

Egypt

Egypt's human rights record showed little improvement during 2004. The government set up a National Council for Human Rights and appointed several respected independent activists to its board, but serious issues like routine torture of persons in detention and suppression of non-violent political dissent remain unaddressed. Emergency rule continues, providing the basis for arbitrary detention and trials before military and state security courts. Victims of torture and ill-treatment include not just political dissenters but also persons detained in ordinary criminal inquiries, men suspected of engaging in consensual homosexual conduct, and street children. Nongovernmental organizations are subjected to stringent controls under the new law on associations, and the authorities arbitrarily reject the applications of several organizations to register as NGOs, as required by the law. Women and girls face systematic discrimination under personal status and other laws, and violence directed at women and girls frequently goes unpunished.

Emergency Rule

In February 2003, the government extended twenty-two years of continuous emergency rule for another three years. The Emergency Law, Law No. 162 of 1958, allows arbitrary arrest and indefinite detention without trial, and creates an atmosphere of impunity in which torture and ill-treatment flourish. The government has used the emergency rule to criminalize political dissent at will, and to refer civilian defendants to military courts or to exceptional state security courts in which trials do not meet international fair trial standards. Some seven hundred alleged Islamist militants who had never been tried or convicted of a crime were reportedly released during 2004. The Cairo-based Human Rights Association for Assistance to Prisoners in early 2004 estimated that the total number of persons then detained without charge for prolonged periods was around fifteen thousand. The group released a list of sixty-five attorneys who have been held without charge or trial under the provisions of the emergency law, some for as long as sixteen years.

Torture

Security forces and police routinely torture and mistreat detainees, particularly during interrogations. Torture in the past was used primarily against political dissidents, especially Islamists, but in recent years it has become rife in ordinary police stations as well, affecting citizens who find themselves in custody as suspects or in connection with criminal investigations. Torture and ill-treatment are known or suspected to be the cause of at least seventeen deaths in detention in 2002 and 2003, including at least three cases at the hands of the State Security Investigations (SSI) branch of the Ministry of Interior, and additional cases of deaths in detention were reported in 2004. Ministry of Interior officials confirmed to Human Rights Watch in February 2004 that there had not been a single criminal investigation of SSI officials for

torture or ill-treatment in the past eighteen years, and no internal disciplinary measures were imposed, despite numerous credible allegations of serious abuse.

Restrictions on Freedom of Association

Egypt's new law governing associations, Law 84 (2002), severely compromises the right to freedom of association, giving the government unwarranted control over the governance and operations of NGOs. The law, which took effect in June 2003, provides criminal penalties for "unauthorized" activities, including "engaging in political or union activities, reserved for political parties and syndicates" (Article 11). The law also provides for up to six months in prison for receiving donations on behalf of an NGO without prior ministry approval. Persons carrying out NGO activities prior to the organization's formal registration are liable to a three-month prison term.

NGOs whose applications for registration were initially rejected include the New Woman Research Center, which raises public awareness of women's rights issues, including female genital mutilation and domestic violence, and the Land Center for Human Rights, which works on economic and social rights issues in rural areas. The authorities in both cases said that security agencies did not approve the applications. The government rejected the application of the Egyptian Association Against Torture because it listed among its goals "to change Egyptian legislation in accordance with human rights conventions." The Ministry of Social Affairs wrote that civil associations had no legal right to be "concerned with legislation" and that such activities were unconstitutional.

Egypt also maintains strict controls over political associations. The official Political Parties Affairs Committee, composed almost entirely of government officials and currently headed by the chairman of the ruling National Democratic Party, routinely rejects applications to form new political parties, based on broadly worded criteria such as whether the party's program "constitutes an addition to public life." On October 27, 2004, the committee, for only the third time since 1977, approved a new party. Al Ghad (Tomorrow) is headed by independent member of parliament Ayman Nur. The committee however continued to reject other applications.

Arrests and Torture of Men for Consensual Homosexual Conduct

Since early 2001, the Cairo vice squad has spearheaded a campaign of entrapment and harassment that has resulted in the arrest, prosecution, and conviction of hundreds of men alleged to have had sex with other men. Officials claim that they are targeting promiscuity and prostitution ("debauchery"), but the authorities routinely raid private apartments, wiretap phones, and employ extensive surveillance of and entrapment via the Internet to round up individuals whose only offence is their alleged homosexual conduct. Many of those detained endure routine torture and ill-treatment at the hands of security officials. Doctors participate in torturing these detainees under the guise of collecting forensic evidence to support the charge of "habitual debauchery."

III-treatment of Street Children

The government periodically conducts mass arrest campaigns of street children. Typically, the children are homeless, beggars, or truants from school but have committed no crime. In custody, they often face beatings, sexual abuse, and extortion by police and adult suspects, and police routinely deny them access to food, bedding, and medical care. The authorities do not routinely monitor conditions of detention for children, investigate cases of arbitrary arrest or abuse in custody, or appropriately discipline those responsible. In many cases, children are detained illegally for days before going before the public prosecutor on charges of being “vulnerable to delinquency.” Police often do not notify parents about arrests, and children who have fled parental abuse or who lack guardians have no recourse for assistance.

Women’s Rights

Egypt’s family and nationality laws have seen some reforms in recent years. However, additional steps are required to amend laws that discriminate against women and girls, to prosecute gender-based violence, and to grant women and girls full and equal citizenship rights. Discriminatory personal status laws governing marriage, divorce, custody, and inheritance have institutionalized the second class status of women in the private realm and undermined their legal standing. Discriminatory divorce laws and policies, for instance, undermine the ability of many women, including those in abusive relationships, from ever attempting to seek a divorce and leave others languishing in legal limbo for years. The penal code does not effectively deter or punish domestic violence, and police are routinely unsympathetic to the concerns of battered women and girls. Current governmental policy also denies women the opportunity to become judges. This exclusion of women from the judiciary is not codified in law but is a matter of practice that violates Egypt’s constitution and its international obligations not to discriminate on the basis of gender.

Religious Intolerance and Discrimination against Religious Minorities

Although Egypt’s constitution provides for equal rights without regard to religion, discrimination against Egyptian Christians and intolerance of Baha’is and minority or unorthodox Muslim sects remains a problem. Egyptian law recognizes conversions to Islam but not from Islam to other religions. There are credible reports that Muslims who convert to Christianity sometimes face harassment. Difficulties in getting new identity papers have resulted in the arrest of converts to Christianity for allegedly forging such documents. Baha’i institutions and community activities are prohibited by law. The authorities have detained and prosecuted individuals adhering to or promoting non-orthodox Islamic sects on grounds of insulting one of the “heavenly religions”—Islam, Christianity, and Judaism.

Key International Actors

The United States has long been Egypt’s largest provider of foreign military and economic assistance, amounting to \$1.3 billion in military aid and \$600 million in economic assistance in Fiscal Year 2004. Egypt hosts the bi-annual Bright Star multilateral military exercises with U.S. forces, the largest military exercise in the region. The U.S. considers Egypt to be “an active partner in the global war against terror”: Deputy Assistant Secretary of State David Satterfield told a Congressional committee in June 2004 that

the two governments “cooperate closely on a broad range of counter-terrorism and law enforcement issue.”

