

## MIDDLE EAST WATCH OVERVIEW

### Human Rights Developments

The Middle East and North Africa remain plagued by severe human rights problems. The torture of political detainees is commonplace, and often routine. Extrajudicial executions and executions after trials lacking in due process take place with regularity in Iraq, Iran and, to a lesser extent, Saudi Arabia. In the past, the Syrian authorities have been guilty of this abuse as well. Arguably, the killing of suspected militants in Egypt and the Israeli-occupied territories, when arrests could have been effected—a feature of the civil strife plaguing both regions—also constitute extrajudicial executions by government agents. In counterpoint, armed underground groups often assassinate suspected opponents in these regions, as well as in Algeria.

The officially sanctioned persecution of religious or ethnic minorities, or the absence of government protection in the face of attacks by members of the majority community, is an endemic problem in parts of the Middle East. For instance, during 1992, Palestinians and Bedoon residents of Kuwait endured unrelenting pressures aimed at forcing them out of the country; Baha'is and evangelical Christians faced renewed persecution in Iran. The arbitrary detention of government opponents is also rampant throughout the region. From Morocco to Iran, tens of thousands are in jail on politically motivated grounds; even the Kurdish authorities, ruling over an autonomous enclave of some 3.5 million people in northern Iraq, resorted in late 1992 to the detention without charge of hundreds of sympathizers of militant parties.

The end of the Cold War and subsequent collapse of the Soviet Union transformed prospects for the promotion of human rights in the Middle East and North Africa (the Maghreb states). Without the superpower rivalries that produced competing patterns of client states, and allowed geopolitical considerations to override a client's domestic record, there is little excuse any longer to ignore rights abuses. Other considerations—the maintenance of the U.S.-led military alliance against Iraq, in 1990 and 1991, and the coaxing of Arab states into peace negotiations with Israel, later in 1991—have been used by U.S. officials to justify the overlooking, or subordination, of legitimate human rights concerns. In Middle East Watch's judgement, however, such arguments are short-sighted and fail to respond to the propitious climate in the regional countries themselves for a consistent policy based on universal principles.

Governments in the region are showing heightened, albeit usually grudging, recognition of the need to take human rights principles into account in dealing with their own people and with foreign powers. Although they remain banned in many parts, local monitoring groups have become increasingly vocal in countries as diverse as Egypt, Syria and Kuwait. The lead taken by the United Nations Security Council in the aftermath of the 1991 Gulf War strengthened this trend. By intervening to avert a human rights crisis in Iraqi Kurdistan, and then, in 1992, by treating Iraq's human rights record as a matter integral to the maintenance of peace and security, the Security Council imbued the principles of human rights with added importance.

In the context of the Arab-Israeli peace negotiations, which entered their second year in October 1992, there were indications that some regional parties to the talks saw human rights principles as a useful component of regional accords. In late summer, the Israeli and Palestinian delegations agreed to establish working groups on human rights matters in their bilateral discussions.

Filling a perceived spiritual and ideological vacuum in the region is the growth of groups seeking to establish theocratic states. The spread of political Islam has brought new threats to rights, particularly from violent fringe groups using the Islamic slogan to wage war against civil society and political establishments. The assassination in Egypt of an avowedly secular writer, Dr. Faraj Fouda, by the *Jama'a al-Islamiyya* (Islamic Group) was one such example.

The challenge of political Islam triggered a harsh response by several governments. Algeria and Tunisia provided dismal examples of governments that had previously encouraged freer expression and association, but in 1992 slid back into old repressive ways. In the course of suppressing their respective Islamist parties, the Islamic Salvation Front (FIS) and al-Nahda, the Algerian and Tunisian regimes subverted normal legal processes, abused detainees and curbed press freedom. Egypt adopted a troublesome two-pronged response: seemingly tolerating some of the abuses being committed by Islamist militants against the Coptic Christian minority, while giving security forces virtually unrestrained license to torture and detain for lengthy periods suspected Islamic extremists.

Even those governments that avowedly base their legitimacy on religious grounds, such as Iran, or uphold strict interpretations of Islam, as in Saudi Arabia, faced internal challenges in 1992 from religious extremists. While their demands differed, they were openly hostile to core principles enunciated in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Rights abuses committed, or condoned, by authorities often seemed to flow from these internal pressures. The enforcement of stricter standards in Iran with respect to women's public dress and appearance, already severely constrained by official guidelines, was one example. Another was the renewed persecution of Baha'is, always a convenient scapegoat. Or Saudi Arabia's increased zeal in the persecution, and in one case execution, of perceived heretics, or the virtual closure of its borders to any form of international scrutiny, whether by journalists or human rights organizations.

The Algerian coup of January 1992, aimed at preventing the FIS from assuming power peacefully through the ballot box, was followed by the banning of the party, dissolution of FIS-run municipal councils, and arbitrary detention of thousands of its suspected followers. As of the end of November, no new date had been set for a restoration of the democratic process that was so rudely interrupted by a political and military establishment that preferred the status quo to allowing a freely elected Islamist party to control parliament.

In the summer of 1992, Tunisia used the pretext of an alleged conspiracy in 1990-1991 by the Nahda party (to overthrow the government and assassinate the president) to put nearly 300 persons on trial before military courts. Government officials privately described the lengthy jail terms resulting from the mass trials as the effective end of an Islamist party that had long troubled the secular ruling establishment. In Middle East Watch's view, the defendants' claims that many confessions used as government evidence had been obtained under torture, as well as irregularities in court procedures, undermined the validity of the judgments.

In the Israeli-occupied territories, severe human rights abuses continued on a large scale during 1992, despite two far-reaching developments that might have been expected to improve the human rights situation: the pursuit of regional peace talks, and the ouster of Israel's Likud-led government by a center-left coalition dominated by the Labor Party. While

there was a decline in abusive forms of administrative control and punishment, such as deportations, administrative detention, school closings, house demolitions and round-the-clock curfews, there was no let-up in the use of often unjustified lethal force against Palestinian activists and the use of torture against suspects in detention. Some extremist Palestinians continued to kill suspected collaborators with Israeli authorities, sometimes after torture.

Not all the developments during 1992, from a rights standpoint, were bleak. Two countries where the overall situation has improved and institutions of civil society have begun to develop are Jordan and Yemen.

Since the unification of North and South Yemen in 1990, over 40 political parties and scores of newspapers and magazines have sprung up, with opposition publications openly criticizing the government. Yemen's first parliamentary elections since unification, anticipated in November 1992, were delayed until April 1993 on administrative grounds. When it is held, the Yemeni poll will be the first legislative contest in the Arabian peninsula based on universal suffrage and competition between political parties. Politically motivated assassinations mar this otherwise promising prospect.

In Jordan, the new era of pluralism ushered in by the 1989 parliamentary election continued. In April 1992, King Hussein decreed the full repeal of much-criticized martial law, in force since 1967. Over 50 political groups now operate openly. A political parties law that would allow these groups to apply for formal legal status was passed by parliament, and came into effect in August. Political parties had been banned in Jordan since 1957.

Elections in Kuwait, in October 1992, were considered to be open and fairly contested; opposition candidates gained an unexpected plurality of elected seats in the restored National Assembly. But the poll was flawed by the exclusion of women and the narrowness of the electorate, restricted to some 11 percent of the native population.

Apparently in response to external pressures, a number of regional states have taken modest steps to improve their human rights records. In late 1991, Syria released several thousand political prisoners; starting in August 1992, hundreds of other long-term detainees, in some cases held without charges for over a decade, were put on trial before state security courts. Saudi Arabia, meanwhile, introduced a Basic Law, in its first move toward establishing the constitutionality of its government system.

Desirable though such measures may appear at first sight, they often failed to tackle underlying institutional flaws stemming from the intentions of rulers to preserve themselves in power. The changes in Syria coincided with President Hafez al-Asad's renewal of his own mandate for a fourth consecutive seven-year term, while the state security trials have been a charade in which many defendants were, in essence, prosecuted for their peaceful exercise of their rights to free expression and association. The Saudi reforms, far from introducing participatory democracy, had the effect of strengthening royal autocracy.

What characterized the behavior of both Iran and its neighbor Iraq was an evident determination on the part of ruling groups who originally came to power by force to maintain their grip at all costs. Faced with widespread economic discontent, especially in urban slum districts, and with persistent violence in ethnic minority regions of Iran, the Rafsanjani government resorted to summary justice and exemplary executions. It also arranged the outcome of elections to the Islamic Majlis, or parliament, in April and May, to give a clear majority to the president's supporters.

Its back to the wall, Saddam Hussein's regime lashed out against a

variety of targets. In a climate of mounting terror, some 600 merchants accused of profiteering were believed to have been arrested. Forty-two were executed after travesties of legal proceedings or none at all. In the marshes region of southern Iraq, government forces indiscriminately attacked suspected rebel hideouts, reportedly causing hundreds of civilian casualties, in blatant violation of humanitarian law. An economic siege was imposed on much of the marshes, following similar measures initiated in late 1991 against Iraqi Kurdistan—actions which gradually cut off supplies of food, fuel and medicines to local inhabitants. By August 1992, the siege of the Kurdish region was near total, covering all goods and cash brought from government-controlled districts.

The risks to civilians of indiscriminate government abuse became so great that Max van der Stoep, the U.N. Special Rapporteur for Iraq, issued an unprecedented call for human rights monitors to be stationed in Iraq on behalf of the United Nations. If the proposal is approved by the Security Council, it will be the first time that U.N. human rights monitors have been dispatched to a country against the wishes of the government concerned. In late November, a draft resolution to this effect was on the verge of being debated by the Security Council.

The potential withdrawal from Turkey, at some date in 1993, of combat aircraft provided by Britain, France and the United States to protect northern Iraq from government forces could have grave consequences for the semi-independent Kurdish enclave. Although Middle East Watch, like other parts of Human Rights Watch, takes no position on the political issue of self-determination, it notes that elections for a regional parliament in Iraqi Kurdistan, carried out in May amid great popular enthusiasm, were regarded by international observers as broadly free and fair. The polling stood in striking contrast to the Ba'th party regime in Baghdad, which retains power largely through the public's fear of its ubiquitous security services.

### **The Right to Monitor**

Few governments in the region covered by Middle East Watch acknowledge that their own citizens have a right, *per se*, to act as watchdogs against official abuses. The only states where indigenous human rights monitoring groups are both free to operate without constraint and legally recognized are Morocco, Algeria, Jordan, Yemen and Israel. The Tunisian *Ligue*, one of the oldest established human rights organizations in the Arab world, dissolved itself during 1992, rather than submit to a new law of associations. In Lebanon, Syrian hostility to rights monitoring makes the investigation, and publication, of violations almost impossible. In the Israeli-occupied territories, Palestinian organizations are permitted to function and publish, but face daily difficulties in carrying out their work.

In Iraqi Kurdistan, the elected local authorities proclaimed their respect for human rights; in this spirit, a Kurdish human rights organization has become the first such body to operate openly on Iraqi soil. However, this organization has so far preferred to concentrate on Iraqi government abuses rather than investigate the actions of its own authorities. Elsewhere in Iraq, monitoring by either local or foreign organizations is virtually out of the question.

In January 1992, the U.N. Special Rapporteur was able to travel to Iraq and gather information about current violations. But a series of strongly worded reports—one of which, in July 1992, described the regime as having the worst human rights record since the Nazi Holocaust—provoked a stream of

official vituperation, and the withdrawal of even limited cooperation. Baghdad has permitted, even encouraged, humanitarian relief bodies from the West to investigate the dire effects of U.N. trade sanctions on the Iraqi populace. But it has never allowed a human rights organization such as Middle East Watch or Amnesty International to visit the country and conduct an independent investigation of alleged government abuses.

Egypt and Kuwait both permit independent rights organizations to operate, while withholding official recognition and refusing to respond to their enquiries. In effect, this compels local monitors to operate outside the law, giving officials the power to close their organizations. Despite the lack of formal legal status, rights organizations in both countries are vigorous and effective. Elsewhere in the Arabian Peninsula, the conservative hereditary rulers of Bahrain, Qatar, Oman and Saudi Arabia bar any form of rights monitoring, whether by local or foreign organizations. Exiled political groups attempt to gather and disseminate information about conditions in Bahrain and Saudi Arabia, but their reports, which concentrate on the treatment of their supporters, are sometimes difficult to verify independently.

Nor do the authoritarian regimes in Iran, Syria and Libya permit any form of independent human rights monitoring, from whatever quarter. The three-year-old Syrian organization known as the Committees for the Defense of Democratic Freedoms and Human Rights (CDF), a peaceful body that operates clandestinely inside Syria and openly abroad, was severely dealt with during 1992. After circulating pamphlets in December 1991 criticizing the manner in which President Asad was reelected and calling for greater respect for human rights, CDF members and sympathizers were arrested and tortured, before being put on trial before a state security court. Leading figures drew prison terms of up to ten years, with hard labor. Syrian authorities correspond, belatedly and very partially, with various U.N. human rights organs, but they have never acknowledged any communication from Middle East Watch, let alone permitted a visit to the country.

Local branches of Amnesty International are permitted to exist in Algeria, Egypt, Israel, Jordan, Kuwait, Morocco, Tunisia and Yemen. The Cairo-based Arab Organization of Human Rights (AOHR) similarly counts independent chapters in eight countries. Other encouraging signs of transnational and regional cooperation to promote human rights include meetings of Israeli and Palestinian rights organizations and of rights activists from Turkey, Israel and the Arab world. Thus, despite the many obstacles placed in their way by governments, the ability to monitor human rights conditions, if not the right, appears to be improving.

### **U.S. Policy**

Many of the policy issues confronting the Bush administration in the Middle East during 1992 concerned Iraq. A second major preoccupation was the maintenance of the slow-paced Arab-Israeli peace negotiations. Third, the resurgent power of Iran, a state with an atrocious domestic record and proven willingness to use terrorism abroad, concerned U.S. officials. Similar considerations are expected to preoccupy the officials of the Clinton administration when they take office in January. In all three areas, human rights considerations loom large.

Perhaps the first challenge to confront the U.S. in 1993 will be the threat of a renewed onslaught by Iraqi government forces against that country's 3.5 million-strong Kurdish community. On the evidence gathered so far by Middle East Watch, past attacks, which reached a crescendo from 1987-1989, appear to have been genocidal in scale and character. Since then, there

has been little to suggest that President Saddam Hussein has changed his intentions toward Iraq's main non-Arab minority. In an AFP dispatch from government-controlled Kirkuk, the provincial governor, Yasir Hassan Sultan, was quoted as saying that the Kurds could not indefinitely defy Baghdad. "All those who oppose Iraq will regret it," the official added.

At the end of November 1992, the renewal by Turkey for a further six months of a military forces' basing agreement, providing an air shield over much of Iraqi Kurdistan, once more hung in the balance. In force since mid-1991, the agreement is due to expire on December 31, 1992—in the midst of a winter relief operation for the besieged region being carried out by the U.S. and United Nations. Middle East Watch urges that protection of the Kurds not be withdrawn in a fashion that would expose them to the dangers of enforced famine, arrest or other forms of reprisal by the Iraqi authorities. It also called for U.N. trade sanctions imposed on Iraq after the 1991 war to be lifted selectively, with respect to those regions of the country where the government has withdrawn its authority and imposed a siege.

While questioning its belated timing, Middle East Watch welcomed the aerial protection provided by the West in the latter months of 1992 to the neglected Shi'a of southern Iraq. Similar action taken in the spring of 1991 could have provided significant protection as government forces engaged in large-scale reprisals against Shi'a civilians and institutions. Commencing in August 1992, a "no-fly" zone was imposed by the U.S., together with Britain and France, over regions of Iraq south of the 32nd parallel—matching a similar ban on Iraqi aircraft entering territory north of the 36th parallel. Unlike the northern zone, renewed every six months by agreement with Turkey, the latter is open-ended. While this protective measure has been successful in halting flights by Iraqi combat aircraft and helicopters, previously used to bomb marsh villages suspected of housing rebel fighters, it has not stopped indiscriminate artillery shelling and other forms of repression.

In 1992, the Bush administration was supportive of efforts by Middle East Watch and the Senate Foreign Relations Committee to bring out of the Kurdish-controlled region of northern Iraq many tons of Iraqi secret police documents captured by Kurdish fighters during their abortive uprising in March 1991. These important documents may demonstrate that the 1988 *Anfal* campaign launched by Saddam Hussein against the Kurds was tantamount to genocide. They form an integral element in evidence being gathered for possible legal action against Iraq at the International Court of Justice (the World Court).

However, Middle East Watch deplores the administration's decision not to pursue evidence of war crimes committed by Iraqi forces in occupied Kuwait, during 1990 and 1991, as collected by U.S. investigators. The rationale for not seeking the prosecution of President Saddam Hussein, Defense Minister Ali Hassan al-Majid (the overlord of both Kurdistan during the *Anfal* campaign and occupied Kuwait) and other members of the Iraqi security apparatus was that such action would lessen the chances of an internal coup against the Iraqi ruler.

Middle East Watch calls on the new Clinton administration to discard the short-sighted, tactical considerations that guided its predecessor's actions toward Iraq. Instead, it should take a principled stand in the face of evidence of gross violations of human rights, such as those perpetrated in recent years by the Ba'th regime.

To Middle East Watch's regret, the Bush administration failed to take advantage of the historic opportunities present in the Middle East and North Africa to press publicly for greater commitments to democracy and respect for

human rights. Further, its failure to speak out where abuses were perpetrated by its close allies, notably Israel, Egypt, Saudi Arabia and Kuwait was shameful. Its argument that to do so might prejudice the Arab-Israeli peace talks seemed simplistic. Rather, as experience elsewhere in the world has shown, greater regional respect for human rights would facilitate the confidence needed to reach a peace agreement.

The outgoing administration's reluctance to condemn events such as the Algerian coup in January confirmed many Arabs in their suspicions that the U.S., and the West as a whole, took a selective approach to democracy. Where there was a potential political price to pay for speaking out about systematic abuses, the Bush administration usually remained silent. Its annual statement on human rights conditions around the world, the State Department's *Country Reports on Human Rights Practices for 1991*, was largely accurate in its characterization of government abuses in the Middle East and North Africa. But with a few exceptions, the State Department failed to use its undoubted muscle to press for reforms or respect for human rights.

In Kuwait, where the U.S. holds a special advantage because of its decisive role in ending the Iraqi occupation and restoring the Sabah family to power, it soft-pedalled over continuing abuses by the authorities. In Israel, the administration remained silent about new evidence of torture and the unjustified killing of Palestinians, while praising public relations-minded gestures by the new Rabin government. In Saudi Arabia, President Bush himself praised new legislation as being a step toward greater democracy, against the evidence that it would have the reverse effect. In a case argued before the U.S. Supreme Court in November, the administration also opposed an attempt by a U.S. citizen to obtain compensation from the Saudi government for his arbitrary detention and torture by Saudi authorities. In Egypt, the administration stood four-square behind President Hosni Mubarak in his battle against militant Islamic fundamentalism, ignoring the gross abuses of torture and long term detention without charge committed by Egyptian authorities in the process.

The Clinton administration has an opportunity to start with a clean slate, as well as unprecedentedly favorable conditions for the exercise of U.S. influence in a manner more consistent with human rights norms. The President-elect's statement on the eve of his November 4 election victory, as published in the Washington magazine *Middle East Insight*, that a Clinton administration would seek to promote human rights in Saudi Arabia "and elsewhere in the Middle East" is welcome. The then presidential candidate told the magazine that the U.S. "must not ignore any country's human rights abuses." Clinton's apparent willingness to take on a key U.S. ally, Saudi Arabia, needs to be translated into an even-handed determination to address human rights abuses wherever they might be found. For example, while Israel itself may be a democracy, Palestinian residents of the occupied territories of the West Bank and Gaza Strip have no opportunity to exercise democratic rights, and many violations are committed by Israeli security forces.

Middle East Watch urges the new administration to give life to widely ignored provisions in the Foreign Assistance Act to link the provision of U.S. aid to a recipient's human rights record. Under Section 502B, for example, security assistance should be cut off to governments that are responsible for a consistent pattern of gross abuses of human rights, including extrajudicial execution, torture and prolonged arbitrary detention. On a strict application of these criteria, all of the leading recipients of U.S. aid in the region are vulnerable. In the case of Israel, for example, the Bush administration boldly insisted on linking Israel's request for \$10 billion in loan guarantees to a

halt in the construction of Jewish settlements in the occupied territories. The Clinton administration should attempt to use the same kind of leverage to curb torture and unjustified killings of Palestinians.

The Clinton administration should not follow its predecessors' policies of treating the Middle East as an exception to the rule that democracy and human rights deserve promotion on their own merits. In a region poised on the edge of change, a more consistent and forthright encouragement of human rights is imperative.

### **The Work of Middle East Watch**

In 1992, Middle East Watch broadened its efforts of the previous three years to document the Iraqi government's Anfal campaign against the Kurds. With unimpeded access to much of northern Iraq possible for the first time, it sent researchers to the region for six months. They interviewed several hundred persons with first-hand accounts of mass deportations, village clearances, mass executions, the use of chemical weapons, and other gross abuses, committed between 1987 and 1989. Middle East Watch was able to establish that tens of thousands of persons disappeared, and are presumed dead, after being transported to various remote destinations in central and southern Iraq. Among those interviewed were seven persons who survived mass deportations and executions in 1988.

Evidence about the Iraqi government's crimes against the Kurds was also gathered in two other ways: from the exhumation of collective graves, and the analysis of captured Iraqi documents. Between December 1991 and June 1992, Middle East Watch and Physicians for Human Rights, the Boston-based organization, sent two teams of forensic anthropologists and archaeologists to northern Iraq.

Exhumations were carried out near the cities of Erbil and Suleimaniyya, and in the villages of Koreme and Birjini in Dohuk governorate. The results were published in an initial report entitled *Unquiet Graves* and in a report to be released in early 1993 on "a genocide-in-miniature": the circumstances surrounding the destruction of the village of Koreme in August 1988, the on-site killing of 27 of its men, the deportation of its women and children, and the disappearance of its other males after being seized by government troops. Taking part in the latter investigation, which lasted a month, was a team of Latin American human rights experts drawn from groups experienced in exhuming victims of government death squads.

Aside from its own reports, Middle East Watch publicized its findings about the Anfal campaign through a CBS TV "Sixty Minutes" program broadcast in February and through a long magazine article in *The New Yorker* magazine. Many other articles in the U.S. and European press made reference to Middle East Watch's pioneering fieldwork, building a potential case for genocide. In September, a consultant writer began work on the organization's first, full-length report on the Anfal campaign. The book is also scheduled for release in early 1993.

The most dramatic aspect of the evidence-gathering process involved the airlifting to safekeeping in the United States, in May, of 14 tons of Iraqi secret police documents captured by the Kurds themselves the previous year. Middle East Watch acted as the custodian of documents entrusted to its care, and to the U.S. Senate's Foreign Relations Committee, by the Patriotic Union of Kurdistan (PUK), one of two major Iraqi Kurdish parties. These documents were then stored in the U.S. National Archives, outside Washington, D.C. Work on the large task of classifying, translating and analyzing the millions of pages of documents began in October, under the direction of a newly created



Middle East Watch team. Preliminary results of the research corroborate testimonial findings about the nature of government actions, in the process providing massive detail on the Iraqi bureaucracy of repression.

Middle East Watch was active in 1992 in pressing its concerns about Iraq at the U.S. Congress and State Department, as well as in various European foreign ministries. It also worked closely with the U.N. Special Rapporteur on Iraq, Max van der Stoep. The possibility of legal action against Iraq at the International Court of Justice was explored with several parties; during 1993, Middle East Watch anticipates that this aspect of its work, embracing the building of a legal brief, will be expanded. Efforts also continue to bring further caches of captured documents held by other Kurdish parties out of northern Iraq, for safekeeping and research.

Together with other branches of Human Rights Watch, Middle East Watch participated during 1992 in international efforts to tackle the problem of uncharted land mines that have a disastrous effect on civilian life. The indiscriminate strewing of millions of land mines was a side-effect of the Iraqi government's various military actions in the Kurdish region, including the Anfal. As a result, thousands of civilians, many of them children, were either killed or lost limbs in Iraqi Kurdistan between March 1991 and the end of 1992. A Middle East Watch report on the problem, *Hidden Death*, was published in November.

Based on a 1991 mission to Iran and continued monitoring of Iraq from abroad, Middle East Watch issued a lengthy report in April 1992 entitled *Endless Torment* on rights abuses committed by the Iraqi authorities during and after the suppression of the March 1991 uprising in both the mainly Kurdish north and Shi'a south of Iraq. Further close monitoring of the situation in the south, where allegations of many grave abuses were reported, proved difficult, because of Iraq's continued refusal to permit a Middle East Watch investigative mission and Iran's failure to approve visa requests until December. Saudi Arabia also failed to respond to requests to visit its border regions, to gather information about Iraqi human rights conditions. However, a Middle East Watch researcher was able to travel to Jordan and Syria during the summer, to interview exiled Iraqis. A press statement was issued in September about a massacre of hundreds of Shi'a transported from the marshes region south of Amara after fighting with rebels, based on information gathered by a Middle East Watch researcher in Iraqi Kurdistan.

In October, Middle East Watch denounced human rights and humanitarian law violations in the Kurdish enclave of northern Iraq, following a decision by the local authorities to remove mainly Turkish Kurdish Workers' Party (PKK) guerrillas from the Iraq-Turkey border zone. A mission to the region the following month concluded that both the Turkish authorities and the PKK had been guilty of abuses, and that the Kurdish government was holding many prisoners without charge, some of whom had been tortured.

As in 1991, Iraq dominated Middle East Watch's work during the year, taking up much of its time and resources. But the organization was nonetheless able to monitor ten other countries and regions: Egypt, Algeria, Tunisia, Yemen, Saudi Arabia, Kuwait, Syria, Lebanon, Iran and the Israeli-occupied territories. Formal missions were sent to Egypt, Algeria, Tunisia (together with the Washington-based International Human Rights Law Group), Kuwait (together with Human Rights Watch's Women's Rights Project) and the Israeli-occupied territories. Researchers also made two unpublicized trips to Jordan and Syria, to gather information about conditions in Iraq and Syria itself.

A month-long mission to Egypt, in January and February, to investigate persistent allegations of the torture of detainees by State Security

Investigation officers and soldiers, produced a major report, *Behind Closed Doors: Torture and Detention in Egypt*. Mission participants met with senior Egyptian officials and were granted permission to inspect any prison they chose; in the time available, they visited six prisons, including two maximum-security facilities. The report was released at a press conference in Cairo in July, and received widespread media coverage. A second report, on prison conditions, is due for release in January 1993.

Middle East Watch and the Women's Rights Project continued to monitor legal developments following the Egyptian authorities' closure in 1991 of the Arab Women's Solidarity Organization, the leading women's organization in the Arab world. They also collaborated on research into the mistreatment of Asian domestic employees in Kuwait. A mission to Kuwait resulted in a report that condemned the Kuwaiti authorities for their failure to address the problem. Middle East Watch continued to monitor Kuwait's abuses against Palestinian and Bedoon (stateless) residents. It was also compelled to issue a detailed rebuttal of renewed claims by the Kuwaiti government and their U.S. supporters that wartime allegations of mass killings of babies in incubators were accurate, rather than the false propaganda they had been proven to be.

