

## MIDDLE EAST WATCH OVERVIEW

### Human Rights Developments

The political earthquake that shook the Middle East on September 13, when Israel and the Palestine Liberation Organization (PLO) signed an interim self-government accord, may have marked the beginning of the end of the forty-five-year-old Arab-Israeli conflict. In the medium term, it may also come to mark a parallel improvement in human rights conditions—not just in the Israeli-occupied territories, but in those frontline states that have long used the conflict as a pretext for violations of the fundamental rights of their own peoples.

Such aspirations could, equally, prove to be mere wishful thinking: human rights per se figured little in the interstate negotiations that took place during 1993, and few officials from any party to the talks, including the United States, publicly articulated concern for human rights. Under prodding, PLO Chairman Yassir Arafat was one of those who did, after the signing; but, misgivings persisted as to whether the PLO was truly committed to a future in which respect for human rights and a pluralistic democracy would be realized. In counterpoint, there were no early signs of an Israeli reassessment of long-established abusive policies and practices in the occupied territories.

Welcome though the Israel-PLO agreement was as an augury of peace, in the region as a whole—from the Maghreb states of North Africa to Iran—the accord was overshadowed by a broader conflict with pervasive implications for human rights: a contest for power, ideological domination, and control over social behavior between insurgent Islamists and established regimes, themselves often of little popular legitimacy and a secular, pro-Western cast. The contest became increasingly violent, and casualties mounted. In Egypt, over the eighteen months to October 1993, some 220 people lost their lives, sixty-six of them members of the security forces. In Algeria, in only the first nine months of the year the fatality toll reached over 700, of whom nearly 500 were Islamists. Islamist gunmen were responsible for many acts of seemingly random violence, including murder and abductions, against secular figures and foreigners; but other unidentified forces also appeared to be taking advantage of the political unrest to carry out killings.

Not that this tragic struggle taking place in much of the Arab world can be accurately depicted only in secular versus religious terms. Even the rulers of Saudi Arabia and Iran, who drew their authority in part from religious wellsprings, faced challenges from hardline Islamists. In appeasing or fighting off these challengers, governments frequently made human rights the casualty.

After a period of several years in which acknowledgment of human rights as an issue with which local rulers had to contend, whatever their political system, appeared to be gaining greater acceptance, in 1993 this trend went into reverse. In the nine states actively monitored by Middle East Watch during the year, respect for fundamental human rights suffered a broad decline. (Middle East Watch was either unable to monitor other states such as Libya and Oman because of a lack of reliable information, or else, as in the case of Jordan, chose not to do so because of their relatively good human rights records.)

Perhaps out of concern for Western sensibilities and aid considerations, most regional governments continued to defend publicly their adherence to accepted human rights norms. Iraq jettisoned any such effort; while other states—the Islamic Republic of Iran and the Kingdom of Saudi Arabia, for instance—attempted to defend their records as being in conformity with Islamic, rather than universal, norms. Iraq and Syria, ruled by longstanding dictators who headed rival branches of the Arab Ba'th Socialist Party, were among those whose officials rejected external pressure over their human rights records as being a Western stick wielded for political purposes. Some of the regional dissatisfaction with attempts to enforce the Universal Declaration of Human Rights and other relevant treaties was aired at the U.N. World Conference on Human Rights, at Vienna in June, stirring debate about the universality of human rights and the claimed need to take cultural differences into account in their application.

Among the Arab nations of the Middle East and North Africa, only Jordan and Yemen, each of which held generally free and fair elections during the year, could plausibly claim to be in general compliance with the International Covenant on Civil and Political Rights—ratified by all regional nations

except Saudi Arabia. The November elections in Jordan consolidated a democratic opening begun in 1989 by King Hussein. As a result of these two polls, and the 1992 election to a restored National Assembly in Kuwait, Saudi Arabia and other conservative Arab sheikhdoms on the Persian Gulf found themselves surrounded by lively examples of political life—in the process, exposing King Fahd of Saudi Arabia's arguments about the inappropriateness of democracy for the region's peoples. In 1993, the Saudi ruler instituted a long-promised Consultative Assembly; but, in Middle East Watch's view, the appointed advisory body did little to advance participatory democracy and may even have strengthened royal authority. Morocco, like Jordan a pro-Western monarchy with a developed civil society that operates with a qualified degree of freedom, also held parliamentary elections during the year; but the results were marred by allegations of fraud.

Presidential elections were held in two states with strong presidential systems: Egypt and Iran. In both countries the incumbents, Hosni Mubarak and Ali Akbar Hashemi-Rafsanjani, won easy victories, as had been predicted. Neither vote was a fair reflection of popular will, as the conditions under which the elections were held had been effectively predetermined by the government. Their respective regimes' deep political enmity notwithstanding, Mubarak and Rafsanjani shared several common problems. Both presided over states under great population and resources pressures; and attempted cautiously to open up the system to modernizing forces. Neither ruler, though, attempted to pursue the politics of inclusion, thus alienating important sectors of their populations.

Preconditions for genuine popular participation in elections are the interlinked freedoms of expression, association and assembly. In these key aspects of human rights, critical building blocks for the development of a healthy civil society, there was either no improvement during the year under review, or else there was backsliding. The only relatively bright spot in an otherwise bleak picture for the region covered by Middle East Watch was Israel's decision, following the September 13 accord, to relax its previously tight restrictions on peaceful demonstrations and forms of expression such as the display of Palestinian flags.

Otherwise, the regional record was an unending catalog of censorship; bans on meetings, demonstrations, publications and creative works; the closure of private associations; and the arrest of journalists, writers and government critics whose only offense was to espouse views unpopular with the political or religious establishment. Intolerance was driven by politically-backed religious zeal in countries as varied as Iran, Saudi Arabia and Egypt.

Fresh restrictions on freedom of expression were recorded by Middle East Watch in Iran and the seven Arab countries actively monitored in 1993. As described below, government actions increasingly hampered the ability of local and foreign organizations to monitor state abuses of basic human rights. Among certain offenders—Saudi Arabia, Iraq and Syria—freedom of expression was a virtual dead letter; while in countries such as Iran, Egypt, Lebanon and Kuwait the surface impression of lively public discourse and competing ideas was misleading as a guide to official tolerance of dissent or discordant voices.

In a footnote, the generally tolerant attitude toward expression displayed by the Kurdish regional authorities in northern Iraq should be noted. However, even in this Western-protected enclave, inhabited by approximately 3.5 million people the limits of political dissent were sometimes exposed during the year. Middle East Watch observed, with regret, the appearance of rights violations in the self-governing region, including the closure of a newspaper and a number of political detentions. These cases did not appear to represent any systematic policy or practice, however.

Ongoing conflicts within Iraq and Algeria, as well as the international conflict that took place in the Israel-Lebanon border region, in July, were marked by international humanitarian law violations. Middle East Watch argued that in the Israeli-occupied territories and Egypt, persistent and grave though actions by security forces and armed groups of opponents may have been at times, the localized violence did not reach the threshold set by international humanitarian law. These two states were thus held to norms of behavior relevant to peacetime conditions. Israel is required to uphold the Fourth Geneva Convention covering

occupied territory, an obligation that will not disappear as the Palestinian interim self-rule plan is implemented.

Israeli governments have consistently described security force actions in the West Bank and Gaza Strip as based on the upholding of law and order, rather than combat. However, during the year undercover army units continued to engage in shootings of suspects which amounted, in legal terms, to extrajudicial executions when arrests could have been effected without risk to the soldier.

While most violations derived from the repressive actions of the states concerned, Middle East Watch noted with much concern that grave human rights and humanitarian law violations were either being committed by nongovernmental groups or else were effectively condoned by them. Among the lengthening list of abusive militias and armed underground groups active in 1993 were Hizballa and the South Lebanon Army (Lebanon), Hamas (Israeli-occupied territories), the Islamic Group (Egypt), the Front Islamique du Salut (Algeria), and the Mujaheddin-e Khalq (Iran). Except for the SLA, a mainly Christian protégée of Israel, all were Islamist in their political ideology. The growing resort to violence by opposition groups in much of the Middle East and North Africa was a troubling feature of the year. In some cases, direct responsibility for assassinations and other acts of violence aimed at civilians, or in which noncombatants were placed at needless risk, could not be attributed to identifiable groups. But the fact that these groups usually did not denounce abusive acts committed by unidentified sympathizers was troublesome. While individuals identified with the regime were the main target of armed opposition groups, in several countries—for instance, Egypt and Lebanon—Middle East Watch noted that minorities or members of other groups were also victims.

The use of special courts that expedited legal procedures and afforded lower protection to defendants than standard criminal proceedings was a rash that spread throughout many parts of the region during the year. Even more disturbing were the large number of death sentences handed down by such courts, often on the basis of confessions that had been coercively extracted. In most cases, defendants did not have an opportunity to appeal their sentences to a higher court. Algeria, Egypt and Kuwait were the main offenders in this regard.

Undermining the fundamental concept of an independent judiciary, military courts answerable to government ministers were used to try civilians on charges unrelated to military matters in Lebanon, the Israeli-occupied territories, Egypt, Algeria and Tunisia. State security courts, usually empowered under emergency legislation, also dealt with human rights-related cases, in Syria and Kuwait.

In a sign of their residual vitality despite widespread official pressure, lawyers' associations and to a lesser extent civilian judges were sometimes able to fight back against the erosion of judicial independence and the rule of law. Among areas where this fight-back took place were Lebanon, Egypt, Algeria, and the Israeli-occupied territories.

Iraq, where the rule of law had long been a charade in any case with political overtones, remained in a class of its own: hundreds of executions of suspected dissidents were believed to have been carried out in 1993 with little or no legal process. In November alone, dozens of prominent individuals apparently suspected of plotting against the regime were executed without charge or trial. Reports spoke of hundreds of Shi'a dissidents, arrested in southern Iraq after the March 1991 uprising or more recently, also being summarily executed, in August and September. While the precise scale of these bouts of extrajudicial executions was arguable, there could be no doubt that such killings had taken place in large numbers—in blatant defiance of many resolutions passed by the U.N. Security Council and Human Rights Commission.

In neighboring Iran, the problem with the judiciary was not so much subjugation to the executive branch as the arbitrary rulings of religious courts endowed with considerable decision-making autonomy. Continued recourse to Islamic revolutionary courts, which met behind closed doors in prisons and other undisclosed locations, augmented concerns over a judicial system that presided over one of the highest rates of execution in the world.

The Iranian authorities must also be held responsible for the continuation in 1993 of the *fatwa*, or religious ruling, issued in 1989 by the late Ayatollah Khomeini against the British writer Salman Rushdie

over his book *The Satanic Verses*, and all those associated with its publication. Nor did the authorities disavow the \$2 million "bounty" offered by a semi-independent Iranian foundation for the implementation of the fatwa. Since 1979, the Iranian government has been suspected of involvement in over sixty cases of assassination of exiled opponents; between December 1992 and November 1993, there were at least six successful or attempted killings in which evidence pointed to Tehran's official involvement. After lengthy delays, in late 1993 the trial of persons accused in connection with three celebrated assassinations of Iranians in Western Europe were either due to begin or had commenced. In each case, prosecutors claimed the Iranian authorities were directly involved.

While Iran, aware of the public relations damage caused, no longer released information about judicial executions on a regular basis, Saudi Arabia disclosed that capital punishment reached a record level in 1993. In the first seven months alone, executions—mostly public beheadings—exceeded the total for the preceding year. As in Iran, serious due process flaws often rendered nugatory the proceedings of Saudi courts based on uncodified *Shari'a*, or Islamic law. Drug offenses were said by officials to be the primary offense that drew the death sentence in both Saudi Arabia and Iran. Political opposition, suspected or actual, may also have added to the execution toll in Iran; but, given the paucity of reliable information, no firm conclusions could be drawn. Iranian opponents and human rights monitors have long claimed that political prisoners were being executed under the guise of being drug offenders.

Elsewhere, firmer assertions can be made about death sentences. In Kuwait, through November, seventeen death sentences were passed on persons charged with collaborating with the enemy during the 1991-92 Iraqi occupation. Another twelve defendants facing the death penalty were due to be sentenced after the publication of this report, and one execution was carried out. In Algeria, over 250 death sentences were passed by special courts. (Many were sentenced *in absentia*, and could be retried on surrender.) Even against the background of sharply higher levels of Islamist violence, this number was shockingly high. Barely two years earlier, Algeria had prided itself on its human rights record. Impelled by the same surge of Islamist-inspired violence as in Algeria, in Egypt too the government resorted to the death penalty in record numbers: between December 1992 and November 3, 1993, thirty-nine persons were sentenced to capital punishment, of whom seventeen were executed.

Contributing directly to the many travesties of justice that marred the region during 1993 was the endemic problem of torture in detention. Middle East Watch received credible testimony about the practice of torture—for the extraction of information, for punishment, to secure "confessions," or a combination of all three motives—in four countries: Iraq, Israel, Lebanon, and Saudi Arabia. All were long-standing abusers of human rights in this arena. Although first-hand testimony about torture was not taken during the year from the five other countries under review—Algeria, Egypt, Iran, Kuwait and Syria—Middle East Watch had no reason to believe that any of them had changed previously recorded interrogation practices. In a number of instances, mistreatment or medical neglect of detainees, itself an abuse, led to deaths in detention.