The Association Agreement between Egypt and the European Union, signed in June 2001, came into force on June 1, 2004. Although the agreement is premised on “respect for human rights and democratic principles,” Egypt’s serious human rights problems do not seem to have affected its operation. The E.U. is Egypt’s biggest trading partner, currently taking 40 percent of its exports and providing 34 percent of its imports.

Iran

Respect for basic human rights in Iran, especially freedom of expression and opinion, deteriorated in 2004. Torture and ill-treatment in detention, including indefinite solitary confinement, are used routinely to punish dissidents. The judiciary, which is accountable to Supreme Leader Ali Khamene'i rather than the elected president, Mohammad Khatami, has been at the center of many serious human rights violations. Abuses are carried out by what Iranians call "parallel institutions": plainclothes intelligence agents, paramilitary groups that violently attack peaceful protests, and illegal and secret prisons and interrogation centers run by intelligence services.

Freedom of Expression and Opinion

The Iranian authorities systematically suppress freedom of expression and opinion. After President Mohammad Khatami's election in 1997, reformist newspapers multiplied and took on increasingly sensitive topics in their pages and editorial columns. Prominent Iranian intellectuals began to challenge foundational concepts of Islamic governance. In April 2000, the government launched a protracted campaign to silence critics: closing down newspapers, imprisoning journalists and editors, and regularly calling editors and publishers before what became known as the Press Court. Today, very few independent dailies remain, and those that do self-censor heavily. Many writers and intellectuals have left the country, are in prison, or have ceased to be critical. Days after the visit of the Special Rapporteur for freedom of opinion and expression, Ambeyi Ligabo, in late 2003, one of the student activists with whom he spoke was re-arrested. In 2004 the authorities also moved to block Internet websites that provide independent news and analysis, and to arrest writers using this medium to disseminate information and analysis critical of the government.

Torture and Ill-treatment in Detention

With the closure of independent newspapers and journals, treatment of detainees has worsened in Evin prison as well as in detention centers operated clandestinely by the judiciary and the Islamic Revolutionary Guard Corps. Torture and ill-treatment in detention has been used particularly against those imprisoned for peaceful expression of their political views. In violation of international law and Iran's constitution, judges often accept coerced confessions. The use of prolonged solitary confinement, often in small basement cells, has been designed to break the will of those detained in order to coerce confessions and provide information regarding associates. This systematic use of solitary confinement rises to the level of cruel and inhuman treatment. Combined with denial of access to counsel and videotaped confessions, prolonged solitary confinement creates an environment in which prisoners have nowhere to turn in order to seek redress for their treatment in detention. Severe physical torture is also used, especially against student activists and others who do not enjoy the high public profile of older

dissident intellectuals and writers. The judiciary chief, Ayatollah Mahmud Hashemi Shahrudi, issued an internal directive in April 2004 banning torture and inhumane treatment of detainees, but as of yet no enforcement mechanisms have been established.

Parallel Institutions

“Parallel institutions” (*nabad-e movazij*) is how Iranians refer to the quasi-official organs of repression that have become increasingly open in crushing student protests, detaining activists, writers, and journalists in secret prisons, and threatening pro-democracy speakers and audiences at public events. These groups have carried out brutal assaults against students, writers, and reformist politicians, and have set up arbitrary checkpoints around Tehran. Groups such as *Ansar-e Hizbollah* and the *Basij* work under the control of the Office of the Supreme Leader, and there are many reports that the uniformed police are often afraid to directly confront these plainclothes agents. Illegal prisons, which are outside of the oversight of the National Prisons Office, are sites where political prisoners are abused, intimidated, and tortured with impunity. Over the past year politically active individuals have been summoned to a detention center controlled by the Department of Public Places (*Edareh Amaken Umumi*) for questioning by “parallel” intelligence services. According to journalists and student activists who have undergone such interrogations but not been arrested or detained, these sessions are intended to intimidate and threaten students and others.

Impunity

There is no mechanism for monitoring and investigating human rights violations perpetrated by agents of the government. The closure of independent media in Iran has helped to perpetuate an atmosphere of impunity. In recent years, the Parliament’s Article 90 Commission (mandated by the constitution to address complaints of violations of the constitution by the three branches of government) has made an admirable effort to investigate and report on the many complaints it has received, the Commission lacks any power to enforce its findings and recommendations. The Commission repeatedly called for a thorough investigation of the judiciary’s violations of the law, but thus far this has not happened. In October 2003 the Article 90 Commission presented a public report on the death in custody several months earlier of Iranian-Canadian photojournalist Zahra Kazemi. The report placed responsibility for her death squarely on agents of the judiciary. In a bizarre development, the judiciary accused a low ranking official of the Intelligence Ministry, Reza Ahmadi, of killing Kazemi. Despite a strong rebuke from the Intelligence Ministry, the judiciary proceeded with a hastily organized trial held in May 2004 in which Reza Ahmadi was cleared of the charges. The judiciary has taken no further steps to identify or prosecute those responsible for Kazemi’s death.

The Guardian Council

Iran’s Guardian Council is a body of twelve religious jurists: six are appointed by the Supreme Leader and the remaining six nominated by the judiciary and confirmed by Parliament. The Council has the unchecked power to veto legislation approved by the Parliament. In recent years, for instance, the Council has repeatedly rejected parliamentary bills in such areas as women’s rights, family law, the

prohibition of torture, and electoral reform. The Council also vetoed parliamentary bills assenting to ratification of international human rights treaties such as the Convention against Torture and the Convention on the Elimination of all forms of Discrimination against Women.

The Council also has the power to vet candidates for elected political posts, including the presidency and the national parliament, based on vague criteria and subject only to the review of the Supreme Leader. The Council wielded its arbitrary powers in a blatantly partisan manner during the parliamentary elections of February 2004 when it disqualified more than 3,600 reformist and independent candidates, allowing conservative candidates to dominate the ballot. The Council's actions produced widespread voter apathy and many boycotted the polls. Many Iranians regarded the move as a "silent coup" on behalf of conservatives who had performed poorly during previous elections in 2000. The Council also disqualified many sitting parliamentarians whose candidacy had been approved by the same Council in 2000.

Minorities

Iran's ethnic and religious minorities remain subject to discrimination and, in some cases, persecution. The Baha'i community continues to be denied permission to worship or engage in communal affairs in a public manner. In a rare public protest, eighteen Sunni parliamentarians wrote to the authorities in July 2003 to criticize the treatment of the Sunni Muslim community and the refusal to allow construction of a mosque in Tehran that would serve that community. The Baluchi minority, who are mostly Sunni and live in the border province of Sistan and Baluchistan, continue to suffer from lack of representation in local government and have experienced a heavy military presence in the region. In December 2003, tensions between the local population and the Revolutionary Guards led to large demonstrations in Saravan, in Baluchistan province. In the ensuing clashes between demonstrators and the police at least five people were killed.

Key International Actors

The European Union has increased both economic and diplomatic ties with Iran. The E.U. has pledged to tie human rights standards to this process, but so far with little impact. Australia and Switzerland have also initiated "human rights dialogues" with Iran, but benchmarks have not been made public, making it unlikely that these will have any greater impact than the dialogue conducted by the E.U.