Following King Fahd's promulgation of new constitutional and legal decrees, Middle East Watch issued a detailed critique of these so-called democratic reforms. Entitled *Empty Reforms*, the report concluded that the measures served, in fact, to strengthen royal autocracy. Attempts by the organization to meet with senior Saudi officials and to visit the country, to pursue a dialogue on various human rights concerns, were greeted with silence. Based on continuing research into the torture of prisoners in Saudi jails, Middle East Watch presented an *amicus curiae* brief to the U.S. Supreme Court in support of a petition brought by a U.S. citizen, Scott Nelson, who was seeking monetary damages for his torture and arbitrary detention in Saudi Arabia.

Elsewhere on the Arabian Peninsula, Middle East Watch conducted its first research into human rights issues in Yemen. Two years after the unification of the former Yemen Arab Republic and the People's Democratic Republic of Yemen, human rights conditions have greatly improved, with a proliferation of political parties and news publications. A newsletter examined steps toward the building of civil society in Yemen ahead of general elections originally anticipated in November 1992.

In 1992, Middle East Watch resumed active work on Syria. Attention was directed initially at two issues: the persecution of the Syrian human rights monitoring group, CDF, and long-term prisoners remaining in the custody of the security services following mass releases in late 1991. The former issue was pursued through a newsletter published in March and a series of letters to Syrian authorities. The latter began with the collection of data from exile groups about prison numbers and the identity of prisoners, and it developed into a major report, *Throwing Away the Key*, that examined current interrogation and detention procedures against political prisoners.

In the Maghreb region, Middle East Watch focused during 1992 on two countries where the authorities battled with indigenous Islamist movements: Tunisia and Algeria. In Tunisia, it joined forces with the Washington-based International Human Rights Law Group to send an observer to the mass trial of Islamists, in July, before two military courts. Algeria posed a larger challenge, because of the crackdown that followed the January coup, which had blocked the Islamists from achieving power through the ballot box. Resolving that the coup was an unwarranted interruption of the democratic process, Middle East Watch issued a newsletter on abuses committed in the wake of the

military intervention. It then sent a mission to Algeria in the summer, for three weeks, for a fuller investigation; a report on its findings was due for publication in early 1993.

In the Israeli-occupied territories, a report was issued in March on deaths in detention and the growing evidence that torture is used by investigators against Palestinian detainees. In the second half of the year, Middle East Watch undertook a lengthy research project on the recurrent killings of Palestinian activists by undercover Israeli squads. A report on the subject will be published in January 1993.

Although individual reports were not issued during the year on the countries concerned, researchers maintained a watching brief on Iran and Lebanon. As regards Iran, Middle East Watch paid particular attention to the manner in which popular unrest was put down by the authorities, and to the worsening climate for freedom of expression and women's rights. With Lebanon, curbs on media freedom were examined, along with politically motivated detention. Assessments of human rights conditions in these two countries are published separately in this report.

Middle East Watch was invited to testify before Congress on three occasions during 1992. In June, it presented testimony before the Senate Foreign Relations Committee on the Iraqi *Anfal* and on the significance of the captured Iraqi documents; it also testified the same month before the House Select Committee on Hunger, with respect to current conditions in Iraq. In September, Middle East Watch testified before a hearing of the House Foreign Affairs Subcommittee on Europe and the Middle East devoted to the state of human rights in the Middle East.

## **ALGERIA**

### **Human Rights Developments**

Only three years ago a leader among democratizing countries in the region, Algeria hurtled in the opposite direction during 1992. In January, the government cancelled elections indefinitely. In February, it declared a state of emergency and banned the largest opposition party, the Islamic Salvation Front (FIS). For the rest of the year, it held thousands of Islamists without charge in remote detention camps. The practice of torture became common again, after having been curtailed during the period of political liberalization that followed the riots of October 1988.

Political violence, much of it believed to be the work of Islamist extremists, reached a level unprecedented since the end of Algeria's war of independence in 1962. On June 29, 1992, acting President Mohamed Boudiaf was gunned down by a security officer who reportedly confessed to having acted on religious motives. Between January and mid-November, Islamists groups killed more than 200 security-force members, according to the government.

In response, the government targeted not only those suspected of armed attacks but also opponents of the regime with no links to violence. In an important sense, many of the abuses that occurred during 1992 stemmed from the government's cancellation in January of parliamentary elections after the FIS won a near-landslide in the first round of balloting on December 26, 1991. The government's action violated the Algerian people's right freely to choose their representatives, as provided in Article 25 of the International Covenant on Civil and Political Rights.

The FIS, in its ambiguous statements and actions, inspires genuine fear among many Algerians about its attitude toward nonviolence and political and

cultural pluralism. In annulling the FIS election victory, the government claimed that it was only "postponing" democracy in order to save it from a violent, extremist party seeking to establish a repressive theocracy. But the government's claims to hold the democratic high ground are hardly more credible. Since cancelling the elections, the government, which is dominated by many of the people who ran the country during three decades of one-party rule, has shown no inclination to refrain from serious human rights violations or to accept the wishes of the Algerian electorate.

The democratic process had been derailed once before since the era of political reform began in 1988. In June 1991, parliamentary elections were postponed after the government branded a campaign of FIS strikes as an attempted insurrection and imposed a state of siege.

The elections were postponed until December. Despite the imprisonment since June 1991 of party chief Abbasi Madani and his deputy, Ali Belhadj, the FIS captured 189 parliamentary seats in the first round of voting and seemed assured of capturing a majority of the 430 seats in the second round.

President Chadli Benjedid declared his readiness to cohabit with a FIS-dominated parliament, drawing confidence from the powers given his office by the constitution to check the will of parliament. But a military-backed junta forced Benjedid's resignation and halted the elections. To justify its intervention, the regime claimed that ballot-tampering and intimidation of voters by FIS supporters had marred the polling, a claim that was proven neither by the regime nor the Constitutional Council, the body authorized to investigate such allegations.

Algeria's new leaders announced the formation of a five-member High State Council, headed by Mohamed Boudiaf, to exercise presidential authority. The Council moved quickly to consolidate power and stifle protests by FIS supporters who felt robbed of their victory. Army troops and tanks were sent into the streets, and demonstrations and gatherings were outlawed in several cities. After a month of rising tensions, when more than 50 civilians were killed by security force gunfire and nine policemen were slain, the government imposed a 12-month state of emergency, seized the FIS headquarters and outlawed the party.

The February 9 state-of-emergency decree gave the Minister of Interior sweeping powers, including the authority to ban public gatherings, dissolve municipal governments, and detain for an unspecified period any adult "whose activity is shown to endanger the public order, public security, or the proper functioning of public services." Civilians charged with offenses against state security could be tried by military courts. In March, the government began dissolving many FIS-controlled municipal councils and provincial assemblies, on the grounds that their operations had been impaired by "the calculated behavior of their members who seek to thwart the policies of the government."

As the violence persisted, the regime continued to grant itself new emergency powers. An August decree permitted the dissolution for up to six months of any entity that undermined "the public order, public security, the normal functioning of institutions or the larger interests of the country." A new "anti-terrorist" law decreed on October 3 lengthened the maximum period of incommunicado detention from two to 12 days for "terrorist" suspects. It established a new special court to try acts of terrorism or subversion, and provided a minimum five-year sentence on conviction, without an opportunity to appeal. In the six weeks following the decree, authorities arrested several hundred persons, most of them suspected FIS activists, in the biggest roundup since the spring.

Throughout the year, the most widely used emergency power was the broad

authority to detain. By its own count, the government rounded up and dispatched some 9,000 suspected FIS members to detention camps, mostly in the remote southern desert. The FIS reported that the actual number of persons detained or arrested was far higher.

The detention process afforded almost no due-process rights. Detainees were not informed of the reasons for their detention, the length of the detention order, or the criteria for determining when they would be released.

While not exhaustive in scope—some known FIS activists remained free—the round-ups were clearly arbitrary and indiscriminate actions, calculated to incapacitate the FIS around the country, without regard to an individual's complicity in illegal acts. Many contended that their only offense was to have supported a political party that was legal until February.

Those detained ranged from prominent activists who had been elected to parliament or local government posts, to suspected sympathizers who were rounded up in the streets apparently on the basis of their appearance (many Islamists wear beards and loose-fitting white tunics). The vast majority had no prior police record and, following their detention, were never charged or brought to trial.

An appeals process, which began operating in June, allowed detainees to petition newly created government-appointed panels for their release. But the petitioners remained unaware of the specific accusations against them and the criteria employed by the panels. As of June 20, the Ministry of Interior stated, 1,024 of 2,563 petitions had been successful while 1,539 remained under study; however, it is not known what role, if any, the appeals were playing in decisions to release detainees.

Throughout the spring and summer, government officials declared their eagerness to close the camps, claiming that all detainees implicated in serious offenses would soon be brought to trial and the rest freed. However, only a tiny fraction were formally charged and brought to trial, and it was not until September and October that the bulk of the remainder was freed. As of late October, the number still in detention camps had declined to about 1,600.

Among the detainees' grievances, the material conditions in the camps were secondary to the fact that they were being held without charge, due process, or any idea of when they would be freed. Those interviewed by Middle East Watch described conditions that were austere and difficult but not deliberately harsh or humiliating. Most were housed in huge tent camps surrounded by barbed wire, within which they were allowed to do as they liked. Authorities provided minimally adequate food, clothing, bedding, and sanitary facilities, but did not furnish "nonessential" items such as reading and writing materials. They often released detainees by dumping them in a nearby town without money or a ticket for the long journey north.

The harsh weather and difficulty of family visits imposed great hardship on detainees housed in the southernmost camps. Promises by officials to move detainees north before the summer were only partially realized: Reggane, the largest camp, was not closed until August, while some of the other camps in the deep south remained open all summer, despite average daytime temperatures exceeding 110 degrees Fahrenheit (43 centigrade).

Although physical mistreatment by the guards was rare in these army-run camps, many Islamists were tortured or abused in the police stations to which they were first taken after their arrest. Middle East Watch gathered testimony from several Islamists who were arrested in February and March and tortured by interrogators in the basements of the Algiers central police station and the

station on rue Cavaignac, and at the Cité 5 Juillet Gendarmerie (National Police station) in the Algiers suburb of Bab Ezzouar.

The suspects who were abused were commonly tied to a table or pillar and then beaten severely or made to choke when a wet cloth was placed tightly over their faces. During this abuse, interrogators demanded information from the suspects about arms caches and their contacts in the Islamist movement.

On November 4, the independent Algerian League for the Defense of Human Rights issued a communiqué charging that "torture has reappeared in Algeria." Referring to "consistent reports, documented and credible testimony," the League made clear the evidence "pointed not to isolated abuses but to a widespread and systematic practice."

The torture victims whom Middle East Watch interviewed had been released without charge after their interrogation. It was not possible to verify allegations that harsher abuse was being inflicted on Islamists detained in what were judged to be more serious cases. Those suspects were all still in prison and thus inaccessible at the time of Middle East Watch's visit in June.

The government acknowledges that torture was practiced widely during the 1988 disturbances, but claims that it has since been eliminated. Then-Minister of Interior Larbi Belkheir told Middle East Watch on June 16 that no security officer had been punished for acts of torture during the year, because no complaints had been received.

While much government criticism is tolerated in the press and public fora, the parameters of free expression have narrowed since June 1991, both for Islamists and others. Scores of preachers have been tried and sentenced for delivering sermons deemed inciting or defamatory toward state institutions, and hundreds, if not thousands, of FIS sympathizers have been convicted for attending "illegal" gatherings, or distributing or possessing "subversive" tracts. Simply characterizing the regime as a "junta" or as "illegitimate" has led to the prosecution of many preachers.

Since February, the government occasionally refused to permit two non-Islamist opposition parties, the Socialist Forces Front and the Workers Party (PT), to hold public meetings. It has also broken up some, but not all, of the small demonstrations staged by families of the men detained in the camps. One PT activist was jailed for three months for distributing anti-government leaflets, and in a highly unusual measure, another was banished indefinitely in May by administrative order from three provinces, including the one where he and his family resides.

Algeria's independent press, until 1991 the freest in North Africa, has lost much ground. With continued government control of the major printing presses, distribution networks, and advertising budgets, editors cannot afford to ignore repeated threats by ministers to punish newspapers that "destabilize" the country. The press has also been intimidated by the arrest of some 20 journalists during the year for reporting deemed objectionable, and the suspension since August of four national dailies and four weeklies. The dailies, none of which are Islamist organs, were permitted to resume publishing in October.

The common pretext for the suspensions and arrests is the publication of information that "defames state institutions," "undermines state security," or "undermines the stability of the state." Although most of the arrested journalists were released after one or two days, four-month prison sentences were handed to a columnist and an editor at *ech-Chorouk al-Arabi* in July for ridiculing the regime. They have appealed the sentence.

Meanwhile, the government-controlled broadcast media retreated from its relative openness toward opposition voices, prompting seven opposition parties

to decry state "monopolization" of the media in June. Foreign correspondents came under growing pressure. On January 25, authorities expelled four reporters from Spain who were arrested while interviewing FIS supporters in the street. In May, the Algiers-based correspondent of *Le Monde* was ordered to leave. Visiting correspondents often waited for months to obtain entry visas.

The quality of the justice system eroded during 1992. Islamists who should have been tried by ordinary courts, if at all, were judged by military tribunals that provide fewer safeguards for a fair trial. Unlike the ordinary courts, military tribunals have no members of the public sitting as the jury, and two of the three members of the panel are military personnel appointed by the minister of defense.

One example of a case that did not belong before a military court was that of journalist Djamel Fahassi. Fahassi had been arrested shortly after he published a scathing article in a FIS newspaper about an army raid on a neighborhood in suburban Algiers. On January 1, 1992, after he had already spent five months in jail, the Blida military court handed Fahassi a one-year suspended sentence on charges emanating from the article.

Six months later, the same court convicted FIS leaders Abbasi Madani and Ali Belhadj in the most closely watched trial in Algeria since the political opening of 1988-1989. The trial was marred by irregularities, including the decision to bar virtually all international observers and journalists from attending the proceedings. Their exclusion prompted a boycott by the defendants and their lawyers, who also objected to the trial of civilian defendants before a military court.

The trial proceeded in the absence of the defendants and their counsel and ended with the imposition of 12-year sentences on Madani and Belhadj for conspiring against state authority, harming the economy, and distributing seditious tracts. Five colleagues received shorter sentences. However, the court acquitted the defendants of all charges that linked them directly to acts of violence.

Violence took an enormous toll in Algeria throughout the year. During January and February, soldiers and policemen opened fire on pro-Islamist demonstrations, causing dozens of deaths that probably could have been avoided had they resorted to other means of dispersing crowds.

As the large-scale confrontations tapered off, there was a surge in attacks on police and acts of sabotage by armed cells. The government has attributed the violence to Islamist extremists.

In disarray from the banning of the party and the jailing or flight of its leadership, the FIS has neither claimed responsibility for the attacks nor denounced them in unequivocal terms. It denied involvement in the assassination of President Boudiaf, as well as in the bomb explosion at the Algiers airport that killed nine on August 26. It continued to deny responsibility after the government presented four FIS members on television who admitted to masterminding the attack, including a former top aide to Madani. These televised confessions were condemned by the Algerian League for the Defense of Human Rights as a violation of the rule of law.

The FIS position on the use of political violence is nebulous but certainly not hostile. Underground publications close to the party, such as the *Minbar al-Djoumoua*, reported favorably on the attacks on security forces and the capture of weapons by Islamist groups. They also carried warnings to those who tried to suppress the movement. In August, *Minbar al-Djoumoua* cautioned a television journalist that her negative reporting on the Islamist rebels could put her in danger. Anonymous death threats were received by government appointees who had replaced the dissolved FIS-controlled local

governments, and at least two were assassinated by unknown assailants in separate incidents in August.

### **The Right to Monitor**

Two general human rights groups and many women's rights groups operate openly in Algeria. The outspoken Algerian League for the Defense of Human Rights, with its scathing denunciations of Algeria's "concentration camps," torture and emergency laws, has been largely ignored by the government-influenced press, but has experienced little harassment.

In March, the government announced the creation of a nominally independent National Observatory for Human Rights, charged with "sensitiz[ing] public opinion to the question of human rights and [undertaking] actions when abuses of these rights are reported or brought to its attention." Since then, the Observatory has urged the release of all administrative detainees and, in the meantime, improvements in their living conditions. However, the Observatory's tone has remained protective toward the government, sometimes embarrassingly so. When Amnesty International criticized human right abuses in Algeria, the president of the Observatory led the counterattack in the local press, endorsing the charge made by another Algerian that "Zionist pressure groups that are powerful in the [media] sector are free to orient the work of Amnesty to their liking."

During 1992 the government authorized missions by Middle East Watch and Amnesty International. But Middle East Watch's repeated requests to visit places of detention were denied by the government. Access was granted to the International Committee of the Red Cross (ICRC), but the ICRC suspended its visits when the government did not meet the ICRC's standard stipulation that prison visits be repeated on a regular basis.

### **U.S. Policy**

U.S.-Algerian relations have been thawing in recent years, due in part to Algeria's helpful role in regional diplomacy and its growing interest in economic investment from the West. However, U.S. aid to Algeria is limited to an annual \$150,000 grant for military training.

When the FIS was robbed of its election victory in January, the Bush administration quickly showed that it preferred the military-dominated junta that had seized power to a democratic process that would have yielded a parliamentary majority for the Islamist FIS.

The State Department declined to criticize the cancellation of the elections. On January 13, spokeswoman Margaret Tutwiler would only express hope that "a way can be found to resume progress [toward democracy] as soon as possible." She urged all parties "to find a peaceful resolution in accordance with the Algerian constitution," an allusion to the situation created by President Benjedid's resignation. Similarly bland comments were made on February 6 by Secretary of State James Baker before the House Foreign Affairs Committee; on February 10 and 14 by Department Spokesman Richard Boucher, following the imposition of the state of emergency; and by Assistant Secretary of State for Near Eastern and South Asian Affairs Edward Djerejian on June 30, following the assassination of acting President Boudiaf.

Tacit support for the regime's actions in January made the United States, along with France and other Western governments, appear less concerned with the implementation of democracy than with the preservation of pro-Western political elites. The Bush administration could have done much to refute this accusation had it shown concern over the regime's committing massive human rights abuses and its failure to present a new electoral timetable.



However, the U.S. administration appeared willing to remain silent on whatever the Algerian government did in the name of combatting Islamist terrorism. It has said nothing publicly about the internment of thousands of Islamists without charge, or about the increasingly draconian emergency laws.

However, when an underground Islamist publication called for armed struggle in April, State Department spokeswoman Tutwiler was quick to express disapproval. Such concern for Islamist violence is entirely appropriate, but it should be accompanied by criticism of abuses perpetrated by the government.

The key to the U.S. reticence in this regard may have been revealed in a June 2 speech by Secretary Djerejian. Stating that the U.S. had no quarrel with political Islam *per se*, he warned:

We are suspect of those who would use the democratic process to come to power, only to destroy that very process in order to retain power and political dominance. While we believe in the principle of 'one person, one vote,' we do not support 'one person, one vote, one time.'

Djerejian's phrasing and U.S. policy indicate that the FIS is viewed in this light. Middle East Watch believes that concerns over the FIS agenda should not be used to excuse the government's systematic violation of rights and its failure to provide a timetable for the resumption of the democratic process. After all, the Algerian government's 30-year record on elections is hardly any better than what is feared from the FIS.

#### **The Work of Middle East Watch**

In February, Middle East Watch issued a report on human rights since the cancellation of the elections. The report criticized positions of the FIS that suggested hostility toward the principles of multiparty democracy and equal rights for women. However, Middle East Watch argued that the available evidence that the seating of a FIS parliamentary majority would entail grave human rights violations was not sufficient to justify such a massive assault on human rights as the cancellation of relatively free elections and all of the abuses that followed.

In June, Middle East Watch undertook a four-week mission to Algeria. The delegation met with dozens of Islamist and non-Islamist critics of the government. Some Islamists were too afraid to meet with delegation, and most of those who did expressed fear of government retribution if their names were published.

Middle East Watch's fact-finding was impeded by the detention and interrogation of one of its researchers by agents of military security in Constantine, and by the temporary confiscation of his notes. In a meeting with the delegation two days later, the Minister of Interior apologized for the incident.

A report on human rights since the declaration of the state of emergency will be issued in late 1992. A second report, on gender discrimination in Algeria's Family Code, is being prepared jointly with the Women's Rights Project of Human Rights Watch.

In July, Middle East Watch sent a letter of condolence to the government after the assassination of acting President Mohamed Boudiaf.

### **EGYPT**

#### **Human Rights Developments**

Egypt has been governed under emergency or exceptional law for most of the past 50 years and continuously since President Anwar Sadat's assassination in October 1981. In May 1991, emergency law was extended for three more years. One legacy of long-term exceptional law has been the institutionalization of the power of security forces to arrest and detain arbitrarily. Coupled with the longstanding practice of incommunicado detention, this situation has given rise to the systematic use of torture by security forces, often against blindfolded political suspects. The continued use of torture, including but not limited to electric shocks, and the refusal of the government of President Hosni Mubarak to acknowledge the problem, makes a mockery of the government's 1992 vow to the U.N. Human Rights Committee that "Egypt has been among the most active members of the international community diligently seeking to promote the principles of human rights and ensure that they are enjoyed by all the peoples of the world."

Nineteen ninety-two was the most violent year in Egypt since the 1981 assassination of President Anwar Sadat. Armed underground groups seeking to establish an Islamic state, most notably *al-Jama'a al-Islamiya* (the Islamic Group), have attacked tourists, killed policemen and security officials, gunned down Coptic Christians and, in June, assassinated a controversial Muslim writer who advocated secularism. The killings of 13 Christians in May in a village in Upper Egypt was the first sectarian massacre in Egypt since the turn of the century, according to the Cairo-based Egyptian Organization for Human Rights (EOHR).

A September 1992 EOHR report noted that since 1990 victims felled by radical Islamist groups' violence, including policemen and security officials, had increased dramatically. Between December 1991 and June 1992, 27 people were shot or stabbed to death by members of extremist groups. Of this total, 24 were killed by the Islamic Group, including 18 Christians.

In the same report, EOHR noted that Egyptian security forces also use excessive force, and possibly summary executions, in confrontations with armed radical Islamists or suspected Islamists whom they seek to apprehend. In the early morning hours of December 25, 1991, three suspected members of the Islamic Group—Taha Lutfi al-Junaidi, Azz-al-Din al-Ashqar and Eid al-Shabrawi—were killed by security forces in a small apartment in Bassarta village, near Domyat on the Mediterranean coast. Prosecutors who investigated found that two of the men had been shot in the back, and the third was shot in the back and the front. Some considered the killings retaliation for the attempted assassination on December 19 of a security forces' officer by the Islamic Group.

The government's response to the upsurge in violence by Islamist groups was a huge deployment of security forces in areas of the country that are their strongholds, massive search and arrest operations, controversial new "anti-terrorism" legislation enacted in July, and a wave of human rights abuses affecting not only suspected Islamists but also ordinary citizens. EOHR reported that from the last week of June through September, in the Dayrut area of Upper Egypt, "houses are being searched without a warrant from the prosecution, the doors and furniture of houses are being smashed, and their residents occasionally beaten."

Torture is systematically used during the interrogation of political suspects while they are held incommunicado in the custody of State Security Investigation (SSI), the Ministry of Interior's elite internal-security unit. Abuse occurred in SSI offices and, in the Assyut area of Upper Egypt, in military camps of the Central Security Forces. The overwhelming majority of

victims in 1992 were alleged members or supporters of Islamist groups, and those believed to have information about the whereabouts of militants in hiding. Contrary to extensive, reliable evidence, the government continued to deny flatly that torture takes place on a systematic basis or that SSI holds detainees incommunicado.

The Interior Ministry also uses its broad powers under the emergency law to hold political suspects, mostly Islamists, in long-term detention without charge or trial, despite court-ordered releases. Some of these detainees have been held continuously since 1990, although courts have repeatedly overturned the Interior Ministry's detention orders. Among those detained are Palestinians at Abu Za`bal Liman prison, including residents of the Israeli-occupied territories who entered Egypt seeking asylum because their names were on Israeli security forces' "wanted" lists and they feared being killed in the course of their arrest (see chapter on Israeli-occupied West Bank and Gaza).

New "anti-terrorism" legislation enacted in July includes provisions that will only exacerbate these problems. It provides for incommunicado detention for up to 11 days without access to a lawyer or judicial supervision, and preventive detention for up to six months without any judicial review. Egyptian human rights advocates believe, and Middle East Watch concurs, that both measures legalize the continued use of past abusive practices. Human rights violations committed by the state are often cited by Islamist radicals in an attempt—however unjustified under domestic and international law—to defend their own violent activities and to garner public support. In June, the alleged commander of the military wing of the underground *Jihad* organization, Safwat Abdel Ghani, was asked by a reporter with the weekly *al-Ahali* whether he had threatened to assassinate President Mubarak, other senior government officials and Egyptian writers. He replied: "Yes. Because they torture and humiliate us in prison and the interior minister liquidates our organization's members. The ruler's violence is being reciprocated by `fiercer violence' on our part." In an interview the following month, a leader of the Islamic Group in Assyut said: "Terrorism is practiced by the state. It kills, incarcerates, raids mosques, and denies us jobs. What we are doing is reacting to the state's terrorism. Violence only breeds violence." Following an attack on a tourist bus near Assyut on October 21 in which a British woman was killed, an Islamic Group spokesman told a Cairo news agency that the organization claimed responsibility, noting: "These disturbances will not stop unless the regime stops repeated detentions, frees all detainees immediately, stops torture and allows the call to God to resume."

Middle East Watch condemns this violence by Islamic groups. Even in the situation of armed conflict, international humanitarian law makes clear that violations by one side cannot justify abuses by another. No lesser standard should apply in the situation of internal strife in Egypt. However, that radical Islamic groups are able to cite government abuses to provide a rhetorical veneer of legitimacy to their own violent attacks underscores the counterproductive nature of the government's response. Official efforts to restore the rule of law by systematically flouting it are bound to fail.

In an interview in May 1992, Egypt's Interior Minister, General Abdel Halim Moussa, declared: "We are a democratic state that believes in dialogue, opinion, and debate." Despite his affirmation, the government has curbed freedom of expression and association and reinforced both political and religious intolerance, often with deadly results.

Actions by various Egyptian government authorities have had the effect

of legitimizing such intolerance by singling out secularists—particularly writers—for punitive action, restricting their activities, and making them easy targets for propagandistic and physical attack. A week before the June assassination of Dr. Faraj Fouda—the outspoken Muslim writer who championed secularism and wrote scathing attacks against Islamist radicals—a seminar of Islamic scholars from Cairo's prestigious al-Azhar issued a statement describing him as the follower of a non-religious trend at odds with Islam. Al-Azhar is a 1,000-year-old religious, educational and research institution that is regulated and subsidized by the government. After Fouda was gunned down by assassins in Cairo on June 8, the Islamic Group claimed responsibility. Its militants shamelessly defended the killing with references to the Azhar scholars' statement about Fouda. An Islamic Group leader in Assiut stated in a July interview with the Beirut newspaper *al-Safir* that the group was committed to "popular Islamic revolution." He readily admitted that the organization used violence and was "responsible for the assassination of a number of policemen and state officials, foremost of whom was former People's Assembly speaker Rif'at al-Mahjoub," who was assassinated in October 1990. Justifying Fouda's murder, he said: "He was killed in accordance with the *shari'a* ruling against apostates. A group of Muslim *ulema* [scholars], including al-Azhar mosque scholars, ruled that he reneged on Islam....Killing Faraj Fouda was our Islamic duty."