Administrative detention—detention without charge or trial of persons considered by the authorities to be security threats, but against whom sufficient evidence to warrant a trial was lacking—remained an obnoxious practice in Algeria, where it was used against militant Islamists, and the Israeli-occupied territories, where Palestinian activists were the target. However, the numbers in administrative detention in both countries were down significantly in 1993 compared with previous years. In part, this was due to a switch by the respective authorities to other means of dealing with the problem of peaceful opposition.

In Algeria, for example, much greater use was made of summary judicial proceedings before special courts apparently designed to process speedily as many defendants as possible. Meanwhile, in December 1992, in one fell stroke the Rabin government in Israel rounded up and deported 415 Palestinian activists suspected of involvement with Islamist groups. The use of some administrative punishments, such as house demolitions and sealings, lessened during 1993 in the Israeli-occupied territories. Nor was there any further resort to deportations. But collective punishments such as an indefinite curfew on the entire Gaza Strip were continued, while other forms, notably a ban on travel by Palestinians across the 1967 "Green Line" border into Israel and East Jerusalem, were newly applied.

As often occurs amidst deteriorating human rights conditions, such as could be observed in 1993 in the Middle East and North Africa, minorities and dissident ethnic groups frequently bore the brunt of abusive government actions or else were not afforded the protection they should have enjoyed under the law. Outstanding examples were the Iraqi Kurds and Shi'a. As in the two previous years, among many other violations, they continued to endure mass arbitrary arrests and executions; the economic and military blockade of parts of regions where they formed a majority; discrimination in the allocation of scarce resources such as food and medicine, as well as in employment and education; and the absence of religious freedom. In the course of suppressing a Shi'a rebel insurgency in and around the southern marshes, the Iraqi government effectively destroyed the ancient way of life of the region's indigenous people, the Maadan. The region's lakes and marshes were drained; villages were shelled and burned; and their inhabitants were either forcibly relocated to areas under government control, or else forced to flee elsewhere. About 7,000 Shi'a refugees managed to cross into Iran between July and September, but most were trapped inside the country by intensive Iraqi military action.

Kurds were mistreated in the two other countries covered by Middle East Watch in which they form a significant minority, Iran and Syria (Turkey, where there is a major problem involving Kurds, is monitored by Helsinki Watch). Much of Iranian Kurdistan was turned into an armed camp during the year, as the authorities battled internal political unrest and guerrilla organizations based across the border in northern Iraq. While information about conditions affecting Iranian and Syrian Kurds was sketchy, arrests and executions were reported in Iran by opposition parties. In Syria, forty Kurds arrested the previous year during the course of demonstrations remained in custody accused of membership in a banned organization.

Apart from Iraq, discrimination against and persecution of religious minorities was reported from Iran and Egypt. In Iran, the 300,000-strong Baha'i sect was subjected to renewed official pressure during the year. In Egypt, the country's Coptic Christians were often the target of Islamist attacks. Thirty-six Copts died in Islamist violence in the eighteen months commencing March 1992. In Middle East Watch's view, government discrimination against the Copts, over freedoms of expression and church building and repair, contributed to a climate in which this vulnerable minority became fair game for extremists. The only positive note for minorities during the year was in Saudi Arabia, where Shi'a political prisoners were quietly released and exiled opponents permitted to return. The price, from a human rights monitoring perspective, was high: those self-exiled groups involved were required to cease publishing critical information about abuses inside the Kingdom.

### **The Right to Monitor**

The ability of private individuals and groups, local or foreign, to gather information openly about government abuses without fear of punishment has rarely been tolerated in the Middle East, outside of Egypt, Israel and the occupied territories. The Maghreb region of North Africa has a better record. Established human rights organizations have long been at work in Morocco, Algeria and Tunisia, with a degree of freedom; and the governments' sensitivity to criticism on this score has led to the establishment of official human rights organizations in each of these countries. Nominally designed to be independent watchdogs, in practice these bodies became defenders of the official line.

In those parts of the Arab world where local groups have played a formal or informal monitoring role, they usually have done so cautiously. While the gathering of information about current abuses was tacitly permitted during 1993 in some relatively open societies, such as Lebanon, Morocco and Tunisia, advocacy work to promote change was much more problematic. Rarely did governments in the region respond substantively to complaints from local organizations, and only infrequently did they respond adequately to foreign human rights groups or U.N. human rights bodies. The *de facto* limits on local rights organizations put a greater burden on bodies such as Middle East Watch and Amnesty International, which had better access to the media and to governments in a position to exercise pressure on the abusive regional party.

Middle East Watch's ability to conduct missions and investigate alleged abuses in the region was highly qualified. Access to the country has never been a problem in Israel or Egypt, for instance, but to date

has been consistently denied by Syria, Iraq and Saudi Arabia. In Iran, the government issued visas to permit the investigation of human rights abuses in neighboring Iraq; but was reluctant to discuss its own practices, much less to permit an above-board investigation. In Lebanon and Kuwait, the authorities were generally cooperative. But, until late 1993 the government in Morocco never responded to requests to send a mission to that country; following the receipt of an invitation, a mission to Morocco was planned for early 1994. While the Israeli government has put few obstacles in the way of fact-gathering, over the years it has shown itself reluctant to engage in a substantive dialogue with foreign human rights organizations about its practices.

This pervasive reluctance to deal with foreigners on sensitive issues such as political prisoners and the mistreatment of minorities was not unique to private groups. U.N. agencies and individual officials charged with investigating human rights conditions experienced similar difficulties. In 1993, both Iran and Iraq prevented the U.N. Secretary-General's representatives from conducting on-the-spot missions examining internal conditions, in defiance of U.N. resolutions. Iraq went further, preventing U.N. relief officials and guards from visiting troubled regions of the country. The Geneva-based International Committee of the Red Cross also faced many difficulties in gaining access to prisoners in most of the region, apart from the Israeli-occupied territories.

Consonant with the worsening human rights climate, fledgling local human rights organizations faced fresh restrictions in 1993. In Kuwait and Saudi Arabia, newly established groups were closed down on government order; in Saudi Arabia, members were arrested and dismissed from their jobs, but in more tolerant Kuwait it appeared as if the main human rights association, the Kuwaiti Association for the Defense of War Victims (KADWV), would in practice be permitted to continue operating. In Syria, fifteen members of the country's only monitoring body, the Committees for the Defense of Democratic Freedoms and Human Rights (CDF), remained in jail. Ten had previously been sentenced to prison terms of up to ten years, while another five faced trial before state security courts during the year.

Operating in the shadows, without official recognition, the KADWV found itself in late 1993 in a similar position to that long endured by the Egyptian Organization of Human Rights (EOHR). EOHR, an independent body with a strong record of investigating and publicizing abuses, had never been granted official recognition; nor did the authorities usually respond to its complaints. Elsewhere, the Tunisian Ligue des Droits de l'Homme reopened, after being effectively closed down under an amended law of association. But in Tunisia and Algeria, both of which were struggling with Islamist violence and government repression, local human rights groups engaged in little substantive work.

In the Israeli-occupied territories and in Jerusalem, several established human rights organizations were active during 1993. Movements of Palestinian workers and the gathering of field information were frequently difficult; otherwise, they suffered few restrictions in their activities. Israeli and Palestinian lawyers also acted as useful sources of information about current abuses, as did Egyptian and Algerian defense lawyers in their countries.

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

With regard to the Middle East and North Africa, the Clinton administration's approach to human rights differed little from that of the Bush administration. This was hardly surprising, given the primacy the administration continued to give to securing peace agreements between Israel and its Arab neighbors—a policy choice that went hand in hand with sublimating human rights concerns. Another constant was the unresolved dilemma of how to handle the Islamist movement challenging secular governments well disposed to the United States.

In international fora, such as the U.N. World Conference on Human Rights in Vienna, the vigorous espousal of human rights principles by the U.S. and the support given to letting the voices of nongovernmental organizations be heard at the conference was helpful. Middle East NGOs made good use of the occasion to embarrass their governments and lobby others to work for change.

The scheduled visit to Israel, the occupied territories and Egypt of John Shattuck, Assistant

Secretary for Human Rights and Humanitarian Affairs, in late November was also a positive sign, on the heels of the Israel-PLO accord. But it remained to be seen whether the Clinton administration would pressure Israel to curb its longstanding abusive practices in the occupied territories, and work actively to promote a pluralistic society committed to the rule of law in the Palestinian-run regions.

The standard argument from Washington that public diplomacy on human rights-related matters would be counterproductive to the Middle East peace process could not be extended, however, to other key U.S. allies in the region, such as Saudi Arabia, Kuwait and Morocco. Concerning their record the administration remained equally silent. With respect to Saudi Arabia and Syria, the contrast between President Clinton's pre-election pledge to get tough on both of them on human rights grounds, and his administration's protective attitude toward them was striking.

Human rights concerns were said to have been raised privately at a high level with the governments of Egypt and Algeria, on one or more occasions during the year. This was welcome. But there was little evidence that the administration was prepared to follow up its verbal communications with public condemnation, or to use other forms of leverage. The resumption of U.S. military aid to Lebanon, in October, was a regrettable development, given the role of the Lebanese army in carrying out politically motivated arrests and holding military trials of civilians. Similarly, U.S. military cooperation with Kuwait, Bahrain and Saudi Arabia was not accompanied by any visible effort to help curb human rights violations.

The administration expressed a desire to promote the process of democratization in the region, particularly in emerging democracies such as Yemen and Jordan. It also aimed to push the embryonic Palestinian entity in this direction. High-level diplomatic support was given to the Iraqi National Congress, a coalition of opposition parties committed to a pluralistic future for Iraq. The administration also supported a proposal that the United Nations establish a commission of inquiry into Iraqi war crimes, crimes against humanity and genocide. But little diplomatic muscle was put into securing the implementation of this laudable proposal, or a parallel plan to deploy U.N. human rights monitors in Iraq. While there was no backtracking from the military protection given to the Kurdish enclave in northern Iraq, and substantial amounts of relief aid were appropriated by Congress for the Kurds, overall the administration's policy toward Iraq and President Saddam Hussein was largely one of maintaining established policy.

One unfortunate initiative was the June 26 missile attack on the Baghdad headquarters of the Mukhabarat, Iraq's external intelligence service. Launched in reprisal for an alleged plot by Iraqi agents to kill former President George Bush, during a visit to Kuwait, the missile attack killed eight civilians and caused property damage in the surrounding area. Middle East Watch considered the attack unwarranted, especially as the trial in Kuwait of those in custody over the alleged plot had not even commenced. During the year under review, senior administration officials frequently criticized Iraq's human rights behavior in strong terms. They also gave strong support to U.N. efforts to eliminate Iraq's weapons of mass destruction, while resisting efforts by Iraq and others to lift economic sanctions, in force for over three years.

The Clinton administration also adopted a strong position over human rights abuses committed by Iran and Libya, two other pariah states as far as the U.S. was concerned. Iran was criticized as the ringleader of global terrorism, and concerted efforts were made to restrict Western high-technology goods and financial aid going to Iran. Stringent sanctions were applied through the U.N. against Libya, on the basis of its alleged involvement in the bombing of American and French passenger aircraft.

But, in all of those Middle East states where the U.S. took a strong and principled position on human rights, there was no conflict with other U.S. policy considerations. Where the U.S. did have vital interests in play, particularly in Israel, Washington took a different approach. Human rights policy towards Israel was weaker than under the Bush administration, when occasional public criticism of Israeli practices in the West Bank and Gaza Strip was expressed. And, while the previous administration had shown its willingness to use U.S. financial leverage to bring about a desired political goal—a curb in the building of Jewish settlements in the occupied territories—President Clinton virtually gave away the candy store, promising Prime Minister Rabin that the \$3 billion in annual U.S. aid to Israel would be preserved in future years, without demanding anything in exchange for this important concession.

When the administration faced its first major foreign policy test, in January 1993, over Israel's arbitrary deportation of 415 Palestinians to Lebanon, Secretary of State Christopher fought hard to secure a political deal with Israel that headed off U.N. sanctions and kept the peace talks on track, but abandoned principles long enunciated by the United States concerning the inadmissibility of deportations. In a gratuitous declaration that served to highlight for many states the selective approach taken by the U.S. to the enforcement of U.N. resolutions, the Secretary of State said that the compromise reached with Israel, to permit a phased return of the deportees, was consistent with the position taken on the deportations by the U.N. Security Council in December 1992. It was not.

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

In 1993 Middle East Watch prioritized its work and restricted active monitoring of human rights to nine of the eighteen countries in its regional bailiwick. In alphabetical order, these were Algeria, Egypt, Iran, Iraq, Israel, Kuwait, Lebanon, Saudi Arabia and Syria. Missions were conducted during the year to six of the nine—Egypt, Iran, Iraq, Israel, Kuwait, Lebanon—some of which were visited twice or even three times. Research was conducted by telephone to those countries where access was not possible. Particular effort was focused on Israel and Iraq.