Iran issued a standing invitation to thematic mechanisms of the United Nations Commission on Human Rights in 2002. Since then, the Working Group on Arbitrary Detention and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression have visited the country and issued reports critical of government practices in these areas. The government, however, has failed to implement the recommendations of the U.N. experts, and there were reprisals, such as re-arrest, against witnesses who testified to the experts. Since then, Iran has not responded to requests by the U.N. Special Rapporteurs on Torture and on Extra-Judicial Executions to visit the country.

Relations between the United States and Iran remain poor. The Bush administration has publicly labeled Iran as part of an “axis of evil.” Deputy Secretary of State Richard Armitage, in October 2003, said that the U.S. was not pursuing a policy of “regime change” towards Iran, but persistent reports from Washington indicate that the administration remains divided on this point. The U.S. continues to oppose loans to Iran from international financial institutions.

Iraq

The human rights situation in Iraq remained grave in 2004, aggravated by increased armed attacks by insurgents and counterinsurgency attacks by U.S.-led international and Iraqi forces. Both U.S. forces and insurgents have been implicated in serious violations of the laws of armed conflict, including war crimes.

The level of violent attacks on civilians by insurgents, including suicide bombings and the deliberate killing of Iraqi civilians working with U.S. and other foreign forces, remained high in 2004. There was also a marked increase in the number of abductions, and in some cases killings, of both Iraqi and foreign nationals. This high level of insecurity had a particularly negative impact on the ability of women and girls to go to jobs, attend school, or otherwise move outside the home.

U.S. forces have also been responsible for violations of the laws of war. The photographs from Abu Ghraib prison of torture and other mistreatment of detainees, made public in April 2004, provided the most graphic evidence of abuse; further investigations revealed that abuses against detainees were not limited to Abu Ghraib. Security considerations have limited monitoring of U.S. military operations against insurgent strongholds, but reports have emerged of U.S. soldiers killing incapacitated Iraqi combatants, forcing civilians back into battle zones, and using unnecessary force against civilians at checkpoints. U.S. forces continue to detain hundreds of Iraqis on the basis of Security Council authorization but in accordance with no evident law.

In the aftermath of the U.S.-led invasion of Iraq and the overthrow of the Ba'athist government in April 2003, the occupying power and interim government have worked to dismantle the repressive apparatus erected under Saddam Hussein. The U.S.-led coalition's failure to provide adequate security following the invasion, the expansion of the insurgency, and insurgent attacks on humanitarian agencies have seriously impeded this process and efforts at economic reconstruction.

Iraq continues to face the legacy of nearly three decades of authoritarian rule by Saddam Hussein and his Ba'athist government. The legacy includes crimes against humanity, war crimes, and genocide that have long gone unpunished; and a criminal justice system atrophied due to its subordination to the state security apparatus and corrupted by "revolutionary courts" that made extensive use of the death penalty, torture, and arbitrary detention. Many of the victims of the former government were Kurds, an ethnic minority, and Shi'a, the religion of the Iraqi majority. Government policies and comprehensive economic sanctions imposed by the United Nations Security Council left the country's infrastructure and economy devastated.

The Governing Authority in Iraq

Following the declared end of occupation by U.S.-led coalition forces and the dissolution of the Coalition Provisional Authority (CPA) on June 28, 2004, the U.S.-led coalition transferred sovereignty to the Interim Iraqi Government. U.S.-led forces have remained in Iraq under the authority of U.N. Security Council Resolution 1546, adopted on June 8, 2004, creating the Multi-National Force-Iraq (MNF-I). The resolution gives the MNF-I “the authority to take all necessary measures to contribute to the maintenance of security and stability in Iraq,” working with the interim government.

With the transfer of sovereignty, the Law of Administration for the State of Iraq for the Transitional Period (TAL) came into effect. The TAL was promulgated by the CPA on March 8, 2004, and is due to remain in effect until “the formation of an elected Iraqi government pursuant to a permanent constitution,” envisaged for the end of 2005 following general elections. The TAL contains a bill of rights for Iraqi citizens, including the right to freedom of expression and association, religious beliefs, and freedom from discrimination on ethnic, religious or other grounds. The law also stipulates that all citizens are equal before the law, and enjoy freedom from arbitrary arrest and unlawful detention, unfair trials and torture.

Internal Security and Emergency Law

In June 2004, Prime Minister Ayad Allawi announced a major reorganization of Iraqi security forces, including the creation of new agencies with responsibility for intelligence gathering and for law enforcement. An Iraqi National Intelligence Service had already been set up under CPA authority in April 2004, initially reporting to CPA Administrator L. Paul Bremer and subsequently to the prime minister. Several Ministry of Interior agencies were also reorganized and expanded under the CPA with responsibility for investigating serious criminal offenses—such as money laundering, abductions, and organized crime—as well as gathering intelligence on criminal activity.

On July 3, 2004, the interim government passed the Order for Safeguarding National Security (Number 1 of 2004), introducing emergency legislation to the statute books and enabling the prime minister to declare martial law for up to sixty days (renewable with the approval of the Presidency Council). The Order provides for the imposition of curfews; the closure of roads, sea lanes, and airspace; restrictions or bans on public gatherings; surveillance of electronic and other communications; and wide powers to search property and to detain suspects.

Under the Public Safety Law, a state of emergency may be declared “upon the exposure of the people of Iraq to a danger of grave proportions, threatening the lives of individuals and emanating from an ongoing campaign of violence by any number of people, for the purpose of preventing the establishment of a broad based government in Iraq, or to hinder the peaceful participation of all Iraqis in the political process, or for any other purpose” (Article 1.)

In announcing the Order, Iraqi officials pointed to provisions requiring that persons may not be arrested except upon the issuance of arrest warrants from the judicial authorities, and would be brought before an investigative judge within twenty-four hours. The law, however, does provide for such arrests or searches without warrant in “extreme exigent circumstances,” which are not defined. On November 7, 2004, the Prime Minister declared a state of emergency for a period of sixty days on the eve of a U.S.-led military offensive on the town of al-Falluja, targeting suspected insurgents believed to be based there.

As part of the declared intention to crack down on violent crime, the interim government reintroduced the death penalty, which had been suspended by CPA authorities. Order 3 of 2004, passed on August 8, provides capital punishment for certain crimes affecting internal state security, public safety, attacks on means of transportation, premeditated murder, drug trafficking, and abduction.

Several days prior to the reintroduction of the death penalty, Prime Minister `Allawi announced an amnesty for a range of offenses connected with the possession of weapons and explosive devices, the failure to inform authorities about the planning or financing of terrorism or other acts of violence, participation with terrorist groups in acts intended to undermine internal state security or public welfare and property, and the giving of refuge to persons sought by the judicial authorities for terrorist or violent crimes or in connection with crimes perpetrated by the former Iraqi government. Order No. 2/2004 excludes from the terms of the amnesty those found guilty of murder, abduction, rape, robbery, and harming or destroying public or private assets. It also limited those benefiting from its terms to Iraqi nationals who committed the said crimes between May 1, 2003, and the date of the law coming into force. The amnesty, initially valid for a thirty-day period, was extended for an additional month in mid-September 2004. It is not known how many people have benefited.

The Criminal Justice System

Following the fall of the Saddam Hussein government, Iraq’s criminal courts began functioning again around June 2003, but have had to rely on an outdated and deeply flawed legal framework pending comprehensive reform of Iraq’s judicial system and criminal laws.