This was the first time that an Egyptian writer had been killed by Islamist militants, and the incident sent shock waves through Egypt's intellectual community, some prominent members of which were put under around-the-clock armed guard by the Ministry of Interior. The assassination also had a chilling effect on public discourse, as some intellectuals avoided opportunities to discuss the Islamist challenge to secular society.

Through its Islamic Research Academy (IRA), which has the legal right to review copies of the Holy Quran for the purpose of conformity to the authentic historic text, al-Azhar has acted against books not to its liking. On January 7, at the Cairo International Book Fair, a self-appointed committee from the IRA confiscated five books by Judge Said al-Ashmawi, a prominent Islamic scholar and writer. Four days later, the committee confiscated two additional books by other authors. All seven books had been previously published in Egypt, and some of them had been reprinted several times.

The Arab Women's Solidarity Association (AWSA), headed by writer and women's rights advocate Dr. Nawal el-Saadawi and legally registered with the government in 1985, was ordered dissolved in a decree dated June 15, 1991. In May 1992, Egypt's State Council Court upheld the order, ruling in part that AWSA's activities "threatened the peace and political and social order of the state by spreading ideas and beliefs offensive to the rule of Islamic *shari'a* and the religion of Islam, a matter which forms a substantial violation of the law." El-Saadawi was one of the Egyptian intellectuals placed under armed guard by the government in the wake of the Fouda assassination.

Like el-Saadawi, novelist Alaa Hamed is under armed guard at his Cairo home to protect him against possible attack by Islamist extremists. In December 1991, Hamed was sentenced to an eight-year prison term by a state security court because his novel, *A Distance in a Man's Mind*, was found to have threatened "national unity" and "social peace" through the dissemination of "extremist ideas," including heresy and contempt of religion. Muhammed Madbouli, the publisher of the book, and Fathi Fadl, its printer, were similarly sentenced. All three men are awaiting ratification of the court's sentence by Egypt's prime minister.

Communal strife in 1992 often had a cyclical character, as abuse by one side triggered retaliatory abuse by the other. On June 19, in the town of Sanabu—located near Dayrut in Upper Egypt—two Islamists were killed in a shoot-out with the police. According to Agence France-Presse, the incident began when police "opened fire to disperse around 200 fundamentalists in Sanabu village...after the crowd tried to attack houses and shops belonging to Coptic Christians." The next day, the Islamists responded with four separate attacks that left four Christians and three policemen dead.

But there was also evidence to suggest that Islamists' violence against Christians was ignored by some local authorities. This passivity increased the sense of vulnerability and fear among Egypt's six to eight million-strong Christian minority. The events leading up to the May 4 massacre in the village of Manshiet Nasser, near Dayrut in Upper Egypt, are illustrative. As one villager told *The New York Times* after the massacre: "People are terrified. The Muslim militants do what they want in our villages and the Government does nothing to stop them."

An investigation by EOHR prior to the massacre documented a reign of terror in Manshiet Nasser carried out by The Islamic Group. All commercial transactions by Christians, including the sale of property, had to be approved by the organization, and Christians were forced to pay a tax (*jizia*) to the Group for each transaction. Christian residents were prohibited from public celebration of religious rituals and social events, such as weddings. They also were forbidden to play religious tapes in their homes if the sound carried outdoors. Repairs to the village church were not allowed to continue, and workers were attacked. Edicts of the Islamic Group were backed up by force; those who did not comply were punished with the breaking of their two legs and right arm.

A member of the Islamic Group was killed on March 9 in a dispute that reportedly escalated into exchanges of gunfire after a Christian farmer, who had refused to sell land to a member of the organization, was attacked with chains and clubs. Following the incident, which also took the lives of one Christian and a Muslim bystander, The Islamic Group named four Christians it would kill to avenge its member's death. The first person on the list, Badr Abdallah Massoud, was shot dead on April 14. The group also ordered that all Christian men in the village remain in their homes. The Christian residents appealed to the authorities for help in lifting this edict, sending telegrams and letters to the Interior Minister and the provincial governor as well as to local officials in nearby cities. EOHR wrote three times to the authorities about the situation; a letter hand-delivered to the Ministry of the Interior on April 18 noted "the laxity of the local security bodies in performing their duty to protect citizens and forestall the possible eruption of new waves of sectarian violence." Nothing was done.

On the morning of May 4, members of the Islamic Group killed 12 Christians: ten farmers in their fields, a teacher in his classroom, and a doctor at his home. A Christian child injured by gunfire in the fields died the next day. One Muslim was also killed by a stray bullet.

The Egyptian authorities are accountable for their apparent lack of readiness to uphold the rule of law in an even-handed fashion to protect the lives of a beleaguered minority. But Interior Minister Moussa downplayed the massacre and ignored its context, including the security authorities' own complicity in permitting a pattern of illegal, often-violent actions to go unchecked. In an interview with *al-Musawwar* published on May 22, the Interior Minister described the events as "nothing more than a feud over a house

between two families (one Muslim, the other Christian) that was exploited by known extremist elements belonging to the family that initiated the incident. Some extremist elements from one of the families tried to give the feud a sectarian dimension." Islamist militants characterized the rampage similarly. "We are not killing Christians," one Islamic Group leader told *al-Safir*. "Some Christians were killed by the public in vendetta actions, something that is a common practice in Upper Egypt."

### **The Right to Monitor**

The Mubarak government's record toward local and international human rights groups was mixed in 1992. The independent EOHR is permitted to operate freely from its Cairo office, but the group lacks official legal status because its request for registration with the Ministry of Social Affairs has been denied. This pretext is used effectively to bar EOHR from developing a working relationship with the authorities, despite the organization's high profile with foreign diplomats and the international human rights community. EOHR's numerous written complaints about specific human rights problems sent to Egyptian government officials are routinely ignored. Only in extremely rare cases has the Ministry of Interior or the Prosecutor General's office acknowledged an EOHR letter.

The government does not interfere with the work of international human rights organizations who conduct fact-finding in Egypt, and high-ranking officials have met with these organizations' representatives. But, as in the case of EOHR, Middle East Watch's letters to senior government officials about specific human rights cases are consistently ignored. In 1991, and again in 1992, Middle East Watch never received a reply to a letter concerning an individual case.

In an important breakthrough, in February 1992 the government invited Middle East Watch to inspect Egyptian prisons of its choice, pursuant to a request first made in 1990. It provided full cooperation in facilitating visits to six prisons that month. However, local human rights monitors continue to be denied permission to inspect prisons. Middle East Watch's request to include Egyptian lawyers and human rights advocates in its prison visits was refused by the authorities.

### **U.S. Policy**

The poor human rights record of Egypt, the closest U.S. regional ally after Israel, has persistently escaped close scrutiny by administration policymakers and members of Congress, despite the \$2.26 billion in assistance annually given by the U.S. government and the December 1990 cancellation of \$6.7 billion of Egypt's military debt. In remarks on June 24 before the House Subcommittee on Europe and the Middle East, Assistant Secretary of State for Near Eastern and South Asian Affairs Edward Djerejian hailed the Mubarak government's "active role in the [Middle East] peace process" and its "vigorous and healthy" bilateral relationship with the United States, but made no mention of human rights abuses in Egypt. Continued public silence by senior administration officials is increasingly indefensible, particularly given the State Department's own frank and largely negative assessment of human rights practices in Egypt in its *Country Reports on Human Rights Practices in 1991*, issued in January 1992.

The Bush Administration's fiscal year 1993 request for aid to Egypt is at the same level as its fiscal year 1992 assistance: \$1.3 billion from the Foreign Military Financing program; \$1.8 million in International Military Education and Training program funds; \$815 million in Economic Support Funds;

and \$150 million in food assistance. As in past years, no strings are attached to Egypt's receipt of security assistance, despite a proven pattern of torture and long-term detention without charge or trial: two gross human-rights violations that under U.S. law should trigger either a cutoff of aid or an explanation of the "extraordinary circumstances" that warrant its continuation.

#### **The Work of Middle East Watch**

In 1992, Middle East Watch's work on Egypt focused on the investigation of torture and long-term detention without charge or trial; prison conditions; and restrictions on freedom of association. In January and February, a Middle East Watch delegation visited Egypt to investigate torture and detention without charge, traveling to six cities around the country. Senior government officials—the Interior Minister, the Prosecutor General and the director of the Prisons Administration—met with members of the delegation in February. A 219-page report on the mission's findings, *Behind Closed Doors: Torture and Detention in Egypt*, was publicly released at a press conference in Cairo in July. The report provided detailed documentation of torture and long-term detention without charge, and identified systematic deficiencies in the authorities' investigation of torture complaints. It also provided specific recommendations for addressing the problem of torture, and for establishing mechanisms and procedures to ensure accountability in cases of abuse. The report received extensive press coverage.

In contrast to the cooperation received earlier, no senior official was available to meet with Middle East Watch representatives in Cairo to discuss the report's conclusions and recommendations. However, the delegation did meet with U.S. Ambassador Robert Pelletreau as well as diplomatic representatives from the European Community.

While the February mission was in progress, Egyptian government officials informed Middle East Watch that its representatives could visit any prison they wished. The delegation accepted the invitation and inspected six prisons that then housed over 27 percent of Egypt's prison population; these included two maximum-security prisons and two prisons that held 1,100 of the country's 1,441 women prisoners. A separate report on prison conditions in Egypt will be published in January 1993.

Middle East Watch also continued to monitor developments in an important case involving freedom of association in Egypt: the government's closure in 1991 of AWSA, described above. Middle East Watch issued two newsletters about developments in the case, one in December 1991 and the other in June 1992, and joined with the Women's Rights Project of Human Rights Watch to publicize AWSA's plight widely.

In September, Middle East Watch testified about human rights abuses in Egypt before the House Foreign Affairs Subcommittee on Europe and the Middle East and the Subcommittee on International Organizations.

## **IRAN**

#### **Human Rights Developments**

In 1992, Iran retained its unenviable reputation for having one of the worst human rights records in the region. Controls on freedom of expression and association, already tightly circumscribed, were further restricted. Politically motivated arrests and, in several recorded cases, executions

continued. Discrimination against women, institutionalized in the fields of employment, education and travel and before the law, was sharpened with a resurgent harassment of women in public places on grounds of dress and appearance.

The first two years after Ayatollah Rouhollah Khomeini's death, in mid-1989, roughly coinciding with the presidency of Hojatulislam Ali Akbar Hashemi Rafsanjani, were marked by the gradual liberalization of social and economic controls. Hopes grew of a more tolerant society, reflecting Iran's multi-ethnic populace and traditions of diversity. Statements by Ayatollah Mohammed Yazdi, head of the judiciary, and other judicial officials of the need to respect norms of fair trials, including the mandatory presence of defense lawyers, encouraged a sense that greater emphasis was being given to the rule of law.

These aspirations were encapsulated in a promise made by Ayatollah Yazdi in early 1992:

[I]n the Islamic Republic no one will be prosecuted because of his or her belief.... Courts of justice and judiciary branches have been notified that all press and political trials must be held in the presence of juries and attorneys. Otherwise, the verdicts will be nullified by the Supreme Court.

For many Iranians, hopes that living conditions would improve and arbitrary governmental interference with their lives would decrease were focused on elections to the Islamic Majlis, or parliament, planned for the spring of 1992. While the Majlis has been a lively debating forum, reflecting often sharply contrasting views among the clergy and their followers, it was a stronghold of the radical opposition to President Rafsanjani's more pragmatic policies, his quiet abandonment of revolutionary values and goals, and his gradual opening of Iran to the West. Rafsanjani's followers made clear in advance that they intended to engineer a majority in the 267-seat Majlis, by controlling the process of selecting candidates to compete in the elections. Hundreds of candidates were disqualified on political grounds disguised as their lack of suitable religious credentials.

A month-long campaign, involving over a thousand candidates enthusiastically competing for popular support, preceded two rounds of polling, in April and May. The results, as predicted, gave the president a two-thirds majority in parliament. The expectation, though, that Rafsanjani would use his new-found political strength to confront his domestic opponents in ways that would enhance respect for basic human rights norms were dashed. In the succeeding months, as economic unrest and discontent over high-handed government policies mounted, the rights climate worsened sharply.

Commencing in April, mass anti-government demonstrations swept numerous cities throughout Iran, including Tehran, Shiraz, Arak, Mashad and Bukan. Government buildings were set on fire; pictures of Khomeini, Rafsanjani and Ayatollah Ali Khamenei, Iran's spiritual leader, were pulled down; copies of the Koran were reportedly destroyed; and stores were looted. The official tally set the number executed in response to the unrest at eight, and the number arrested and sentenced to prison terms of up to ten years in the hundreds.

The Islamic government whose rise to power gained momentum from its pledge to protect the "dispossessed" of the Pahlavi monarchy is now beset by the discontent and unrest of the poor. In Shiraz, the demonstrations were triggered by 300 disabled veterans of the Iran-Iraq war protesting the



mismanagement of funds by the state-run Foundation of the Oppressed and War Veterans, as well as high prices. In other cities, demonstrations crystallized in opposition to the government's systemic demolition of squatter dwellings built in violation of regulations. Illegal residential units have mushroomed in the outskirts of cities to meet the housing needs of an unprecedented mass movement to the cities. While most of the disturbances occurred spontaneously, there were hints of organized action in Mashad, site of the largest anti-government demonstration since the 1979 revolution.

In response to the unrest, the authorities took an unabashed hard line, reinstituting ad-hoc "revolutionary courts" that dispensed summary justice and revitalizing local *komitehs*, often self-appointed watchdogs of "revolutionary and Islamic values." Ayatollah Yazdi stated on June 1, 1992:

Any resort to sabotage—even if aimed at obtaining one's lawful rights—is tantamount to lawbreaking and confronting the sovereignty of the system. The Judiciary will deal with such actions quickly and decisively.

The government's campaign against "social vice," emphasized in speeches by Ayatollah Khamenei among others, once again found as its most natural target the Iranian woman and her wardrobe. The renewed concern and fervor surrounding the infiltration of Western values led to more stringent standards for *hejab*—the Islamic dress code. Women are required to cover every strand of hair, refrain from applying makeup, and wear loose, sober-colored garments that obscure the shape of the body.

Police vice units resumed their patrol of city streets in search of improper *hejab*, bringing an end to the relatively relaxed dress standards that began to take hold in 1991. The summer of 1992 brought news of the stopping and arrest of many hundreds of women for violating *hejab* in cities throughout Iran. In Tehran alone, hundreds were arrested. Violations can yield imprisonment, flogging or a heavy fine. Demonstrators objecting to the dress codes clashed with the Islamic security forces in Isfahan, Iran's second city, leading to numerous arrests. Isfahan had been the scene of similar clashes, and arrests, in 1991 as well.

The second prong of the government's campaign against "social vice" and Western-inspired thoughts was the mass media. In June, the Minister of Culture and Islamic Guidance, Mohammad Khatami, resigned under pressure from hardliners for his liberal policies on art and the press, and was replaced by Ali Larijani, a more religious official. Before and after Khatami's resignation, a number of newly established and popular independent publications were closed or destroyed, and their staff and contributors arrested. Among the magazines and newspapers banned in 1992 were *Gardoon*, *Farad*, *Arman* and *Donyayeh Sokhan*. Writers such as Said Sirjani, Shahnoush Parsipour and Taqi Moddaressi were also subject to government censorship and, in some instances, imprisonment. Salam Heidari, a reporter for the radical newspapers *Salam* and *Abrar*, was arrested in early July on charges of espionage and contact with a European embassy. Although his case was sent to a revolutionary court, the exact nature of the charges against him was not clear.

In October 1991, the government repealed a law requiring approval by the Guidance Ministry before any publication could be issued or work of art put on public display. However, excluded from the constitutional guarantee of free expression is any statement made against Islam, the political concept of

*velayat-e faqih* (rule by the clergy) or public policy. These strictures have served as the means to enforce strict government control and censorship over the media.

After abating in 1990 and 1991, abusive policies were again on the rise. At home, the trend was reflected in the stricter enforcement of "revolutionary" values, as enunciated by the late Ayatollah Khomeini and maintained by some top officials, notably Ayatollah Khamenei. Abroad, the litmus tests of revolutionary zeal, as before, were the assassination of opponents and the defense of Khomeini's *fatwa* against Salman Rushdie.

The religious death sentence against the British writer, as well as others in the publishing industry worldwide associated with his book, *Satanic Verses*, was reconfirmed on several occasions during 1992, by different Iranian institutions. Religious leaders, the newly elected parliament, and the Fifteenth of Khordad Foundation, which had offered a \$2 million bounty to Rushdie's would-be assassin, all stated that there was no change in the verdict delivered by Khomeini in 1989. Just before the U.S. presidential election, on November 2, the Foundation provocatively announced that the bounty had been raised further, by an unspecified sum. There was no attempt by the Rafsanjani government to denounce these moves, or even to distance itself from them.

Compared with the immediate post-revolutionary era, persecution of Baha'is, members of a religious sect regarded by mainstream Shi'a Muslims as an apostasy, has significantly abated. Nevertheless, it remains a constant in government policies. The largest religious minority group in Iran, numbering approximately 300,000, Baha'is are not afforded official recognition, and enjoy no constitutional rights. They are denied the right to organize, profess or practice their religion. Discrimination in the form of restricted access to exit visas, university education, pensions, employment, public services and business licenses is commonplace.

The vulnerability of the Baha'i community was underscored in 1992 as the specter rose of escalating persecution, as a means of placating fundamentalist factions within the government. Bahman Samandari, a well-known leader of the community, was summoned to Evin Prison, in Tehran, on March 17 on the pretext of signing certain documents. He was summarily executed the following day—the first Baha'i executed since 1988. No formal charges were brought against Samandari, nor was any public statement issued attesting to his execution.

In September 1992, the National Spiritual Assembly of the Baha'is of the United States reported the eviction from their homes of 24 Baha'i families, and the confiscation of their property, by officials acting on orders of Islamic courts in Tehran, Yazd and Isfahan. The victims were not prominent community members.

The persecution of evangelical Christians, particularly those who proselytize or have themselves converted from Islam, showed no signs of abating in 1992. According to Iranian Christians International, a U.S.-based organization that monitors the treatment of Christians, ten of the 15 pastors of local churches affiliated to the Assemblies of God have been imprisoned at one time or another. The Reverend Mehdi Dibaj, himself a convert from Islam, remained in jail eight years after his arrest; he has reportedly suffered torture and inhumane prison conditions. In June 1992, the pastor of the Presbyterian church in Tabriz, jailed for nine months in 1990 and 1991, was refused permission to leave the country.

As successive reports to the U.N. Human Rights Commission have attested, Iran has one of the highest rates of judicial executions in the world. In

1991, 884 executions were reported in the local media. But the true figure is likely to have been much higher as many executions in remote parts of the country, particularly in Kurdistan and Baluchistan, go unreported. Middle East Watch is disturbed at the frequency with which the death penalty is applied, particularly since it is often for offenses that are not of the gravest nature and after trials that appear to lack due process and do not give meaningful opportunities for appeal to higher courts, all in violation of international standards.

No accurate figures are available on executions in 1992, in part because the U.N. Special Rapporteur on Iran, Reynaldo Galindo-Pohl, has not been permitted to visit the country. But Iranian press reports indicated that the death penalty continued to be applied at a large scale, especially to political prisoners and alleged drug-traffickers. Members of the Kurdistan Democratic Party of Iran (KDP-I) and the People's Mojahedin Organization of Iran (PMOI), two opposition parties based in Iraq, are often executed for their political activities. The response of the Iranian government to both the KDP-I and PMOI violence against the Islamic state has usually been wholly indiscriminate, arresting and executing suspected members or supporters who were merely exercising their rights of peaceful expression and association.

The Iranian government, or else factions such as the Revolutionary Guards, have long been accused of dispatching death squads to Turkey, Iraq and Europe to assassinate enemies of the regime. Among recent victims were believed to be the Shah's last Prime Minister, Shapour Bakhtiar, killed in Paris on August 6, 1991, and Dr. Sadiq Sharifkandeh, head of the KDP-I, and two of his colleagues, murdered in Berlin on September 17, 1992. The German police arrested two Lebanese citizens for the Sharifkandeh murder. But U.S. officials told Middle East Watch they believed that the two were acting on behalf of Iran. Dr. Sharifkandeh's predecessor, Ahmed Qassem lou, assassinated in Vienna in 1989 while meeting secretly with Iranian officials, was killed by Iranian agents, according to the Austrian police.

In an unprecedented acknowledgement of responsibility, on September 6, Hojatolislam Ali Fallahian, head of the Iranian intelligence service, confirmed the role of Iranian agents in the assassination of opposition members abroad. He was reported in the Iranian media as also stating that the activities of Iranian opposition movements inside and outside the country were closely monitored by these agents.

A disturbing sign that membership in non-violent opposition parties may also be deemed a capital offense was the reported execution in early September of a member of the Iranian Nation Party, a long-established, but small, political grouping. Ali Mohammad Kalantar, a student at Tehran University, was arrested and taken to the Komiteh Moshtarak prison in central Tehran, run by the Intelligence Ministry. According to party colleagues abroad, after undergoing torture, he was transferred to Evin Prison, where he was believed to have been executed. Colleagues were told to collect his belongings on September 7, the customary indication of an execution. But there was no notification of his death, nor was his body returned to his relatives.

During negotiations in February and April 1992 between representatives of the International Committee of the Red Cross (ICRC), Iran and Iraq, the two governments agreed to fulfil their obligation to repatriate remaining prisoners-of-war, before exchanging lists of all servicemen who died or are missing in action. Despite these pledges, the repatriation of over 20,000 Iraqi POWs, some of them held for over a decade, remained stalled. Within weeks of the start of prison visits by the ICRC in early 1992, its office in Tehran was closed. The ICRC delegates were expelled in March, on charges of

subversive activity.

### **The Right to Monitor**

Monitoring of human rights conditions inside Iran is not permitted by the authorities. A government-backed organization describing itself as a human rights body is exclusively concerned with combatting the propaganda of the opposition PMOI. Attempts in 1990 by small groups associated with former Prime Minister Mehdi Bazargan to organize a civil liberties lobby, the Association for the Defense of the Freedom and Sovereignty of the Iranian Nation, were broken up by the authorities, who arrested most of its leading members. Although Bazargan's Liberation Movement of Iran, a banned party, continues to circulate clandestine letters of protest about the government's exercise of arbitrary authority, since 1990 the domestic monitoring of rights conditions has effectively ceased.

In February 1992, Iran failed to persuade the U.N. Human Rights Commission to lift the scrutiny of its human rights record by a Special Rapporteur, Reynaldo Galindo-Pohl. This was a considerable setback to a multi-year diplomatic drive by Iran to convince the international community that it had reformed its abusive practices. Perhaps in consequence, the Rafsanjani government hardened its previously more cooperative attitude to monitoring by external organizations. A request by the U.N. for Galindo-Pohl to make his annual visit to Iran was lodged in June 1992. As of late November, no response had been received from Tehran; it may be that, as in 1991, the government intended to give its assent at the last possible moment, effectively restricting the U.N. representative's scope of work. Following his last visit, in December 1991, Galindo-Pohl issued an unexpectedly harsh critique of human rights conditions in Iran.

In similar fashion, Middle East Watch's longstanding request to conduct an investigative human rights mission in Iran has yet to be granted. Although the principle of such a mission has been accepted by Foreign Ministry officials, visas have never been approved for such a visit. An August 1992 request to interview refugees about human rights conditions among the Shi'a of southern Iraq was granted in late November.

Foreign organizations have been able to visit refugees living in Iran, but even in this context, restrictions are sometimes imposed. The New York-based Lawyers Committee for Human Rights was given permission to meet Afghan refugees in Iran in 1992, but told that its representatives could not travel to southern Iran to meet Iraqi refugees.

### **U.S. Policy**

Publicly, the Bush administration remained firm in its refusal to contemplate closer relations with the Iranian government until it ceased its practice of supporting terrorism abroad and improved its human rights record at home. The administration also expressed growing concern in 1992 about Iran's major rearmament drive, including the acquisition of three modern submarines from Russia and reported attempts to develop a nuclear weapons capacity with Chinese and North Korean assistance. Concerned about the quantity and sophistication of so-called "dual-use" technology reaching Iran, in October the U.S. government mounted an effort among its allies to curb the flow of militarily useful equipment to Iran.

Western press reports indicate that, despite its hostile public stance, the Bush administration privately sent signals to the Rafsanjani government that it was ready for better relations. Administration officials indicated that it was Iran, rather than the U.S., that was holding up the restoration of

diplomatic ties, broken at the time of the seizure of the U.S. Embassy in Tehran, in November 1979.

Driving the unspoken desire for warmer relations appeared to be increasing competition among major Western countries for a share of the Iranian market, together with evidence that Iran was restoring its oil production to pre-revolution levels. According to *The Washington Post* of November 7, U.S. companies have stepped up their purchases of Iranian oil to an annual rate of some \$3.5 billion, making the U.S. one of Iran's largest customers. In addition, U.S. firms are taking part in the reconstruction of Iran's oil industry. Without any announcement, the U.S. trade embargo on Iran thus appears to have been softened significantly.

The State Department's annual *International Narcotics Control Strategy Report*, issued in March 1992, devoted much attention to the related problems of narcotics addiction and trafficking in Iran. It noted that "Iran has long been a significant conduit for the transshipment of illicit opiates produced in Afghanistan and Pakistan." Iranian nationals were said to be involved in drug trafficking in Turkey, Europe and elsewhere in the Middle East. The report touched briefly on a key human rights issue in Iran—the execution every year of hundreds of alleged drug traffickers and users.

In early November, the State Department announced that a U.S. citizen, Milton Meier, who ran a well known travel agency in Iran, had been arrested. The arrest was understood to have taken place at least two months earlier. Iranian press reports suggested that Meier was being held on charges of business irregularities. But consular access by Swiss diplomats, representing the U.S. government, was denied, and there were fears that his arrest was politically motivated. All Westerners previously being held in prison in Iran had been released by 1991, during the phase of quiet rapprochement with the West.

#### **The Work of Middle East Watch**

Middle East Watch was not able to conduct a long-sought, on-site investigation in Iran, following the government's continuing refusal to grant visas for this purpose. Monitoring from abroad focused on changes in conditions affecting freedom of expression, for a forthcoming report.

On November 27, following a request first made in July, the Foreign Ministry approved a mission to interview Iraqi refugees in Iran about human rights conditions inside Iraq. The mission will take place in early 1993.

### **IRAQ**

#### **Human Rights Developments in Government-Controlled Iraq**

About 20 percent of Iraq's 19 million people spent 1992 outside the control of the central government, in the Western-protected Kurdish enclave. An additional, indeterminate number lived in the southern marshes region contested by Shi'a rebels and government troops. The remainder, Sunni Arabs like President Saddam and most of his ruling circle, as well as members of the subject Shi'a population, remained under full government authority. Most of the abuses noted in this report concern the second and third category of persons; a portion examines the record of the Kurdish authorities in northern Iraq.

Subject to unrelenting international pressure, designed to dismantle its war machine and overthrow President Saddam Hussein, the Ba'th Party government

in 1992 resorted to a blend of blandishments and repression to maintain itself in power. In the process, the full gamut of human rights abuses was recorded, from the indiscriminate bombing of rebel positions, resulting in hundreds of civilian casualties, to the arbitrary arrest and execution of accused profiteers. Large parts of the country were subjected to blockades that prevented food, fuel and medicines from reaching the besieged populations. The blockaded regions survived only through a mixture of international aid, smuggling, and the bribery of soldiers at checkpoints.