After the extensive time spent the previous year in Kurdish-controlled northern Iraq, investigating the government's Anfal campaign against the Kurds, in 1993 comparatively less time was spent inside Iraq itself. Two missions were sent during the year, with the primary purpose of securing further consignments of captured Iraqi secret police documents. (In 1992, Middle East Watch brought out fourteen tons of such documents, for safekeeping and analysis into Iraqi abuses.) But research missions also went to Iran and London, to meet refugees and exiled activists and gather information on the comparatively neglected topic of abuses against the Iraqi Shi'a. These missions resulted in a report and extensive advocacy over the draining of the southern marshes region of Iraq, and brutal treatment of its inhabitants.

In Israel, the second main focus of activity, a researcher was maintained in the field for eight months, through August, to work on selected issues in the occupied territories. Consistent with past emphases, these were the excessive use of force—in the form of extrajudicial killings of Palestinians by undercover army units—and the authorities' failure to investigate or prosecute possible violations by Israeli forces. Following work already published by regional human rights organizations, Middle East Watch also undertook a major research project into abusive interrogation practices amounting to torture. The persistence of reports of torture in detention under the Rabin government required a first-hand examination of a subject that could implicate U.S. financial aid to Israel.

Substantively, research work focused in the region on three themes of significance for Human Rights Watch. These were: freedom of expression, the treatment of minorities and other suppressed ethnic groups, and violations of international humanitarian law. Shorter interventions dealt regularly with the prisoners of conscience and with threatened local human rights groups and activists. Campaigns were mounted on behalf of groups or individuals in Algeria, Kuwait, Saudi Arabia, Syria and the Israeli-occupied territories.

A greater emphasis than in the past was placed in 1993 on advocacy work. Much of this was in the traditional arenas of the media, where Middle East Watch consolidated its reputation as a reliable source of timely information on regional human rights issues, other private associations, and government. Meetings were held with regional government officials in Israel, Iran and Lebanon and with diplomats posted to the United States or U.N. from much of the region. And book-length reports were released on, among other subjects, limits to freedom of expression in Iran, prison conditions in Egypt, and undercover killings in the Israeli-occupied territories. Refugee casework with immigration officials and asylum lawyers also formed a regular part of the staff's work.

But, the organization's biggest single advocacy and research effort was devoted to the huge task of bringing a case against Iraq at the International Court of Justice at The Hague. During the year, this task involved research into the captured Iraqi documents, development of the legal theory of the case to be



brought by a state party to the Genocide Convention, and seeking a government or governments willing to act as the plaintiff. In addition, two books on the Anfal campaign were released during the year: a case study of the fate of one district, and an overview book on the whole of the 1988 campaign.

## ALGERIA

### Human Rights Developments

Mounting state repression and the increased targeting of civilians by well-armed opposition groups contributed to the abysmal state of human rights during 1993, the second year of emergency rule in Algeria.

The government took no concrete measures to revive the electoral process it had suspended in January 1992 after a first-round victory by the opposition Islamic Salvation Front (Front Islamique du Salut, or FIS). Nor did it act credibly to reverse the surge in abuses for which it had been responsible since the canceled elections.

The most disturbing development of 1993 was the spread of general political violence. According to a tally of official news reports, during the first nine months of 1993 over one hundred members of the security forces and over one hundred civilians were killed in assassinations attributed by the government to Islamist groups, while nearly 500 Islamists were killed. The civilian victims came from all walks of life, and included prominent writers, professors, and public figures.

In the absence of claims of responsibility, and given the difficulty of conducting independent research in Algeria, the authorship of specific acts was often difficult to attribute. But it was clear that armed Islamist groups were responsible for many, if not most, of the killings of both civilians and security force members that had been attributed to them by the authorities.

The principles of customary international humanitarian law which bind all parties to a conflict, include an absolute prohibition on killing or ill-treating persons once they are in custody or hors de combat, and a requirement to take all feasible precautions to avoid civilian casualties. These principles were repeatedly violated in Algeria.

During 1993, the government intensified its battle against the Islamic resistance, not only on the military but also on the judicial front. New "special courts," created by a 1992 decree, convicted many hundreds of defendants in what were officially described as "terrorism" cases. Their procedures fell short of international standards for a fair trial. The special courts pronounced nearly all of the more than 300 death penalties handed down between January and October, 1993. (Most of the death penalties were pronounced *in absentia*; persons convicted *in absentia* are entitled to new trials if they surrender or are captured.) Twenty-six death sentences, all in connection with "terrorist" offenses, were carried out during this period.

The current phase of turmoil in Algeria began with the cancelation of elections in January 1992 and the replacement of the president by a military-dominated executive council, the High State Council (Haut Conseil d'État, or HCE). In February 1992, the HCE declared a state of emergency and banned the FIS, the party that had won the first round of elections. The government then detained, by its own count, some 9,000 suspected FIS members and sympathizers and dismissed hundreds of party members from the local government posts to which they had been elected in 1990.

Meanwhile, an underground Islamist movement, whose structure and links to the overt political leadership of the FIS remained nebulous, took up arms against the regime. Most of its operations consisted of hit-and-run ambushes targeting police and gendarmes, and acts of sabotage against state property. These attacks began to occur on an almost-daily basis in 1992 and intensified in 1993.

In December 1992, the HCE imposed an indefinite night-time curfew on the capital and six adjacent provinces, later extended to three more provinces. Elite troops were dispatched to begin flushing out suspected Islamist hideouts. Extended gun battles often resulted in casualties on both sides.

In February 1993, the state of emergency was renewed indefinitely and the new special courts began hearing cases. The HCE had established these courts of exception by Legislative Decree 92-03 of September 30, 1992, using the executive and legislative powers it had arrogated to itself. The special courts,

which had potential jurisdiction over any case involving "subversion" and "terrorism," quickly replaced desert detention camps as the government's preferred means of dealing with the thousands of Islamists being arrested. The decree establishing the courts made clear that their purpose was to try a large volume of cases expeditiously and mete out harsh punishments to those they convicted. The decree doubled most punishments that Algeria's penal code provided for comparable offenses, and provided life sentences for what were previously ten- to-twenty year sentences, and the death penalty for what were life sentences.

Decree 92-03 prolonged from two to twelve days the permissible length of incommunicado detention in "subversion" and "terrorism" cases. It lowered the age of legal responsibility in such cases from eighteen to sixteen. It also defined "subversion" in an excessively broad fashion, and provided prison sentences for those who expressed sympathy, or distributed publications that express sympathy, for "subversive" acts.

Due process rights of defendants before special courts were restricted in a number of ways. Opportunities for appeal were more limited than in ordinary Algerian courts. The identity of judges was kept secret, under penalty of imprisonment; there was therefore no accountability or assurance that conflicts of interest would come to light. The courts were required to render a verdict within one month of receiving the case from the investigating magistrate. Such a deadline, while arguably guaranteeing a defendant's right to a prompt trial, ran counter to the higher duty of a court to determine the truth. Concern over the time limits was heightened by the fact that special courts often tried fifteen or more defendants at one time. In addition, Decree 92-03 violated the principle of non-retroactivity by subjecting defendants whose alleged offenses predated the creation of the special courts to the less protective procedures of those courts.

In April, the government issued an amendment to the decree that prompted a brief boycott of the special courts by most of the local bar associations around the country. The amendment stated that a lawyer could plead before a special court only after receiving the court's authorization to do so. It also threatened lawyers with suspension from practicing law for up to one year if a special court judge determined that they had been disruptive in court.

The most highly publicized trial of the year was that of fifty-five defendants accused of participating in an August 1992 bomb explosion at the Algiers airport that killed nine persons and wounded more than one hundred. The May trial, which was open to the press, brought to public attention some of the key human rights issues facing Algeria: several defendants testified that they had been held well beyond the twelve-day legal limit on incommunicado detention. They also asserted that they had been tortured into making false confessions. But the court did not probe these allegations, and sentenced thirty-eight of the defendants to death, twenty-six of them *in absentia*. Seven were executed in August.

The aura of unfairness in the "airport trial" dated back to October 1992, when confessions of two of the alleged ringleaders were broadcast by the government on the same day it announced having identified them. Viewers noticed bruises on the head of one of the suspects. When that suspect said at the trial that his confession had been extracted through torture, the prosecutor dismissed the bruises as the product of a suicide attempt the defendant allegedly made upon discovering that he was being filmed. Another defendant claimed the police had "destroyed his genital apparatus" during thirty-three days of torture. The two were among those put to death.

Middle East Watch was not granted permission by authorities to conduct a mission to Algeria during 1993. But it continued to receive reports from human rights lawyers, doctors, and others suggesting that the pattern of torture documented during its 1992 mission continued in 1993. There were reports of severe beatings and of interrogators choking defendants with wet rags placed tightly over their faces, as well as reports of the use of electric shock and other instruments of torture.

A government spokesman rejected a report published in March by Amnesty International alleging widespread torture, claiming the government was resolutely opposed to the practice. The government-created National Human Rights Monitoring Body (Observatoire national des droits de l'Homme, or ONDH) told Middle East Watch in September 1993 that there had been cases of police who had been charged or disciplined for abusing detainees, but could provide no details.

Prolonged administrative detention continued, although on a smaller scale than in 1992. The state of

emergency gave authorities the power to detain indefinitely, without charge, any person whose "activity is shown to endanger the public order, public security, or the proper functioning of public services."

It was not possible to ascertain the precise number of detainees nor the conditions in the detention camps during 1993. The ONDH told Middle East Watch in early September that there were approximately 700 detainees being held in two military-run detention camps, Oued Namous in central Algeria and Ain Mguel in the south. The ONDH also stated that there were no new cases of administrative detention during 1993 and that those being held had been detained since 1992. It was not possible to confirm this information. The government stopped releasing figures at frequent intervals about the detention camps; nor did it allow independent organizations or journalists to visit them.

As part of the battle against the Islamist opposition, the government bullied the once lively press into self-censorship, particularly where information and comments relating to the internal security situation were concerned. Both local media and foreign news agencies were pressured to rely almost exclusively on official dispatches for coverage of the rampant political violence. Meanwhile, the murder between May and October of seven journalists, in attacks attributed by the government to Islamists, undoubtedly deepened the chill on free expression. No one claimed responsibility for their murders.

*El-Watan*, a leading independent daily, was suspended for two weeks, and six of its staff were jailed for one week, after it ran an exclusive report in January on the slaying of five gendarmes. The authorities charged that *El-Watan* had jeopardized a criminal investigation, and announced that all reporting on security incidents would henceforth require official approval. Journalists who attempted to check unconfirmed reports risked getting into trouble for "disseminating false news." In December 1992, a reporter with Algiers Radio Three was dismissed for phoning the Reuter news agency to check a report on the assassination of a member of a government commission. In March 1993, the Reuter bureau chief was himself held for eighteen hours after filing a report that the government said was untrue about the assassination of an official.

Algiers-based foreign correspondents told Middle East Watch that their phone lines were tapped and that they exercised self-censorship in order to be permitted to continue working. The Algiers-based correspondent for Radio France Internationale was forced to leave the country in January because authorities refused to renew her work permit. Journalists applying to enter the country often faced delays in obtaining visas, or simply received no reply to their applications.

Although the Algerian dailies continued to criticize government policies and expose social ills, they were hauled into court on several occasions for violations of the repressive press code and other laws limiting expression. Although no journalist was sentenced to prison during 1993, a few were subjected to court-ordered temporary bans on writing or on traveling abroad. In July, the government used its emergency powers to suspend indefinitely the independent daily *El-Djezaïr el-Youm*. Although the government did not provide a reason, observers pointed to an advertisement the paper had run from a religious organization that warned against further executions of Islamists. As of late October, *El-Djezaïr el-Youm* remained suspended, as did the weekly *as-Sah Afa*, suspended in 1992.

The victims of the crackdown on the press were not limited to those who published news deemed favorable to the Islamists. Hachemi Cherif, leader of the leftist Ettahadi party—and the object of an unsuccessful assassination attempt in April—received a two-month suspended sentence for condemning in harsh terms the brief arrest of the editor of the leftist *Alger Républicain* for writing that the courts were being too lenient with "terrorist" defendants. The same sentence was imposed on a journalist and an editor at *El-Watan* for publishing Hachemi's remarks.

The *El-Watan* editor, Omar Belhouchet, exemplified the extent to which journalists were caught between government harassment on the one side and the terror of armed groups on the other. Three weeks before being sentenced, Belhouchet narrowly escaped an attempt on his life by unidentified assailants.

Many other prominent members of the intelligentsia were murdered in attacks attributed by the government to the Islamists. These included a professor of psychiatry, a sociologist, and two physicians. One of the physicians, Djilali Belkhenchir, was a leading member of the Algerian Committee Against

Torture and of a national children's rights association. Former minister of higher education Djilali Liabes and former prime minister Kasdi Merbah (who served from 1988 to 1989) were also murdered. Many, but not all, of the victims had been outspoken advocates of a secular Algeria, or else critics of the country's Islamist movement.

Three of the fatalities were members of the National Consultative Council (NCC), an advisory body created by the regime in 1992 as a substitute for the parliament that had been prevented from taking office. Underground Islamist publications had denounced as illegitimate both the NCC and the government-appointed replacements for ousted local officials who were FIS-affiliated. According to Agence France-Presse (AFP), during 1992 and the first half of 1993 at least twenty of these appointees to local offices were assassinated.