Human Rights Watch observed numerous trials and investigative hearings during 2003 and 2004 involving suspects charged with various offenses under the Penal Code of 1969 before the ordinary criminal courts in Baghdad as well as the Central Criminal Court of Iraq (CCCI). The latter court was set up in July 2003 under CPA authority to hear cases involving serious felonies such as terrorism, organized crime, governmental corruption, acts intended to destabilize democratic institutions or processes, and violence based on race, nationality, ethnicity, or religion. Defendants brought before the CCCI include those charged with attacks against U.S.-led coalition forces and those who currently remain in MNF-I custody. The court also has jurisdiction over future cases involving suspects arrested and charged in accordance with July 3, 2004 national security order described above.

In the vast majority of cases observed by Human Rights Watch, defendants had been detained without judicial warrants and were brought before the criminal courts without having had prior access to defense counsel. Many of them had been held for weeks or months in pre-trial detention, and in some cases had been tortured or ill-treated to extract confessions from them. Where defendants were unable or unwilling to engage lawyers to act on their behalf, the courts appointed lawyers for them. However, such lawyers did not have prior access to the defendants nor to the evidence against them, and in some cases, lawyers were not present at investigative hearings. Trials before the criminal courts were summary, lasting less than thirty minutes in the majority of cases.

Accountability for Past Crimes

The Statute of the Iraq Special Tribunal, promulgated under the CPA by the Iraqi Governing Council in December 2003, contains serious substantive and procedural shortcomings that, independent of questions of how the tribunal was established and other factors, could undermine the legitimacy of the tribunal and the fairness of future trials.

Among other problems, the tribunal law contains no prohibition on using confessions extracted by torture, no right of access to a lawyer in the early stages of investigation, and no requirement that guilt be proven beyond a reasonable doubt. Those convicted can face the death penalty. And while justice efforts worldwide have created a cadre of judges and prosecutors with invaluable experience prosecuting genocide and crimes against humanity, the tribunal has been structured to almost entirely exclude their participation. Instead, the tribunal is to be run by lawyers and judges who have acknowledged their own lack of experience in complex prosecutions of this kind.

Human Rights Watch has raised these matters with Iraqi and U.S. officials and called for key amendments to be introduced to the law to bring it into line with international fair trial standards. To date the tribunal law has not been amended.

Since the end of June 2004, the MNF-I has retained physical custody of “high value detainees,” among them members of the former Iraqi government who will eventually be tried before the Iraq Special Tribunal. At this writing, over ninety such persons remained in detention and most are believed to be held at Camp Cropper in the vicinity of Baghdad International Airport. To date, only twelve of the defendants have been arraigned, among them former president Saddam Hussein, under the jurisdiction of the Central Criminal Court of Iraq, for crimes punishable under Iraq’s Penal Code.

Key International Actors

The United States, in the aftermath of the war to overthrow the former government, remains the preeminent external power in Iraq. At this writing, 138,000 U.S. active-duty troops were based in the country, engaged in counterinsurgency operations and reconstruction efforts. There is a large and growing U.S. embassy in Baghdad, and numerous U.S. companies are operating in the country under contract with the U.S. government. The United Kingdom is the primary military and political ally in the

U.S.-led coalition, with a troop presence of around 8,500 mainly in the southern part of the country. Other countries with a military presence in Iraq include Italy (2,700), Poland (2,500), South Korea (3,600), and the Netherlands (1,400).

Following public release of photos showing U.S. forces abusing detainees at Abu Ghraib prison (*see* Introduction), the U.N. working group on arbitrary detention and U.N. special rapporteurs on torture, independence of judges and lawyers, and right to health made a joint request on June 25, 2004 to visit all places in Iraq where terror suspects are held.

In the wake of attacks against United Nations headquarters and personnel, and against humanitarian agencies generally, the U.N. has had a limited presence in Iraq. The general deterioration in security conditions has induced many non-Iraqi nongovernmental organizations to pull out their international staff from Iraq or to close down their operations completely. Many foreign journalists, several of whom have been targeted for abduction, also have pulled out of Iraq. By late 2004, security conditions prohibited those who remained from traveling to conduct investigations, apart from “embedded” assignments with U.S. forces engaged in attacks against suspected insurgents.

Israel/Occupied Palestinian Territories

The human rights situation in Israel and the occupied West Bank and Gaza Strip remained grave throughout 2004, as armed clashes continued to exact a high price from civilians. While many see the period after Arafat's death on November 11 as the beginning of a new era in the Israeli-Palestinian conflict, few changes have occurred on the ground where the wall regime Israel is building inside the West Bank and the illegal Israeli settlements continue to expand. On December 3 a top Hamas leader said that the group would accept the establishment of a Palestinian state in the West Bank and Gaza Strip and a long-term truce with Israel. It remains to be seen whether Israel will make reciprocal declarations and whether words will be translated into action.

In 2004, the Israeli army and security forces made frequent and, in the Gaza Strip, large-scale military incursions into densely-populated Palestinian areas, often taking heavy tolls in terms of Palestinian deaths and injuries as well as property destruction. Palestinian armed groups fired rockets from areas of the Gaza Strip at Israeli civilian settlements and populated areas in Israel close to the border, and carried out seven suicide bombings inside Israel and four around Israeli army checkpoints in the Occupied Palestinian Territories (OPT). Armed attacks and clashes in the course of the year brought casualties since September 2000 to well over three thousand Palestinians and nearly one thousand Israelis killed, and more than 34,000 Palestinians and six thousand Israelis injured. Most of those killed and injured were civilians.

The Israeli authorities continue a policy of closure, imposing severe and frequently arbitrary restrictions on freedom of movement in the West Bank, Gaza Strip, and East Jerusalem, contributing to a serious humanitarian crisis marked by extreme poverty, unemployment, and food insecurity. The movement restrictions have also severely compromised Palestinian residents' access to health care, education, and other services.

Over the past two years these restrictions have become more acute, and in many places more permanent, with the construction of a "separation barrier" inside the West Bank. While the stated Israeli security rationale for the barrier is to prevent Palestinian armed groups from carrying out attacks in Israel, 85 percent of its route extends into the West Bank, effectively annexing to Israel most of the large illegal Jewish settlements constructed over the past several decades as well as confiscating some of the most productive Palestinian farmlands and key water resources.

In October 2004 the Knesset approved Prime Minister Ariel Sharon's plan to "disengage" from the Gaza Strip in 2005 by withdrawing its military forces and Jewish settlements, although the plan will leave

Israel in control of Gaza's borders, coastline, and airspace. This move will not end Israel's occupation of Gaza or its responsibility for the well-being of its inhabitants.

The control of the Palestinian Authority (P.A.) over Palestinian population centers is frequently nominal at best, and conditions of lawlessness prevail in some areas of the Gaza Strip and the northern West Bank. Palestinian gunmen carried out lethal attacks against persons alleged to have collaborated with Israeli security forces, and political rivalries sometimes erupted into clashes between armed factions and attacks on PA officials and offices.