Reliable information about human rights issues in Iraq remained hard to obtain, largely because of close government controls on foreigners and a pervasive climate of fear. But a number of factors combined in 1992 to give researchers an unprecedented look inside a machinery of repression that has been in operation since 1968. These were: the existence of the semi-independent Kurdish region, in which some Arabs have also taken refuge; the number of Iraqis permitted to leave the country legally, or who managed to flee abroad; the work of the U.N. Special Rapporteur on Iraq; and the discovery of a vast trove of secret police documents captured by the Kurds during their March 1991 uprising.

Rebuilt after the setbacks during the uprisings that followed the Gulf War, Iraq's security agencies reestablished a strong grip on the country. As in the past, the General Security Directorate (usually referred to simply as the *amn*, meaning security) appeared to have *carte blanche* to arrest any suspected opponent of the regime. Other security forces, such as the Military Intelligence (*Istikhbarat*) and the Special Security Agency (*Jihaz al-Amn al-Khaas*) played a supporting role in the maintenance of Ba'th power.

Throughout 1992, there were reports of punitive military operations in the marshlands area of southern Iraq which is home to an indigenous Arab people and has been used as a shelter for Iraqi rebel forces and military deserters. The counterinsurgency campaign included indiscriminate attacks by artillery, helicopter gunships and fixed-wing aircraft on villages. The attacks were reportedly accompanied by the arrest and execution of civilians, including tribal leaders, the destruction of property and livestock, and the razing of entire villages.

In April, Gulf War Victims (GWV), a Tehran-based monitoring organization headed by a former Iraqi nuclear scientist and political prisoner, Dr. Hussein Shahrستاني, described the aftermath of one clash between the army and rebel forces in Hor al-Amara. According to GWV, whose accounts of events in the marshes were impressively detailed and appeared accurate, "the army arrested a large number of civilians of the area, including tribal chiefs, and shelled the area with heavy artillery....The fate of those arrested is unknown." Another report cited an attack by four helicopters on the village of al-Ager on July 17. After its 800 residents were ordered by loudspeaker to evacuate to a school, helicopters were said to have destroyed the village. By the summer, the repression in the marshlands south of Amara—a triangle about 150 kilometers long and 80 kilometers wide between the Euphrates and Tigris rivers—had reached its peak. An hour-long video clandestinely shot in late June showed traditional villages that had been destroyed by government shelling originating from the edges of the marshes. Destruction in some areas was extensive, and families were seen fleeing by boat. Although the video revealed that rebel fighters were mixed in with the civilian population—an apparent violation of the international prohibition against using civilians as shields—internationally recognized rules of war also forbid attacks on enemy positions when there is a likelihood of disproportionate civilian casualties.

In late July, after days of aerial strafing of villages south of Amara, especially near the town of Salaam, international observers reported that the main hospital in Amara was overflowing with "hundreds" of casualties. The heaviest attacks, which involved the use of highly destructive ordnance against villages, lasted from July 20 to 27. Pentagon spokesman Pete Williams confirmed that, for the first time since the Gulf War, Iraqi fixed-wing combat aircraft had been used to bomb areas of southern Iraq. Attacks were widespread and indiscriminate.

A week later, the three Western permanent members of the U.N. Security Council, the U.S., Britain and France, announced the establishment of Operation Southern Watch, imposing an indefinite "no-fly" zone south of the 32nd parallel. The ban on Iraqi aircraft was enforced by allied aircraft operating from aircraft carriers in the Persian Gulf and bases in neighboring Arab countries. In northern Iraq, allied aircraft continued similar patrols north of the 36th parallel, operating from Turkey under Operation Provide Comfort.

Western officials claimed that the air exclusion zone in the south significantly reduced Iraqi military activity. But information gathered by Middle East Watch and the U.N. Special Rapporteur suggests that civilians obtained only partial relief. In one incident during the first week of August, over 2,000 people from the Al-Keba'ish marsh, in Nasiriyya governorate, were reportedly rounded up and transported to an army camp at Manareh, just south of the Iraqi-Kurdish cease-fire line, near the city of Erbil, where they were confined to large poultry sheds. According to Muhammad Sayyah 'Omran, a survivor who managed to flee to Kurdish lines, on each of the three nights he was at the camp, about 100 detainees were executed. He was deputed to clearing up the blood the following day. Farmers working land nearby, as well as a Kurdish border guard interviewed by Middle East Watch, corroborated the main lines of his account.

'Omran told Kurdish interrogators that he was a fighter from the principal Iraqi Shi'a opposition group, the Tehran-based Supreme Assembly of the Islamic Revolution of Iraq (SAIRI). In early July, he and other fighters entered the eastern Hammar marshes region from Iran, to try and relieve another rebel unit being besieged by the Republican Guards' Sixth Brigade. After a battle from July 7 to 9 near Kermat Beni Sa'id, his contingent was forced to surrender. Together with an estimated 2,000 men and 500 women and children from the vicinity, the SAIRI prisoners were taken first to Baghdad and then transported further north to a depopulated district near the Kurdish lines. Told they would be permitted to farm there, they instead were systematically executed—in an operation that recalled the manner in which Kurds were deported and slaughtered in large numbers during 1988. Shi'a living in other sensitive regions away from the marshes are also believed to have been relocated during August and September. In late August, Shi'a living in the Kirkuk oil fields region were reportedly rounded up and taken away to unknown locations. A truck driver told an Associated Press reporter in northern Iraq, on August 29, that he had seen about 20 bus loads of people he believed to be Shi'a being taken to Makhmour, a town adjacent to the Manareh army camp. During the first week of September, convoys of Shi'a from Khanaqin, near the Iranian border, were reportedly taken to Manareh. Convoys were also seen heading for the military base at Topzawa, not far from Kirkuk. Middle East Watch had previously gathered much evidence as to the use of Topzawa as a transit point for Kurds deported during the *Anfal* campaign who were never seen again.

Representatives of the London-based Iraqi Civilian Aid (ICA), a humanitarian organization that visited the marshes in early November, reported that the situation there was critical. The marshes were said to be totally blockaded by troops, preventing food and medicine from reaching civilians. Escape across the Iranian border was difficult because of stepped-up Iraqi patrols. Residents told ICA that since August, when the "no-fly" zone was declared, the shelling of villages had tripled. ICA saw houses in small villages that had been bombed and burned. Mines laid in waterways presented a constant danger, making movement by residents, in areas where there are no roads, dangerous. Several government water-diversion projects, coupled with the construction of embankments and barricades, appear designed—at least in part—to drain the marshes, facilitate the construction of roads for the movement of military vehicles into the interior, depopulate the area of civilians, and drive out the anti-regime forces located there. ICA reported that the impact of these projects was quite visible. Large sections of marshland had dried up and water levels were low in other areas. The water color and quality had changed, according to one ICA representative who has made many trips to the marshes. "The water was green in color and it tasted extremely bitter. This water was once drinkable. It smelled rotten," he wrote in a November report.

Repression was not confined to remote provincial districts. In late July, 42 prominent merchants were executed for alleged profiteering, either after summary trials or no trials whatsoever. Foreign Ministry officials confirmed that at least another 500 were arrested. One of the executed men was reported to be Ra'd Tabrah, a merchant from the prominent Mal-Allah family. Another was Saleem Hamra, former chair of the Iraqi Chamber of Commerce. To thwart possible public demonstrations, the government prohibited public mourning of the dead.

The government-controlled media made clear that the merchants were offered up as scapegoats to an increasingly impoverished public that was beleaguered by soaring prices of basic commodities. The daily *al-Jumhuriyah* editorialized at length on July 27 about "the greedy merchants," terming them "ungrateful infidels" who "eat of the people's flesh and drink from their blood." It noted that their "crimes are deemed, in view of the law and the special circumstances being experienced by our people, high treason, a crime punishable by death." A July 27 dispatch by the official Iraqi News Agency suggested that the merchants had been tried by a court, stating that "the measures taken by the competent authorities" were designed "to make others learn their lesson well, after the courts have handed down sentences to those who deserve them for having gone too far." Press reports said that some of those arrested were tied to telephone poles, to face public insults; their fate was unknown.

In 1991, the regime intensified its deliberate targeting of Shi'a cultural and other nonpolitical institutions, in an attempt to destroy the fabric of Shi'a society. (Shi'a Muslims represent approximately 55 percent of the Iraqi population.) The pattern continued in 1992, with reports that Shi'a mosques, schools and other institutions in Kerbala, Najaf, Baghdad, Basra and Samarra had been closed, confiscated or demolished. Entire areas of historic significance to Shi'a culture were destroyed by the authorities, including parts of the ancient Wadi al-Salaam cemetery in Najaf, revered by Shi'a worldwide.

Following the August 8 death of the Najaf-based Grand Ayatollah Sayyid Abul Qassem al-Khoei, a leading religious authority with followers among many



of the world's 150 million Shi'a, the Iraqi government attempted forcibly to coopt his son, Sayyid Mohamed Taki. On September 23, Taki was detained in Najaf for several hours by government officials, who demanded that he publicly endorse the regime's candidate to succeed his father, visit Saddam Hussein, and condemn international protection efforts in southern Iraq. The regime also reportedly pressured the remaining non-Iraqi Shi'a religious community in Najaf, mostly Iranians and Pakistanis, to endorse the government candidate for Grand Ayatollah or face expulsion from the holy city. The entire community has dwindled to about 200 teachers and students, from a peak of over 10,000.

Iraq's refusal for nearly four months to renew a Memorandum of Understanding (MOU) with the U.N, which expired at the end of June, had a severe effect on the ability of the international community to deliver relief supplies and monitor the government's compliance with various Security Council resolutions. The old agreement had enabled hundreds of foreign aid workers and 500 lightly armed U.N. guards to work in Iraq. However, Baghdad's refusal to issue new visas, coupled with increasingly violent harassment of foreigners, including car bomb attacks and mysterious shootings, sharply reduced these numbers. Between May and July 1992, the number of foreign relief workers in Iraq dropped from 169 to 29.

A new MOU was finally signed on October 22, on terms more favorable to the government; it will remain in effect until March 31, 1993. The number of U.N. guards was reduced to 300, and they were confined to the Kurdish-controlled northern region. Up to 700 relief workers were also allowed to operate in Iraq. The government promised not to interfere with the delivery of aid to Kurds as the harsh winter months approached.

Such assurances were necessary. Private relief organizations and U.N. agencies encountered many obstacles during the summer and autumn when they attempted to send supplies to the north. The problems coincided with a tightening of the government's economic blockade of the northern region: by August, according to figures supplied by the Kurdish Democratic Party (KDP), shipments of rationed basic foodstuffs previously supplied by Baghdad were down by 60 to 100 percent. The last delivery of medical supplies from the Ministry of Health in Baghdad took place on August 9.

Deliveries of food and fuel being supplied under the emergency "winterization" programs of the U.N. and the U.S. government for the Iraqi Kurds began in the third week of November. Initial shipments, sent through Turkey and Baghdad, went smoothly, with no government interference.

### **Human Rights Developments in Iraqi Kurdistan**

A large swathe of northern and northeastern Iraq remained outside central government control during 1992. The mountainous region is the homeland of about three quarters of Iraq's four million Kurds, a non-Arab minority which has long fought for greater autonomy and, at times, independence. Smaller minorities of Turkomen, Yezidis and Assyrian and Chaldean Christians live among the Kurds.

This semi-independent zone, under the authority of the principal Kurdish parties and the protection of the Western allies, was created in the summer of 1991. It came into existence by default: as some two million Kurds displaced by the abortive March 1991 uprising returned to their homes, government forces and Iraqi Arab officials withdrew behind a fortified line running diagonally across the country. Commencing in October 1991, Saddam imposed an increasingly tight economic embargo on the Kurdish region. But faced with ostentatious Western overflights north of the 36th parallel, the government made no further attempt to attack the rebels or restore government controls. The Kurds

profited from the ensuing stalemate, busily rebuilding their shattered society and infrastructure and creating a self-governing political entity.

The paradox of the situation in which some Iraqi Kurds found themselves at the end of 1992 was that, four years after the Iraqi government had attempted to wipe them out as a people, they ironically were counting on the continuation of Saddam Hussein in power in Baghdad. As long as the regime remained, they reasoned, Western protection of their fragile enclave—an undeclared and unrecognized state—would continue. The logic depended on there being no change in Western determination to see the Iraqi leader replaced and, crucially, on the West's continued ability to protect the region through the use of Turkish military bases.

But as 1992 closed, there were increasing signs of hostility from all of the enclave's neighbors—Iran, Turkey, Syria, and the rump Iraqi state—to the *de facto* creation of a Kurdish state in their midst. The hostility was manifested through sabotage inside the region, credibly attributed to both Iran and Iraq, and through constant Turkish pressure on the Iraqi Kurdish authorities. Between June 25 and July 19 alone, 12 attacks on international agencies were recorded. Even after the new MOU was signed in October, Western relief agencies were subjected to frequent assaults, involving car bombs, grenades and roadside shootings.

In November, some 20,000 Turkish troops backed by armor occupied parts of the enclave, following a joint operation with Iraqi Kurdish fighters to dislodge Turkey's separatist Kurdish Workers' Party (PKK) from positions near the frontier. Ankara's reluctance to renew for a further six months the agreement permitting the U.S., Britain and France to station combat aircraft in southeast Turkey in order to defend northern Iraq was evident. But given the Iraqi government's record in dealing with the Kurds, and its continued flagrant human rights abuses in other parts of the country, no other acceptable solution appeared to be in sight. Baghdad's continuing blockade of the Kurds, which created much hardship, and its sponsorship of sporadic terrorist attacks against foreign and Kurdish targets, only contributed to the deepening stalemate.

Prior to elections held in May, the governing authority in the region was the Iraqi Kurdistan Front, a coalition of seven parties formed in 1988 and dominated by the two largest parties, the Patriotic Union of Kurdistan (PUK), led by Jalal Talabani, and the Kurdistan Democratic Party, led by Massoud Barzani. Local authority was parceled out to representatives of the PUK and KDP, depending on their regional strength. No attempt was made to alter the Iraqi administrative or legal structure.

After several postponements, elections were held amid great popular enthusiasm. All residents of the enclave, as well as Kurds living in government-controlled districts, above the age of 18 were eligible; the vast majority participated. Nominally called to select a legitimate government for the region, the vote was also, in effect, a referendum on the Iraqi Kurds' future: while Barzani had argued in favor of autonomy in Iraq, to be negotiated with Baghdad, Talabani had pressed for self-determination, leaving open the possibility of eventual independence. During the election campaign, minor parties complained of intimidation by officials from the KDP in Dohuk governorate. There were also complaints of other irregularities during the polling, but these were not substantiated by international observers.

The outcome was a virtual dead heat between the two major parties; all others failed to meet the 7 percent threshold required to gain representation in the Erbil-based assembly. A coalition government was formed by the PUK and

KDP, under Prime Minister Fuad Massoum of the PUK. But real power continued to reside with the two party leaders, Barzani and Talabani, and their *peshmergha* militias.

A new security force, known as the *asaysh* (the Kurdish word for security), was created in September, commanded by former PUK and KDP *peshmergha* leaders. The declared purpose of the *asaysh* was to counter Iraqi espionage and terrorism, but smaller parties complained that they were also being victimized. Members of the small Parti Azadi Kurdistan, an affiliate of the PKK, in particular were rounded up and held without charge. Middle East Watch was able to confirm that some of the prisoners in *asaysh* detention centers had been tortured by Iraqi Kurdistan Front officials. Others appeared to have been held for months without reasonable grounds. Due process was lacking, as judges complained on several occasions that the *asaysh* were ignoring their orders to free detainees.

### **The Right to Monitor**

No independent, locally based human rights groups operate in government-controlled Iraq. Iraq also continued to be off-limits in 1992 to international human rights monitors, with one important exception: from January 3 to 9, U.N. Special Rapporteur on Iraq Max van der Stoel visited Iraq and met with six government ministers (although his request for meetings with the President and the Minister of Defense "remained unanswered"). He also traveled to Najaf and Karbala in the south and to Kurdistan in the north. While in Baghdad, van der Stoel spent one morning in the notorious Abu Graib prison west of the city, where he reviewed some records and spoke with a few prisoners.

From this visit and fact-finding elsewhere, the special rapporteur concluded at a March press conference that he found "no indication on the part of the Iraqi government that it was intending to change its ways," but "lots of evidence pointing to very grave and massive violations of human rights...continuing until this present day." He warned in his report to the U.N. Human Rights Commission that violations would continue "as long as the security forces have the power to decide over the freedom or imprisonment, or even life or death, of any Iraqi citizen." The access granted to the special rapporteur was extraordinary, and was not repeated. Following the release of his report, senior Iraqi officials criticized the U.N. representative in strong, personal terms.

Middle East Watch has received no positive response from the government to its numerous requests, dating back to 1989, to send a delegation to Iraq. Early in 1992, the Iraqi Red Crescent Society, a government-run humanitarian body, invited Middle East Watch to make a visit, but the invitation appeared linked to the regime's attempts to publicize the effects of U.N. sanctions on its own population, and eventually it was dropped.

While foreign humanitarian bodies and Western reporters were frequently permitted to tour government-controlled regions, access to ordinary citizens was inhibited by the constant presence of official escorts. When people dared to speak, the results were sometimes fatal; a member of the Kurdistan Socialist Party who met Van der Stoel in Abu Graib prison in January died shortly afterwards. When his father collected the body, in February, it showed signs of severe torture.

Given the unceasing nature of the regime's rights abuses and the lack of domestic monitors in government-controlled Iraq, Middle East Watch believes that the stationing of independent human rights observers inside Iraq, to conduct continuous on-site monitoring and investigation of abuses, would provide some measure of protection for the population at risk. Such a proposal

was first made in March by the special rapporteur, who argued that the situation in Iraq was "exceptionally grave" and required "an exceptional response." He urged that "no effort be spared to ensure that the monitoring system comes into being as soon as possible." He found the basis for this monitoring system in U.N. Security Council Resolution 688 of April 1991, which called on Iraq to end "immediately" the repression of its population.

In August, following reports of grave violations in the southern marshes, the special rapporteur took the unusual step of issuing an interim version of his scheduled November report to the U.N. General Assembly, to highlight these dangers and renew his call for monitors to be stationed in Iraq. Van der Stoep was twice invited by the U.N. Security Council to discuss his concerns, in August and November. The international community was initially lukewarm to the monitors proposal. But at the end of November, its debate by the U.N. Security Council appeared imminent. If implemented, it would be the first time that the U.N. had dispatched human rights monitors to a member country without the approval of the host government.

### **U.S. Policy**

In June, Middle East Watch called on the U.S. government to take a leading role in marshaling world support for a human rights monitoring system in Iraq, as recommended by the U.N. special rapporteur. The Bush administration indicated its support for the proposal, but declined to bring it to an early vote at the United Nations, citing more pressing considerations with respect to Iraq, the reluctance of other Western nations, and the cost of implementing the plan. The reluctance of the U.N. Secretariat and Security Council to act on the Van der Stoep proposal faded later in the year, although fears remained that China might exercise its right of veto if the plan were brought to a vote.

It was clear that in President Bush's own view such a monitoring operation would not be inconsistent with U.N. Security Council Resolution 688. In a July 16 letter to the Speaker of the House of Representatives, President Bush cited Resolution 688 and its finding "that Iraq's repression of its civilian population threatens international peace and security in the region." He pledged that the U.S. would "continue to monitor carefully the treatment of Iraq's citizens in concert with our Coalition partners, and together we remain prepared to take appropriate steps if the situation requires."

The U.S. was consistently aggressive during 1992 in pursuing whatever means were available, covert and overt, of keeping the government of Saddam Hussein under pressure. Together with Britain and France, it refused to consider any easing of trade sanctions and took the lead in efforts to seize Iraqi assets abroad. On October 2, the U.N. Security Council gave its assent to the assets seizure, which U.S. Ambassador Edward Perkins estimated could yield \$500 million. U.S. officials told Middle East Watch that the seized assets would be used for three purposes: paying for the U.N.'s own operations in Iraq, especially the special disarmament commission working to eliminate all weapons of mass destruction; compensation for victims of Iraqi aggression, notably in Kuwait; and humanitarian assistance to Iraqi civilians.

Despite commendable actions that had the effect of furthering human rights concerns over Iraq, the Bush administration apparently was not motivated primarily by concern for victims of the regime or by the need to uphold international law. Evidence gathered by a special Defense Department legal team of possible Iraqi war crimes in Kuwait was not pursued; nor was the administration enthusiastic about a possible Genocide Convention action against Iraq at the International Court of Justice, based on the government's

1988 *Anfal* campaign.

Where human rights issues suited the administration's overall strategy of toppling Saddam Hussein, they were adopted; where they ran counter to the strategy, they were subordinated or dropped. In a revealing moment, National Security Advisor Brent Scowcroft said on August 23 on CBS TV, "Saddam right now is a peril only to his own people, and the whole purpose of this U.N. inspection regime is to keep it that way."

### **The Work of Middle East Watch**

In June, Middle East Watch published *Endless Torment: The 1991 Uprising in Iraq and Its Aftermath*, a report based on interviews with Iraqi refugees in Iran, Kuwait, Saudi Arabia and London, and with Iraqis in rebel-controlled Iraq. The report documented atrocities on a massive scale committed by Iraqi government forces as they retook the cities from south to north that had erupted in March 1991 in an unprecedented challenge to Saddam Hussein's rule. The abuses included indiscriminate attacks on residential areas, attacks by helicopter gunships on fleeing unarmed civilians, summary executions, and mass arrests. The report also included information about gross abuses committed by rebel forces, including summary executions of suspected members of the security forces.

In July and August, Middle East Watch interviewed Sunni and Shi'a Iraqis living in exile in Syria and Jordan. The majority left Iraq in 1991, the first time they had been outside their country, and thus the first time they felt free to speak. These exiles, who either themselves suffered rights abuses or who provided testimony about victimized family members, stressed the need for Saddam Hussein and his ruling clique to be held accountable for past abuses throughout Iraq, not only in the Kurdish north—a view with which Middle East Watch concurs. The exiles' accounts, to be published in a newsletter, provided detailed information about the process of interrogation by the security forces, including torture methods; conditions of detention; the conduct of summary political trials, which often resulted in sentences of execution or life imprisonment; deaths in detention; and the summary executions of military officers.

In Syria, Middle East Watch also gathered testimony about the Iraqi Shi'a families—Arabs and Kurds alike—who were forcibly deported to Iran in two little-noticed and largely forgotten episodes, the first in the early 1970s and the second in the early 1980s. By some counts, as many as 200,000 people may have been expelled. These mass deportations were carried out without due process, as entire families were rounded up. Birth certificates and passports verifying that the targeted Shi'a were native-born Iraqis carried no weight; these documents typically were confiscated by security forces.

The deportees were forced to sign statements renouncing any future claim to businesses, homes, bank accounts and other property in Iraq. Families were loaded into vehicles and driven to the Iraqi frontier. In a November 1992 article published in *Middle East International*, the London-based biweekly magazine, Middle East Watch sought to respond to the deportees' pleas that attention be focused on their plight. The deportees call for the right of return without the threat of retaliation from the authorities, the return of personal property and compensation for confiscated assets, and the release—or an accounting—of their male family members who disappeared inside Iraq.

In 1992, Middle East Watch broadened its efforts of the previous three years to document the Iraqi government's *Anfal* campaign against the Kurds.

With unimpeded access to much of northern Iraq possible for the first time, it sent researchers to the region for six months. These field researchers interviewed several hundred people with first-hand accounts of mass deportations, village clearances, mass executions, the use of chemical weapons, and other gross abuses committed between 1987 and 1989. Middle East Watch was able to establish that tens of thousands of persons disappeared, and are presumed dead, after being transported to various remote destinations in central and southern Iraq. Among those interviewed were seven people who survived mass deportations and executions in 1988.

Evidence about the Iraqi government's crimes against the Kurds was also gathered in two other ways: from the exhumation of collective graves, and the analysis of captured Iraqi documents. Between December 1991 and June 1992, Middle East Watch and Physicians for Human Rights, the Boston-based organization, sent two teams of forensic anthropologists and archaeologists to northern Iraq. In February, Dr. Clyde Snow, scientific leader of the teams, made a third visit, together with a Middle East Watch representative and a team from the CBS "Sixty Minutes" program.

Exhumations were carried out near the cities of Erbil and Suleimaniyya, and in the village of Koreme and Birjini in Dohuk governorate. The results were published in an initial report entitled *Unquiet Graves* and in a separate forthcoming report on "a genocide-in-miniature": the circumstances surrounding the destruction of the villages of Koreme in August 1988, the on-site killing of 27 of its men, the deportation of its women and children, and the disappearance of its other males after being seized by government troops. Taking part in the latter investigation, which lasted a month, was a team of Latin American human rights experts drawn from groups experienced in exhuming victims of government death squads.

Aside from its own reports, Middle East Watch publicized its findings about the *Anfal* campaign through a CBS TV "Sixty Minutes" program broadcast in February and through a long magazine article in *The New Yorker* magazine. Many other articles in the U.S. and European press made reference to Middle East Watch's pioneering fieldwork building a potential case for genocide. In September, a consultant writer began work on the organization's first, full-length report on the *Anfal* campaign. The book is scheduled for release in early 1993.

In parallel with the written accounts, Middle East Watch also pursued the visual documentation of atrocities committed against the Iraqi Kurds, in recent times and in the past. A video and photographic record of the field research was compiled, and the possibility of a documentary film was explored.

The most dramatic aspect of the evidence-gathering process involved the airlifting to safekeeping in the United States, in May, of 14 tons of Iraqi secret police documents captured by the Kurds themselves the previous year. Middle East Watch acted as the custodian of documents entrusted to its care, and to the U.S. Senate's Foreign Relations Committee, by the PUK. These documents were then stored in the U.S. National Archives, outside Washington. Work on the large task of classifying, translating and analyzing the millions of pages of documents began in October, under the direction of a newly created Middle East Watch team. Preliminary results of the research corroborate testimonial findings about the nature of government atrocities, in the process providing massive detail on the Iraqi bureaucracy of repression.

Middle East Watch was active during 1992 in pressing its concerns about Iraq at the U.S. Congress and State Department, as well as in various European foreign ministries. It also worked closely with the U.N. Special Rapporteur on Iraq. The possibility of legal action against Iraq at the International Court

of Justice was explored with several parties; during 1993, Middle East Watch anticipates that this aspect of its work, embracing the building of a legal brief, will be expanded. Efforts also continue to bring further caches of captured documents held by other Kurdish parties out of northern Iraq, for safekeeping and research.

Together with other branches of Human Rights Watch, Middle East Watch participated during 1992 in international efforts to tackle the problem of uncharted land mines that have a disastrous effect on civilian life. The indiscriminate strewing of millions of land mines was a side-effect of the Iraqi government's various military actions in the Kurdish region, including the *Anfal*. As a result, thousands of civilians, many of them children, were either killed or lost limbs in Iraqi Kurdistan between March 1991 and the end of 1992. A Middle East Watch report on the problem, *Hidden Death*, was published in November.

## **ISRAELI-OCCUPIED WEST BANK AND GAZA STRIP**

### **Human Rights Developments**

The most severe human rights abuses continued on a large scale in the occupied territories in 1992 despite two dramatic developments that might have been expected to improve the human rights situation: the pursuit of regional peace talks and the ouster in June elections of Israel's Likud-led government by a coalition dominated by the more moderate Labor party. There was no let-up in the use of torture against suspects under interrogation, and in the use of often-unjustified lethal force against Palestinian activists, only a minority of whom were engaged in violent resistance when shot.