There were many obstacles to assigning responsibility for the violence in Algeria. While no serious observers doubted that Islamist groups were responsible for some of the political violence, many Algerians, including those harboring no sympathy for the Islamist cause, suspected that there were other forces carrying out some of the killings, using the climate of violence and mayhem as a cover to settle political and personal scores, or to protect financial interests. For example, many Algerians believe that the persons behind the assassination of President Mohamed Boudiaf in June 1992 were foes of his reformist project rather than Islamists.

FIS leaders did, however, give their clear blessing to the armed struggle, even though the party did not claim responsibility for specific attacks. In an interview published on February 26, 1993 in the Paris-based daily *Libération*, exiled FIS leader Rabah Kebir said: "The violence stems from the dictatorship, which has left us no alternative to reciprocal violence." Asked about the first killings of foreigners in Algeria by armed groups in September and October, Kebir told Radio France Internationale, "The FIS has no policy of killing foreigners, but there is a popular movement that is difficult to control."

With the party banned, all of the FIS's leaders were either in jail, underground, or in exile. Its chief, Abbasi Madani, and deputy chief, Ali Belhadj, were serving long prison sentences on charges stemming from a strike and major disturbances in May and June 1991. The FIS leadership may have had few or no direct links to specific acts of violence committed by Islamist cells. Similarly, underground publications or statements that threatened or praised particular acts of violence may have emanated from activists who acted independently of the FIS leadership. But while the FIS denied responsibility for some assassinations and claimed responsibility for none, it never condemned and repudiated the killing of civilians in unequivocal terms. One prominent FIS representative in exile, Anouar Haddam, drew a distinction in an October 18 interview with Agence France-Presse between the FIS as "a political party that does not claim responsibility for any action," and the mujahidin. Haddam justified the targeting of certain civilians, saying "[T]he Algerian people have chosen as targets only those individuals upon whom the military-security system in Algeria relies. We know them one by one, and they are not innocent people." Haddam made similar statements to Middle East Watch in September. That month, Haddam was named to a newly created FIS steering committee in exile, headed by Rabah Kebir.

In June, Haddam was quoted by AFP as calling the fatal stabbing of psychiatry professor Mahfoud Boucebcı "a sentence and not a crime. It is a sentence carried out by the mujahidin." In October, he said to the AFP, "Who are these so-called intellectuals? Among them are members of the National Consultative Council, which has usurped the place of the people's elected representatives, persons who wrote murderous editorials, and those who, through psychiatry, advised torturers on how to obtain confessions." Middle East Watch unconditionally deplores the deliberate killing of civilians, whether by governments or armed opposition groups.

Having assumed power by annulling elections, the HCE put new voting off into the distant future. In June, the HCE pledged to turn over power at the end of 1993 to as yet unspecified institutions that would govern the country during a transitional period, lasting between two and three years; this would be followed by parliamentary and presidential elections. It later appointed a commission to set up a "national conference" to advise the HCE on the transitional period. But as of October—three months before the HCE

was to cede power—the national conference had not begun, and the nature of the proposed transitional institutions had not been disclosed.

The HCE seized power on the grounds that it was rescuing Algeria's democratic future. While subsequent political violence vastly complicated the environment for the holding of fair elections, it did not excuse the failure of the HCE to take any meaningful steps toward restoring to Algerians their right to determine how they are governed.

### **The Right to Monitor**

There were no formal obstacles to human rights monitoring in Algeria during 1993. However, human rights work was impeded by a fear of reprisals that kept many Islamists, their sympathizers, and ordinary citizens from providing testimony about government abuses. Those willing to speak often insisted on discreet meetings and on remaining anonymous. Many believed that their phones and mail were monitored by the government.

In 1993, the violence attributed to Islamist groups against civilians, several of whom had openly criticized Islamist intolerance, no doubt intimidated many Algerians from expressing such views. One of those felled in an attack attributed to Islamists was Djilali Belkhenchir, a pediatrician who was vice-president of the Algerian Committee against Torture. Belkhenchir, who had also been active in an organization that urged the government to cancel the parliamentary elections after the FIS had won the first round, was gunned down in the Algiers hospital where he worked on October 10. No one claimed responsibility for the killing.

Algeria had several independent women's and civil rights organizations that operated with minimal or no state interference. Among the human rights groups, the Algerian League for the Defense of Human Rights (Ligue Algérienne pour la Défense des Droits de l'Homme) was the only one inside Algeria that was outspokenly critical of government abuses. Its criticisms were covered by the local independent press, as are those of foreign human rights groups. However, as noted above, journalists were impeded by government pressures and restrictions from doing much critical reporting of their own on human rights abuses.

Near the start of the state of emergency in 1992, the government created a National Human Rights Monitoring Body (ONDH), with a mandate to "sensitiz[e] public opinion to the question of human rights and undertak[e] actions when abuses of these rights are reported or brought to its attention." In its first two years, the ONDH failed to emerge as a force for human rights that stood apart from the government. While it took principled positions against capital punishment and the administrative detention camps, it did not actively collect or publish data about the extent of abuses. For example, even though it was the only human rights body to be allowed into the detention camps during 1993, the information it had gathered remained private. Similarly, the ONDH could have enhanced its credibility by actively investigating and reporting on the extent of abuses of detainees under interrogation. But ONDH president Kemal Rezzag-Bara told Middle East Watch that his organization could act only if complainants approached it, and then only if they were willing to follow through on their complaints.

The Algerian government took a mixed approach to international human rights and humanitarian organizations. Amnesty International was permitted to visit, even after issuing a highly critical report in March. However, the International Committee of the Red Cross was unable to resume its program of visiting detention camps, suspended in early 1992 because of government conditions on the terms of visits. A request from the New York-based Lawyers Committee for Human Rights to observe trials of Islamists before the special courts, and repeated requests by Middle East Watch to conduct a mission, went unanswered. Meanwhile, the official press agency ran a story in May falsely accusing a Middle East Watch researcher of links to a network run by the Jewish charity B'nai B'rith, said to be arming and financing Islamists in Algeria.

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

#### **The U.S.**

Algeria took a back seat to other U.S. concerns in the region during 1993. There were few public statements or initiatives by U.S. officials concerning human rights and democracy in Algeria, few high-level meetings between officials of the two countries, and little change in the modest aid program that the U.S. provides.

When a junta canceled elections and imposed a ruling council in January 1992, the Bush administration paused only momentarily before tilting toward the new regime, judging it preferable to a FIS-dominated parliament. Regrettably, its tilt was coupled with virtual silence toward the human rights abuses that the regime was perpetrating in the name of combatting Islamist terrorism.

If there was no major shift in policy toward Algeria between the Bush and Clinton administrations, there was at least a greater willingness on the part of the new administration to criticize the Algiers regime for failing to offer any response to its genuine security problem other than heightened repression. The Clinton administration's first major policy statement on Algeria contained blunt language on human rights. In testimony prepared for a May 12 hearing of the House Foreign Affairs Committee, Assistant Secretary of State for Near East Affairs Edward P. Djerejian said:

Since the suspension of parliamentary elections, little progress has been made in restoring the democratic process and correcting the disturbing deterioration in the human rights situation....Frankly, so far we have seen little in the way of action or specificity as to how the government plans to implement real political and economic reform....[W]e do not believe that Algeria's problems can be resolved mainly through resort to security methods....In our contacts with the Algerian Government, we urge a measured approach to security, one which focuses on those guilty of violence but avoids wide-scale repression or renewed incommunicado detention.

Djerejian went on to express concern about press restrictions and allegations of torture.

U.S. officials made no further public comments about human rights in Algeria when Foreign Minister Redha Malek met with Secretary of State Christopher one week later. Nor were there any significant statements concerning Algeria in the months that followed.

Assistant Secretary Djerejian's laudable statement before Congress on May 12 needed to be followed by further steps to prod the regime in the direction of respect for human rights and democratic reform. As Algeria received little direct U.S. aid, Washington had little financial leverage. However, the U.S. maintained a number of programs whose continuation could have been reconsidered in light of Algeria's human rights record.

The U.S. was given Algeria \$150,000 a year in the International Military Education and Training (IMET) program. The amount was tiny and restricted by the State Department to programs that, according to Djerejian's testimony, were "primarily designed to enhance democratization and respect for human rights in both the civilian and military sectors." The U.S. could have therefore sent a strong, albeit largely symbolic, message by suspending the program in protest at Algeria's deteriorating human rights record and its failure to move toward restoring democratic government. That is what the Senate's Foreign Relations Committee, in its official report accompanying the Foreign Assistance Act for the fiscal year 1994 budget, urged the administration to consider doing.

Far more important to Algeria were the U.S. government credits it received for the purchase of U.S. farm products, and the loans and loan guarantees given to U.S. corporations doing business in Algeria. For fiscal year 1994, Algeria was allocated \$550 million in loan guarantees by the Department of Agriculture's Commodity Credit Corporation (CCC), making it the CCC's second-largest client. This program also helped make the U.S. the third-largest exporter to Algeria, after France and Italy. In addition, the Export-Import Bank (Eximbank) reported a total exposure in Algeria, as of September 30, 1993 of \$2.2 billion in loan guarantees. The Eximbank's exposure was higher only in Mexico, Venezuela and Brazil.

While human rights restrictions on Eximbank activities are weak, the CCC is required to adhere to provisions of the Foreign Assistance Act that bar assistance to any government that engages in a consistent pattern of gross violations of internationally recognized human rights, "unless such assistance will directly benefit the needy people in such country." The Clinton administration should have considered ways to link

the size of these programs to the government's progress in moving toward democracy and curbing human rights abuses.

The State Department could also have sharpened its reporting on Algeria in its Country Reports on Human Rights Practices. While the 1992 chapter acknowledged that the situation "deteriorated severely," and properly blamed the government for having "frustrated an electoral process that for the first time could have resulted in a democratic change of government," it failed to convey the systematic nature of the government's campaign to eradicate the main opposition force, the FIS.

The Report stated that torture declined in 1992 and occurred only in isolated cases. It provided no evidence for this assertion, which contradicted the findings of human rights organizations. The Report did not mention that detainees were commonly held incommunicado beyond the legal time limit, the phase of detention when most abuse occurs. The chapter also under-reported the extent of the crackdown on the FIS as a party. It ignored the removal of anti-government preachers, the effective dissolution in December 1992 of the pro-FIS union, the Syndicat Islamique du Travail, and the closure of Islamist charitable and cultural organizations following then-Prime Minister Belaid Abdesslam's announcement of a crackdown on organizations that serve as "satellites" of the FIS.

### **France**

With closer ties to Algeria than any other country in the West, France remained by far its largest creditor, with roughly \$7 billion in outstanding loans. In 1993, France provided slightly more than \$1 billion in new credit, most of it balance-of-payments assistance on favorable terms and commodity credits guaranteed by COFACE, the state export credit agency.

French policy toward Algeria during 1993 was driven in large part by concern that an Islamist takeover would swell the flow of immigrants to France and destabilize the rest of North Africa. French-Algerian relations are complicated by the legacy of France's colonial rule in Algeria and its eight-year war to prevent the country's independence; public evocation of human rights concerns by France prompts a backlash in Algerian official circles, complete with evocations of past atrocities.

The conservative government headed by Prime Minister Edouard Balladur, installed in March, fortified French support for the Algiers regime. In June, Foreign Minister Alain Juppé offered "help in the struggle of the Algerian government against terrorism and religious fanaticism" without expressing any reservations about how the battle was being conducted. That month, Paris obliged Algerian authorities by banning a pro-FIS magazine published in France and forcing a number of Algerian Islamists to leave the country. Other than condemnations of political violence by opposition groups and cautious statements in favor of an expanded political dialogue in Algeria, the government was publicly silent during 1993 on Algeria's worsening human rights practices.

This policy followed the direction taken after some wavering by President François Mitterand and the ousted Socialist government in France. In early 1993 there were a series of high-level visits between Paris and Algiers, and agreements were signed for new French assistance. Then-Foreign Minister Roland Dumas termed as "courageous" Algiers's "policies of restoring the authority of the state and economic reform." President Mitterand, who had infuriated Algiers back in January 1992 by criticizing the interruption of the electoral process, changed tack and issued a statement condemning "extremism."

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

Middle East Watch monitored abuses by both the government and armed opposition groups, in keeping with the policy of Human Rights Watch of reporting on human rights violations by all sides to a conflict. Those efforts, however, were complicated by the failure of the government to authorize a Middle East Watch mission during 1993. Such authorization was deemed necessary by Middle East Watch in light of the extensive surveillance inside the country by the security forces.

As in other countries where access was effectively denied, Middle East Watch continued to gather information on human rights in Algeria by other means, including contacts by phone and correspondence, and through persons who had recently left Algeria. A report on governmental abuses and on Islamist-

inspired political violence was scheduled for release in late 1993.

In May, Middle East Watch issued a newsletter urging the release of imprisoned lawyer Brahim Taouti, who had been active in defending Islamist clients. He was given a three-year sentence on the basis of a penal code article whose vague and overly broad prohibition on distributing material "harmful to the national interest" is inconsistent with the right to free expression.

Middle East Watch also wrote letters to the authorities condemning the killing of civilians by unknown assailants and urging thorough investigations. In June, Middle East Watch sent a letter of concern to the German minister of justice after Germany complied with an Algerian request via Interpol to arrest FIS activists Rabah Kebir and Ossama Madani. Middle East Watch opposed their extradition on the grounds that the two men had been sentenced to death *in absentia* by an Algerian court whose ability to insure a fair trial was very much in doubt. Reportedly unpersuaded by the evidence against the two men provided by the Algerian authorities, a German court released them in September.