Unlawful Use of Force

The Israeli army and security forces carried out numerous attacks in Palestinian areas over the course of 2004. These were most intense and extensive in the Gaza Strip, and were often carried out in a manner that failed to demonstrate that the attackers had used all feasible measures to avoid or minimize harm to civilians and their property. Human Rights Watch documented serious violations of international humanitarian law in the course of the Israel Defense Forces' (IDF) May 2004 assault in the southern Gaza town and refugee camp of Rafah, in which over two hundred homes, along with cultivated fields, roads, and other infrastructure, were razed without regard to military necessity. Israeli forces also continued to use lethal force in an excessive or indiscriminate manner. On May 19, 2004, for instance, during the Rafah incursions, an Israeli tank and helicopter gunship fired on a crowd of demonstrators, killing nine persons, including three children. In late September 2004, Israel launched a massive incursion into the northern Gaza Strip. Around 130 Palestinians were killed, more than a quarter of them children. One thirteen-year-old girl, Imam al-Hams, was shot twenty times by an Israeli officer. Several children were killed in their classrooms in other incidents.

There were also numerous instances in the West Bank of civilians killed by indiscriminate Israeli gunfire, such as the deaths in Nablus in June 2004 of Dr. Khaled Salah, a lecturer at Najah University, and his sixteen-year-old son. Israel has failed to investigate suspicious killings and serious injuries by its security forces, including killings of children, thus continuing to foster an atmosphere of impunity.

While in 2004 the number of Palestinian suicide bombings and similar attacks targeting civilians inside Israel dropped considerably compared to immediately preceding years, neither the Palestinian Authority nor the armed groups responsible have taken any serious steps to act against those who ordered or organized such attacks. Palestinian armed groups in the Gaza Strip on numerous occasions fired so-called Qassam rockets, an inherently indiscriminate home-made weapon, at illegal Jewish settlements in the Gaza Strip as well as at communities on the Israeli side of the border. Qassam rockets killed a man and a small child in the border town of Sderot in June, and in a separate incident killed two small children in the same town in September. In August 2004 gunmen apparently affiliated with the Hamas movement threw one or more grenades into a cellblock in a P.A.-run prison that housed alleged collaborators, and subsequently entered a Gaza City hospital to kill two of those who had been seriously wounded in the grenade attack. In July 2004 gunmen attempted to assassinate Palestine Legislative

Council member Nabil Amr after he criticized PA President Yasir Arafat in a television appearance; Amr was gravely wounded and doctors had to amputate his leg.

Separation Barrier and Restrictions on Freedom of Movement

The government of Israel cites the significant decrease in suicide bombing attacks in 2004 to buttress its claim that the separation barrier performs a valid security function, but it fails to make the case that a barrier constructed entirely on the Israeli side of the “Green Line” would not have been at least as effective. The actual route, instead, is designed to “capture” some 80 percent of the Jewish population now living in illegal West Bank settlements, and the land and resources they control, while government policy continues to support the expansion of settlements. In the case of many Palestinian villages like Jayyous and Isla, the barrier separates farmers from their agricultural land, greenhouses, olive and citrus trees, and even water. Other Palestinians who find themselves on the “Israeli side” of the barrier must have special permits to reside in their own homes. By making movement and in some cases residence so difficult, the barrier seems intended to encourage Palestinians to leave for other areas of the West Bank, or even other countries.

In June 2004, Israel’s High Court of Justice ruled on a petition challenging a forty-kilometer portion of the separation barrier, finding that the route in this case violated the principle of proportionality because the hardship and severe injury caused to the affected Palestinian population, by separating them from the agricultural lands on which their livelihoods depended, was excessive compared to the purported security benefit. The injury caused by the barrier, the court wrote, is not limited to the immediate inhabitants: “The injury is of far wider scope. It is the fabric of life of the entire population.” The government responded that it would revise thirty kilometers of the route in that area to meet the objections of the court, but neither the court nor the government addressed the issue of proportionality as it pertained to other areas of the barrier.

The following month, the International Court of Justice (ICJ), in an advisory opinion responding to a request from the U.N. General Assembly, held that the barrier is in violation of international humanitarian law. The court wrote that Israel should cease construction of the barrier on Palestinian territory, dismantle those portions already constructed on Palestinian territory, and pay reparations for damage caused by its construction there. However the construction of the barrier has continued since the ICJ decision.

Israeli restrictions on freedom of movement in the West Bank and Gaza Strip are so extensive as to constitute collective punishment, a serious violation of international humanitarian law. These restrictions are the result of the barrier, government-sponsored illegal settlements, the network of Jewish-only roads that support them, and the more than 700 checkpoints that are frequently operated in an arbitrary manner. This system of collective punishment is also in direct violation of Israel’s obligation, as the occupying power, to provide to the extent possible for the welfare of the population it controls.

Gaza “Disengagement”

The Israeli Cabinet adopted Prime Minister Sharon’s Gaza “disengagement” plan on June 6, 2004, and the full Knesset gave its approval on October 26. The plan calls for the withdrawal of Jewish settlers and the redeployment of Israeli troops to posts on the Israeli side of the border with Gaza, while Israel will retain control of Gaza’s borders, coastline, and airspace. Israel is reserving the right to launch incursions into Gaza, and will continue to control Gaza’s economy and trade, telecommunications, water, electricity, and sewage networks. The plan explicitly envisions the demolition of hundreds more homes along the Gaza-Egypt border in order to expand the buffer zone there. The plan states that the disengagement “will serve to dispel the claims regarding Israel’s responsibility for the Palestinians in the Gaza Strip.” In fact, under international humanitarian law, the steps envisioned will not end Israel’s occupation of the territory, and Israel will retain responsibility for the welfare of Gaza’s civilian population.

Key International Actors

Israel remains the largest bilateral recipient of United States military and economic assistance, amounting to about U.S. \$2.7 billion in Fiscal Year 2004. The IDF continues to use U.S.-supplied weaponry in military operations in the OPT, including Apache and Cobra helicopters, F-16 fighter aircraft, and M-16 automatic weapons. Through the Foreign Military Sales Program, Caterpillar Corporation supplies to Israel bulldozers built to military specification which have been used to demolish Palestinian homes and other civilian property in violation of international humanitarian law. Public reactions by Bush administration officials to reported Israeli violations of international humanitarian law continued to emphasize Israel’s right of self-defense without clear reference to international humanitarian law standards, and the U.S. took no public steps to pressure Israel to meet its obligations under those standards. In April 2004, during a visit of Prime Minister Sharon to Washington, President Bush endorsed the Gaza “disengagement” plan and voiced support for a West Bank final status in which Israel would continue to control many of the illegal settlements constructed there. Although the U.S. calls for a “freeze” on construction of illegal settlements, in 2004 the administration declined to deduct from the U.S. \$9 billion in loan guarantees awarded in 2003 any amount corresponding to Israeli expenditures on settlements, as it had the previous year. There were Israeli press reports in 2004 that some U.S. army units were training at a “special anti-terror school” at an IDF base near Modi’in.

In early May 2004, representatives of the “Quartet”—United Nations Secretary-General Kofi Annan, Irish Foreign Minister Brian Cowen representing the presidency of the European Union, Russian Foreign Minister Sergei Lavrov, and U.S. Secretary of State Colin Powell—met at the U.N. and issued a communiqué that, among other things, called on Israel to exercise its legitimate right to self-defense “within the parameters of international humanitarian law” and on the P.A. to “take immediate action against terrorist groups and individuals who plan and execute such attacks.”

Saudi Arabia

Human rights violations are pervasive in Saudi Arabia, an absolute monarchy. Despite international and domestic pressures to implement reforms, improvements have been halting and inadequate.