At the same time, there was a decrease in the imposition of abusive forms of administrative control and punishment, such as deportations, administrative detention, school closings, house demolitions and round-the-clock curfews.

These divergent trends may be explained by the shifting character of the Palestinian intifada. The decline in abusive administrative measures accompanied a drop-off in the overall level of confrontation with Israeli authorities. However, the persistence of more violent abuses accompanied a rise in attacks by armed Palestinians, many of them thought to belong to groups opposed to the peace talks. These attacks, which represent an increase in the use of firearms by Palestinian activists, were responsible for an increase over previous years in the killing of Israeli soldiers and civilians, and Palestinians said to be suspected of collaborating with Israeli authorities.

Thus, as the intifada of mass resistance subsided, the Israeli Defense Force (IDF) has intensified its battle against what it calls "hard-core" activists. It employs special forces, who often disregard international and Israeli standards on the use of lethal force, and behave at times as if they have shoot-to-kill orders. And Israel relies heavily on coercive methods of interrogation to gather intelligence—perhaps more heavily than ever since its network of covert collaborators is under constant assault by Palestinian activists.

The advent of Yitzhak Rabin as prime minister has not changed this general picture. However, his administration made a number of encouraging gestures during its first weeks in office. These included cancelling deportation orders against 11 Palestinian activists and negotiating a peaceful

resolution to an army siege of al-Najah University, in the West Bank. In October, his government brought a hunger strike by Palestinian security prisoners to an end by admitting that conditions were poor and promising to respond to a number of the strikers' demands.

The most pervasive system of control in the day-to-day lives of Palestinians—the permit system for entering Israel and annexed East Jerusalem, the de facto capital of the West Bank—was also eased marginally when the government exempted men over 50 from the requirement that they obtain both special identity cards and a short-term permit to enter these areas, to work, seek medical care, visit friends, or pursue any other activity. The authorities routinely deny such permits, for several months or even indefinitely, without explanation.

Palestinian residents of the occupied territories have long been victimized by such institutionalized Israeli government practices as the arbitrary confiscation of land; a judicial system that is lenient toward settler violence against Palestinians; the discriminatory allocation of resources and services; and a planning process that encourages the expansion of settlements while preventing development by Palestinians. Prime Minister Rabin's promise to reduce the construction of Jewish settlements could thus be beneficial from a human rights standpoint, although its practical consequences in these areas remain to be seen.

Despite these positive signs from the new government, the underlying human rights problems remained unaltered. According to the Israeli human rights organization B'Tselem, security forces shot dead 108 Palestinians between January and November, well above the figure for the same period in 1991.

The figures included many avoidable casualties that are the foreseeable result of Israeli policies. These policies include open-fire orders that do not conform to internationally accepted principles of permitting the use of lethal force only to counter a mortal threat and only when no lesser means are available. In the fifth year of the intifada, the IDF continued to resort readily to live ammunition in riot-control situations, instead of relying on conventional riot gear such as protective shields and nonlethal means of quelling unrest. Large numbers of Palestinians sustained bullet wounds in the upper parts of their bodies despite open-fire orders requiring soldiers to aim at the legs. Moreover, a continuing laxness in investigating and disciplining soldiers encouraged them to believe that they were unlikely to face meaningful punishment if they exceeded their orders.

Undercover units of the IDF and the paramilitary Border Police were responsible for about one third of the killings by security forces during the first ten months of 1992. According to the army, these units are an essential tool in the pursuit of armed and dangerous activists. The IDF claims that these units are bound by the army's open-fire orders, which permit gunfire only to counter a life-threatening situation or when a person suspected of a serious crime refuses orders to halt. (The definition of a life-threatening situation was liberalized in February, to permit soldiers to shoot without warning at any Palestinian carrying a gun—a liberalization that violates international standards and Israeli law.)

However, several human rights groups, after interviewing eyewitnesses to many of the killings, assert that special forces have shot many of their victims at close quarters, in circumstances in which the wanted person could have been apprehended without endangering the lives of others. Based on ongoing research, Middle East Watch is strongly inclined to agree with this



assertion. Many of the victims were hit without warning by multiple rounds of automatic fire, suggesting that the purpose was to kill rather than effect an arrest. In only a minority of cases did the army claim that the victim was armed and had made an attempt to attack the soldiers.

Some of the victims of the special forces were not on wanted lists. Rather, they were young activists who were ambushed because they were wearing masks over their faces and were spotted writing political graffiti on walls, manning roadblocks, or publicly ordering others to obey political strikes. Soldiers are permitted by their written orders to open fire in the context of the procedures for apprehending a suspect if they encounter a person who is masked and behaving "suspiciously."

Evidence of unacknowledged IDF shoot-to-kill orders surfaced during the court-martial on manslaughter charges of a lieutenant colonel who had commanded an undercover unit in Gaza—the only criminal trial to date of a member of an undercover unit in connection with a shooting death. Soldiers testified that the officer had ordered them to shoot at "the center of the mass" of fleeing suspects, exceeding the official IDF instructions to fire at the legs only when pursuing fleeing suspects. The lieutenant colonel was convicted of negligence in July 1992 and given a suspended one-month sentence. In light of the exposure that the trial gave to the trigger-happy conduct of the special forces, the lenient sentence was a disgrace, effectively condoning their illegal actions.

More encouraging was the order of an Israeli civil court judge in November that the state pay damages to a West Bank Palestinian who was wounded and to the family of another who was killed during an undercover operation in 1988. The judge ruled the state had not proven that the two were in fact "suspects" against whom it was permitted to open fire to stop them from fleeing. The court couched its finding of state liability in an explicit determination that the applicable norms were those of law enforcement rather than of war.

At various moments in 1992, senior Israeli officials incited civilians to use excessive force in response to violent Palestinian attacks on Israelis. Their comments ignored Israeli law, which prohibits the use of lethal force except when necessary to prevent a threat to life or of serious physical injury. After an Israeli girl was slain near Tel Aviv in May, then-Prime Minister Yitzhak Shamir was quoted on the state radio as saying that the assailant, who was arrested, should have been shot, and that it was a pity that the persons who fired at him had missed. Prime Minister Rabin sounded a similar note in July when, after a Palestinian fatally stabbed a policeman in Jerusalem, he declared, "The perpetrator was shot and killed and that's what has to be done to anyone who tries to attack a policeman or a soldier."

The deaths while under interrogation of four Palestinians in 1992 indicated no softening of interrogation methods by the General Security Service (GSS, or Shin Bet). At least two of them died as a result of the conditions of their interrogation, according to American pathologists who attended the autopsies on behalf of the victims' families.

Evidence continued to accumulate that the mistreatment of Palestinian security suspects under interrogation was systematic. In a rare public statement in May, the International Committee of the Red Cross (ICRC) urged Israel to end techniques of physical and psychological pressure "that constitute a violation of the [Fourth Geneva] Convention." The ICRC is particularly well-informed about interrogation techniques because it is permitted by the Israeli government to meet with all detainees after fourteen

days of custody.

Interrogation methods include beating, hooding, tying up for long hours in painful positions, sleep deprivation, confinement in closet-like cells, threats, and enforced exercise. In a March 1992 sequel to its March 1991 report on interrogation methods, B'Tselem charged that "out of about 20,000 total arrested [during the past year], we estimate that at least 5,000 detainees were interrogated by some combination of these methods."

The state's endorsement of the GSS's abusive methods was exhibited by the official response to the death of 35-year-old Mustafa Akawi in February. In the ensuing investigation, the victim's interrogators freely admitted to having subjected him to beatings, sleep deprivation, prolonged hooding and extreme cold. An independent pathologist concluded that his death was caused by the effect of these conditions on an undetected heart condition. Israeli authorities responded by blaming the undetected malady and clearing the interrogators of wrongdoing. The government thereby confirmed that the methods employed on Akawi fell within the range of "moderate physical pressure" permitted by the GSS's secret internal guidelines. Those guidelines were the subject of a Supreme Court challenge filed in June 1991 by human rights lawyer Avigdor Feldman, who claimed they violate the prohibition of torture in Israeli law. The case is still pending before the court.

Indefinite deportations of Palestinians from their homeland have ceased since January 1991, although neither the Shamir nor the Rabin government publicly renounced this controversial measure. Instead, both governments have imposed on a limited number of suspected activists a form of deportation that is less severe but no more legal in terms of international law. This milder form of deportation carries a finite term, usually three years, during which the deportee is not permitted to return. Like indefinite deportations, this measure is handed out without charge or trial, and violates the absolute prohibition of deportations found in the Fourth Geneva Convention of 1949.

About 240 Palestinians from the West Bank and Gaza Strip were being held in administrative detention at the beginning of October 1992, well below the 1,500-plus Palestinians who were jailed without trial during much of 1988 and 1989. However, some of the remaining detainees are now in their second or third year of continuous or near-continuous detention without charge. The longest-serving detainee is Sami Abu Samhadana, currently in Ketsiot detention camp, who has been held without charge almost continuously since 1985. A military order of December 1991 reduced the maximum length of an administrative detention order to six months from 12. However, the orders can be renewed indefinitely, and avenues of appeal are inadequate.

The demolition or sealing of the homes of Palestinians suspected of serious security offenses decreased in 1992, as they had in 1991. According to B'Tselem, eight homes were demolished and 15 sealed between January and October 13, 1992, compared with 82 demolished and 87 sealed during the corresponding period of 1990.

In April, authorities gave the green light to the reopening of Bir Zeit University. For the first time since 1988, all six Palestinian universities were permitted to function.

The trend toward reducing administrative sanctions was interrupted by sporadic flare-ups. After sniper fire killed a Jewish settler in the West Bank city of el-Bireh on December 1, 1991, all Palestinian inhabitants of the Ramallah-El-Bireh area were subject to a round-the-clock curfew for two weeks, followed by a dusk-to-dawn curfew that lasted two months. During the initial curfew, schools, health clinics, and other institutions were closed, while soldiers conducted extensive house-to-house searches and arrested scores of

young men. The IDF commander for the West Bank said on December 15, 1991 that the curfew was for "purely intelligence and operational reasons," but in the view of Middle East Watch its severity and scope made it an act of collective punishment, in violation of international human rights and humanitarian law. The same judgment applies to the nightly 9:00 P.M.-to-4:00 A.M. curfew continuously imposed for the past four years on all 750,000 Palestinians in the Gaza Strip.

In 1992, the leadership of the Palestine Liberation Organization (PLO) and prominent pro-PLO figures in the occupied territories made serious attempts to stop the slaying of Palestinians said to be suspected of collaborating with Israel. In the Jerusalem-based Palestinian press and in public fora, they condemned the practice in far stronger terms than in previous years, and urged its end. However, the fear that their calls would only expose their lack of authority in this regard proved well-founded. According to the Associated Press, between January and November, 1977 Palestinians were killed by other Palestinians on the apparent grounds of their suspected collaboration, compared to 154 in all of 1991.

The perpetrators generally appear to be members of Islamist groups and of nationalist groups that do not heed orders from the traditional PLO leadership. Middle East Watch condemns these extrajudicial executions, as well as the frequent use of torture during prior interrogations. Neither can be excused by the impossibility of establishing a formal Palestinian judicial system under Israeli occupation.

### **The Right to Monitor**

Human rights work is permitted under certain constraints, which are far less onerous for Israeli and foreign monitors than they are for Palestinians. Foreign and Israeli journalists generally need no special permission to enter the occupied territories. However, on many occasions, their access to events or places is restricted by military authorities, often when their presence as witnesses would be most critical.

Palestinian human rights workers and journalists are at greater risk of harassment by soldiers at checkpoints and at the scene of disturbances or arrests. They have also been subject to arrests and restrictions on their movement. Israeli authorities deny that any Palestinian is restricted because of human rights or journalistic activities, but generally refuse to disclose the precise "security" reasons for restrictions.

In March, authorities issued a restrictive (green) identity card to Musa Bakri, a field worker for the Jerusalem-based Palestine Human Rights Information Center (PHRIC) who co-authored a report on the use of electric-shock torture in a detention center in Hebron. Because holders of green identity cards may not enter Israel and annexed East Jerusalem, Bakri was prohibited from reaching the PHRIC office. This restriction was renewed for another six-month period in September.

As of early November, no field workers with the Ramallah-based human rights organization al-Haq possessed green identity cards, following the return earlier in the year of an ordinary card to Zahi Jaradat, a field worker in the Hebron area. However, Gaza Strip staff of al-Haq were impeded in their work by the requirement that they seek one-day exit permits from the Civil Administration each time they wish to cross Israel to reach the West Bank—ordinarily a weekly occurrence to attend staff meetings in Ramallah.

Only one al-Haq staff member spent time in detention in 1992, the same figure as 1991 and well below that of the first three years of the intifada.

In June, Hebron-area field worker Sha'wan Jabarin was arrested and held for 17 days before being released without charge. In an August 7 letter to Middle East Watch, the IDF claimed that Jabarin, winner of the 1990 Reebok Foundation's human rights award, was "involved in the Popular Front for the Liberation of Palestine terrorist organization" and "is party to breaches of human rights he is supposed to protect." Despite the IDF claim that Jabarin belonged to a "terrorist organization," he was never charged or tried during these this or two previous periods of detention.

### **U.S. Policy**

The Bush administration was actively engaged during 1992 in promoting peace talks between Israel and its neighbors. Regrettably, it dispensed public criticism of ongoing human rights violations with an eyedropper, arguing that such criticism would derail the fragile peace process. Since the process picked up speed in July with the appointment of the Rabin government, the U.S. administration has been virtually silent on continuing violations. In the view of Middle East Watch, this silence is both wrong because serious violations are not mitigated by the possibility of future peace, and short-sighted because the persistent abuses tend to undermine the confidence needed to build peace.

Israel received more than \$3 billion in U.S. economic and military aid in 1992, far more than any other country. Congress approved an administration request for the same amount for 1993. In addition, favorable terms for delivering the aid and other programs push the value of the package well above \$3 billion.

As in previous years, the administration never indicated publicly that the massive aid should be linked to greater respect for the human rights of the Palestinians living under occupation. However, aid and Israeli policies in the territories were explicitly linked over the issue of Jewish settlements.

In 1991, Israel requested U.S. government guarantees for \$10 billion in commercial loans to build housing for new immigrants. President Bush insisted on conditioning the guarantees on a commitment from Israel to limit new settlements. Secretary of State James Baker adamantly justified the linkage, telling the House Appropriations Committee on February 24, "Our opposition to settlements has been there since 1967....Nobody else is asking us for \$10 billion in additional assistance over and above the \$3 to \$4 billion that we give every year with no strings attached."

The grounds for the Bush administration's objection to settlements were that they impeded the peace process, not that they were illegal under international law—as the Carter administration had maintained—or that they created a blatantly discriminatory dual society within the occupied territories.

The administration's conditions on loan guarantees were rejected by then-Prime Minister Shamir. It was not until his successor, Yitzhak Rabin, pledged to curtail settlements that an accord on the loans was reached.

The chapter on the Israeli-occupied territories in the State Department's *Country Reports on Human Rights Practices in 1991*, issued in January 1992, provided a reasonable survey of the range of abuses, but often failed to present findings in the State Department's own voice. The chapter frequently repeated official Israeli justifications without presenting its own findings about how those assertions held up in reality. For example, it stated that "[p]olitical and extrajudicial killing are not condoned by Israel." Such a bald assertion cried out for comment in light of the continuing furor over

unjustified killings by IDF undercover units.

Deportation was one issue that continued to provoke U.S. ire. On January 6, the administration backed U.N. Security Council Resolution 726, which "strongly condemns" the deportation orders issued against 12 Palestinians. However, in fixed-term deportations (see above), Israel found a deportation technique that has escaped, at least thus far, public criticism from the U.S.

The administration remained hesitant to weigh in on the issue of mistreatment under interrogation. The *Country Reports* called "credible" the reports of torture published by various human rights groups, but declined to speak in its own voice. Following the death of detainee Mustafa Akawi in February, State Department spokesman Richard Boucher twice expressed concern about reports of Akawi's mistreatment, and said that the case had been raised with the Israeli authorities. But the Department would not press the issue any further in public. Asked to comment in April on a new B'Tselem report on torture, spokeswoman Margaret Tutwiler said only, "Our 1991 human rights report noted that a number of Israeli and Palestinian and international human rights organizations have issued reports on Israeli mistreatment of Palestinians during interrogation, and thus I would refer you to that report." While the U.S. is not obliged to make a statement merely because a human rights organization issues a report, Washington's reticence on the issue of mistreatment of detainees put it in the anomalous position of having said less about this issue than the ordinarily close-mouthed International Committee of the Red Cross.

The U.S. position on the use of lethal force by Israel was also a combination of bland comments and claims that the issue was being examined. Asked about the IDF's relaxation of open-fire orders, spokeswoman Tutwiler stated on May 7, in the Department's only public comment: "I don't have a specific reaction for you. As you know, we can condemn the violence—any violence that is there, not this specifically—and that we have looked into it, is basically where we are."

In the one instance when the Bush administration made waves on a human rights issue in the occupied territories, it quickly retreated. On May 12, as a multilateral session of the peace talks devoted to refugees was getting under way, despite an Israeli boycott, State Department spokeswoman Tutwiler restated U.S. support for U.N. General Assembly resolution 194 (1948), which affirms the right of Palestinians displaced by the 1948 war to return to their former homes or receive compensation. The following day, Tutwiler again called attention to the plight of refugees by saying that the issue of their return should be addressed by direct negotiations between Israel and the Palestinians.

The comments provoked a storm of protest in Israel and on May 18 Tutwiler backed down, saying that the resolution was no longer relevant to American policy in the Middle East or to the ongoing peace talks.

The U.S. was right to raise the issue and should support the discussion in the peace talks of the rights of Palestinian refugees. The International Covenant on Civil and Political Rights states that "[n]o one shall be arbitrarily deprived of the right to enter his own country." For Palestinians who fled or were forced to flee the area of Palestine that became Israel in 1948, their "country" is Israel, just as Israel has become the country of citizenship to the many Palestinians who remained within its boundaries. This clear right needs to be addressed, however complex the issues surrounding its implementation may be.

Following the change of governments, Israel ended its boycott of the

multilateral talks on refugees and attended the November round in Canada.

Encouraged by Prime Minister Rabin's more accommodating position on peace talks and new settlements, the Bush administration in the second half of the year refrained from commenting on continuing human rights abuses. On the eve of her first trip to Israel in October, the new Assistant Secretary of State for Human Rights and Humanitarian Affairs, Patricia Diaz Dennis, told Middle East Watch that she was under instructions not to say or do anything during her trip that would complicate the peace talks.

### **The Work of Middle East Watch**

In 1992, Middle East Watch's work on the occupied West Bank and Gaza Strip focused on two persistent violent forms of abuse: the often-unjustified killings of Palestinian activists by undercover units of the IDF and the Border Police, and the use of torture during interrogation.

Middle East Watch issued a report in March on the death in detention of Mustafa Akawi and other developments related to the abuse of Palestinians under interrogation. It also sent a number of letters to Israeli authorities during the year, expressing concern about particular individuals undergoing interrogation.

In July, Middle East Watch embarked on four months of research into the killing of wanted and masked Palestinians by undercover units. A major report will be issued in early 1993.

## **KUWAIT**

### **Human Rights Developments**

Close to two years after Kuwait's liberation from the seven months of Iraqi occupation, on February 26, 1991, the Kuwaiti government is still pursuing its long-term strategy of restructuring its population in a fashion that violates human rights. Entire communities whose loyalty is in doubt are being expelled, including Palestinians, Iraqis and Bedoons, the long-term stateless residents of Kuwait. Other groups of foreign residents also suffered discrimination during 1992. While arrest and detention conditions showed marked improvement during the year compared to 1991, arbitrary arrest and detention are still prevalent. Torture remains common. Pre-publication censorship was lifted in early 1992 but other restrictions on press freedom continued. Parliamentary elections were finally held in 1992 but no changes were made to broaden the highly restricted electorate: only 11 percent of the native population was eligible to vote.

Soon after the end of the Gulf War, Kuwaiti authorities and allied militias engaged in a campaign of vengeance against disfavored groups. Scores were killed, many disappeared and thousands were detained without due process and tortured. Despite repeated requests from families and human rights organizations, only a handful of those disappearances and killings have been investigated. Mass graves of unidentified bodies buried after the war—apparent victims of Kuwaiti forces—have not been exhumed. None of those implicated in the killing and torture of prisoners has been brought to justice. In September 1992, Kuwaiti officials told Middle East Watch that they had no plans to launch such investigations.

The violent manifestations of the anti-Bedoon and anti-Palestinian policy have dissipated considerably, largely due to the departure of most of the targeted groups. But the policy itself continues by other means, including

arbitrary arrest and detention, heavy fines, the denial of employment and threats of imprisonment.

Most of the Palestinians who remain in Kuwait—fewer than 50,000, down from a prewar high of over 350,000—are stateless refugees who came originally from the Israeli-occupied Gaza Strip but have not been allowed by Israel to return. They carry travel documents issued by Egypt which refuses to allow them to reside in its territory. Although these refugees have no place to go, Kuwaiti authorities have denied them the right to remain in Kuwait until they find another country that would accept them. They have been harassed, threatened with imprisonment, denied employment, and subjected to heavy fines for every day they stay in Kuwait.

Most Bedoons are long-term stateless residents of Kuwait who were born there and have lived in Kuwait all their lives, but are not officially deemed to qualify for Kuwaiti citizenship. In Middle East Watch's judgment, Kuwaiti authorities have never given Bedoons a reasonable opportunity to prove their claims to Kuwaiti citizenship. Instead, shortly before the Iraqi invasion, the Kuwaiti government introduced measures to pressure Bedoons to leave the country. Bedoons were dismissed in large numbers from their civilian government jobs and their membership in professional organizations was banned. By law, Bedoons' driver licenses were withdrawn and their *laissez passers* were restricted.

After liberation, anti-Bedoon policies took a violent turn. Accused *en masse* of aiding the Iraqi occupying forces, the Bedoons were singled out for retribution, even though many of them had been killed for resisting the Iraqi occupation. Since liberation, some Bedoons faced summary execution, disappearance or torture, while all Bedoon government employees were dismissed from their jobs, lost the ability to send their children to school, and were threatened with expulsion from the only country they have ever known. 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. The prewar community of 250,000 is down to fewer than 200,000.

The Kuwaiti government has ignored appeals by families and human rights organizations to retry the 118 sentenced by the martial-law tribunals set up in May and June 1991. In those show trials, most defendants were convicted and sentenced—sometimes to death—on the basis of confessions extracted through torture. The Crown Prince, Shaikh Sa'ad al-Abdalla, in his capacity as martial-law governor, commuted all death sentences to life imprisonment. But Kuwaiti authorities have rejected demands to set aside harsh jail sentences and either grant the accused new trials or give them the right to a judicial appeal of their verdicts.

Another vulnerable group of foreign residents subjected to violent mistreatment is Asian maids. Expressly excluded from the protection of labor legislation, these workers are left at the mercy of their private employers. Their legal recourse severely limited, hundreds of abused Asian expatriates sought refuge in their respective embassies, charging their employers with rape, physical assault or withholding wages. Fourteen-hundred Filipina maids fled to their embassy in the year between April 1991 and April 1992. In 60 cases of abuse of Asian maids investigated by Human Rights Watch, one third involved rape or sexual assault. However, charges were laid by the police in only a minority of cases, and there is no evidence that one employer accused of rape or assault has been successfully prosecuted in the postwar period. Far from addressing the problem of the victims, police sometimes pressed charges

of visa violations against maids who had run away from their abusive employers.

Other than adopting regulations aimed at streamlining employment agencies, the Kuwaiti government has failed to address adequately the prevalent abuse of female domestics. Despite the lack of shelters for runaway abused maids, the Kuwaiti government has instructed foreign embassies not to house these women in their facilities, claiming that such action is an abuse of diplomatic privileges. Following adverse publicity, the Kuwaiti government agreed to repatriate most of them in the spring and summer of 1992, but made no move to prosecute their abusive employers.

On instructions from the Kuwaiti Ministry of Foreign Affairs, most Asian embassies turned away runaway maids seeking refuge. But the flow continued to those embassies still accepting fleeing workers. During the summer, the Philippine embassy, working with the Kuwaiti government, repatriated most of those remaining in its shelter. But the flood of runaways persisted. By the first week of September, over 200 maids who had fled their employers were crowded in the embassy's shelter. In response, the Kuwaiti Foreign Ministry again asked the Philippine embassy to refrain from sheltering fleeing maids. The victims were left stranded while their employers continued to face no legal consequences for their abuse.

Other foreign nationalities were also subjected to varying degrees of repression. Among them were citizens of Sudan, Somalia and Yemen—countries considered to have condoned Iraq's occupation of Kuwait. For example, Ahmad Mubarak, a Sudanese, was arrested in January 1992 and accused of collaboration with the Iraqi occupying authorities. During his 24 days of detention, he was "subjected to various forms of torture and his health deteriorated rapidly," according to an unpublished report by the Kuwaiti Association to Defend War Victims (KADWV), a local human rights group. Despite a lack of evidence of his collaboration, an order to deport him was issued. It was not carried out after the Association appealed to senior officials on his behalf. From various reports received by Middle East Watch, it appeared that merely belonging to a nationality that is considered suspect is enough to trigger arrest and mistreatment. For example, following the deterioration in 1992 in relations between Kuwait and Bahrain—a fellow member of the Gulf Cooperation Council, the military and political alliance that also includes Oman, Qatar, Saudi Arabia and the United Arab Emirates—two Bahraini citizens were arrested on suspicion of having knowledge of the whereabouts of other Bahrainis wanted for security offenses. They were both subjected to torture, including sexual abuse in one case, before being released for insufficient evidence of any criminal wrongdoing.

In January 1992, the Kuwaiti government lifted pre-publication censorship, in place since the dissolution of the National Assembly in July 1986. Despite this positive development, other restrictions on the press remained in place. The Publications Law of 1961 places severe restrictions on the press, especially after it was substantially amended in 1976 and 1986, each time, not coincidentally, in a year when the Emir of Kuwait dissolved the National Assembly.

During 1992, several reporters were charged with violating the press law. On March 3, Ahmed al-Jabr, a writer for *al-Watan* (The Nation), an independent daily, was charged with "harming Kuwaiti foreign relations" for writing a column ridiculing the Egyptian government's handling of a reported Israeli spy ring. The Kuwaiti action came after the Egyptian ambassador to Kuwait protested to the Kuwaiti Minister of Information. This incident led to



a heated exchange between the government on the one hand and the press and political opposition on the other. On March 14, the Crown Prince warned reporters against "taking any position that weakens the home front in the name of press freedom," and hinted that the government might re-introduce pre-publication censorship. This warning prompted seven opposition groups to issue a joint statement on March 20 registering their "disappointment" in the Crown Prince's comments and calling for tolerance of dissident opinions.

On April 28, Khdair al-Anezy, a reporter for the independent daily *al-Qabas* (The Spark), and Muhammed Jassem al-Saqr, the paper's editor-in-chief, were arrested and charged with violating secrecy laws for writing a story commenting on the restructuring of the Kuwaiti Minister of Defense. They were released on a KD1,000 (US\$3,450) bail the same day. Al-Saqr was arrested again on October 11 for approving a series of articles critical of the Ministry of Information. He was released the same day after posting bail. Abdel-Latif al-De`aij, the writer of the articles, was detained for three days and also released on bail. All four cases, against al-Saqr and the two reporters, are still pending.