## EGYPT

### **Human Rights Developments**

Egypt continued to be ruled under emergency law, imposed in October 1981 following the assassination of President Anwar el-Sadat. The law, which had previously been in continuous effect from June 1967 until May 1980, continued to provide the executive branch with exceptional legal powers that, in effect, voided the human rights guarantees set forth in Egypt's constitution. Those provisions included broad discretion to arrest and detain any individual and the option to try civilians in military courts. The independent, Cairo-based Egyptian Organization for Human Rights (EOHR) stated in a July 1993 submission to the U.N. Human Rights Committee that the continuous application of the state of emergency had yielded "another constitution for the country" and "led to wide transgressions on the part of the security apparatus."

The political violence that marked 1992 continued in 1993, presenting the government of President Hosni Mubarak with a security crisis of serious proportions, as the death toll and human rights violations mounted. The government appeared increasingly sensitive to criticism of its human rights performance, and created human rights departments in key ministries, beginning with the Ministry of Foreign Affairs in February. Similar offices were organized in the Justice and Agriculture Ministries, and plans were announced for an office in the Ministry of Interior. It appeared that the primary task of the Foreign Ministry unit was to rebut the findings of international human rights organizations.

President Mubarak was elected to a third six-year term in a rubber-stamp national referendum on October 4, following his nomination on July 21 by the People's Assembly, the elected parliament overwhelmingly dominated by the ruling National Democratic Party. Mr. Mubarak ran unopposed. The Ministry of Interior said that almost sixteen million people (84 percent of those registered to vote) cast ballots, with 96.28 percent voting in favor of the president's re-election.

Armed Islamist extremists stepped up attacks in 1993 on Christian citizens, senior government officials, policemen and high-ranking security officers, causing casualties among intended victims and bystanders. There were also sporadic attacks during the year on tour buses and boats and at tourist attractions. From March 1992 to October 28, 1993, a total of 222 people lost their lives in the unrest: thirty-six Coptic Christians and thirty-eight other citizens; six foreigners; sixty-six members of security forces; and seventy-six known or suspected militants killed while allegedly resisting arrest. The latter died in raids by and shoot-outs with security forces, and at the scene of planned attacks. On March 9-10, a series of raids in Cairo, Giza, Qalyubiya province (north of the capital), and Aswan left dead a reported fifteen suspected militants and five members of security forces. In one of the raids in Giza, part of metropolitan Cairo, the fatalities included the wife and child of Khalifa Mahmoud Ramadan, a suspected militant who was himself killed. The government-owned Middle East News Agency (MENA) reported on March 10 that the raids were part of "a plan for an all-out confrontation to apprehend the fugitive leaders of the terrorist elements." The operations had been "prepared and planned at a high level," MENA reported, and had involved all of



Egypt's internal security forces, including the powerful General Directorate of State Security Investigation (SSI).

The government's determination to crush the militants led to human rights violations on a large scale, including arbitrary arrests, incommunicado detention and torture. The government also resorted to military courts to try civilians accused of "terrorism" offenses. As of November 3, thirty-nine death sentences had been handed down against Islamist militants by these tribunals, and seventeen executions had been carried out.

Freedom of association, already significantly restricted in Egypt, was further circumscribed by measures designed to tighten state control of unlicensed political groups and private mosques, and to thwart Islamist electoral victories in the country's professional associations. Freedom of expression suffered a serious setback in October, when the government clamped down on the moderate Islamist opposition with the detention of two leaders of the Labor Party, a legal political party that is allied with the Muslim Brotherhood, and two journalists from the party's twice-weekly newspaper, *al-Sha'ab*. Coupled with the summoning of the newspaper's chief editor and board chairman for questioning, the move was prompted by articles in the newspaper critical of the Mubarak government.

The dismissal in April of Interior Minister Gen. Abdel Halim Musa did not bring an end to mass and arbitrary arrests, incommunicado detention, and torture. Ironically, the new interior minister, Gen. Hassan el-Alfi, said in a July interview with the Saudi weekly magazine *al-Majalla* that it was only Egyptian authorities' determination to "adhere to the law and human rights" that had hindered the elimination of extremist violence. In October, he claimed that reports about torture and other rights violations in Egypt were "mere purposeful rumors that seek to distort Egypt's image."

Despite public pledges by Gen. el-Alfi, the practice of "hostage-taking"—the arrest of family members of suspects wanted by authorities—continued. In one particularly shocking case, the parents and twelve other relatives of Ahmed Farouq, a thirty-year-old construction worker, were detained between August 20 and September 4, to put pressure on Farouq to give himself up. Farouq's father told EOHR that he was detained at SSI headquarters in Giza, where he was severely beaten while bound at the feet and wrists. His wife was beaten in his presence and suffered wounds to the head when thrown against a wall. Farouq himself surrendered to authorities on September 2. Police sources were reported as saying that he confessed to involvement in three bombing attacks in Cairo, including one in August that injured the interior minister and killed five people. Farouq died in custody the next day, after being held at Lazoughly, the Cairo headquarters of SSI, where torture of political and security detainees was routinely practiced. Farouq's death certificate noted that there were several bruises on his face, suggesting that he may have been tortured during interrogation. Farouq's father was not allowed to identify his son's body at the morgue, bring others to the burial, or hold a funeral. In a September 23 press release, EOHR noted that Farouq's death was the fourth since May believed to have been caused by torture.

Two other events were particularly egregious: a siege of Imbaba, a neglected neighborhood of one million residents in metropolitan Cairo that had become a stronghold of Islamist militants, and a raid on a mosque in Aswan, Egypt's southernmost city. On December 8, 1992, thousands of security force members began a weeks-long search-and-arrest operation in Imbaba. EOHR documented major abuses during the campaign. Security forces "entered the homes of suspects who belonged to Islamic militant groups in the late hours of the night and occasionally destroyed furniture and terrorized the inhabitants, assaulting and insulting them," EOHR reported. There were widespread arbitrary arrests. Persons were detained on mere suspicion or because they had beards; periods of detention typically ranged from fifteen to thirty days. Relatives of wanted suspects—including mothers, sisters and wives, and children as young as eight years old—were arrested "to force [suspects] to give themselves up or to obtain information from victims as to their whereabouts." EOHR found that some of the women were beaten with rods, forced to undress and sexually molested by officers at the Imbaba police station. Numerous male detainees were moved to security police camps on the Cairo-Alexandria desert road, where they were blindfolded and questioned by SSI officers. According to EOHR, torture methods during interrogation included beating with coiled wires,

beating on the soles of the feet with the body held in awkward positions, electric shocks on sensitive body parts, and standing outdoors while naked, followed by dousing with cold water.

Among those from Imbaba held incommunicado at these camps was twenty-three-year-old Amhed Hamido al-Sawi, who was arrested on December 9, 1992. Ten days later, on December 19, al-Sawi's family was informed that he was dead. His brother was asked to sign a statement that al-Sawi had committed suicide. EOHR believed, however, that al-Sawi died under "severe torture" and submitted a written complaint to the prosecutor general. As of November 1993 EOHR had received no reply.

On March 9, 1993 in Aswan, eight militants and one policeman reportedly were killed when security forces raided the Rahman mosque, which was frequented by members and supporters of the Islamic Group, the clandestine organization that had claimed credit for numerous acts of political violence. Security sources cited by MENA claimed that the mosque was being used to store weapons and explosives and to harbor gunmen believed to have killed one local policeman and wounded another three days earlier. MENA reported that "terrorists opened fire on police, who retaliated in kind." But eyewitnesses interviewed by foreign journalists disputed the government's version of events, claiming that those inside the mosque were unarmed and that the assault, with tear gas and automatic weapons, began without warning.

Despite the aggressive pursuit of militants, anti-government violence only escalated during the year. There were attempted assassinations in Cairo of Information Minister Safwat el-Sherif in April and Interior Minister el-Alfi in August. Policemen and security officers, including high-ranking commanders, were frequently injured or killed in targeted attacks. On March 3, for example, Lt. Col. Mahran Abdel Rahim, an intelligence officer in Dayrut in Upper Egypt, and his eight-year-old son Muhammed were killed when assailants fired at their car. The Islamic Group claimed responsibility, stating: "Bullets against bullets, according to the law of retaliation."

Coptic Christians continued to live in fear and to fall victim to sectarian-inspired violence by suspected Islamist extremists, particularly in Upper Egypt. On April 19, author Shihatah Aziz Jirjis was shot and injured by two gunmen in his home in Dayrut, a town north of Assyut. On July 22, Dr. Fawzi Mikhail, a gynecologist in his sixties, was shot dead in Manfalout, near Dayrut. Also in Dayrut, pharmacist Philip el-Komous was killed on August 5, Sami Shawfiq Mounis was shot and killed in his shop on September 3, and professor Edward Nakhou'a Iskandar was shot and killed on his way to work at a local college on September 21. Iskander was the thirty-fifth Christian killed since March 1992 by assailants believed to be Islamist extremists. Militants have also targeted the Christian community by attacking and killing security forces guarding churches. On March 6, gunmen shot two policemen stationed outside a church in Aswan, killing one of them; on May 9, in Qusiyah, a police officer guarding the Catholic church was killed, and a policeman was shot and wounded at the Coptic church thirty minutes later; and on September 28, gunmen shot at two police guards in front of the Anglican church in Dayrut, killing one of them.

During the twelve months under review, the government signaled its intention to clamp down on independent spheres of activity within civil society. It narrowed the limited political space available to opposition groups lacking legal status, notably the Muslim Brotherhood; announced a plan to phase out private mosques; and tightened controls over elections in nongovernmental professional associations. Also, moderate Islamist political leaders and journalists were interrogated and arrested for exercising their right to freedom of expression.

In December 1992, the People's Assembly passed an amendment to the political parties law. The amendment barred political activity by groups that lacked legal status and prohibited political alliances between such groups and legalized political parties. Although the government had previously tolerated its electoral alliance with legalized opposition political parties, the Muslim Brotherhood—by most accounts the largest and most vigorous opposition group in Egypt—was thus further excluded from formal participation in the political process.

In another development with serious implications for freedom of speech and association, the government announced in December 1992 that the state would gradually assume control over all of the country's mosques, in an apparent attempt to eliminate the influence of radical Islamists at private religious

institutions. Only about 30,000 of Egypt's estimated 170,000 mosques were built and are administered by the Ministry of Religious Affairs. Sheik Ahmad Hindi, a ministry official responsible for Minya, Assyut and Sohag provinces in Upper Egypt, where militants have a strong base, said in February that the 2,835 private mosques in his area (of a total of 4,950) would be brought under government control over the following three years.

*Al-Ahram Weekly* newspaper reported in March that the ministry also planned to dictate topics for the sermons by imams at Friday noon prayers. According to the head of the ministry's Mosques Administration, Sheik Mansour al-Rifa'i Obeid: "Exercising control over all mosques is meant to guarantee that the sermons delivered therein are in strict compliance with true Islamic teachings." Dr. Muhammed Ali Mahjoub, the minister of religious affairs, said in an interview published in April in the semi-official *October* weekly that "the government respects freedom of speech" but added that "[i]f the word is poisonous and subversive, it must be stopped....It is known that the ministry is earnestly working to annex all private mosques to control the Islamic call and secure the people ideologically."

The Mubarak government also set down controversial regulations governing elections in the country's professional associations, which have about 1.2 million members nationwide. Without consultation with the associations, a bill—which provided for what the state termed "guarantees for the democracy of professional associations"—had been rushed through the People's Assembly on February 16 and signed into law by President Mubarak the next day. Mubarak said that Law No. 100 of 1993 was intended to prevent "a minority from imposing its dictatorship over the majority." It mandated that 50 percent of the registered members of an association had to cast ballots; if this turnout fell short, a quorum of 33 percent had to be met in a second round of voting. In the continued absence of the required number of voters, the law provided for the appointment of a panel of judges and senior association members to administer the organization for a six-month period, until new elections could be organized. In the past, low voter turnout had facilitated victories by well-organized Islamists. Professionals across the political spectrum expressed vigorous opposition to the law.

In a move that belied the government's stated commitment to freedom of expression, state security prosecutors in October detained and questioned Salah Bedaiwy and Ali el-Qammash, journalists from *al-Sha'ab*, the twice-weekly newspaper of the opposition Labor Party; party vice-president Dr. Muhammed Helmi Murad, a seventy-three-year-old lawyer and former minister who writes for the paper; and party secretary-general Adil Hussein. Prosecutors also summoned for questioning the newspaper's chief editor, Magdi Hussein, and Ibrahim Shukri, the head of the Labor Party and chairman of the board of the newspaper. *Why We Say No to Mubarak*, a book of previously published articles by Dr. Murad and Adil Hussein, was ordered confiscated because, according to prosecutors quoted by Agence France-Presse, it constituted "propaganda for extremist ideas and a justification of terrorist operations."

