatment at the Damascus headquarters of Air Force Intelligence, which is known for its covert operations in foreign countries. He had been held incommunicado since his arrest in May 1992 in Damascus by Military Intelligence, the security force that plays an important role in Lebanon.

Eleven relatives and friends of the late General Salah Jadid—the Ba'ath Party strongman arrested after the 1970 coup who remained in detention without charge until his death in August 1993—were held in incommunicado detention until their release on July 3. Six of the relatives were students ranging in age from seventeen to thirty-one years old, and another was a thirty-year-old university lecturer. They and four friends of the family, including a dentist, a businessman, an engineer, and a retired army officer, had all been arrested between August 23 and August 29, 1993, following Jadid's death, and taken to an unknown location. On June 20, the Syrian Embassy in London replied to Amnesty International appeals about the case. "[N]o one was arrested or detained because of being a relative or friend of the late Salah Jadid," the Embassy wrote. "Furthermore, the Syrian Arab Republic laws and regulations do not give authority to anyone to arrest or detain any citizen because of his or her blood relation, colour, opinion, religion, or language." The government did not deny that the individuals were in official custody, but it provided no information about why they were detained or where they were being held incommunicado.

In September, the Supreme State Security Court, whose decisions cannot be appealed to a higher tribunal, handed down judgments in the ongoing trials of suspected members or supporters of banned political parties. CDF reported that fifty-six members of the Party for Communist Action and the Communist Party/Political Bureau—another banned opposition group—were sentenced to prison terms of up to fifteen years. The harsh sentences send a strong message that the government remains firm in its policy of denying freedom of association to opposition political groups. Syrian officials told Human Rights Watch/Middle East in October that 275 defendants had been tried before the security court since 1992.

On the positive side, there were releases in 1994 of scores of political prisoners and four CDF activists. Five long-term prisoners were released in 1994: Ahmad Swaidani, Mustafa

Rustom, Haditha Murad in February, and Adel Nouaisseh and Dhafi Jouma'ni later in the year. All five had been held without charge or trial: Swaidani since 1969, and the others since the early 1970s. These releases reduced the number of Syria's longest-serving political prisoners to seven. Muhammed 'Id Ashshawi, Fawzi Rida, and Abdel Hamid Muqdad have been detained without charge for over two decades. Khalil Brayez, Mahmud Fayyadh, Jalal el-Din Mirhij, and Mustafa Fallah—who were tried and sentenced in 1971 to fifteen-year prison terms—remained detained despite the expiry of their sentences. Such uninterrupted detention for an extraordinarily long period, and the advanced age of these prisoners, raise serious humanitarian concerns; human rights groups expressed concern during the year about the poor health of Muhammed 'Id Ashshawi, Fawzi Rida, and Mahmud Fayyadh. After almost a quarter of a century, the continued detention of these men appears to be wholly arbitrary and they should be released.

Beginning at the end of April, over eighty detainees were freed, including Ahmad Hasso, a CDF activist who had been imprisoned since early 1992. An additional twenty prisoners were released in September and October, CDF announced on October 24. Three of them were CDF members Jihad Khazem, Ibrahim Habib, and Najib Ata Layqa, all of whom had been detained since early 1992. Others included Adel Nouaisseh, a member of the ruling Ba'ath Party's National Revolutionary Command Council held without charge since his arrest in 1972, and Nihad Nahhas, one of the founders of the banned Party for Communist Action (PCA). Jordanian Dhafi Jouma'ni, a member of the National Command detained since 1970, was released on October 30.

Steps were taken to lift long-standing restrictions on freedom of movement for members of Syria's small Jewish community in advance of the meeting in Geneva in January between President Clinton and President Asad. By late December 1993, authorities had reportedly issued 550 exit permissions to 900 Jews that had until then been unable to obtain these documents. Human Rights Watch/Middle East received information from sources in Syria that in early January about thirty permissions were being issued daily. At the end of February, Syria's deputy chief rabbi Yousef Jajati announced that all members of the community had received exit visas. Damascus-based Western diplomats told Human Rights Watch/Middle East in October that the issue of the Syrian Jews had been "resolved."