On May 20, Fouad al-Hashem, a reporter for *Sawt al-Kuwait* (Voice of Kuwait), was sentenced to a three-year suspended sentence and fined KD500 (US\$1700) for writing an article considered by the government as "an affront to Islamic and public morals," a crime under the restrictive press code. On May 31, Diana Abdalla, Reuter's correspondent in Kuwait, was expelled from the country after she filed a report on the Chamber of Commerce elections emphasizing the close relationship between the Emir and a candidate who lost despite the government's support.

Two years after the Emir promised from his place of exile in Saudi Arabia to hold elections as soon as Kuwait was liberated, Kuwaitis went to the polls. On October 5, elections for the National Assembly were held for the first time since the Assembly was dissolved by the Emir in July 1986. Only 81,400 first-class male citizens over the age of 21 were eligible to vote, accounting for less than 11 percent of the native population. Opposition campaigns were limited by the press restrictions and a ban on public assembly. When opposition groups attempted to meet in Kuwait with representatives of the Washington-based National Republican Institute for International Affairs, the Ministry of Interior prevented the meeting from taking place because it violated the ban. Meetings in candidates' *diwaniyyas*, the traditional Kuwaiti living rooms, were not disrupted, thus reversing a policy adopted by the government in 1989 and 1990 of forcibly dispersing meetings in opposition supporters' *diwaniyyas*.

Kuwaiti authorities went to great lengths to limit the opposition's ability to campaign freely. When U.S. Ambassador Edward Gnehm met with opposition leaders, government-sponsored media criticized the meeting as meddling in the internal affairs of Kuwait. Echoing the same sentiment, Abdel-Aziz al-Mesa`id, the Speaker of the government-appointed National Council, criticized the U.S. ambassador for visiting opposition *diwaniyyas* and speaking about democracy.

Despite the government's attempt to limit the opposition's ability to campaign successfully, pro-government candidates secured only 18 out of the Assembly's 50 contested seats. The remaining 32 seats went to opposition and independent candidates. Opposition groups included: the Kuwaiti Democratic Forum, the only publicly announced political party; the Deputies Bloc, composed of members of the National Assembly dissolved in 1986; the Islamic Constitutional Movement, an Islamist group affiliated with the Muslim Brotherhood movement; the Popular Islamic Coalition, another Sunni Islamist

group; and the National Islamic Alliance, a Shi'a Islamist group. In addition to the 12 seats that religious groups secured in the election, they enjoy the support of six other independent and tribal candidates, making the religious bloc the largest in the Assembly. A number of the recently elected Islamist members voiced their intention to bring Kuwaiti laws closer to the Islamic law of Shari'a.

Although the opposition and independent candidates gained a majority of the 50 contested seats, the majority's power was significantly curtailed when the Emir once again asked the Crown Prince to form a new government. Under Kuwaiti law and practice, appointed cabinet members are *ex officio* members of the National Assembly, provided that they do not exceed one third of the membership. The new cabinet, announced on October 14, was composed of five members of the Sabah family, five other government figures, and six others who were either independent or opposition members of the newly elected National Assembly. The Sabahs retained the sensitive posts of prime minister and first deputy prime minister, as well as the key portfolios of foreign affairs, defense, information and interior (in charge of internal security). Although obviously skewed in favor of the ruling family, the composition of the cabinet was nevertheless significant because it was the first time in Kuwait's recent history that such a significant proportion of the cabinet was assigned to the opposition and independent members of the Assembly. In the past, only one or two independent representatives were included.

### **The Right to Monitor**

Established immediately after the Gulf War, the Kuwaiti Association to Defend War Victims has been the only independent local organization in Kuwait devoted exclusively to monitoring human rights. The Kuwaiti government, which has not formally recognized the organization's legal existence, has asked it to vacate the public school building it has occupied since its inception in March 1991. KADWV nevertheless continues its work, sometimes in coordination with government agencies, and participates in conferences and national committees alongside government representatives, indicating at least a tacit official recognition.

As in its first year, a focal point for KADWV in 1992 was the fate of over 900 Kuwaitis and others who are missing, have disappeared or are believed held by Iraq. The organization also followed the fate of those who disappeared or went missing after liberation, mainly Palestinians and Bedoons. During 1992, KADWV continued to provide aid to prisoners and their families. It also gave food and financial support to Bedoon families, many of whom have been reduced to destitution by official anti-Bedoon policies.

On July 7, over 50 Kuwaiti professionals announced the formation of the Kuwait Pro-Democracy Committee to "act as a public advocacy and information group on all issues relating to democracy, human rights and basic freedoms in Kuwait," according to a statement issued by the Committee on July 20. In November, the Committee issued a detailed evaluation of the October 5 elections. It called for enfranchising women and naturalized citizens.

In 1992, the Kuwaiti government allowed visits by several international human rights organizations, including Human Rights Watch, but significant delays in granting approval were reported. Although Kuwaiti officials were generally accessible to representatives of these organizations, information on human rights issues was rarely provided, even after repeated requests.

### **U.S. Policy**

Since the end of the Gulf War, the U.S. has been the main force protecting

Kuwait from the possibility of renewed Iraqi attack and rebuilding its economic and military infrastructure after the devastating Iraqi occupation.

A ten-year military agreement signed in September 1991 regulates the U.S.-Kuwaiti defense alliance. Under this agreement, the stationing of large numbers of land-based troops was eschewed in favor of maintaining a substantial naval presence nearby and holding 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. Three major joint maneuvers—code-named Native Fury, Eager Mace and Intrinsic Action—were undertaken after August 2, 1992, the second anniversary of the Iraqi invasion of Kuwait. According to U.S. Defense Department officials, these exercises and the September 1991 agreement itself were intended as both a signal to Iraq and a demonstration of U.S. commitment to the security of Kuwait and stability of the Gulf.

The extensive U.S. military presence elsewhere in the Gulf has been coordinated through a number of similar, long-term military agreements that the U.S. has signed with the other members of the Gulf Cooperation Council (GCC). According to *The Washington Post* of September 5, Rear Admiral Raynor A. K. Taylor, who heads the 26-vessel U.S. task force in the region, said: "We've got ships going into ports left and right. We've got ships and airplanes doing bilateral exercises left and right."

The U.S. military also has been closely involved in training Kuwaiti forces and making Kuwaiti military facilities "inter-operational" with their U.S. counterparts to ensure early access in the case of renewed military operations. Many Kuwaitis believe that another Iraqi invasion is likely in the near future—a belief strengthened by continued references in the official Iraqi press to Kuwait as being part of Iraq.

Indeed, the defense of Kuwait has become an important component of U.S. policy doctrine in the Middle East. On September 11, Edward Djerejian, Assistant Secretary of State for Near Eastern and South Asian Affairs, told the National Association of Arab Americans: "America has two key sets of policy goals in the Near East. The first has to do with a lasting and comprehensive peace between Israel and her Arab neighbors; the second—the creation of viable security arrangements for our friends and allies on the Arabian peninsula." Secretary Djerejian added that during a visit to the region, he "assured the GCC leaders that the United States will cooperate closely with them to meet legitimate defense needs. This includes both the sales of weapons...and bilateral security arrangements such as the periodic conduct of joint military exercises, the maintenance of an enhanced naval presence in the Gulf, and arrangements for the access and prepositioning of critical military materiel and equipment."

In October 1 testimony before the House Subcommittee on Europe and the Middle East, Secretary Djerejian praised the elevated level of military cooperation, noting that "[t]he establishment of Operation Southern Watch [code name for U.S. enforcement of a ban on Iraqi military flights in the southern part of Iraq] is a good example of a level of cooperation well beyond what existed two years ago, prior to the Iraqi invasion of Kuwait." The Secretary added: "It is important to understand that the purposes of both arms sales and collective security measures are to deter threats to our shared interests, and to raise the threshold of future requirements for direct U.S. military action." Apparently as part of this project, in mid-October the Administration announced plans to sell 236 M1-Abrams tanks to Kuwait.

The need to put an end to human rights violations committed by Iraq in

Kuwait was one of the stated reasons that the U.S. administration went to war against Iraq. However, since the liberation of Kuwait, U.S. senior officials have shied away from publicly criticizing the serious human rights violations committed by Kuwaiti authorities against foreign and Bedoon residents. This reticence comes despite what most Kuwaitis acknowledge to be their near-complete reliance on the U.S. to protect them from external threats. Little should have stood in the way of more forceful advocacy on human rights by the Bush administration, apart from an apparent desire to avoid political embarrassment by highlighting the human rights violations of a government restored largely by U.S. forces.

On most occasions in 1992 in which U.S. officials publicly addressed human rights issues, they emphasized perceived positive aspects or explained away violations. Commenting on the October 5 general elections, U.S. Ambassador Gnehm said that the elections had been "extremely good at establishing at a grassroots level the idea of democracy." A more qualified endorsement was issued on October 7 by Richard Boucher, a State Department spokesman. He said that the U.S. would encourage the Kuwaiti government to "move in the direction of expanding political participation, and in that regard, we welcome the statement by the Crown Prince on October 3 in support of granting women the right to vote." This comment was a considerable revision of an earlier State Department position that appeared to apologize for the limited franchise in Kuwait. On October 1, Lawrence Eagleburger, Acting Secretary of State, said that the U.S. had communicated its view on democracy to "all and sundry" and that he was "disappointed that the Kuwaitis have a different view on the subject. On the other hand while I don't defend it, they do come from a different culture and their views are obviously different than ours."

There were other times in 1992 when U.S. officials sought to deflect criticism of human rights abuses in Kuwait. In February, despite ample coverage in the media of the plight of hundreds of Asian maids who sought shelter in their embassies in Kuwait, spokesman Boucher claimed to be unaware of such cases. According to State Department officials, Ambassador Gnehm frequently took up the issue of the abused domestic workers with senior Kuwaiti officials, but Middle East Watch saw little evidence of follow-up to ensure that the problems were addressed or reforms implemented. In particular, in August, while failing to provide alternative shelters for abused maids, the Kuwaiti Foreign Ministry renewed its earlier order for foreign embassies to refrain from sheltering runaways.

### **The Work of Middle East Watch**

Middle East Watch continued in 1992 to investigate post-liberation human rights abuses in Kuwait. It provided information to U.S. congressional staff, U.N. agencies and other groups investigating various aspects of the human rights situation in Kuwait. It briefed U.S., Canadian and Danish immigration officials and refugee aid groups to help them deal with a flood of refugees from Kuwait who had been pressured to leave or banned from returning.

To help especially vulnerable stateless refugees stranded outside Kuwait, Middle East Watch filed a substantial number of affidavits and appeals to immigration officials and judges in Canada, Cyprus, Denmark, Germany, Switzerland and the United States to help individual families in their quest for asylum. In February, in response to resurrected claims by the Kuwaiti and U.S. governments that the Iraqi occupying forces had killed scores or hundreds of babies by taking them out of incubators, Middle East Watch issued a 24-page report, "Kuwait's 'Stolen' Incubators: the Widespread Repercussions of a Murky

Incident," in which it published the contrary results of its exhaustive research on the subject. In May, Middle East Watch filed a brief with the Frankfurt District Court in support of a German television network being sued by Hill and Knowlton, the public relations firm engaged by the exiled Kuwaiti government, over its conclusions regarding the incubator allegation.

In August, Middle East Watch and the Human Rights Watch Women's Rights Project issued a joint 44-page report entitled *Punishing the Victim: Rape and Mistreatment of Asian Maids in Kuwait*. The report documented the physical and sexual abuse of foreign household workers in Kuwait.

In September, Middle East Watch briefed members of the U.S. Congress about human rights violations in Kuwait, in testimony before a joint session of the House Middle East and International Organizations subcommittees.

## **LEBANON**

### **Human Rights Developments**

Three years after the signing of the Taif Accord officially ended the civil war, human rights violations continue in Lebanon on a regular basis. Under President Elias el-Hrawi, the government has not moved forcefully to curb the increasingly serious abuses committed by its security forces and by organized militia. Meanwhile, the government instituted a number of severe restriction on the free exercise of civil and political rights by Lebanese citizens and long-time residents.

Scores were arbitrarily arrested in 1992 during sweeps targeting suspected opposition sympathizers. Many of those detained were known supporters of ousted former Prime Minister General Michel Aoun, who has been in exile in Marseilles, France since August 1991. Others were suspected of opposition either to the Hrawi government or to the Syrian presence in Lebanon. Middle East Watch learned from relatives of prisoners and from Lebanese human rights monitors of numerous cases of torture during interrogation by Lebanese security forces aided by Syrian intelligence officers. Most detainees were held incommunicado for long periods, denied access to family and legal counsel. None of those suspected of political and security offenses has been tried before regularly constituted courts; a small number were reportedly tried secretly before military tribunals.

Politically motivated abductions of opposition figures apparently resumed in Lebanon in 1992. On August 1, Nasri al-Khoury Sader, a lawyer affiliated with the opposition, was kidnapped with a number of companions by unknown assailants. Sader's abduction prompted a lengthy strike by the members of the Lebanese Lawyers Union. In a statement issued on September 10, the lawyers union protested the lack of progress in finding Sader and his companions. It said the abduction came "within a series of attacks against a large number of lawyers, the arrest, without due process of law, of tens of Lebanese citizens and their incommunicado detention." On September 15, Butrus Khawand, a member of the Political Bureau of the Lebanese Phalanges Party (*al-Katayeb*), was abducted by armed men near his home in Beirut. By the end of November, Sader and Khawand were still missing.

Resumption of kidnapping for political reasons was alarming to the Lebanese, since thousands disappeared or were taken hostage during the 15-year civil war. In March, the Lebanese government published its estimates of the war casualties: 144,240 killed; 197,506 wounded, including 13,455 who were left with permanent handicaps; and 17,415 missing, among whom 13,968 were classified as "kidnapped and presumed dead."

The Hrawi government has imposed restrictions on the press, radio and television. In September 1991, the Ministry of Justice served notice to Lebanese journalists that they should abide by 1977 press regulations banning criticism of the president and foreign heads of states, as well as publication of material that may adversely affect Lebanon's foreign relations. In April 1992, a sweeping new regulation banned the broadcast of material that disturbs public order, incites sectarian animosity, harms Lebanon's relations with other countries or disparages leaders of friendly nations.

Several newspapers and magazines were temporarily banned under these regulations in 1992. In February, two dailies, *al-Nahar* (The Day) and *al-Diyar* (The Homeland) were banned for publishing excerpts from a book by General Michel Aoun. In addition, a number of reporters were prosecuted for publishing articles critical of President Hrawi, his family or foreign leaders. In September, following a complaint by the Kuwaiti chargé d'affaires in Lebanon, legal proceedings were opened against the Beirut daily *al-Safir* (The Ambassador) for publishing an article considered defamatory of Kuwaiti senior officials. On September 23, a reporter and three photographers were beaten by the police after they persisted in trying to cover a political meeting of the opposition.

The Lebanese government also tried to revive the near monopoly over radio and television that it enjoyed prior to the start of the civil war in 1975. It announced plans to close all private stations that were established during the 15-year war. Special "media prosecutors" were to be installed in the offices of the Chief Public Prosecutor to ensure compliance with the new policy.

The Hrawi government has gone to great lengths to stifle criticism of its policies both inside and outside Lebanon. In December 1991, its embassy in Paris was able to obtain a list of 85 individuals, most of them Lebanese, who demonstrated in Paris against President Hrawi during an official visit to France. Brigadier General Sami al-Khatib, the Lebanese Interior Minister, later said that the authorities intended to arrest the Lebanese citizens on the list if they returned to Lebanon; the foreigners would be barred from entering Lebanon. Similarly, in May 1992, the Chief Public Prosecutor, Judge Maurice Khawwam, started criminal proceedings against Najah Wakim, a member of the Chamber of Deputies who denounced corruption in the government. The proceedings were effectively suspended when the Chamber refused the government's demand to strip Wakim of his parliamentary immunity.

Freedom of association has likewise come under severe attack by the Hrawi government. During 1992, the government banned 138 private associations, including political organizations, claiming that they were illegal for having been formed during the civil war without proper licenses. In fact, a number of these groups, such as the pro-Iraq Ba`th Party and the Republican Party, predated the civil war. The ban limited the ability of opposition groups to prepare for the national elections held in August and September. On October 26, the main headquarters of the Lebanese Phalanges Party, in al-Ashrafiyya, were raided by Lebanese Army forces. They arrested the guards and confiscated all documents and other property. The party, one of the main Christian political groups, had boycotted the elections.

In its zeal to hold parliamentary elections, the first since 1972, despite opposition by a majority of Lebanese, the Hrawi government rushed through preparations. It apparently was eager to complete the elections before the start of the Syrian force redeployment stipulated in the Taif Accord.

In the election process the Lebanese government violated both the spirit and letter of the Taif agreement, and circumvented a number of long-

established electoral laws. More than one-third of potential voters were disenfranchised by a decision to abolish absentee ballots: the 933,000 persons who left Lebanon during the civil war were not allowed to vote unless they returned to cast their ballots in the electoral districts in which they were registered in the 1972 elections, while the 750,000 internally displaced Lebanese were not allowed to vote outside their original places of residence.

The election regulations passed during the year were fraught with provisions that served to strengthen government powers. For example, in certain provinces, district-level elections were introduced, apparently to improve election prospects for government candidates. In an attempt to lessen sectarian divisions, the Taif Accord had stipulated that elections be held at the provincial level, in the place of district-level contests that were common in the prewar period.

It was in this charged atmosphere that the elections were held between August 23 and September 6. Fearing retribution from Syrian forces and the Hrawi government, opposition groups did not feel free to campaign vigorously against either. Many potential opposition candidates, including members of parliament, boycotted the elections out of concern for their own safety. A number of senior government officials, including Fares Bouez, the Minister of Foreign Affairs and son-in-law of President Hrawi, tendered their resignations in protest of the timing of the elections. The boycott was extensive in most Christian areas, and in the Kesrouan district, it was nearly total; a by-election had to be held on October 11 to fill the district's five seats. In the Jubail district, a candidate won with only 41 votes cast. With most of the Christian opposition and significant segments of the Muslim opposition having boycotted the contest, the new 128-member Chamber of Deputies is largely made up of Hrawi government loyalists and pro-Syrian figures, as well as fundamentalist Shi'a and Sunni representatives.

The pervasive Syrian influence in Lebanon in 1992 supported the repressive measures of the Lebanese government. Taking advantage of Syria's September 1991 agreement with Lebanon, agents of Syrian Military Intelligence were active in the Beirut International Airport and other ports of entry into Lebanon, to prevent Syrian government opponents from entering or leaving the country without being interrogated or detained. One detainee was Dr. Akram Salim Ishty, a Lebanese physician and a professor at the American University of Beirut. He was arrested by Syrian forces based in Lebanon and taken to jail in Syria, apparently to induce the surrender of his brother, a dissident Ba'th Party member.

The 35,000 Syrian troops that are still deployed in most of Lebanon are an effective deterrent to the voicing of any criticism of Syria. Contrary to earlier hints that Syrian troops may soon be redeployed outside Greater Beirut to the eastern Beqa', Abdel-Halim Khaddam, Syria's Vice President, said in early November that such redeployment would take place only after the constitutional changes stipulated in the Taif Accord were adopted.

Israel and the Israeli-sponsored South Lebanon Army (SLA) have been responsible for serious human rights violations in Lebanon. Shelling and air raids by Israel and its allies on the civilian areas of Lebanon's southern towns and villages, while ostensibly directed against guerilla bases, produced a heavy toll of civilian casualties. The SLA also engaged in the indiscriminate shelling of adjacent villages, the forced conscription of young men, and a policy of arbitrary arrest, lengthy incommunicado detention and torture of suspected opponents held in its notorious Khiam prison. An estimated 200 detainees are still being held in Khiam without charge or trial and without access to family or independent outsiders.

The Iranian-supported Hezbollah is the only other major militia that has not been disarmed by the Lebanese government. It, too, has been implicated in a significant number of human rights violations. In December 1991, Mustafa Jaha, a Lebanese Shi'a writer who had been a critic of the fundamentalist group, was assassinated. On June 3, 1992, an unarmed doctor was killed by Hezbollah partisans in Tyre after he had voiced criticism of the party. These abuses were all the more alarming after Hezbollah's victories in the second and third rounds of parliamentary election. Now that Hezbollah controls a significant bloc of votes in the new Chamber of Deputies, the government may be less inclined to curb human rights abuses by Hezbollah loyalists.

Ostensibly aiming to pressure Israel to abandon the Lebanese border area it controls, Hezbollah has engaged in indiscriminate shelling of northern Israel, causing civilian casualties. Hezbollah's attacks on areas under SLA control have also caused extensive damage and casualties among noncombatants.

### **The Right to Monitor**

Although there is no explicit prohibition against human rights work in Lebanon, human rights groups and individual activists report that various extralegal methods are used to restrict their activity. Lebanese and Syrian security forces, as well as the militias allied with them or with Iran and Israel, have employed violent tactics aimed at stifling human rights reporting, including assassinations, kidnapping, torture and death threats.

While a number of groups operate openly, but cautiously, others function only clandestinely or abroad. Among the established groups are the Committee for the Defense of Democratic Freedoms in Lebanon, the Lebanese Association for Human Rights and the Lebanese Lawyers Association, all based in Beirut. Outside Lebanon, the Lebanese League for Human Rights is especially active in France and Belgium.

Humanitarian organizations report regularly on human rights developments in Lebanon. Among the Beirut-based groups are the Lebanese NGO Forum and the Movement of the Handicapped & Youth for Human Rights and Peace. The Centre for Lebanese Studies, of Oxford, and the London-based Lebanon Information Processing Services, affiliated with the British Refugee Council, publish regular bulletins on human rights in Lebanon. *The Lebanon Report*, published monthly by the Lebanese Center for Policy Studies, a research institution in Beirut, regularly contains articles related to human rights.

Because of the dangers human rights monitors face, they have avoided issuing public reports about specific abuses. Only organizations functioning abroad or underground have gathered and disseminated such information publicly.

### **U.S. Policy**

U.S. policy toward Lebanon has been guided by three overriding concerns: restoring the authority of the Lebanese government, ensuring the continued participation of Lebanon in the Arab-Israeli peace talks, and improving U.S. relations with Syria. Unfortunately, in pursuing these goals the Bush administration appears to have subordinated human rights concerns. During 1992, U.S. officials avoided voicing public criticism of human rights violations committed by Lebanese, Syrian or Israeli government forces or their allies in Lebanon.

Nor, until after the polling had taken place, did the U.S. government voice public criticism of the unfair manner in which elections were being prepared, against the wishes of most Lebanese. Indeed, the Lebanese government fixed the date for these controversial elections only two days after Secretary



Baker met with President Hrawi in Lebanon, indicating that the Lebanese government was not sufficiently apprised of U.S. concerns about the elections.

Once the elections were completed, U.S. officials voiced some criticism. On September 8, for the first time expressing public disappointment at the election results, State Department spokesman Richard Boucher said:

The United States is clearly disappointed that the elections were not prepared and not carried out in a manner to ensure the broadest national consensus. The turnout of eligible voters in some locations was extremely low. There were also widespread reports of irregularities which might have been obviated had there been foreign observers. As a consequence the results don't reflect the full spectrum of the body politic in Lebanon.

Boucher noted balloting irregularities. However, he failed to register any protest over the arrests of scores of government opponents during the election period, one action among many taken by the Lebanese government to limit the ability of the opposition to run an effective campaign.

U.S. criticism came only after it became clear that fundamentalist groups and their supporters had secured over 30 seats in the 128-seat parliament—the largest bloc in the new assembly. It appeared as if the administration refrained from criticizing the elections so long as loyalists of the Hrawi government and Syria were expected to prevail.

On October 1, Edward Djerejian, Assistant Secretary of State for Near Eastern and South Asian Affairs, repeated before a House subcommittee the remarks made earlier by spokesman Boucher. Testifying before the House Subcommittee on Europe and the Middle East, Secretary Djerejian announced that the administration was considering providing assistance to the Lebanese military. He sought congressional support for the resumption of training in the United States for Lebanese officers and enlisted persons. The administration also wanted to provide Lebanon with "non-lethal excess defense articles that would enhance the Lebanese Army's mobility and range of operation," the Secretary added. The U.S. provided Lebanon with \$6.8 million in fiscal year 1991 for military training and supplementary support, and an estimated \$4.1 in fiscal year 1992. For fiscal year 1993, the administration requested \$5.4 million for the two purposes.

Despite the relatively low level of aid to Lebanon, the U.S. government maintains profound influence in the country. Lebanese of all factions look to the United States to provide help in restoring normalcy, including respect for civil and political rights. They feel that, as the U.S. helped broker the Taif Accord, so it should continue its efforts and help the Lebanese conclude a social contract based on respect for human rights. Their hope has not been fulfilled.

#### **The Work of Middle East Watch**

In 1992, Middle East Watch monitored events in Lebanon affecting human rights, including actions taken by the Lebanese, Syrian and Israeli governments, as well as by pro-Iranian Hezbollah and the Israeli-supported South Lebanon Army. On September 15, Middle East Watch testified about conditions in Lebanon before a joint session of the Europe and Middle East and the International Organizations House subcommittees. During the year, Middle East Watch wrote to President Hrawi voicing its concern over the waves of arrests of political opponents, but has received no response to its letters.

## SAUDI ARABIA

### Human Rights Developments

The single major development in 1992 was King Fahd's adoption on March 1 of the Basic Law of Government, the Law of the Consultative Council and the Law of Provinces. In addition to its poor human rights practices, Saudi Arabia had no legal regime to protect human rights against arbitrary arrest, lengthy pretrial detention or physical abuse. Nor has the Kingdom acceded to most international human rights agreements, including the International Covenant for Civil and Political Rights. Because of this legal vacuum, human rights monitors were hoping that the long-promised constitutional reforms would address this void by providing an adequate formal mechanism to protect human rights.

Issued amid great fanfare, the Basic Law of Government—the closest that Saudi Arabia has ever come to adopting a constitution—was a disappointment. Article 26 provides that "the state shall protect human rights according to Shari'a," or Islamic law; this provision marked the first time in recent history that the government formally acknowledged the concept of citizens' rights vis-a-vis the state. However, in the few instances in which the new law refers to specific civil and political rights, the protection afforded is highly qualified or made conditional to the precepts of the Shari'a, which in Saudi Arabia is not codified in written statutes. The final nominal authority for the interpretation of the Shari'a is the Council of Senior Scholars. Composed of 18 clergymen appointed by the King, the Council has traditionally deferred to the King's interpretation in political matters, including those affecting human rights. Thus, under the Basic Law, the Saudi government still retains near complete discretion to define the content and scope of the rights it will respect.

The Saudi legal system is notorious for its due process deficiencies. Arrest and detention procedures are governed by Imprisonment and Detention Law No. 31 of 1978 and its 1982 bylaws issued by the Minister of Interior, Prince Nayef ibn Abdel Aziz. With few restrictions on the grounds or duration of pretrial detention, they allow detainees to be held indefinitely without trial or judicial review. Nor is there a requirement that family members be notified of an arrest. Although in recent years a family is often able to find out if one of its members is detained, formal notification is rare. This problem applies equally to Americans and other foreigners arrested in Saudi Arabia.

It is 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 contains no explicit ban on torture or cruel and inhuman punishment. Indeed, the use of force to elicit confessions is commonplace in the Saudi security system. This may be in part because of the Saudi legal system's over-reliance on confessions. By law, flogging, indefinite solitary confinement, and deprivation of family visits are explicitly sanctioned as methods of disciplining prisoners.