In newspaper articles, Dr. Murad had advocated a boycott of the October 4 presidential referendum and called on President Mubarak to disclose details of government arms sales and purchases. According to EOHR, the charges against Dr. Murad included "contempt of the person of the President of the Republic." Among the charges against the two journalists—who had written articles critical of security forces and state agricultural policies—was publishing ideas harmful to national unity and social peace, a crime under the July 1992 "anti-terrorism" amendments to Egypt's penal code. In a newspaper interview on October 11, President Mubarak commented that Dr. Murad and the journalists were "supporting terrorism."

Egyptian courts figured prominently in human rights developments during the year. President Mubarak, using his powers under the emergency law, began to refer cases of civilians accused of "terrorism" offenses to three-judge military courts in October 1992; the hanging of those condemned to death by such courts commenced in June 1993. The president maintained that military court trials were necessary in cases where "quick measures" were required, and that the national interest permitted "no room for extended procedures." In December 1992, the Supreme Military Court in Alexandria handed down judgments in two trials. Eight militants were sentenced to death (seven of them *in absentia*), and the condemned man in custody was hanged on June 13. Other military court trials of civilians followed,

including several mass trials each with over thirty defendants. Between December 1992 and November 3, 1993, military courts issued thirty-nine death sentences against Islamist militants; seventeen of the condemned men have been hanged.

Those trials violated human rights standards on three counts. First, the verdicts could not be appealed to a higher tribunal, as required by Egypt's obligations under the International Covenant on Civil and Political Rights, to which it is a state party. Civilians sentenced to death by military courts were denied the right provided to civilians condemned to death by regular criminal courts, who could appeal verdicts by applying for review by the Court of Cassation, Egypt's highest appeals court. Second, the military justice system—as part of the executive branch of government—lacks the fuller independence of Egypt's civilian judiciary. Last, the treatment of defendants and the court proceedings raised serious concerns about denials of due process and fair trial. Defense lawyers repeatedly complained that they were afforded insufficient time to review case files and prepare adequate defenses. They also said that some of their clients had been tortured and denied access to legal counsel during the initial days of custody and questioning.

In juxtaposition to the outcomes of military trials, on August 14 a civilian security court ruled as inadmissible confessions that had been extracted under torture, and acquitted the defendants of murder charges for lack of other evidence. The twenty-four Islamist militants (eight of them *in absentia*) accused of involvement in the assassination of People's Assembly speaker Dr. Rifaat al-Mahjoub in October 1990, were acquitted of murder charges by the Supreme State Security Court. Ten were sentenced to prison terms for other offenses. The president of the court, Judge Wahid Mahmoud Ibrahim, said that forensic medical reports indicated that some of the defendants had been subjected to the "ugliest forms of torture," including electric shocks. In a scathing rebuke to Egypt's security apparatus, Judge Ibrahim observed that the use of torture to obtain confessions constituted "proof of the failure and incapacity of the police to discover the truth."

Some scholars at al-Azhar—the prestigious institution of Islamic teaching and research supported with state funds and closely tied to the government—continued during the year to play a role in legitimizing intolerance in the name of religious orthodoxy. In an important development in June, one prominent sheik publicly condoned the killing of Muslims deemed apostates. Sheik Muhammed Ghazali appeared on June 22 as a defense witness at the security-court trial of thirteen defendants accused in the 1992 assassination in Cairo of the secular Muslim writer, Dr. Faraj Foda. Sheik Ghazali testified that a Muslim who opposed the implementation of Islamic law (as did Dr. Foda) was an apostate "liable to be killed." He further stated that in the absence of an apostasy law in Egypt, Islamic *sharia* law dictated that an individual who killed an apostate should not be punished, even though such an act constituted an encroachment on the state's authority. The testimony appeared to justify, and condone, murder; as EOHR noted, it constituted "an invitation to extrajudicial killing."

In another development, Sheik Mahmoud Abdel Mutagalli, another prominent scholar who sits on the *fatwa* (religious ruling) committee of al-Azhar, sought the banning of a low-priced series of forty contemporary and historical books on Islam, reprinted and published by the Ministry of Culture. According to Ahmed Selim, an official at the government's General Egyptian Book Organization as quoted by *al-Ahram Weekly*, the aim of the series was "to confront, from a liberal perspective, the misguided ideas embraced by the extremists." One of the books was *Islam and the Rules of Government*, written by *sharia* court judge Sheik Ali Abdel-Raziq. Originally published in 1925, the controversial book, which led to Abdel-Raziq's dismissal, postulated that an Islamic caliphate as a system of government was not prescribed in the Quran or the Sayings of the Prophet Muhammed, and that Islam and a civilian government therefore were not incompatible. Sheik Mutagalli was said to be particularly disturbed by the inclusion of this volume, and he petitioned al-Azhar Grand Sheik Ali Jad el-Haq to ban the series. The grand sheik referred the matter to Azhar's Islamic Research Center (IRC) for an opinion as to whether the contents of the books contradicted Islamic law. The IRC in previous years had taken unilateral action to ban and confiscate books on various political and religious subjects. Although its censorship authority under the law extended only to the Quran and the Sunna (The Traditions of the Prophet Muhammed), security forces and the General

Egyptian Book Organization had taken action on the basis of al-Azhar's opinions.

### **The Right to Monitor**

Locally based human rights groups are tolerated but not legalized, and continued to suffer from government restrictions on freedom of association. During 1993, the eight-year-old Egyptian Organization for Human Rights (EOHR) was able to carry out field work and advocacy, and issued numerous reports and press statements. But despite the group's growing prominence and international stature, it continued to be denied cooperative working relationships with, and information from, Egyptian authorities responsible for human rights oversight, most notably the prosecutor general's office. EOHR was forced to operate in a legal limbo because authorities had refused to grant it formal status as a private organization (Egypt's 1964 law governing private associations reserves broad power for the state to deny or rescind legalization of any group). The region-wide Arab Organization for Human Rights, founded in 1983 and also based in Cairo, was similarly denied legal status under the same law, as has the Egyptian section of Amnesty International.

The government was increasingly vocal in criticizing international human rights groups in 1993, declaring, for instance, that it no longer intended to respond to Middle East Watch. In an interview with *Rose al-Yousef* magazine published in June, the director of the newly created human rights department in the Foreign Ministry, Na'ela Gaber, stated that Middle East Watch had "held a press conference in Cairo [in July 1992 to release a major report on torture]. Their goal was to stir up trouble and to politicize the human rights issue, tying it to American aid. Now, there is no longer any dialogue with this organization since it does not respect the rules by which we operate." In a twenty-three-page statement to Middle East Watch dated June 9, the Foreign Ministry denied the existence of a pattern of human rights violations in Egypt. It stated: "We are astonished by the ever increasing and dutiful concern of MEW with regard to the conditions of the terrorists, and to the publication and repetition of their accusations....Our analysis of all the reports that the organization has prepared about Egypt...[indicates that it] has not proven the existence of a prevailing pattern of human rights violations." The Foreign Ministry also complained that MEW had "attacked Egypt and its ruling order" in press articles.

In a disturbing development, in February security forces in Upper Egypt interfered with the work of Middle East Watch and EOHR, and questioned two defense lawyers with whom the groups had made contact. Harassment included close surveillance by security forces in plainclothes. SSI questioned the executive director of EOHR about Middle East Watch's activities, with a request that additional information be provided as work proceeded. In a letter of protest to the Interior Minister, Middle East Watch said that these actions compromised the ability of rights monitors to gather information and created an atmosphere of intimidation. There was no reply to the letter. But the Ministry of Foreign Affairs, in its June statement, made note of this complaint and asserted that "security agencies reported that [Middle East Watch], during [its] visit, overstepped the internationally acknowledged functions regulating the activities of nongovernmental organizations concerned with human rights."

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

Public criticism of Egypt's human rights performance by U.S. officials continued to be taboo, despite mounting documentation of the Mubarak government's poor record. Middle East Watch understood, however, that behind-the-scenes U.S. government pressure was responsible for the creation of human rights departments in key ministries.

As in prior years, the only public comments about human rights were found in the State Department's *Country Reports on Human Rights Practices in 1992*, issued in February 1993. The country report accurately stated that many basic rights in Egypt "continue to be significantly restricted" and that "the pattern of human rights abuse...remained essentially unchanged in 1992." Among other violations, the State Department identified security forces' excessive use of lethal force; the widespread pattern of arbitrary arrest and detention; the systematic use of torture and the failure of authorities to investigate effectively allegations of abuse; substantial restrictions on freedom of peaceful assembly and association, including the right to form political parties; and important limitations on freedom of religion.

In an April 15 letter to Middle East Watch, the State Department's Bureau of Human Rights and Humanitarian Affairs asserted that its "interest in human rights conditions in Egypt will continue to be an important element in U.S.-Egyptian relations." It further stated that concerns and specific cases regarding torture, arbitrary arrest, prolonged detention without trial, and discrimination against Christians and women had been "raised...with Egyptian authorities at high levels."

Clinton administration officials made clear that bilateral relations with Egypt were guided by broad U.S. foreign policy concerns in the region. In testimony on April 28 before the House Foreign Affairs Committee's Subcommittee on Europe and the Middle East, Assistant Secretary of State for Near Eastern Affairs Edward P. Djerejian described the basis of bilateral relations. He cited Egypt's "important role in contributing to stability in the Middle East and furthering U.S. objectives in the region." He noted that Egypt "has provided essential support for the U.S. military presence in the Middle East," and said that U.S. security assistance to Egypt "has paid off handsomely."

The Clinton administration requested \$2.15 billion in aid for Egypt for fiscal year 1994: \$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 (ESF); and \$35 million in food assistance. A small portion of the ESF is allocated for judicial exchanges and training, including human rights training, and the development of information systems in the People's Assembly, Egypt's elected Parliament. As in past years, the administration made no effort to link the continuation of assistance to the Mubarak government's undertaking of specific measures to improve human rights. In fact, Secretary Djerejian, pledged on April 28 that the administration would make its best effort to maintain aid levels in subsequent years. There was no evidence that President Clinton, in his meetings with President Mubarak in Washington, D.C., on April 6 and October 25, raised the subject of Egypt's poor human rights record.

In violation of U.S. law, security assistance to Egypt continued despite a pattern of gross human rights violations, including torture and long-term detention without charge or trial. Under Section 502B of the Foreign Assistance Act, these rights abuses should trigger either a cutoff of military aid or an explanation by the administration of the "extraordinary circumstances" that merit the continued assistance.

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

In 1993, Middle East Watch pursued a strategy of research, information dissemination and advocacy, in order to document and publicize rights violations, maintain pressure on the Egyptian government to acknowledge and remedy abuses, and urge the U.S. and the European Community to use their considerable leverage to press the Mubarak administration to correct abuses.

In January and February, Middle East Watch carried out fact-finding in Egypt, traveling to Cairo and six other cities and towns. One focus of the mission was to obtain information about the treatment of Christians, who constitute at least ten percent of Egypt's population of fifty-nine million. Middle East Watch examined how government policies and practices have undermined religious tolerance, and obtained testimony about abusive and violent actions by Muslim militants. The problems documented included specific anti-Christian activities by extremists and their followers; the state's discriminatory restrictions on church construction and repair; the mistreatment of Christians and Muslim converts to Christianity by SSI officers because of their suspected peaceful religious activities; and the failure of security forces to respond adequately to complaints by Christians about law-breaking and violence by extremists. The report based on this research was scheduled for an early 1994 release.

Middle East Watch also worked closely with the Fund for Free Expression, another division of Human Rights Watch, to provide support for its March-April mission to Egypt, undertaken jointly with the American Association of Publishers, to investigate freedom of expression and association. The mission was particularly concerned with the ways in which the tension between the government and Islamist opposition was manifested in freedom of the press, television and radio broadcasting, book publishing, and limitations on freedom of association—principally the restrictions on political parties and professional associations.

Following up on Middle East Watch's on-site inspections of six Egyptian prisons in 1992, a book-

length report on prison conditions was released in February in Cairo. In July, Middle East Watch issued a newsletter about the trials of civilians before military courts, arguing that the trials violated international human rights norms.

Middle East Watch communicated human rights concerns directly to Egyptian government officials several times during the year. In February, a letter of protest was delivered to then-Interior Minister Musa about security forces' interference with the work of human rights monitors during a fact-finding mission to Upper Egypt that month. In May, a representative met in Washington with Egypt's ambassador to the U.S., Ahmed Maher el-Sayed, to discuss incommunicado detention and torture, and specific recommendations for addressing these abuses. The ambassador was presented with eight letters written by Middle East Watch to senior Egyptian officials between March 1992 and February 1993 that had gone unacknowledged.

In July, Middle East Watch and the Fund for Free Expression wrote to President Mubarak, expressing concern about the court testimony of Sheik Muhammed Ghazali, described above. The letter called on the president to denounce the sheik's legal opinion condoning the killing of apostates and to confirm publicly that the rule of law in Egypt would not be undermined by private religious versions of justice. In September, Middle East Watch wrote again to President Mubarak, urging that an independent investigation be conducted of the suspicious death in SSI custody of security suspect Ahmed Farouq on September 3. The only reply to these and earlier communications was the lengthy June 9 statement by the Foreign Ministry, which failed to address the specific cases raised.