Many basic rights are not protected under Saudi law, political parties are not allowed, and freedom of expression remains extremely limited. In recent years, the government has carried out a campaign of harassment and intimidation of Saudi Arabian human rights defenders and has stifled all efforts to establish independent groups to monitor and report on abuses.

Arbitrary detention, mistreatment and torture of detainees, restrictions on freedom of movement, and lack of official accountability remain serious concerns. The kingdom carried out some fifty executions in 2003; as of mid-November about fifteen executions had been carried out so far in 2004. Saudi women continue to face serious obstacles to their participation in the economy, politics, media, and society. Many foreign workers face exploitative working conditions; migrant women working as domestics often are subjected to round-the-clock confinement by their employers, making them vulnerable to sexual abuse and other mistreatment.

Media attention to political reform and government proclamations regarding human rights have not led to changes in practices or enhanced public access to information about rights violations. The Saudi government established a national human rights commission in 2004, but it lacks independence.

Terror and Internal Security

Saudi Arabia's internal security situation worsened in 2004. On May 12, 2003, nine suicide bombers killed themselves and twenty-six other people using car bombs when they attacked three compounds housing foreign workers, mainly from other Arab countries. Since then, suicide bombings, attacks with automatic weapons, and hostage-taking, mostly directed against Western expatriate workers, have plagued the country. The authorities claim to have killed or captured at least thirteen of the twenty-six people they have identified as leading suspects in the attacks.

In March 2004 Deputy Interior Minister Prince Ahmad bin Abd al-Aziz said that some security detainees had been convicted and are serving prison sentences, while others remained under interrogation. The prince declined to comment on the trials, or on why they were not public. At this writing, authorities had released no additional information about any trials of security detainees or alleged terrorists.

The Reform Movement and Arrests of Activists

2003 and 2004 saw a number of public petitions calling for reforms and enhanced rights protections. In late January 2003, 104 Saudi Arabian citizens sent a charter entitled “Vision for the Present and the Future of the Homeland” to Crown Prince Abdullah, the country's de facto ruler, and other high-ranking officials. The charter urged comprehensive reforms including guarantees of freedom of expression, association, and assembly, and requested release or fair trials for political prisoners. The crown prince received a group of the signatories, and in June 2003 convened a “national dialogue conference” that invited religious scholars from the country’s Muslim communities, including Shi`a and non-Wahhabi Sunnis. A subsequent petition, in September 2003, criticized the slow pace of reform and the absence of popular participation in decision-making. Signed by 306 academics, writers, and businesspeople, including fifty women, it advocated popular election of the 120-member Consultative Council (members currently are appointed by the government) and observed that lack of freedom of expression fosters the growth of intolerance and extremism.

Crown Prince Abdullah’s favorable disposition toward the reformers, however, was not shared by others in the royal family. Minister of Interior Prince Nayif in October 2003 dismissed calls for reform as “useless barking.” When Saudi citizens, in an unprecedented initiative, took to the streets on the October 14, 2003, during the opening of an officially-sponsored human rights conference, security forces arrested hundreds of demonstrators and forcibly dispersed the rest. About eighty people were kept in detention for several months afterwards without charge or trial, while others were sentenced to jail terms and floggings; as of November 2004 most had reportedly been released.

On March 9, 2004, the government announced the establishment of a National Human Rights Commission, comprised mainly of government officials. In November members of the commission announced that they had visited prison facilities, and were preparing a report for the Interior Ministry. They were quoted in the Saudi media as saying that “in general conditions were good” but that the prisons were badly overcrowded and that approximately 80 percent of the inmate population was non-Saudi.

March 2004 also saw the arrest of thirteen reformers who attempted to circulate a petition calling for Saudi Arabia to become a constitutional monarchy with an elected parliament. They also indicated their intent to establish a human rights group independent of the government. All but three were released within several weeks, evidently after agreeing to halt their public petition efforts. The trial of the remaining three, who declined to agree to those terms, began with a first public session on August 9, 2004. The official Saudi Press Agency had earlier quoted an unnamed interior ministry official as saying that the three had issued statements “which do not serve national unity or the cohesion of society based on shari`a law.” The official National Human Rights Commission has not publicly commented on the case.

The government has twice postponed elections for half the members of 178 municipal councils around the country, at this writing scheduled for February 2005. The remaining council members are to be appointed by the government. Although the elections law states that all citizens twenty-one and older are eligible to vote, and several women announced their intention to stand for election, on October 10, 2004 Prince Nayif bin Sultan, the minister of interior, ruled that out, saying, "I don't think that women's participation is possible."

On September 13, 2004, the Council of Ministers announced that the government planned to enforce existing laws prohibiting all public employees from "participating, directly or indirectly, in the preparation of any document, speech or petition, engaging in dialogue with local and foreign media, or participating in any meetings intended to oppose the state's policies." Public employees, including academics, have been among the signatories to recent reform petitions.

Women's Rights

Women in the kingdom suffer from severe discrimination and restrictions in their freedom. The Committee for the Promotion of Virtue and the Prevention of Vice, or the "religious police," enforces strict gender segregation and obliges women and girls to wear long black cloaks and head coverings in public. Although some women hold professional jobs at hospitals, schools, banks, offices, and elsewhere, they still need written permission from a male relative to travel.

When women are mistreated or suffer violence at the hands of male relatives, they often have no means for redress. Rania al-Baz, a presenter on state-run Channel One television, raised the issue of domestic violence in an unprecedentedly public way in April 2004 when she gave press interviews from her hospital bed and released photos of her badly bruised face after her husband had savagely beaten her. Her case galvanized public opinion and stimulated considerable debate about the problem of spousal abuse.

Migrant Workers

Foreign workers in Saudi Arabia are estimated to number 8.8 million, or a third of the country's population, according to Minister of Labor Ghazi al-Gosaibi. The majority comes from South and Southeast Asian countries, such as India, Pakistan, Bangladesh, Sri Lanka, Indonesia, and the Philippines, but significant numbers of migrants also come from countries such as Sudan and Egypt. They often face exploitative working conditions, including twelve- to sixteen-hour workdays, often without breaks or access to food and drink, lack of pay for months at a time, and confinement to locked dormitories during their time off.

Many women migrants are employed as household domestic workers, and are especially at risk for human rights abuses due to their isolation in private homes and their exclusion from many employment protections. Migrant workers' NGOs in many Asian countries have documented hundreds of cases in

which such workers have suffered physical, psychological, and sexual abuse, including rape, with little or no redress.

Foreign workers who are detained by the police face torture, prolonged incommunicado detention, and forced confession. About two thirds of the approximately fifty persons executed in Saudi Arabia in 2003 were foreign nationals.

Key International Actors

The United States is a key ally of Saudi Arabia and a major trading partner, although relations have been somewhat strained in the aftermath of the September 11, 2001 attacks on New York and Washington, D.C.. The presence of thousands of active duty U.S. military personnel stationed in Saudi Arabia has been a major source of domestic opposition to the government, and the numbers have been reduced from about 5,000 in early 2003 to around 500 by late 2004, although thousands of U.S. personnel servicing military sales contracts remain in the kingdom. In September 2004, for the first time, the State Department's annual International Religious Freedom Report designated Saudi Arabia as "a country of particular concern." U.S. non-military merchandise exports to Saudi Arabia were U.S. \$4.6 billion in 2003, the last year for which figures are available; exports of military and other services have averaged U.S. \$2 billion per year recently. Saudi Arabia is a major supplier of oil to the United States and its allies. Saudi Arabian investments in the U.S. were estimated to be around U.S. \$250 billion in early 2003.