### The Right to Monitor

The state does not permit its citizens the right to carry out human rights monitoring and reporting. The continued imprisonment of eleven CDF activists serves as a powerful reminder that rights advocacy will be dealt with harshly by authorities. Ten of the CDF members were convicted by the state security court in 1992 in proceedings that fell short of international fair-trial standards. Their human rights work led them to be charged under the emergency law with membership in an illegal organization (CDF), the dissemination of false information, and undermining the state by distributing leaflets critical of the government. In October, Minister of State for Foreign Affairs Nasir Qaddur told Human Rights Watch/Middle East that the CDF activists were "communists calling for the violent overthrow of the state." Their names and prison sentences are: writer Nizar Nayouf (ten years); lawyer Aktham Nouaisseh, the CDF spokesperson in Syria (nine years); jurist Afif Mizher and university lecturer Muhammed Ali Habib (nine years); Bassam al-Shaykh (eight years); and Thabet Murad, Jadi' Nawfal, Ya'qub Musa, Hassan Ali and Hussam Salama (all five years). Several times during the year, CDF called attention to the poor health of Aktham Nouaisseh, who suffers from glaucoma, glomerulonephritis, and partial paralysis due to beating during interrogation following his arrest



in December 1991. Nouaisseh was moved from Sednaya prison on August 18 to a hospital, where he remained until August 21. During this time, according to CDF, the lawyer did not receive medical treatment for the glaucoma.

The state's harsh measures against locally-based rights advocates contrasted with government officials' receptivity during the year to international human rights organizations. In October, a delegation from Amnesty International conducted a mission, and senior officials, including Minister of Interior Muhammed Harba, Minister of Justice Abdallah Talba, and Minister of State for Foreign Affairs Nasir Qadur, met with a Human Rights Watch/Middle East representative in Damascus. The organization urged the government to match its dialogue with international human rights organizations with a radical overturning of its restrictions on domestic organizations, and to end the persecution of domestic nongovernmental groups, notably CDF. We said that imprisoned human rights monitors should be freed, and independent rights organization should, in accordance with Syrian law, be granted legal status. Such groups should be permitted to collect and disseminate information freely, and carry out other peaceful activities—including networking with other regional and international nongovernmental organizations—without the fear of state retaliation against members and supporters.

#### U.S. Policy

The Clinton administration's policy issues with Syria included human rights, although efforts to broker a peace agreement with Israel clearly remained the overriding goal. The Syrian government signalled a desire for an improved political and economic relationship with the U.S., and continuous contact during the year between senior Clinton administration officials and their Syrian counterparts—to facilitate progress on the Israel-Syria track—provided numerous opportunities to pursue this goal.

Improvement of Syria's human rights record was one of the three issues identified by the U.S. as key to an improved bilateral relationship. The U.S. also said it looked for signs that the Asad government was curbing the drug trade that originates in the Syrian-controlled Beka' Valley of Lebanon, and clamping down on Hizballa, the militia armed by Iran that has indiscriminately shelled settlements in northern Israel from positions in southern Lebanon, and other groups implicated in international terrorism. The Clinton administration has identified open political systems and greater respect for human rights and the rule of law as among its priorities in the region. But if the ongoing U.S.-Syria dialogue included in-depth discussion of these issues, nudging from the American side was applied privately. Human Rights Watch/Middle East is aware of no public statement by the Clinton administration officials during the year that called the Syrian government to task for specific abuses such as arbitrary arrest, incommunicado detention, torture, and long-term imprisonment of human rights monitors.

President Clinton met with President Asad twice during 1994—in Geneva in January, and in Damascus in October. Both occasions presented the U.S. with a major opportunity to put forth concerns about Syria's human rights record, but the subject was not broached publicly.

The only references to human rights at the January 16 meeting in Geneva were couched in extremely vague language. At the joint press conference following the meeting, President Asad noted that over the last year he and President Clinton had had "a number of exchanges and telephone communications." President Clinton confirmed this close contact, stating that "from the outset of our administration, I have engaged President Asad in a regular correspondence by telephone and letter." At the meeting that day, President Clinton said that they discussed "the

state of relations between the U.S. and Syria" and "agreed on the desirability of improving them. Accordingly, we've instructed the secretary of state and the Syrian foreign minister to establish a mechanism to address these issues in detail and openly." President Clinton explained in generalities one of the stumbling blocks to closer relations, the Asad government's harboring of groups that carry out cross-border political violence: "Well, as we have made clear, we have had differences over the years with Syria over a number of issues, including our differences over questions relating to certain groups—the PKK [the Workers' Party of Kurdistan that carries out guerrilla activity in southeast Turkey], the Hezbollah, the Jabril group and others—other issues. We talked about these differences for about an hour today without any view toward trying to resolve them." National Security Advisor Anthony Lake returned to this issue in a speech about U.S. policy toward Syria at the Washington Institute on May 17. He articulated the concern of the Clinton administration that Syria's "alliance with Iran and its support for rejectionist groups have given the forces of extremism a vital base in the Middle East." Following the bombing of a commuter bus in Tel Aviv on October 19, the State Department said that U.S. Ambassador Christopher Ross was instructed to pressure Syrian officials—with whom he met on October 19 in Damascus—to restrict the activities of Hamas, the militant Palestinian group that claimed responsibility for the attack.