In advance of President Mubarak's two visits to Washington, D.C., in April and October, Middle East Watch urged that human rights issues be discussed in Congressional and executive branch meetings with the Egyptian leader. An October newsletter, designed as a briefing document for policymakers, provided an overview of major human rights developments since December 1992. Middle East Watch selected Hisham Mubarah, a lawyer and executive director of the Egyptian Organization for Human Rights, as one of the thirteen international human rights monitors honored by Human Rights Watch in observance of Human Rights Day, December 10.

## **IRAN**

### **Human Rights Developments**

The negative attitude of the Iranian government to universal human rights did not change during 1993. The Islamic Republic was in the vanguard of the minority of states who argued strenuously at the U.N. World Conference, in June, that cultural and religious differences should permit the implementation of different standards of behavior. Officials continued to denounce the raising of human rights issues by foreign governments and nongovernmental organizations, and the United Nations, as attempts to undermine the 1979 revolution and impose "Western values" on Iran.

Iran is a signatory to most international treaties and conventions, including those in the field of human rights. In a significant step toward compliance with treaties governing banned weapons, in January, the Rafsanjani government added Iran's signature to the Chemical and Biological Weapons Convention.

On the other hand, Iran's compliance with U.N. resolutions dealing with human rights has usually been poor. Following a period of thaw, relations with the U.N. Human Rights Commission once again soured badly in late 1991, and remained hostile thereafter. Beginning in December 1991, the Special Representative of the Human Rights Commission, Reynaldo Galindo-Pohl, was barred from entering Iran, and cooperation by the Iranian authorities with U.N. human rights work almost ceased. The Special Representative reported in November 1992 that out of 500 Iranian cases submitted to the Working Group on Enforced or Involuntary Disappearances over the years only one had been cleared up—and a nongovernmental organization had resolved that case.

Strong resolutions condemning Iran's human rights record passed the U.N. General Assembly in November 1992 and the Human Rights Commission in February 1993, by wider margins than in previous

years. In August 1993, the U.N. Commission on the Elimination of Racial Discrimination issued a scathing report on Iran's failure to provide adequate and timely information about its compliance with the relevant international convention. In particular, the U.N. body asked Iran about its treatment of Kurdish and Baha'i minorities.

In some arenas of national life, such as freedom of expression, women's rights and judicial reform, human rights had made some modest advances since President Ali Akbar Hashemi-Rafsanjani came to power in mid-1989. In other areas—freedoms of religion and association, for instance—there was little or no change in the government's repressive behavior. During 1993 political dissent continued to be dealt with severely, even within the ideological confines of the Islamic Republic's constitution. And prescription of every facet of public and private life—from clothing to schools curriculae—remained a principal tenet of governance.

Most serious of all, with respect to "the right to life, liberty and security of person," enshrined in Article 3 of the Universal Declaration of Human Rights, Iran's record remained one of the world's worst. An exceptionally high rate of judicial executions, following unfair trials; the hunting down, and murder, of exiled opponents; and the arbitrary detention of citizens on flimsy charges, added up to flagrant defiance of the letter and spirit of the Universal Declaration. Official explanations that Iran was engaged in a war against narcotic drugs and against armed opposition groups, accurate though these arguments might be, represented no justification for such gross violations.

A central dilemma—one shared by Iranian citizens concerned about the limits of appropriate behavior or expression and by human rights groups attempting to evaluate the Iranian government's record—was that of the arbitrary application of laws. Rapidly shifting norms set by competing factions in the clerical establishment added to the problem. Thus, the wide range of publicly expressed views, inconsistencies in judicial sentencing, and the unrest in border provinces could provide a misleading impression of tolerated diversity. Middle East Watch believed, however, that the absence of control in some areas of public life was not for lack of intent on the part of the central authorities; rather, it reflected the unique nature of the regime, with its dual spiritual and secular authority, and endemic factionalism, as well as latent Iranian individualism.

The June election of President Rafsanjani to a second, four-year term raised hopes that, with a fresh mandate, the President would feel strong enough to usher in a more tolerant era. In fact, the reverse occurred. The most prolonged crackdown on "public vice" for years swept through the streets, shops and offices of the country within days of his re-election. The campaign, which resulted in over 4,000 arrests by September, was probably timed to the start of the holy Islamic month of Moharram. Whatever the rationale, Rafsanjani's inability or unwillingness to rein in the hard-liners was clear, despite his public pleas for restraint.

As in previous years, the streets were a good litmus test of the prevailing political climate. So, too, were the bookstores, newspaper stands and cinema theaters. Soon after the elections, a fresh drive against discordant voices in the press was launched. This time, the main targets were former allies, hard-core supporters of the revolution who, having lost an earlier battle for power in the Islamic Majlis, or parliament, had become champions of free expression and more relaxed state controls.

In August, the government acted to punish the daily newspaper *Salam*, aligned with the Militant Clerics Association, a breakaway group from the pro-government Tehran Militant Clergy Association. Since the radical faction's loss of its parliamentary majority in the 1992 national elections, *Salam* had become increasingly open in criticizing government policy. It had become a forum for dissident voices on a range of subjects. Abbas Abdi, its editor-in-chief, was arrested on the order of the Islamic Revolutionary Courts, on August 26. Two days later, the newspaper's publisher Mohammed Asqar Musavi-Kho'iniha, a prominent cleric, was summoned to appear before the Special Clerical Court on charges of slander. The same day, Mehdi Nassiri, editor-in-chief of the mass circulation daily, *Keyhan*, another radical newspaper, was summoned to the prosecutor's office over commentaries critical of the head of the judiciary, Ayatollah Mohammad Yazdi. He was released on bail and awaited trial on slander charges filed against him by Yazdi. Slander was the common criminal charge when government policy was criticized.



*Keyhan's* embroilment with the law was related to reports it had published concerning the activities of Ayatollah Hossein Ali Montazeri. The challenge to the regime's authority posed by Montazeri, a prominent government critic, touched one of its most sensitive subjects. Until 1989, when he fell out with Ayatollah Khomeini, Montazeri had been the late Iranian leader's designated successor; since then, he had been confined to the city of Qom, where he taught at a theological seminary. While the government attempted to silence Montazeri and his supporters as discreetly as possible, the problem was his religious eminence—especially when contrasted with the relatively low standing in the Shi'a hierarchy of Ali Khamenei, the current Supreme Leader of Iran.

In a stern warning to other Montazeri supporters, in November, Mahmud Kheirollahi, a cleric, was sentenced to nine years in jail and seventy lashes. According to *Keyhan*, a religious court had found him guilty of "insulting the Islamic government" and distributing publications advocating Montazeri's elevation to the Supreme Leadership. Earlier in the year, the government had used both its formal and informal instruments of control in an unsuccessful attempt to silence Montazeri. After a critical speech to his theological class in February, several of the religious leader's aides, including his son-in-law, were arrested and their offices ransacked by paid thugs. Two months later, in April, a clerical court ordered the closure of the magazine *Rah-e Mojahed* because it dared to publish criticism of the February events.

Another prominent former supporter of the regime turned dissident, the philosopher Abdelkarim Soroush, increasingly found himself unable to express his opinions in public. Soroush had articulated a view held privately by many others, that the Shi'a leadership needed to choose between secular and spiritual power, arguing that, if they failed to choose, they ran the risk of losing both sources of authority.

During 1993, all the press remained vulnerable to unchecked vigilante attacks. Among those attacked were the daily *Ettela'at*, the magazine *Ettela'at-e Haftegi*, the magazine *Kiyan* (linked to Soroush) and the publishing house Nashr-e Noghreh. In June, a Ministry of Culture and Islamic Guidance spokesman acknowledged that the government was unable to stop these attacks. He exhorted publications to "behave in a way as not to offend the sentiments of the *hezbollahi* (hard-line revolutionaries)."

One of the worst abuses directly attributable to the authorities concerned Manouchehr Karimzadeh, a cartoonist accused in 1992 of insulting the memory of the late Ayatollah Khomeini. Despite standing orders from Ayatollah Yazdi, his first trial was conducted in secret before the Islamic Revolutionary Courts. (Revolutionary Courts are used when the authorities deem the likely punishment levied by general courts to be insufficient.) Karimzadeh was first sentenced to one year in prison, fifty lashes and a fine. In 1993, the Supreme Court ratified the lower court's guilty finding, and sent the case back to the lower court for retrial. After the second hearing, Yazdi announced, in October, that Karimzadeh's prison sentence had been increased ten-fold.

In one small victory for press freedom, in December 1992 Abbas Maroufi, the editor-in-chief of *Garfoon* magazine, was tried by a criminal court before the press jury, and was acquitted. *Garfoon* was able to resume publication in April, after some delay. This case and another, earlier in 1992, marked the first applications of the 1985 Press Law, which required that press offenses be tried in general courts in the presence of a jury.

Women's rights—another key arena of ideological and social confrontation—fared indifferently in the twelve months under review. In some aspects, modest progress was made, in others there were reverses. Reinforced dress codes affected women more than men, descending even to such trivial offenses as wearing sun glasses. Violations frequently led to fines or flogging. Meanwhile, the separation of the sexes in public, a central precept of Islamic morality, was taken a step further in December 1992, when it became required that public transportation be segregated by gender.

Several developments improved women's conditions in the areas of employment and divorce. In July, Ayatollah Yazdi affirmed a right to work for women—an important, but controversial, issue in a country where conservative Muslim clergy argue that women must stay at home and bring up children. Yazdi qualified his endorsement of the principle, however, saying that in the absence of a private nuptial contract specifying a wife's right to work outside the house or continue her studies, her husband had the

right to deny these prerogatives.

Amendments in divorce laws agreed upon in December 1992 were greeted by women as signs of progress. Legislation ratified by the Council of Expediency, a top-level arbitration body for the government, allowed women to claim "housework wages" from husbands who filed for divorce. Unfortunately, the practical consequences of this move were limited—in part, because of stringent preconditions applied to those seeking compensation and, in part, because of the high degree of illiteracy among rural women. Discriminatory policies against women in other legal areas, such as inheritance, child custody, education, travel and occupation remained unchanged.

The total number of political or security prisoners in Iran during 1993 was unknown. According to Ayatollah Yazdi, in April, there was "not even a single prisoner in Iran kept for his thoughts and beliefs." Hojatulislam Mir Abolfazl Musavi-Tabrizi, the Prosecutor-General, was equally categorical. The state radio quoted him as declaring at a press conference in January: "At present, there are no political prisoners in Iran." Yazdi conceded that the government was holding members of opposition parties, which he described as "counter-revolutionary grouplets;" but he claimed that the number of such detainees was "fewer than the number of fingers."

These official claims could not be accepted at face value. After anti-government disturbances in early 1992 in several parts of the country, many hundreds were arrested and accused of being "insurgents" or "corrupt on earth." Some were reported in the Iranian media to have been sentenced to long prison terms. In a submission to the Iranian government in September 1992, Galindo-Pohl listed the names and cases of eighty-nine persons believed being held at that time on political grounds.

Few cases of arrests of opposition activists become public. In one rare example, in November 1993, the left-wing organization Komala wrote to Middle East Watch about five of its activists who had been detained by Revolutionary Guards in the Kurdish city of Sanandaj, on October 21. Middle East Watch was also aware of the names of other long-term prisoners in Iranian jails who continued to be held because of their political beliefs or associations, and not because of any acts of violence.

Overcrowding and poor conditions were believed to be serious problems in Iranian detention facilities. In a rare admission, on January 3, Ayatollah Yazdi said on state television that, taking into account the number of incarcerated drug offenders, the state of the country's prisons presented "a big problem." Drug offenders and addicts, who were confined to compulsory treatment centers, made up between 50 and 70 percent of Iran's estimated 100,000 prisoners; the higher figure was given by Prosecutor-General Musavi-Tabrizi on January 24.

Supervisor of Prisons Asadollah Lajevardi disclosed in September that during the Iranian year to March 21, 1993, Iran's prison population had averaged 99,900. He broke down this figure by stating that 52,000 persons were held on drug-related charges, and 2,000 persons for vice crimes. Lajevardi also noted that 2,000 persons under the age of eighteen were among the prisoners. It was unclear whether detainees under interrogation or those awaiting trial or sentencing were included in these figures.

The number of executions carried out in 1993, while believed to remain high, could not be reliably estimated, largely because the Iranian media ceased its previous practice of publishing details of individual cases. In 1992, Amnesty International documented from press accounts at least 330 executions, including cases of juveniles. For his part, the U.N. Special Representative noted 224 cases where the death penalty had been applied in the first seven months of 1992 alone, at least sixty-six of which were on political grounds.

The government claimed that capital punishment was applied only to "major drug traffickers and those found guilty of premeditated murder." It also consistently denied allegations that political prisoners were being executed under the guise of drug traffickers. The scale of the drugs problem can be judged from a statement by a top Interior Ministry official, Brig.-Gen. Reza Seyfollahi, that between March and August 1993—the first five months of the Iranian year—the authorities had seized a record twenty-two tons of narcotics.

In response to criticism about Iran's judicial shortcomings, during 1993, the country's top judicial

officials were at pains to defend their practices. Musavi-Tabrizi emphasized that all judicial sentences were automatically reviewed, with the second stage being final and binding. Yazdi, responding to criticism over lengthy pre-trial detention of suspects claimed, in September, that Iran's practice was superior to international standards, "because charging a defendant with a crime before trial is tantamount to an official finding of guilt." His remarks underscored a disregard for the basic legal safeguards necessary for a fair trial. The judiciary's institutional weaknesses were its inconsistency and the dearth of qualified jurists.