Saudi Arabia also maintains military ties with Britain and France.

Syria

A prominent businessman in Aleppo has characterized Syria as “a society in custody.” Emergency rule imposed in 1963 remains in effect, and the authorities continue to harass and imprison human rights defenders and other non-violent critics of government policies. The government strictly limits freedom of expression, association, and assembly, and treats ethnic minority Kurds as second-class citizens. Women face legal as well as societal discrimination and have little means for redress when they become victims of rape or domestic violence.

In a positive development, the government released more than one hundred long-time political prisoners in 2004, bringing to more than seven hundred the number of such prisoners freed by President Bashar al-Asad since he came to power in June 2000. Thousands of political prisoners, however, reportedly still languish in Syria’s prisons.

Arbitrary Arrest and Detention, Torture, and “Disappearances”

Syria has a long record of arbitrary arrests, systematic torture, prolonged detention of suspects, and grossly unfair trials. Thousands of political prisoners, many of them members of the banned Muslim Brotherhood and the Communist Party, remain in detention. In recent years, dozens of people suspected of being connected to the Muslim Brotherhood have been arrested upon their voluntary or forced return home from exile.

The London-based Syrian Human Rights Committee (SHRC) has alleged that several political prisoners died in custody in 2004 as a result of torture. While hundreds of long-term political prisoners have been released in recent years, many remain in detention even after serving their full prison sentences. The SHRC estimates that about four thousand political prisoners remain in detention in Syria today. The authorities have refused to divulge information regarding numbers or names of people in detention on political or security-related charges.

The government has never acknowledged responsibility for an estimated 17,000 persons—Lebanese citizens and stateless Palestinians—who were “disappeared” in Lebanon in the early 1990s and are known or believed to be imprisoned in Syria.

Arrests of Human Rights Activists and Political Critics

Human rights activists continue to be a frequent target of the government. In April 2004 the authorities arrested Aktham Nu’aise, the fifty-three-year old head of the Committees for the Defense of Democratic Liberties and Human Rights in Syria after he organized a peaceful demonstration outside the

parliament building calling for an end to emergency rule. He was released on bail in mid-August and permitted to travel abroad, but at this writing still faces charges under Syria's emergency law, including "opposing the objectives of the revolution."

Dr. Arif Dalila, a prominent economics professor and one of many imprisoned critics of the government, continues to serve a ten-year prison term imposed in July 2002 for his non-violent criticism of government policies. Mamoun al-Homsi, a democracy activist and former member of parliament, is currently serving a five-year jail term for "attempting to change the constitution." Five men remained in detention in late 2004 after being arrested more than a year earlier for downloading material critical of the government from a banned Web site and e-mailing it to others.

Discrimination and Violence Against Kurds

On March 12, 2004, a clash between supporters of rival Kurd and Arab soccer teams in Qamishli, a largely Kurdish city near the border with Turkey, left several dead and many injured. The following day, Kurds vandalized shops and offices during a funeral for the riot victims, and the violence spread to nearby areas. Police responded with live ammunition, killing at least two dozen people, injuring hundreds, and arresting many hundreds more. Human Rights Watch has received credible information that some of those detained were tortured in custody, and at least two of them reportedly died in detention.

Kurds are the largest non-Arab ethnic minority in Syria, comprising about 10 percent of Syria's population of 18.5 million, and have long called for reforms to address systematic discrimination, including the arbitrary denial of citizenship to an estimated 120,000 Syria-born Kurds. In June 2004 the authorities reportedly warned leaders of two unrecognized Kurdish political parties that no independent political activities would be tolerated.

Discrimination against Women

Syria's constitution guarantees equality for men and women, and many women are active in public life, but personal status laws as well as the penal code contain provisions that discriminate against women. The penal code allows for the suspension of legal punishment for a rapist if he chooses to marry his victim, and provides leniency for so-called "honor" crimes, such as assault or killing of women by male relatives for alleged sexual misconduct. Punishment for adultery for women is twice that for men. A husband also has a right to request that his wife be banned from traveling abroad, and divorce laws are discriminatory.

The government keeps no statistics regarding gender-based crimes such as domestic violence and sexual assault against women, although nongovernmental organizations say that domestic violence is common and that the government does not do enough to combat it or provide for victims.

Key International Actors

In May 2004, following U.S. Congressional passage of the Syria Accountability and Lebanese Sovereignty Act, President Bush banned exports of goods to Syria and Syrian commercial flights to the United States, and froze assets of “certain Syrian individuals and government entities.” The law, in authorizing such sanctions, cited Syria’s hosting of Palestinian militant groups, its support for Lebanon’s Hizballah organization, its military presence in Lebanon, its purported efforts to develop chemical and biological weapons, and its alleged support for anti-U.S. forces in Iraq.

In September 2002, the United States forcibly transferred Maher Arar, a dual Canadian-Syrian national whom the U.S. government alleges to have ties with al-Qaeda to Syria, despite Syria’s long record of torturing detainees to extract confessions. Arar was arrested in September 2002 while traveling from Tunisia to Canada through New York’s Kennedy Airport. U.S. immigration authorities flew Arar to Jordan, where he was handed over to Syrian authorities, despite his repeated statements to U.S. officials that he would be tortured in Syria. After he was released without charge ten months later and allowed to return to Canada, Arar alleged that he had been tortured repeatedly with cables and electrical cords by Syrian interrogators. In January 2004, Arar filed suit in U.S. federal court alleging violations of the Torture Victim Protection Act.

A Syrian-born German national, Muhammad Haydar Zammar, was arrested in Morocco in November 2001 and secretly transferred to Syria, reportedly with the assistance of the United States. He is said to be in solitary confinement in a tiny underground cell in the Palestine Branch of Military Intelligence headquarters in Damascus, where torture and ill-treatment are reportedly common.

The European Commission and Syria initialed an Association Agreement in October 2004 which will be signed in early 2005 and then sent to the parliaments of all European Union member states and the European Parliament for ratification. The text stipulates that Syria must implement all international non-proliferation accords and that “respect for human rights and democratic principles” constitutes “an essential element of the agreement.” No E.U. member state appeared at this writing to have called attention to the discrepancy between Syria’s practices and the human rights provision of the agreement.

In September 2004, France joined the U.S. to co-sponsor U.N. Security Council Resolution 1559, which demands that “outside powers”—i.e., Syria—withdraw their military forces from Lebanon.

Tunisia

Tunisia's intolerance for political dissent continued in 2004. The ruling party, the Constitutional Democratic Assembly, dominates political life, and the government continues to use the threat of terrorism and religious extremism as a pretext to crack down on peaceful dissent. The rights of freedom of expression and freedom of association are severely restricted. Critics of the government are frequently harassed or imprisoned on trumped-up charges after unfair trials. Following the conditional release of some eighty political prisoners in early November, about four hundred remained incarcerated, nearly all suspected Islamists. There are constant and credible reports of torture and ill-treatment used to obtain statements from suspects in custody. Sentenced prisoners also face deliberate ill-treatment. During 2004, as many as forty political prisoners were held in prolonged and arbitrary solitary confinement; some had spent most of the past decade in isolation.