President Clinton visited Damascus on October 27 as part of a six-state Middle East tour and conferred with President Asad for over three hours. He made clear, in his public remarks that day, that the purpose of the meeting was "to add new energy" to U.S. efforts to broker a comprehensive peace between Israel and Syria. As in January, Syria's human rights performance was not on the agenda, and President Clinton was criticized for visiting a state that remained on the U.S. list of countries that sponsor international terrorism. It was reported by The New York Times on October 28 that President Clinton had not raised the issue. In the press conference following the meeting, President Asad denied that Syria supported terrorism, and stated: "We did not discuss terrorism as a separate title....[T]his was not one of the topics on the agenda in my discussion with President Clinton, and we are discussing what is more important, and our concern and focus was on the peace process."

When it was announced on October 21 that President Clinton's Middle East tour would include Syria, senior administration officials told The New York Times that they hoped that President Asad would issue a strong public statement against terrorism while President Clinton was in Damascus. At a press conference in Jerusalem on October 27, President Clinton publicly reproached the Syrian leader for not doing so: "I regret that President Asad did not take the opportunity to say in public what he said to me in private about his deep regret about the loss of innocent lives and particularly the bus bombing [in Tel Aviv]."

The Clinton administration in 1994 never raised publicly the issue of Syria's continuing detention of the CDF human rights monitors. Early in the year, State Department Acting Assistant Secretary for Near Eastern Affairs Mark R. Parris informed Human Rights Watch in a letter that the case of the CDF monitors has been "followed closely" and that the U.S. ambassador in Damascus "has raised their case with the Syrians and made clear our views." Referring to the Geneva meeting, he added that "human rights issues were indeed raised," although "the focus was on the broad issues rather than individual cases."

Following a meeting with President Asad in Damascus on May 1, Secretary of State Warren Christopher said that he had received "some encouraging responses," The New York Times reported on May 2, to his request that a senior U.S. official be permitted to visit Syria to

investigate human rights. But the State Department later confirmed to Human Rights Watch/Middle East that the expected mission by Assistant Secretary of State for Democracy, Human Rights, and Labor John Shattuck had not been scheduled as of November 1.

#### The Work of

##### Human Rights Watch/Middle East

Human Rights Watch/Middle East worked during the year to press the Syrian government to remove obstacles to the scrutiny of its human rights performance by international and domestic monitors. We sought to obtain a commitment from the government to permit human rights fact-finding inside the country without fear of arrest. We also identified and utilized opportunities for publicizing the continued imprisonment of the CDF monitors, and appealed to the U.S. and other governments to press for their release.

The Clinton-Asad meeting in Geneva in January presented avenues for advocacy on the CDF case. In December, Human Rights Watch/Middle East wrote to President Clinton, recommending that he raise the issue of the imprisoned monitors with President Asad and press for their immediate, unconditional release. In advance of the meeting, we released this letter to the press, and wrote an opinion piece on the subject that appeared in the Christian Science Monitor. We also organized fifteen U.S., Arab, and European nongovernmental organizations to press the issue of the CDF monitors with Clinton administration officials prior to the meeting. In February, we distributed the package used in the campaign to European Union ambassadors in Damascus, urging that the CDF case be raised in meetings with Syrian government representatives and that persistent diplomatic pressure be applied to effect the immediate and unconditional release of the rights activists. Following the campaign, four CDF monitors were released. Throughout the year, contact was maintained with officials at the Syrian Embassy in Washington, D.C., to pursue the request by Human Rights Watch/Middle East—first made in November 1993—for permission to conduct a fact-finding mission. The executive director of Human Rights Watch/Middle East traveled to Damascus in October to discuss directly with senior government officials the plan for a mission. They gave assurances that the government would facilitate the mission, including prison visits and observation of state security court trials. But as of November 18, we had not received word that the delegation would be permitted to carry out its planned November visit.