The Saudi government continues to detain without trial scores of alleged political and security offenders, many of whom have languished in prison for over four years. Over 40 of these prisoners are Shi'a Saudis who were accused of voicing critical views of the government's anti-Shi'a policies or belonging to banned political organizations. At least nine members of the Murra tribe have been in prison since October 1991 for their peaceful opposition to a

government-ordered resettlement of residents of al-Sauda, a small hamlet populated entirely by members of the Murra tribe and located on the road to Qatar. Families of the detainees believe that most of them have been beaten and that two—Hamad Muhammed al-Qab'an and 'Obaid ibn Qab'an—risk being executed. Such fears were heightened by recent border tensions—including a military skirmish in October—between Saudi Arabia and Qatar, where the tribe exercises considerable influence.

Prolonged detention without trial was also reported of scores involved in commercial disputes or business failures, some of in prison for as long as 13 years. Hundreds of foreigners accused of violating the stringent visa regulations, by overstaying their residency permits or changing their employers, are also held in crowded, substandard deportation facilities throughout the Kingdom.

Despite occasional royal orders instructing detention authorities not to torture prisoners—usually issued after the death of a detainee due to torture—there have been numerous reports of torture in Saudi detention facilities. For example, in the chapter on Saudi Arabia in the *Country Reports on Human Rights Practices in 1991*, issued in January 1992, the U.S. State Department described "credible reports of injuries and the deaths of at least two, and possibly more, persons caused by beating or the use of excessive force while being held in official custody. In addition, there was a credible report of the torture of several foreigners in Saudi military custody."

During 1992, Middle East Watch has received a number of reports of torture in custody, some of which led to death. On March 28 in Riyadh, Muhammed Fahad al-Mutairi, a Saudi bank employee, was arrested by the authorities on suspicion of embezzlement. Four days later, he died in custody after being severely beaten. On April 2 in Jiddah, Abdullahi Abbas, a Ghanaian citizen, was arrested for overstaying his visa. He died in custody on April 16. Witnesses reported to Middle East Watch that he too had been severely beaten during his imprisonment.

Middle East Watch knows of no case in which an officer accused of torture has been prosecuted or tried, an official inaction that effectively condones further abuse. Saudi authorities have stymied efforts to document mistreatment of prisoners by keeping its investigations secret and by declining to respond to inquiries by families or human rights groups. In addition, the Saudi government has almost never allowed independent observers to visit its detention facilities. The only exception was during the Desert Storm military campaign in January 1991, when after months of refusal, it allowed the International Committee of the Red Cross to visit Iraqi prisoners of war.

Flogging, amputations and beheading are also used by the Saudi legal system for the punishment of a variety of crimes, including the expression of critical views of the government or the making of controversial statements on religious matters. On September 3, Sadeq Abdel-Karim Mal-Allah, a Saudi Shi'a, was beheaded in public in the Eastern town of al-Qatif. He had been arrested in 1988, at the age of 17, and accused of "slandering God, His Prophet and the Holy Qur'an." According to a statement issued by the Ministry of Interior, a royal order was issued ratifying the decision of Shari'a courts ordering Mal-Allah's execution based on his alleged slanderous statements.

Following the execution of Mal-Allah, the family of Abdel-Khaleq Abdel-Jalil al-Janbi, a Shi'a student, learned that he, too, had been accused of blasphemy and threatened with execution. In January, al-Janbi and another Shi'a student, Turki Muhammed al-Turki, had been arrested by the Directorate

of General Investigations after a debate at King Abdel-Aziz University in Jiddah in which they disputed Wahhabi views regarding the Shi'a faith. Wahhabism, the Saudi official dogma, holds as heretical most Shi'a interpretations of Islam.

During October, three Shi'a Saudis—Muhammed al-Shabib, Abdel-Wahed Ahmed Hussein al-Shaikh and Hmaide al-'Aisan—were arrested and accused of propagating religious views contrary to the received dogma. While al-Shabib was released, the other two remained in prison through November.

A number of Shi'a religious students and teachers, apprehended in previous years, remained in prison in 1992, having been accused of voicing disagreement with Wahhabism. Those still in prison include Ali Abu-Ouais, arrested in November 1990, and Sayyed Yaseen al-Sayigh, in detention since October 1989. Hamza al-Mosawi, arrested in October 1991 for his religious views, was released in September 1992.

Corporal punishment continued to be applied by Shari'a courts in 1992. In June, Yousef Khouri, a 63-year-old Lebanese citizen, was sentenced to 18 months in prison and 500 lashes. He was accused of possessing of 12 bottles of whisky. The sentence was passed in a summary proceeding in a Shari'a court without the benefit of legal counsel.

Saudi Arabia also continued its policy of executing drug traffickers, after proceedings that fall far short of international standards on fair trials. On October 4, General Mohammed al-Maleki, a drug enforcement official, stated that, "more than 38 people of different nationalities have been executed since the death penalty was enforced against drug smugglers" in 1987. Most were convicted without the benefit of legal counsel.

Human rights abuses are facilitated in Saudi Arabia by the absence of an independent judiciary and the lack of scrutiny by a representative body or a free press. Although the March 1992 Basic Law of Government formally recognizes, for the first time, the principle of an independent judiciary, Middle East Watch continued to receive reports from within the judiciary that judges periodically come under pressure from senior members of the royal family and other government officials. Not surprisingly, they remain afraid to check official abuse of power. Moreover, under the Saudi government's interpretation of the Shari'a, the King is the spiritual as well as temporal head of the community (*waliyy al-amr*). He thus has broad discretion to overrule judicial decisions. Provincial governors in Saudi Arabia also have the authority to review court decisions.

Because of the blurred distinction between civil and criminal law in Saudi Arabia, detention and torture are common even in cases of commercial and labor disputes. This is compounded by the royal family's deep involvement in many business enterprises as well as its control of all senior governmental posts. The prime minister, his two deputies and the ministers of interior, defense, foreign affairs and their deputies are all members of the royal family. All the provincial governors of Saudi Arabia are members of the royal family or of the Sudairi family, maternal relatives of King Fahd.

The royal family's dominance of the legislative and executive branches of government, its significant influence on the judiciary and its commanding position in the business community have led to a concentration of power that has few parallels in the world—a state of affairs that has been immunized from criticism by the absence of a free press or parliament. This monopoly of power has left government officials and other prominent citizens, primarily members of the royal family and their associates, free to abuse their positions.

The March 1992 laws codifying the largely unwritten legal system, including the Basic Law of Government and the Consultative Council Law, have not significantly changed the lack of legal protection of human rights. In fact, far from adhering to international standards on civil and political rights, these new laws do little more than codify royal authoritarianism, and deprive Saudi citizens of even the modest electoral rights they already had.

By virtue of the new laws, Saudi citizens today have fewer civil and political rights than they had in 1926. Their right to vote for national and provincial councils is eliminated; the Consultative Council is stripped of the little power it had left; rights of women and minorities are totally ignored; existing severe restrictions on thought, religion, speech, assembly and association have been maintained; and no ban is articulated on extrajudicial killings, torture or cruel or inhuman punishment. The new laws expand King Fahd's near absolute authority over both legislative and executive matters. They were drafted by an *ad hoc* committee headed by Prince Nayef, the King's brother who also heads the Interior Ministry, the government agency identified with most violations of human rights in Saudi Arabia.

The Law of the Consultative Council replaces the existing Consultative Council, established in 1926, with a new advisory group by the same name that was to be appointed by King Fahd by the beginning of September. By the end of November, only the president of the new Council had been appointed: Shaikh Muhammed ibn Jubair, who is a former minister of justice, a Shari'a judge and a long-time associate of King Fahd.

The King will have the right to dismiss any or all of the new council's 61 members. The Consultative Council is allowed to discuss and interpret laws, but has no power to legislate. The government is not required to submit its budget to the Council or consult it on important decisions. Its powers, such as they are, remain subordinated to those of the Council of Ministers, which is chaired by the King in his role as Prime Minister.

The new laws do not ban discrimination on the basis of gender or religious beliefs. Nor is there any remedy in the new laws for the notorious due process deficiencies of the Saudi penal system. Based on Shari'a as interpreted by government-appointed clergy, the unwritten criminal code does not permit defendants to have legal representation in the courtroom, even when facing the death penalty.

Comments by Saudi leaders indicate that the new statutes are not the beginning of a gradual process of democratization. Rather, they appear to be the maximum concessions that the ruling family is willing to grant in response to internal demands and external pressures.

In 1992, Saudi Arabia continued to stifle the expression of views critical of its own on matters both secular and religious. During late 1991 and early 1992, scores of Islamist opponents were rounded up by the secret police after they criticized the government in mosque sermons, secret leaflets and clandestinely distributed audiocassettes. A number of Islamist leaders who publicly criticized the government were dismissed from their government jobs and banned from travel or from public speaking.

In July, a 47-page Memorandum of Advice signed by 109 Islamist intellectuals was distributed in the Kingdom, calling for reform of the public administration and increased accountability of government officials. The signers also sought greater autonomy for Islamic preachers, including freedom of expression, as well as an end to torture and arbitrary arrests and searches. Saudi authorities questioned and threatened a number of the signatories and attacked the banned memorandum in the official media. King Fahd also convened the Council of Senior Scholars which subsequently issued a

strong condemnation of the memorandum. The Council, in turn, was criticized by a number of the Kingdom's more independent clergy. Following the distribution of the Memorandum of Advice, more Islamists were formally banned from publicly speaking against the government and a number of them were suspended from their government jobs.

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, not allowing it to publish any critical views of government policies. A number of foreign publications were barred from the country in 1992 for publishing such views. In September, Khalil al-Fezai`, editor-in-chief of *al-Yaum* (Today), was dismissed by the Minister of Information, who is authorized under the press code to take such action without the necessity of a hearing. It was widely believed that his dismissal was prompted by his approval of articles perceived as critical of policies of Prince Muhammed ibn Fahd, the King's son, who is also the governor of the Eastern Province, where the newspaper is based.

During 1992, the royal family and its close associates expanded their influence over major regional and international news organizations. For example, the new owner of the international news agency United Press International is a brother-in-law of King Fahd, who also owns MBC, a London-based, worldwide satellite radio and television network. Such control, in addition to majority or controlling ownership in major dailies in the region, strengthens considerably the Saudi government's near monopoly over news reaching Saudi Arabia about the country and other subjects of interest to its rulers.

The long-standing Saudi policy of severely restricting access by foreign reporters to the Kingdom was reinstated during 1992 after a brief interlude before and after the Gulf War. Most applications by journalists from major U.S. and British television, radio and newspaper outlets were turned down. It thus remains difficult to follow events in Saudi Arabia except through government channels.

### **The Right to Monitor**

Since monitoring human rights violations is defined by the government as political activity, Saudi Arabian law and practice strictly prohibit such an undertaking. Saudi opposition political groups have had to work clandestinely inside the country or operate outside the Kingdom. A few affiliated human rights committees operate from Damascus, London, Tehran and the United States. Among these groups is the London-based International Committee for Human Rights in the Gulf and Arabian Peninsula. The Committee publishes occasional reports as well as *Arabia Monitor*, an English monthly started in 1992 and issued from Washington. Another affiliated magazine, *Al-Jazeera al-Arabia* (The Arabian Peninsula), an Arabic monthly issued in London, regularly publishes articles on human rights violations, especially those related to the Shi'a minority.

Following reports of the forced repatriation of close to 300 Iraqi refugees in December 1991, as well as violent clashes at the Rafha refugee camp in which a number of refugees were killed, Saudi Arabia permitted international organizations to expand their activities in the camps for Iraqi refugees. Since early 1992, the United Nations High Commissioner for Refugees and the International Committee of the Red Cross have made regular visits to both the Rafha and al-Artawiyya camps and have been closely involved in resettling refugees. The United States, Iran, Sweden and Finland have agreed to accept several thousand refugees from these camps in 1992 and 1993. The

United States has set a quota of 3,500 refugees for the two years.

Requests by Middle East Watch to visit Saudi Arabia, to interview refugees about conditions in Iraq and to take up issues on Saudi human rights practices with local authorities, went unanswered in 1992. Similarly, Saudi authorities have failed to respond to the numerous inquiries that Middle East Watch made during the year on specific incidents of human rights violations.

### **U.S. Policy**

The United States, by virtue of a long and intimate relationship with Saudi Arabia spanning over 50 years, has been in a position to help effect an improvement in the dismal human rights record. But the U.S. government has rarely criticized Saudi violations. Human rights principles appear to have been subordinated to strategic and economic interests, in the mistaken belief that promotion of human rights and participatory democracy in the Kingdom would have a deleterious effect on those interests.

The broad range of cooperation between the two countries is premised on a U.S. commitment to the defense of Saudi Arabia, a commitment demonstrated by the military campaign to reverse the Iraqi invasion of neighboring Kuwait. President Bush's original justification for dispatching U.S. troops to Saudi Arabia, in August 1990, was the perceived threat of an Iraqi invasion of the Kingdom. Post-war cooperation has involved extensive contacts between the two countries on future security arrangements in the Gulf, Saudi defense plans, the fate of the Iraqi government of Saddam Hussein, the Arab-Israeli peace process, and economic aid to the Commonwealth of Independent States.

The Bush administration has identified defense of the Arabian Peninsula a key determinant of U.S. policy in the Middle East. On September 11, Edward Djerejian, Assistant Secretary of State for Near Eastern and South Asian Affairs, told the National Association of Arab Americans:

America has two key sets of policy goals in the Near East. The first has to do with a lasting and comprehensive peace between Israel and her Arab neighbors; the second—the creation of viable security arrangements for our friends and allies on the Arabian Peninsula.

On October 1, in testimony before the U.S. House of Representatives, Secretary Djerejian explained further the purpose of these close ties. After outlining levels of cooperation with the six members of the Gulf Cooperation Council (GCC), which he praised as much closer than before the Gulf War, Secretary Djerejian said, "We have now concluded or renewed agreements with four of the GCC states and have excellent working arrangements with all of them....It is important to understand that the purpose of both arms sales and collective security measures are to deter threats to our shared interests, and to raise the threshold of future requirements for direct U.S. military actions."

Cooperation between the two governments has included bilateral security arrangements and the provision of advanced U.S. weapons in a package totaling \$14 billion for 1992-93. The U.S. military holds periodic joint exercises with Saudi forces, maintains an enhanced naval presence in the Persian Gulf, prepositions substantial materiel in the country, and has unrestricted access to Saudi facilities.

This close cooperation and the military alliance that is projected to last long into the future, was underscored by U.S. Rear Admiral Raynor A. K.

Taylor, who told *The Washington Post* in September: "We've got ships going into ports left and right. We've got ships and airplanes doing bilateral exercises left and right....Having to have a 90-day advance notice to go into Jiddah or Dammam, that doesn't exist anymore....The rapport and working relationships are a lot healthier."

On September 11, as part of this long-standing armament program, President Bush announced the sale of 72 F-15 fighter planes to Saudi Arabia. The \$9 billion deal, which includes 48 modified F-15E Strike Eagles—planes that have never before been exported—came despite the President's 1991 initiative promising to curb the flow of arms to the Middle East.

Considering this special relationship between the two countries and the enormous goodwill the Saudi government has towards the United States, it is remarkable that the Bush administration did not utilize its leverage to bring about a significant change in the Saudi human rights record. A sustained engagement with the Saudi government aimed at improving this record would enhance the U.S. position in the country, especially among members of the nascent reform movement. In Middle East Watch's judgement, such engagement would probably strengthen, rather than weaken, the special relationship between the two countries, particularly in the long run.

As in previous years, U.S. officials refrained in 1992 from voicing public criticism of Saudi human rights violations, some of which were catalogued, in some detail, in the State Department's *Country Reports on Human Rights Practices for 1991*. Even when victims of abuse are American citizens, U.S. officials have shied away from publicly criticizing Saudi human rights practices.

The U.S. embassy has complained occasionally that Saudi authorities rarely notify it of the arrest of American citizens. According to State Department officials interviewed by Middle East Watch in September 1992, Saudi Arabia still declines to sign a standard bilateral consular agreement to allow for immediate access to American detainees, even though U.S. regulations provide Saudi consular officers with immediate access to Saudi detainees in U.S. jails.

During 1992, the Bush Administration continued its efforts to prevent Scott Nelson, an American safety engineer who had worked at a Saudi government-owned hospital, from obtaining civil damages in U.S. courts for unlawful detention and torture he suffered while in Saudi Arabia. Following a call for help contained in a letter from Prince Bandar ibn Sultan, the Bush administration filed an *amicus curiae* brief with the U.S. Supreme Court supporting the Saudi position that U.S. courts have no jurisdiction in the case under the Foreign Sovereign Immunities Act of 1976 (FSIA). Despite the duty under international law to provide remedies to torture victims, the administration adopted a cramped reading of the FSIA provisions that a lower appellate court had found allowed Nelson's suit.

The Administration also lobbied members of the House Judiciary Committee to stymie efforts to amend the FSIA. In May 1991, an amendment to the law was introduced in the House of Representatives that would have made explicitly clear that American victims of torture and the family of victims of extrajudicial killings abroad are entitled to a civil remedy in U.S. courts. Despite the administration's opposition, the amendment was adopted by the House Judiciary Committee on September 23, 1992, although it ultimately never reached the House floor.

U.S. officials went out of their way to praise the establishment of an appointed Consultative Council and the adoption of the Basic Law of



Government—actions that merely expanded royal authority, and outlawed democracy and elections as Western imports not suitable for Saudi citizens. Secretary Djerejian told a House subcommittee in March that, following the adoption of the laws, President Bush wrote to King Fahd "to commend his initiative." Secretary Djerejian also described the laws as "a very important statement on expanding the participation of the citizens in the Saudi governmental structure and processes." The U.S. government, the Secretary added, had welcomed "King Fahd's decision to establish a consultative council...and his reaffirmation of limits on governmental interference in citizens' private lives, in accordance with Saudi religion and tradition." He also asserted that "rights of Saudi citizens are enumerated" in the new laws.

This praise was jarring in light of the statement by King Fahd that: "The democratic system that is predominant in the world is not a suitable system for the peoples of our region. Our peoples' makeup and unique qualities are different from those of the rest of the world....The system of free elections is not suitable to our country....In my view, Western democracies may be suitable in their own countries but they do not suit other countries." Secretary Djerejian, while noting without criticizing that the Consultative Council would not be an elected body, suggested in congressional testimony that in evaluating the Saudi laws "you have to remember the environment in the Arab world" and "Saudi religion and tradition." This relativism stood in sharp contrast to U.S. claims of support elsewhere of "genuine periodic elections."

#### **The Work of Middle East Watch**

In 1992, Middle East Watch continued its close monitoring of human rights developments in the Kingdom. It also continued its attempts to engage the government formally in a dialogue on human rights matters. On a number of occasions during the year, Middle East Watch communicated with both the Saudi and U.S. governments over a number of developments, seeking clarifications or providing criticisms. Middle East Watch's requests to send a mission to the Kingdom have yet to be answered.

In May, Middle East Watch issued *Empty Reforms: Saudi Arabia's New Basic Laws*, a 65-page report on the constitutional changes announced by King Fahd on March 1. The report demonstrated that the laws introduced by Saudi Arabia do not provide recognition or protection of human rights. The report also pointed out that in some key areas, such as elections and the mandate of the Consultative Council, the announced changes were a step backwards.

In September, Human Rights Watch filed a brief with the U.S. Supreme Court as *amicus curiae* in support of Scott Nelson, an American worker who is suing the government of Saudi Arabia for torture and arbitrary arrest during his employment with a Saudi government agency. The Bush administration filed a brief with the court supporting the Saudi government's contention that U.S. courts lack jurisdiction under the 1976 Foreign Sovereign Immunities Act (FSIA). In 1991, Nelson had won an appeals court ruling that U.S. courts have jurisdiction under the "commercial activities" exception to FSIA. Human Rights Watch argued that the appeal court judgement was correct because torture and arbitrary detention are routinely used in Saudi Arabia to resolve commercial disputes involving Saudi government interests.

Also in September, in testimony before the House Foreign Affairs Subcommittee on Europe and the Middle East and the Subcommittee on International Organizations, Middle East Watch briefed the two subcommittees on conditions in Saudi Arabia. It urged the U.S. government to use its good offices to improve Saudi Arabia's observance of internationally recognized

human rights.

## **SYRIA**

### **Human Rights Developments**

The unprecedented pardon in late 1991 of some 3,500 long-term detainees prompted hopes that all political detainees might soon be released in Syria. As 1991 came to a close, the government of President Hafez al-Asad also dangled the promise of wider political participation. Neither promise was fulfilled through November 1992. Only one amnesty had been announced, in April, and that was limited to those convicted of economic crimes and to other detainees over 70 years old.

The government made no moves toward greater democratization. And the narrowing of the scope of martial law regulations begun in 1990 and 1991 was not continued. Membership in ten of 12 opposition parties remained a security crime under martial law; direct criticism of the ruling Ba`th Party continued to be prohibited to the two other, legal parties. Despite the fact that 84 independents won seats in the 250-seat People's Assembly elected in 1990, this body could display no independence from the Ba`th.

The Ba`th Party Congress, a legislative body with greater power to set policy than the Assembly, was expected to discuss democratization of the unions and other political reforms in 1992. However, despite officially inspired expectations, the body had still not been convened by the President through November. The Congress has not been convened since 1986.

Executive power remained unchallenged and virtually unlimited in scope. Real power remains in the hands of Asad. In a December 1991 referendum in which he was the only candidate, he was confirmed for a fourth seven-year term as president, with a declared 99.98 percent of the popular vote.

Meanwhile, most civil and political rights remained suspended under the 30-year-old State of Emergency Law. The law was initially imposed to prevent a counter-coup soon after Asad's faction seized power from the previous regime. Its retention was later justified as a necessary response to the state of war with Israel. In statements in July 1992 to the U.N. Commission on Human Rights in Geneva, Syrian officials continued to argue that the State of Emergency Law was necessary because of continuing conflict with Israel. However, since its enactment and still in 1992, the law has been used largely against Syrian political opposition groups—not one of which posed a military threat during the year.

The law authorizes sweeping powers of censorship and the preventive arrest and administrative detention of individuals for vaguely defined reasons of "state security." Some 4,400 individuals are believed to remain in detention on state security grounds at the end of 1992. The vast majority of these detainees had been arrested for suspected involvement with banned political parties, some of which advocate violent opposition. However, lists of current detainees collected by Middle East Watch include many non-violent dissidents, including 114 members of medical and engineering associations arrested in 1980 for their peaceful advocacy of democratic reforms. As in past years, the Syrian government failed in 1992 to respond to requests for information about its political detainees from relatives or human rights organizations.

The 1991-92 releases—confirmed in early 1992, by relatives and by opposition parties in exile monitoring their members in detention—included

roughly 1,800 who had been arrested between 1980 and 1982 for suspected membership in the banned Muslim Brotherhood. The remaining 1,700 people released were suspected of advocating democratic reform or membership in other illegal parties or out-of-favor factions. They included members or suspected members of the Party of Communist Action; the Communist Party-Political Bureau; the Arab Socialist Democratic Ba`th Party; Ba`thists loyal to Iraq or to Salah Jadid, the leader of a Ba`th Party faction who has been in detention since 1970; political independents; and members of professional associations who had campaigned in 1980 for democratic reforms. Leaders of opposition parties, with few exceptions, remained in detention.

But even as the government was releasing some, its security forces were detaining others. In the first ten months of 1992, Middle East Watch received reports documenting more than 250 politically motivated arrests. The Committees for the Defense of Democratic Freedoms and Human Rights in Syria (CDF), the leading Syrian human rights group, reported that an additional 1,250 individuals were detained for questioning about their political activities between January and mid-July, most for short periods; 40 were believed still detained at the end of November, 16 of whom were reportedly facing trial before the State Security Court. Those arrested in 1992 included human rights activists as well as their families and friends, Lebanese citizens suspected of loyalty to the pro-Iraqi Ba`thist faction, and alleged members of two illegal communist factions.

Arrests continued to follow the patterns set in past years. Detainees were arrested without warrant and held incommunicado during an interrogation period ranging from a few days to a few months.

Torture of political detainees during the incommunicado interrogation period also continued. In the weeks following their arrest, in mid-December 1991, two human rights activists, `Afif Mezher and Aktham Nu`aissa, were bound, suspended by the wrists, and beaten with extension cords during interrogation at the Military Interrogation Branch in Damascus. Nu`aissa was already suffering from a chronic ailment attributed to a previous spell of imprisonment in 1982.

As in the past, families of those arrested in 1992 were not officially informed of the place of detention or the reason for the arrest. Even when the family was able to confirm the place of detention independently, there was no guarantee of access. Several relatives reported being unable to visit their kin in detention in Damascus. Others reported that their visits were inexplicably halted in mid-year.

The Asad government continued to conceal information about prisons and detainees in 1992. Middle East Watch learned of numerous cases in which the government obstructed families in their private search for official confirmation of the whereabouts or condition of detained relatives. Relatives of current detainees or disappeared individuals told Middle East Watch that they had been harassed and even detained for short periods in 1992 while pursuing information about detained relatives.

In one case, the writer Salama George Kila, a Palestinian born in the West Bank, was arrested on March 12 by Political Security forces in Damascus. After several weeks, he was transferred to Adra Civil Prison. While his family was able to visit him initially, visits were terminated in June. Officials told the family that Kila was facing a State Security Court trial, but could not tell family members when the trial was to begin or what charges Kila was facing. As of November, he was still without access to his lawyer or family. There was no word of his whereabouts or condition.

Suspected members of the Party for Communist Action (PCA) were targeted in waves of arrest in the early months of 1992. Two physicians, Muhammad Ghanim and `Abd al-`Aziz al-Khayyir were among those arrested in January and February. Both were held incommunicado at the Military Interrogation Branch in Damascus following their arrest, and later were believed transferred to Saydnaya Prison prior to trial before the State Security Court. Rozette 'Isa was also detained for suspected membership in the PCA; her husband, Akram al-Bunni, had been previously arrested and remained in detention on similar grounds. The folk singer, Turki Muqdad, was arrested in Latheqiyya (Latakia) in March, reportedly because of his friendship with individuals believed by authorities to be members of the PCA.

Others arrested on political grounds in 1992 included suspected members and relatives of suspected members of banned Ba`thist and Nasserist factions, as well as the illegal human rights group CDF. Marwan Ghazi, for example, was one reportedly arrested because of a suspected association with the Nasserist Democratic Popular Organization.

Some were detained for reasons that remain unclear. Two poets, members of the official Writers Union, were arrested at the end of August. One was released after two weeks; the other, Hussam al-Din Kurdi, remained in incommunicado detention. A relative claimed the arrests followed the publication of their writings in the Lebanese press. Although freer than the Syrian press, the Lebanese media is under indirect Syrian government control. Fourteen other writers remained in detention, including Khalil Brayez, seized in 1970, in Lebanon. He was reportedly being held in the military wing of al-Mezze Prison in Damascus.

Syrian security forces continued the practice of arresting suspects in Lebanon, sometimes in coordination with the Lebanese Army and police, and later transferring them, via the Beqa` Valley, to detention centers in Damascus. Six of seven Lebanese known to have been abducted by Syrian forces in Beirut remained in incommunicado detention in late 1992. One of them, a Lebanese Palestinian, `Abd al-Rahman Mahmud Nisar, a traveling salesman who supported a family of seven, was reportedly abducted on suspicion of sympathizing with the pro-Iraq wing of the Syrian Ba`th Party.