President Zine el-Abidine Ben Ali won re-election for a fourth five-year term on October 24 by 94.5 percent of the vote, having gotten the constitution amended in April 2002 in order to remove the previous three-term limit. The same amendment also granted permanent immunity to the head of state for any acts connected with official duties. Two of Ben Ali's three opponents endorsed the incumbent. Authorities prevented the only genuine opposition candidate, Mohamed Halouani, from printing and distributing his electoral platform. Halouani's supporters were permitted to hold a protest march in Tunis on October 21, 2004 the first such public opposition rally in recent memory. Halouani received less than 1 percent of the vote, according to the official tally. Several other parties boycotted the elections as unfair. The ruling party captured all of the 152 district seats in parliament – thirty-seven additional seats are reserved for members of other parties – ensuring the continuation of a rubber-stamp legislature.

Human Rights Defenders

Tunisia's two leading human right organizations operate in a legal limbo. The Tunisian Human Rights League (Ligue Tunisienne des droits de l'Homme, LTDH), founded in 1977, remains under a court decision nullifying the 2000 election of an outspoken executive committee. In the case of the six-year-old National Council on Liberties in Tunisia (Conseil National pour les Libertés en Tunisie, CNLT), the government rejected its application for legal recognition. Other, newer human rights organizations have applied but failed so far to get legal approval, including the International Association for Solidarity with Political Prisoners, the Center for the Independence of Judges and Lawyers, and the Association to Fight Torture in Tunisia.

Human rights defenders, like dissidents generally, are subject to heavy police surveillance, sporadic travel bans, dismissals from work, interruptions in phone service, and police harassment of spouses and family members. Human rights lawyers and activists have been assaulted on the street by plainclothes security personnel acting with complete impunity. Sihem Ben Sedrine, a founder of the CNLT and editor of the dissident magazine *Kalima*, was assaulted and punched by unidentified men outside her home in downtown Tunis on January 5, 2004. On October 11, former political prisoner Hamma Hammami, whose party urged the boycott of the October 24 presidential elections, reported being assaulted in Ben Arous by men in plainclothes who punched him and broke his glasses. The property of human rights activists and dissidents has been subject to vandalism, and their homes, offices, and cars to suspicious break-ins.

The Justice System

The Tunisian judiciary lacks independence. Judges frequently turn a blind eye to torture allegations and procedural irregularities, convicting defendants solely or predominantly on the basis of confessions secured under duress. For example, a Tunis court on April 6, 2004, sentenced six men from Zarzis in the south of the country to nineteen-year prison terms for plotting terrorist attacks. The defendants claimed they had been tortured into confessing and into implicating each other and that the police had falsified the place and date of their arrest. The judge refused to investigate these allegations, even though these “confessions” constituted the main piece of evidence in the file. On July 6, an appeals court reduced the sentences to thirteen years.

The government uses the courts to convict and imprison non-violent critics of its policies. Jalal Zoghlami, editor of the unauthorized leftist magazine *Kaws el-Karama*, and his brother Nejib, were jailed on September 22, 2004, after a disturbance in a Tunis café that they claim was staged by police agents. They were sentenced on November 4 to eight months actual time in prison for damaging property. Former political prisoner Abdullah Zouari served out a nine-month prison term imposed in August 2003, after a rushed and politically motivated prosecution. Zouari had earlier that month helped a Human Rights Watch researcher to meet families in southern Tunisia.

Tunisians residing outside of the country have been arrested while visiting Tunisia and imprisoned for political activities that were not crimes in the countries where they took place. Salem Zirra, whom a Tunisian court convicted in 1992 *in absentia* for nonviolent political offenses, was arrested upon his return to Tunisia in 2002. On June 29, 2004, a Tunis military court sentenced him to seven years in prison. The evidence presented at the trial suggests he was prosecuted solely for nonviolent association while abroad with Nahdha party members.

Tunisia’s policy of placing some political prisoners in strict, long-term solitary confinement is one of the harshest holdovers from the severe prison regime of the 1990s. Authorities generally provide no official explanation to prisoners why they are being segregated, for how long, or how they may appeal the

decision. The isolation policy as it is practiced violates Tunisian law as well as international penal standards, and in some instances may rise to the level of torture.

The government has not allowed independent observers to inspect prisons since 1991. An April 20, 2004 statement by Minister of Justice and Human Rights Béchir Tekkari hinted that Tunisia might accept prison visits by the International Committee of the Red Cross (ICRC), but as of late November 2004 no accord with the ICRC had been announced.

Media Freedom

Tunisia's press remains largely controlled by the authorities. None of the print and broadcast media offer critical coverage of government policies, apart from a few low-circulation independent magazines that face occasional confiscation of their issues or problems at the printers. During the campaign for presidential and legislative elections in October 2004, all of the major media accorded disproportionate and highly favorable coverage to Ben Ali and the ruling party candidates, while giving limited space to candidates of other parties.

The government's rhetoric promotes electronic communication as a vehicle of modernization, yet it blocks certain political or human rights websites. In 2002, the authorities arrested Zouheir Yahiaoui, editor of a webzine that ridiculed President Ben Ali's rule. He was released in November 2003 after serving most of his two-year sentence on trumped-up charges. Given Tunisia's systematic suppression of a free media, and limits on the Internet in particular, human rights organizations have criticized Tunisia's designation as host to the World Summit on the Information Society in November 2005.

Counterterrorism Measures

Following the attacks in the United States on September 11, 2001, Tunisian authorities claimed that they had long been in the forefront of combating terrorism and extremism, alluding to their long-running crackdown against the once-tolerated Islamist Nahdha movement.

Since 1991, the one deadly terrorist attack to occur in Tunisia was the April 2002 truck bomb that targeted a synagogue on the island of Djerba. The suicide bomber was Tunisian, and al-Qaida claimed responsibility for the attack.

In December 2003, Tunisia adopted an anti-terror law containing a broad definition of terrorism that could be used abusively to prosecute persons for peaceful exercise of their right to dissent. The law provides harsh penalties and allows for the referral of civilian suspects to military courts.

Key International Actors

The United States actively monitors human rights conditions in Tunisia, but its criticism of those conditions has been undercut somewhat by Washington's persistent praise for President Ben Ali's counter-terrorism conduct. Still, Secretary of State Colin Powell, after he met with President Ben Ali in

December 2003, spoke publicly about the need for “for more political pluralism and openness and a standard of openness that deals with journalists being able to do their work.” In February 2004, when President Ben Ali visited Washington, President Bush publicly expressed the desire to see in Tunisia “a press corps that is vibrant and free, as well as an open political process.” However, the administration’s public expression of disappointment with the lack of genuine contestation in the October 24 elections was exceedingly mild.

Tunisia’s Association Agreement with the European Union continued in force, despite the country’s poor human rights record. While E.U. officials have conveyed concern about Tunisia’s human rights conditions, they have yet to suggest that violations would jeopardize the agreement.

President Jacques Chirac of France remained Europe’s staunchest supporter of President Ben Ali. On a visit in December 2003, he deflected concerns over political and civil rights by declaring that the “first” rights were food, medical care, housing, and education, and praising Tunisia’s achievements in this regard. President Chirac sent his Tunisian counterpart a message of congratulations immediately after his victory in the patently unfair elections of October 24.