In some cases, family members were detained when authorities were unable to apprehend a political suspect. In one case in January, Dr. Akram Salim Ishty, a physician and university lecturer at the American University in Beirut, was abducted from Beirut, apparently to compel his brother to turn himself in to Syrian authorities. The brother was reportedly wanted for membership in the pro-Iraq wing of the Ba`th. Ishty was reportedly being held in Saydnaya Prison, north of Damascus, without access to his family or attorney.

Abandoning a long-standing practice of ignoring any form of judicial process, the government in 1992 turned many political detainees over to the State Security Court for trial. This was not an unqualified step forward. Laws constituting this Court severely weaken its political independence; the court is not subject to judicial oversight, and appeals are prohibited. Under the regulations, the chief prosecutor can ignore all normal courtroom procedures, creating a situation in which the right of the accused to defend himself is subject to the whim of the presiding judge. Through this procedure, a patina of legality and justice can be given to a patently illegal detention, often many years after the defendant's arrest.

In the first such proceedings, on February 22, 1992, the Syrian government put 17 Syrian human rights monitors on trial on charges of violating state security laws. Fourteen were sentenced to between three and

ten years in prison with hard labor; four of these were later released. For the first time ever, the State Security Court trial was observed by a delegate from an international human rights organization, the International Commission of Jurists, who condemned the proceedings as falling far short of international standards. Defense attorneys were not permitted to meet with their clients prior to the proceedings or to introduce evidence on their behalf. Allegations of torture of three of the defendants were ignored by the court.

Six months later, in proceedings unmatched in scale since 1971, the Syrian government quietly restarted State Security Court trials, this time against an estimated 600 political detainees. Those facing trial included at least 150 suspected members of banned Communist factions. Some of them had already been held without formal charges for up to 12 years. Trials began on August 27, but through the end of November, no verdicts had been delivered. The trials were viewed by some as a response to international pressure; however, the government gave no public rationale for taking this step.

Defendants were charged under security laws that criminalize the peaceful exercise of internationally accepted rights to free association, expression and political opinion. The prosecution reportedly asked defendants just three questions: whether they were a member of a banned party; whether they had participated in the dissemination of party literature; and whether they agreed with the political line of the party. The prosecution rested its case if the defendant answered in the affirmative to any of those questions. Defense lawyers reported to Middle East Watch that the presiding judge decided to admit as evidence confessions allegedly extracted under torture.

Those undergoing trial included the lawyer Riad al-Turk, the head of the Communist Party-Political Bureau, who has been tortured and hospitalized several times since his arrest in 1980. Detainees released in early 1992 said he continued to be held in incommunicado solitary confinement in a basement cell in the Military Interrogation Branch in Damascus. He reportedly was still being held there during his trial. Al-Turk has not been seen by his family or any other outsiders since his arrest.

Although Syria's overall human rights record in 1992 was disappointing, there was some encouraging news. Seven political prisoners were released following international appeals on their behalf: four human rights activists convicted in the February State Security Court trials, and three detainees held without charges for 22 years. The three long-term detainees—Dr. Nour al-Din Atassi, president of the former regime deposed by Asad's supporters; Muhammad Rabah al-Tawil, former minister of interior; and Yousef al-Burji, former Ba`th leader—all reportedly suffered from serious health problems. As of the end of November, the government had denied an exit visa to Atassi, who was reportedly in critical condition, to seek medical treatment abroad.

There were also improvements in the treatment of the Jewish minority. The last two Jewish detainees being held for attempting to leave the country illegally, Jacob and Eli Swed, were released in early 1992. On April 28, in a widely publicized gesture, Farouq al-Shar`, Syria's Foreign Minister indicated the government would relax travel restrictions for the country's 3,800-member Jewish community. For years, the U.S. State Department had been putting diplomatic pressure on the Syrian government to halt its repression of the community, which had included bans on entire families leaving the country together. Hundreds of Syrian Jews took advantage of the new freedom to visit or emigrate to the United States.

However, minorities expressing any overtly political aims continued to

be targeted for arrest. The arrest in March of Ahmad Hassu, a Syrian Kurdish writer, was apparently related to his Kurdish nationalism. He was believed to have been detained for his involvement in a demonstration held in 1986, on the occasion of the Kurdish new year. There were also reliable reports that during the first three weeks of November, scores of supporters of the United Kurdish Party had been arrested for their political activity.

### **The Right to Monitor**

Human rights activism is not permitted inside Syria. When such activity is discovered, it is punished severely. In February 1992, the State Security Court tried 17 suspected members of the independent human rights group in Syria, the Committees for the Defense of Democratic Freedoms and Human Rights in Syria. Their clandestinely circulated protests against the manner in which President Asad was re-elected were deemed violations of state security laws. Fourteen were convicted and sentenced to prison terms ranging from three to ten years, with hard labor. The group had been peacefully advocating the release of long-term prisoners and democratic reforms.

As in the past, the government has failed to acknowledge repeated appeals and information requests about state security detainees. Middle East Watch is not aware of a single instance where the Syrian government has authorized a visit by international organizations to investigate human rights conditions in the country, despite many requests. Information from within the country thus has to be gathered clandestinely, at risk to the researcher and the sources.

### **U.S. Policy**

The Bush administration's policy towards Syria in 1992 appeared to be driven by sometimes competing interests: encouraging Syria's engagement in multilateral peace negotiations with Israel, and stamping out international terrorism. However, there was little evidence that the administration attempted to engage the Asad government—one of the region's worst rights abusers—in a serious dialogue about its rights record.

While Middle East Watch welcomed the administration's longstanding efforts to secure the rights of the Jewish community to travel abroad and to emigrate, it is unaware of any comparable effort to urge Syria to ease repression of all Syrian citizens. Discussion of human rights issues, with the exception of the situation of Syria's Jewish population, remained primarily a matter for private, diplomatic channels. In an overview of U.S. policy toward the Middle East, given in testimony on October 1 to the House Foreign Affairs Subcommittee on Europe and the Middle East, Assistant Secretary of State for Near Eastern and South Asian Affairs Edward Djerejian made no reference to Syria's human rights record at home or the conduct of its occupation forces in Lebanon. The contrast with Iraq, to which the U.S. official, a former ambassador to Damascus, devoted much time and harsh language, was striking.

The U.S. in its criticism of Syria continued to focus primarily on the problem of terrorism. In April, the State Department's annual report on terrorism worldwide listed Syria as one of six nations that continued to sponsor terrorism.

For the first time, the U.S. government also took a more critical stand on Syrian violations of international workers' rights, specifically noting the problem of restrictions on free association of workers. President Bush announced on June 15 that Syria would be dropped from the list of countries receiving preferential General System of Preferences (GSP) tariff benefits

because of violations of workers rights. The decision came following the fifth straight year in which the AFL-CIO had petitioned the U.S. Trade Representative to get Syria dropped from the GSP program, which gives 137 developing countries duty-free access to the United States for certain goods. Syria joined four other countries for which all GSP benefits are suspended: Burma, Liberia, Sudan and Yugoslavia. A U.S. Trade Department official said the administration was particularly disturbed that Syrian workers did not have the right to form independent trade unions and that the Federation of Trade Unions, "a government organization, controls trade unions *ipso facto* or by law."

The decision will have limited economic impact, since Syria's exports specifically covered by the GSP are minuscule and the country continues to enjoy Most Favored Nation trade status. Syria exported just \$225,000 worth of products to the U.S. in 1991 under the GSP scheme. Such exports will, in the future, be subject to customs duties of around five percent of their value.

A Syrian official source quoted in the London-based Arabic daily *al-Hayat* said the Labor Ministry had received messages from American trade unions protesting Syria's failure to uphold trade union freedoms and workers' rights to collective bargaining. The Labor Ministry had responded by explaining that Syrian labor laws "guarantee the freedom to engage in trade union activity."

Syria receives no official aid from the U.S. On the other hand, it is actively seeking international economic assistance from the European Community and from multilateral financial institutions such as the World Bank where the U.S. government has a strong voice.

Middle East Watch was disappointed that the administration failed to utilize fully its position of increased influence with the Asad government, resulting both from the end of the Cold War and the *de facto* military alliance between the two countries in the Gulf War, to press for human rights reforms.

### **The Work of Middle East Watch**

Middle East Watch closely monitors the human rights situation in Syria, through a variety of sources including political groups in exile and the CDF. It regularly communicates with Congress and the State Department on cases in which intervention or international pressure is urgently needed.

In March, Middle East Watch released a newsletter, entitled "Syria: Human Rights Workers on Trial," documenting the government's decision to put suspected supporters of the CDF on trial before the State Security Court. In April, it issued an update, criticizing the court for its failure to observe normal judicial procedures. Following news of additional trials in August, the organization appealed to the Asad government to permit international observers to attend the state security court trials; regrettably, no response was received.

In May, Middle East Watch appealed to President Asad to release former president Dr. Nour al-Din al-Atassi, whose health was deteriorating, and his associates, who have been in prison for 22 years.

Middle East Watch conducted a mission to the region in July and August to collect updated information on conditions of detention and the denial of due process. In October, it submitted its findings to the Asad government for comment, but no response was received. On November 1, a 64-page report entitled *Throwing Away the Key: Indefinite Political Detention in Syria* was released. Simultaneously, the organization appealed for a halt to the ongoing State Security Court proceedings.

In 1992, Human Rights Watch chose Attorney Aktham Nu'aissa, a CDF leader, as one of 12 international rights monitors to be honored at its annual

human rights week event. It unsuccessfully appealed to the Asad government and to the Saydnaya Prison director for his release to attend the event.

## **TUNISIA**

### **Human Rights Developments**

For the third consecutive year, the human rights picture in Tunisia was dominated by the crackdown on the main opposition movement, the Islamist Nahdha (Renaissance) party. The political reforms that President Zine al-Abidine Ben Ali introduced with much fanfare after ousting Habib Bourguiba in 1987 have been eviscerated by the crackdown.

The dominant human rights event of 1992 was the trial of 279 suspected Nahdha members who had been arrested in 1990 and 1991. They were accused of plotting to overthrow the government and assassinate the president, in order to establish an Islamic republic. The trial, which took place in two military courts in July and August, was reminiscent of the mass trials of Islamists that took place in 1981 and 1987. As in the past, most of the defendants in the 1992 case were convicted: 46 received life sentences, and another 219 were condemned to between one and 24 years in prison.

The number of Islamists currently in prison is not known. In October 1992, Amnesty International stated that more than 9,000 Islamists had been detained at some point over the prior two years.

The government claims that an-Nahdha is an extremist group, willing to use violence to install a repressive theocracy. An-Nahdha, by contrast, says it is committed to using only democratic, nonviolent means to achieve a tolerant Islamic state. However, in recent years, Nahdha's leadership failed to condemn unconditionally acts of violence and intimidation committed by Islamists. For example, the party's leaders denied authorizing a fatal arson attack by members against a branch office of the ruling party in 1991, but called it an understandable response to state repression. Nahdha supporters were also implicated in numerous incidents of violence on campuses in 1991.

While cracking down on an-Nahdha, the government kept a tight grip on civil society and opposition politics. The independent press has been pressured into greater self-censorship, and the Tunisian League for Human Rights temporarily dissolved itself rather than submit to a repressive new law of associations. The parliament remains the exclusive domain of the ruling Constitutional Democratic Rally since opposition parties boycotted elections in 1989.

The issue of torture figured prominently in the Nahdha trial, where most of the defendants attempted to persuade the court to throw out their confessions to the police on the grounds that these had been extracted through torture. Without the confessions, the prosecution's evidence of an insurrectional plot by an-Nahdha would have been flimsy.

Torture was also raised in a major report by Amnesty International that described "systematic" abuses in police and National Guard stations and in the Ministry of Interior headquarters in Tunis. Amnesty documented several deaths in detention in 1991 that were apparently due to torture and found that the evidence that "violations are condoned at the highest level is compelling."

The testimony of the defendants in the 1992 Nahdha trial corroborated Amnesty's finding that torture frequently occurs when suspects are held in incommunicado detention beyond the ten-day legal limit. Both identified the authorities' falsification of the date of arrest as a stratagem that facilitates such abuse. By logging a date of arrest that is later than the



actual date, authorities disguise the fact that suspects are being held incommunicado beyond the legal limit. By the time that detainees are brought before a judge, any physical sign of abuse is likely to have faded. The government's denial that arrest dates are falsified is not credible; some of the disputed arrests have occurred in the presence of witnesses who confirmed the actual dates they occurred.

In the 1992 trials, the military courts ruled that the confessions of the Nahdha defendants were admissible. This decision came after court-ordered medical exams of more than 100 defendants who claimed to have been tortured were said to have turned up no evidence of torture. However, the medical examinations were highly inadequate. Since much of the alleged abuse had been inflicted more than nine months earlier, only forensic specialists trained in detecting the sequelae of torture could have detected signs of mistreatment from so long before. By failing to assign such specialists to conduct the examinations, the court helped to reinforce a system in which torture is both practiced and tolerated.

The Nahdha trial exhibited other irregularities that denied the defendants their right to a fair trial. Defense lawyers were not given timely and complete access to case dossiers. The trial was assigned to a military court even though only a minority of the defendants were army personnel and none of the major charges was a violation of the Code of Military Justice. Public access to the courtroom was sharply restricted, although journalists and international observers were permitted to attend without interpreters.

One of the charges on which nearly all the defendants were convicted was membership in an illegal organization. The government has refused to recognize Tunisia's main Islamist movement, which currently calls itself an-Nahda, since it first applied for recognition in 1981. The most recent grounds for the government's refusal has been the 1988 law on political parties, which forbids parties based on religion. Middle East Watch views this law as a violation of the right of free association.

Middle East Watch takes the same view toward amendments to the law of association that were promulgated in 1992. The amendments bar individuals from simultaneously holding a leadership position in an association and a political party, and prohibit organizations from refusing membership to any person who claims to accept its principles and decisions. Rather than comply with these amendments, which intrude on an association's autonomy to choose members and office-holders, the 15-year-old Tunisian League for Human Rights dissolved itself in June. In late October, after negotiations with the government, League members met to consider replacing office-holders to comply with the new law, but failed to approve such a move.

The League had come under government pressure before its dissolution. Most of the government-controlled and government-influenced media refused to cover its communiqués. In January, police interrogated Moncef Marzouqi, the League's president, for more than two hours about remarks he had made to the foreign press about human rights abuses in Tunisia.

The extent of press self-censorship in Tunisia was sadly evident during the Nahdha trial. Newspapers issued by the government or the ruling party ran stories that resembled prosecution summations of the proceedings. The independent press was somewhat more balanced, publishing excerpts from the trial but selecting them in a manner that played down the allegations of torture.

Although seizures and suspensions of periodicals dropped off in 1992, the decline seemed to have less to do with greater tolerance than with the inculcation of self-censorship. The prosecution of several journalists, often

for "defaming" state institutions, added to the chilling effect. The broadly defined defamation statutes criminalize any public allegation or imputation attacking the honor or reputation of a person. Proving the statement's truth cannot be used as a defense when the defamation concerns the president or a government minister.

Most recently, Omar S'Habou, director of the weekly *Le Maghreb*, was given a ten-month sentence for defamation and spreading false information for writing that the minister of transportation had favored one automobile import firm over another. S'Habou was amnestied in July, near the end of his sentence.

As human rights practices have deteriorated in Tunisia, the government has grown increasingly vocal in defending its record. In speeches by the president and cabinet ministers, in publications, and in public relations efforts abroad, the government has proclaimed its adherence to international standards, allowed observers to attend the Nahdha trial, and consistently issued long rebuttals to criticisms by human rights organizations.

Partly in response to criticism from Amnesty International, President Ben Ali appointed a commission to investigate human rights abuses in 1991. After submitting an initial report to the government without making all of its findings public, the commission released a second, wholly public report in July 1992 which marked a step forward in acknowledging that abuses of detainees were more than an isolated phenomenon. Avoiding the word "torture," the report said that, over an unspecified period, 116 police officers had been implicated in 105 cases of "bad treatment." However, the value of this admission was undermined by the report's generally upbeat tone and its failure to provide details about the cases.

During the Nahdha trial, officials assured visitors that once the trial was over, the government would again seize the initiative in promoting human rights. The implication was that eliminating the Islamist "threat" would make Tunisia safe for human rights and political pluralism. But unless dramatic new steps are taken in these directions, the trial, with all of its irregularities and allegations of confessions extracted through torture, will seem less like a brief detour from the path of reform than a confirmation that the repressive ways of former President Bourguiba have fully returned.

### **The Right to Monitor**

The Tunisian League for Human Rights, the country's only independent human rights group, decided to dissolve itself in June after 15 years rather than submit to an intrusive new law of associations. As described above, it had been subject to growing pressures prior to taking this step. In October 1992, League members met to debate complying with the new law, but failed to agree on this course of action.

Foreign human rights groups are generally permitted to enter and travel around Tunisia. Several groups, including Middle East Watch, sent observers to attend the Nahdha trial. The main obstacle to their work was the fear felt by many potential sources about reprisals for speaking to a human rights group. As the New York-based Lawyers Committee for Human Rights reported, following a June visit, this fear is generated by the ubiquitous plainclothes police force that monitors phone calls, keeps watch on opposition figures, and trails visiting human rights delegations and journalists. The fear is reinforced by the government's use of laws on defamation to interrogate and sometimes prosecute Tunisians who criticize the government to foreign and local media (see above).

In February, authorities confiscated copies of an Amnesty International

report from shops and the office of the Tunis section of Amnesty. The Ministry of Interior said later that the branch had disregarded the legal procedures for obtaining authorization to distribute the publication.

### **U.S. Policy**

The Bush administration was clearly disturbed by the human rights implications of Tunisia's crackdown on the Islamist movement, and by its retreat from the initial commitment of the Ben Ali government to promote human rights and political pluralism. To date, however, the modest aid that the U.S. sends to Tunisia has not been jeopardized on human rights grounds. Tunisia received about \$24 million in fiscal year 1992, and was slated to receive \$26 million in fiscal year 1993.

U.S. disapproval came through in the frank and critical assessment of Tunisia in the State Department's *Country Reports on Human Rights Practices in 1991*, issued in January 1992, as well as in a few public actions by State Department officials in 1992. The *Country Reports* noted, for example, that given the restrictions on political activity, "the ability of citizens in Tunisia to change their government through democratic means has yet to be demonstrated."

Responding to questions from the House Foreign Relations Committee in February, Assistant Secretary for Human Rights and Humanitarian Affairs Richard Schifter stated, "There are credible reports that at least 11 Islamists have died under suspicious circumstances while in detention....We are conducting a frank and active dialogue with the Tunisian Government to address human rights problems...."

That dialogue is conducted largely in private. Secretary Schifter visited Tunisia in February and was received by President Ben Ali. He also took the laudable step of meeting with the president of the Tunisian League for Human Rights, Moncef Marzouqi, only a couple of weeks after Marzouqi had been held for questioning by the police. In a visit two months later, Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs Lincoln Bloomfield also met with representatives of the League, shortly after the parliament had passed a law that the League denounced as a threat to its independence.

However, neither Schifter nor Bloomfield, nor Assistant Secretary of State for Near Eastern and South Asian Affairs Edward Djerejian, who was in Tunis in July, used the occasions of their visits to voice publicly U.S. concerns about human rights. Djerejian even went so far as to tell a journalist upon his departure from Tunisia on July 10 that on human rights, "Tunisia was making progress."

This comment was unfortunate, coming on the second day of the Nahdha trials. However, the U.S. administration did demonstrate its concern about the fairness of those proceedings by dispatching a political officer from the embassy to observe the trials during July and August. The observer was the only diplomat from any embassy to attend the trial on a daily basis. Her presence, however, did not lead to any public reaction to the trial by U.S. officials.

### **The Work of Middle East Watch**

Middle East Watch's program on Tunisia is intended to highlight the growing human rights violations that have accompanied the crackdown on Islamists, and to pressure the government, which is unusually sensitive about its image on human rights, to curtail the abuses. During 1992, Middle East Watch raised its concerns in meetings with Tunisia's Justice Minister, Foreign Minister [Ken:

is this who you and Andrew met? I don't have the notes.], and other officials.

In July, Middle East Watch dispatched an observer to Tunisia to attend the mass trial of Nahdha activists. The observer also represented the Washington-based International Human Rights Law Group.

The two organizations issued two statements during the trials urging that they be halted until important irregularities were addressed. In October, the two groups published a lengthy report analyzing the violations of basic due-process norms that had made the trial fundamentally unfair.

In February, Middle East Watch sent a letter to President Ben Ali protesting the interrogation of Moncef al-Marzouqi, president of the Tunisian League for Human Rights. Middle East Watch also issued protests against the restrictive new amendment to the law of associations, both after it was adopted and when the League dissolved itself rather than comply with it.

## **YEMEN**

### **Human Rights Developments**

Yemen, the most impoverished country on the Arabian peninsula, has embarked on a process of political liberalization, albeit with mixed results. The process was triggered by the May 1990 agreement that unified the formerly hostile states of North Yemen (the Yemen Arab Republic, or YAR) and South Yemen (the People's Democratic Republic of Yemen, or PDRY). In each state, the ruling party had not allowed multiparty politics since its assumption of power, in 1962 in the YAR and in 1967 in the PDRY. Past rights violations included arbitrary and incommunicado detention, unfair trials, abuse of prisoners and detainees, and restrictions on freedom of speech and assembly.

The transitional government, a coalition of the two former ruling parties that was formed with unification, has eased the patterns of state-sponsored repression that had been common in both nations. Most Yemenis formerly living in exile returned to the country, and general amnesties freed many, but not all, of the political prisoners. In 1992, institutions of civil society continued to develop, as political parties openly participated in the system and scores of opposition newspapers and magazines flourished. At the same time, the climate was marred by incidents of political violence by unidentified forces.

The country's first parliamentary election since unification was scheduled to be held by November 22, and would have represented the first legislative contest on the Arabian peninsula based on universal suffrage and competition between political parties. Although parliament's power does not equal that granted by the constitution to the five-member Presidential Council, the election was viewed as significant as a forum for legitimizing the expansion of civil society in Yemen. But on November 14, the Presidential Council announced that the election would be postponed until April 27, 1993, thus extending the life of the transitional government beyond that envisaged at unification. The government's explanation for the move, which caused an outcry by some opposition political parties, was that the 17-member multiparty Supreme Elections Committee—whose chair is a member of the Presidential Council—had been unable to complete the tasks assigned to it in preparation for the election.

Loosened restrictions on freedom of expression and association since unification has yielded some 160 newspapers and magazines. Over 40 political parties operated freely, although most of them were small and distinguished more by personal conflicts among their leaders than by substantial variations

in agendas. However, new laws governing the press and other media (issued in 1990), and political and other associations (1991), contain vaguely worded provisions giving the government the power to clamp down again on civil society if it wishes.

Although opposition publications openly criticize the government, some issues remained off-limits, such as criticism of the president. The press law stipulates that journalists, editors and publishing houses must refrain from any statement that might "criticize the person of the head of state, or to attribute to him declarations or pictures unless the declarations were made or the picture taken during a public speech." The law stipulates that "[t]hese provisions do not necessarily apply to constructive criticism," without defining the term. In September, Minister of Information Muhammed Ahmed Jerhoum told Middle East Watch that his office had tried to stop a publication from attacking Egyptian President Hosni Mubarak and the government of Saudi Arabia. He explained that the ban on criticism of the Yemeni head of state also applied to leaders of other countries, in effect making press comment on Yemen's foreign policy hostage to the considerations of the government of the day. A Western diplomat told Middle East Watch that comment on the government's stance regarding the 1990-1991 Gulf crisis remained beyond the limits of permissible discussion.

Yemen's political parties functioned during 1992 without formal legal status, despite the 1991 political parties law which provided for the licensing of parties and an appeals process against adverse administrative decisions. The commission assigned by the law to vet political parties was unable to process applications for licenses because of the resignation of its chair, who nonetheless continued to serve as the Minister of State for Parliamentary Affairs. One possible reason why the government dragged its feet in implementing the law was its potentially substantial effect on Yemen's political scene. The law prohibits any member of the judiciary, police, military or diplomatic corps from participating in a political party. In 1992, several opposition figures called for ruling party leaders in the transitional government with military rank, such as Yemen's president, Lieutenant General Ali Abdullah Saleh, to resign in keeping with the law.

Shortly after Yemeni voters approved the unification constitution in 1990, a series of unexplained armed attacks on political figures began to mar the path to peaceful elections. Until September 1992, most of the violence was directed at members of the Yemeni Socialist Party and other political parties of the left, suggesting to some that northern conservatives perhaps were responsible. But, in late September, members of President Saleh's General People's Congress (the ruling party of the former YAR) also were targeted by unknown assailants.

For most of 1992, the government refused to acknowledge any pattern to the attacks and did not characterize the incidents as politically motivated violence. This stance changed in October, when President Saleh announced that arrests had been made, and that the assailants—still unidentified—intended "to sow suspicion and create a crisis of confidence....[P]erhaps their aim was also to prevent the general elections from being held by disrupting security." Political violence has precedence in recent Yemeni history, and many citizens have voiced concern about the prospects of its return. The attacks contributed to a climate of uncertainty amid the broadly positive developments that have marked the post-unification transition period.

## **The Right To Monitor**

The Yemeni government permits international human rights groups to visit the country and monitor conditions, and allows local rights advocates, such as the Yemeni chapter of the regionwide Arab Organization for Human Rights, to operate and publicize concerns. While the International Committee of the Red Cross (ICRC) has monitored the YAR's detention centers for many years, it gained access to the prisons of the former PDRY only in 1989, after being denied admission for over a decade. The ICRC now conducts regular visits to prisons throughout the country.

### **U.S. Policy**

Despite the lessening of rights abuses in Yemen, and the country's tentative steps toward political liberalization, U.S. policy toward the newly unified state has been decidedly cool ever since Yemen voted against the 1990 U.N. resolution authorizing the use of force to expel Iraqi troops from Kuwait. When the Gulf crisis erupted in August 1990, Yemen was receiving almost \$22 million annually in U.S. economic assistance grants (\$10.6 million of which was for agricultural development) and about \$10 million in concessional food loans. In what the Bush administration termed "program adjustments," aid to Yemen was slashed to \$2.9 million for fiscal year 1991 and \$3 million for fiscal year 1992. Food assistance was eliminated. According to the U.S. Agency for International Development, aid to Yemen "is now confined to humanitarian and human resource development assistance, with the health sector as the program cornerstone and maternal child health and family care (family planning) services its primary focus." For fiscal year 1993, the Yemeni government has requested \$6 million in developmental assistance and \$10 million in food aid. Although Assistant Secretary of State for Near Eastern and South Asian Affairs Edward Djerejian in an address on October 16 noted "positively the upcoming parliamentary elections in Yemen," aid levels have not been adjusted.

### **The Work of Middle East Watch**

Middle East Watch initiated its first work on Yemen in 1992, establishing contact with a broad range of Yemenis, including parliamentarians, members of the political opposition and government officials, in an attempt to assess the progress that was being made toward the institutionalization of political pluralism and respect for human rights. In November, prior to the government's announcement that the parliamentary elections would be postponed, Middle East Watch published a 25-page newsletter, "Yemen: Steps Toward Civil Society." The document examined issues of concern as the elections approached as well as the context of some of Yemen's human rights improvements. Earlier in the year, Middle East Watch wrote to President Saleh on behalf of Mansur Rajih, a writer and poet who had belonged to a leftist organization in the YAR. He was sentenced to death for a murder in 1984 in a trial that may not have met international standards for fairness, and Amnesty International had adopted him as a prisoner of conscience. In August, the Yemeni government responded to the letter with a defense of its legal process.