Iran's disregard of the fundamental principle of the right to life was not, however, confined within its borders. In 1993, Middle East Watch noted four successful assassinations, one attempted assassination, and one case of abduction and disappearance of Iranians linked to exile opposition parties. In each of these cases there were strong grounds for the belief that the authorities in Tehran were behind the action. Since the Iranian revolution in 1979, the government has been suspected of involvement in the killing abroad of at least sixty opposition figures.

Incidents recorded during the twelve months to November 1993 consisted of the December 26, 1992 abduction in Istanbul of Abbas Gholizadeh, from the Organization for the Defense of Fundamental Freedoms in Iran (formerly Flag of Freedom); the January 18 attempted murder in Cologne of Mehdi Haeri, a dissident cleric; the March 16 killing in Rome of Mohammad Hossain Nagdi, an official of the National Resistance Council of Iran; the June 6 assassination in Karachi of Mohammed Hassan Arbab a People's Mojahedin of Iran member; the August 25 abduction in Ankara of Mohammad Ghaderi, member of the Kurdistan Democratic Party of Iran-Revolutionary Council; and the August 28 assassination in Ankara of Bahram Azadifar of the Kurdistan Democratic Party of Iran.

In none of the above cases were arrests made by the local authorities. Coincidentally, though, three important cases involving prominent Iranians assassinated in Western Europe either came to trial in late 1993, or were due to begin shortly. All of these cases carried political overtones for the states concerned—France, Germany and Switzerland—as local prosecutors in each case stated that evidence existed linking the Iranian authorities to the crimes. Iranian officials continued vehemently to deny the government's involvement in overseas assassinations—a denial expressed to Middle East Watch in February by Deputy Foreign Minister Jawad Zarif, in Tehran.

On October 28, a Berlin court began hearing a case against four Lebanese and an Iranian accused of participating in the 1992 murder of Sadiq Sharifkandeh and four of his colleagues on the orders of the Iranian intelligence service. A few days before the case began, Germany's top intelligence official held secret talks in Bonn with Hojatulislam Ali Fallahian, the Iranian Minister of Intelligence. The meeting drew protests from Britain and the United States; but the Kohl government insisted that it would continue the contacts, which it said dealt with unspecified "humanitarian matters." Four Germans were held in jail in Iran, one of whom had been sentenced to death, on charges of espionage, at the time. Several other foreigners, including an American travel agent, Milton Meier, who was informally accused of a number of offences, remained in jail in Tehran without trial.

The other Iranian cases due to come to trial in Europe at the end of 1993 or early in 1994 released were those involving the August 1991 murder in Paris of former Iranian Prime Minister Shahpour Bakhtiar, and the April 1990 murder near Geneva of Kazem Rajavi, brother of the leader of the opposition People's Mujaheddin of Iran.

Foreigners held against their will in Iran during the year included an estimated 20,000 Iraqi prisoners-of-war—still detained more than five years after the end of the war with Iraq. While many may not have wanted to return to Iraq, prior to 1993 the International Committee of the Red Cross (ICRC) had been unable to ascertain their wishes, in accordance with its standard procedures concerning the repatriation of POWs. After repeated official denials that Iran was holding so many Iraqis, in May Deputy Majlis Speaker Hassan Rouhani confirmed the 20,000 figure for the first time.

In what was described as a "good will" gesture, Iran released a total of 3,500 Iraqis, who returned to Iraq under ICRC supervision. At least 2,900 were not POWs, but military deserters who crossed the border into Iran during the 1991 Persian Gulf War. Iraq did not reciprocate these gestures and continued to claim

that there were no Iranian POWs in its custody.

Based on testimonial evidence gathered by Middle East Watch in February, as well as information collected by other international organizations, Iranians being kept against their will in Iraq included an unknown, but large, number of ethnic Arabs and Kurds forcibly removed from their homes in the border areas to camps deep inside Iraq, in the early months of the eight-year war.

The two most significant issues during 1993 involving the rights of ethnic or religious minorities concerned the Kurds and the Baha'is. Little reliable information was available about security force actions inside Iranian Kurdistan involving human rights violations. But fighting with guerrillas of the Kurdistan Democratic Party of Iran and two smaller groups apparently grew in intensity, leaving casualties on both sides. In response to the deteriorating situation, the new Interior Minister, Ali Mohammed Besharati, was put in charge of a new security force in the border zone, in October. The Law and Order Forces, composed of *basij* volunteers—young Islamic zealots—was described as a rapid-reaction force to deal with unrest in Kurdistan; its establishment created a concern that further rights violations would occur in a region where grave abuses had been reported over the years since the 1979 revolution.

Along Iran's border with the Kurdish-held region of northern Iraq, Middle East Watch and other nongovernmental organizations observed the persistent shelling of border villages by Iranian forces, which caused much damage and forced an estimated 10,000 civilians to seek refuge elsewhere. Shelling and other military actions, ostensibly aimed at bases of Iranian Kurdish parties, began in March and continued on an almost daily basis throughout the rest of the year. In another breach of international humanitarian law, in July, Iranian forces seized thirteen Iraqi Kurdish civilians as hostages, to press for the return of five Iranian soldiers captured earlier by the Kurdish authorities. An exchange was arranged after some weeks of negotiation.

In a move with disturbing implications for the rights of thousands of Iranian refugees in Turkey, on October 18 Interior Minister Besharati and his Turkish counterpart, Mehmet Gazioglu, signed a protocol to counter "hostile acts along their common border." In return for Iran's cooperation in denying sanctuary to the mainly Turkish Kurdistan Workers Party (PKK) guerrillas, according to the Arabic daily *Asharq al-Awsat*, Besharati asked Gazioglu to expel or otherwise restrain 183 Iranian dissidents living in Turkey.

Members of the largest non-Muslim religious minority in Iran, Baha'is have long had to contend with discriminatory government policies. Persecution significantly abated over the years, but Baha'is were still not recognized by the state as a religious group and were not afforded any constitutional rights. In February, the U.N. Special Representative released a 1991 document apparently approved by Iran's highest-ranking officials which stated baldly that "the progress and development of the Baha'is shall be blocked." The document required that Baha'is be denied education and employment, if they identified themselves as Baha'i, and that they be prevented from assuming any position of influence.

Legislation that formalized the previously administrative discrimination applied against all persons deemed not to be good Muslims was passed by the Majlis on October 24. The wide-ranging bill made it illegal for public servants to engage in many actions with human rights implications. Among them were "unauthorized contact or communication with foreigners"; the "non-observance of Islamic dress code or Islamic principles and rights"; and "scaremongering, participation in illegal sit-ins, strikes and demonstrations, or encouraging others to [engage in] these acts."

Obnoxious for their group implications were those clauses of the bill that barred government employment to members of "deviant groups ... groups whose constitution is based on the denial of divine religions ... and Freemason organizations." As Baha'is are considered by mainstream Shi'a to be apostates, as a result of this bill they were automatically barred from work for any public employer. Although the legislation may have been aimed primarily at controlling corruption in government employment, as some Iranians claimed, its draconian nature gave officials a heavy stick to use at will against dissidents and minorities.

In response to criticism about Iran's treatment of Baha'is and peaceful dissidents, the Iranian

Mission to the U.N. said on April 23 that: "neither Bahais nor any other groups including dissident groups have been prosecuted in Iran on grounds of their beliefs. Like other Iranian nationals, Bahais also enjoy equal protection of the law and like them Bahais have also been held accountable for their breaches of the law. For instance, in the last five years in Iran only one Bahai individual has been found guilty as charged in a court of law and sentenced to death." The individual concerned, Bahman Samandari, a prominent community leader, was executed on March 18, 1992, one day after being summoned on a pretext to Tehran's Evin Prison. His relatives were never informed of the charges, or whether he had been tried.

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

Impelled by Iran's outspoken opposition to the Arab-Israeli peace process, and by intelligence reports that the Islamic Republic was acquiring the means to develop nuclear weapons, the Clinton administration early on adopted a harsher stance against Iran than had the Bush administration. The shift to a more active policy of "containment" of Iran also reflected the urgings of two key U.S. allies in the Middle East, Israel and Egypt.

Secretary of State Warren Christopher, whose previous spell in government as Deputy Secretary of State had been marked by the U.S. Embassy hostage crisis of 1979 to 1981, set the tone at a March 30 Senate hearing. Branding Iran "an international outlaw," Secretary Christopher said the U.S. opposed World Bank lending to the Islamic Republic, and would be urging U.S. friends and allies to follow suit. U.S. officials argued that low-cost World Bank loans enabled Iran to divert scarce financial resources to the acquisition of arms, including nuclear weapons. Against U.S. objections, the World Bank approved \$458 million in loans to Iran, in March. However, persistent U.S. pressure led, in September, to a suspension of World Bank loans pending a broader review of lending to Iran, which has run into mounting credit problems.

Human rights formed one of the six areas of Iranian "objectionable behavior" cited by administration officials when asked about the preconditions for a changed attitude on the part of Washington. The others were: the acquisition of nuclear technology, support for terrorism abroad, pursuit of a military buildup in excess of its defensive needs, opposition to the Arab-Israeli peace talks, and the subversion of Arab governments friendly to the United States. The last point, referring to Egypt and Tunisia, was later dropped in public statements.

The most forthright exposition of the new U.S. policy toward Iran came in a May speech to the Washington Institute for Near East Policy by Martin Indyk, the senior Middle East aide on the National Security Council. Before joining the government, Indyk had headed the pro-Israel Washington Institute. In his speech, the NSC official said: "We do not seek a confrontation, but we will not normalize relations with Iran until and unless Iran's policies change—across the board." Indyk dubbed U.S. strategy toward Iran and Iraq as one of "dual containment." State Department officials later backed away from the "dual containment" line, emphasizing that Washington remained open to dialogue with Tehran, without preconditions on either side.

Although human rights were often cited in the lexicon of misbehavior, less emphasis was placed on domestic violations than on acts of overseas terrorism. Here, the U.S. took an expansive view of Iranian government responsibility. The State Department's annual report on terrorism featured Rafsanjani and Khamenei on its cover, and devoted more space to actions allegedly conducted by, or on behalf of, Iran than any other country. U.S. officials were particularly angered by Germany's secret talks with the Iranian Intelligence Minister, Ali Fallahian, in October. Regrettably, though, no statement emanated from Washington in response to the constant shelling of Iraqi Kurdish border villages—part of an area closely monitored, and ostensibly protected, by patrolling U.S. and allied aircraft.

The most practical aspect of U.S. policy was a concerted drive to deny Iran "dual-use" technology with civilian and military applications. Meeting with European Community Foreign Ministers in Luxembourg on June 9, Secretary Christopher urged European states to back the U.S. premise that Iran should not enjoy normal commercial relations. No blanket embargo exists on trade with Iran, although the

U.S. forbids the import of most Iranian exports, including oil. Despite the prohibition, U.S. oil companies were reported to be among the largest purchasers of Iranian crude oil, shipping it to third destinations or to offshore refineries. A bid by the Boeing aircraft manufacturer to sell passenger aircraft to Iran, in an order potentially worth hundreds of millions of dollars, was held up by the White House.

Contrary to reports disseminated by the People's Mujaheddin, the principal opposition organization, the Clinton administration did not move closer than its predecessor to a rebel body that itself had a poor human rights record.

### **The Right to Monitor**

No on-site monitoring of human rights conditions in Iran by international organizations was permitted during 1993. Reynaldo Galindo-Pohl, Special Representative of the U.N. Commission on Human Rights, had been denied access since December 1991. Similarly, Amnesty International, Middle East Watch and other nongovernmental organizations were consistently refused permission to enter Iran for the specific purpose of examining domestic human rights issues.

Middle East Watch was able to conduct a mission to Iran in 1991, aimed at gathering information about the uprising in neighboring Iraq; and it was permitted to return in early 1993 to investigate conditions in Iraq. On both these occasions, and during a September 1991 visit to Tehran, to take part in a government-sponsored conference on human rights, Middle East Watch representatives were able to meet with government officials, academics, nongovernmental organizations and private citizens.

In 1993, there was no genuinely independent domestic organization to monitor human rights conditions, although a dissident political party, the Freedom Movement, did issue occasional denunciations of governmental abuses of the rule of law, and other matters, through clandestinely printed and circulated statements. One ostensibly independent human rights organization, the Organization for the Defense of Victims of Violence, was backed by the government; its work was confined to combatting the propaganda of the opposition PMOI and to defending the official version of Iran's human rights record before international organizations.

In May, the Iranian parliament announced the formation of a "nongovernment" committee, consisting of seventeen members of parliament and lawyers, to "investigate the human rights situation in Iran and abroad and offer suggestions." No further details were available as to its role and functioning. Given parliament's independence from the Rafsanjani government, such a committee could potentially play a useful monitoring role, provided it was prepared to use its authority to call officials to account and demand changes in abusive practices.

The expulsion of the ICRC in March 1992, on the grounds that it had exceeded its mandate, closed a briefly opened window into prison conditions in Iran. For two months, the ICRC had been able to meet Iranian security prisoners on a regular basis, to register them and determine their wellbeing. However, it was not permitted to meet the estimated 20,000 Iraqi prisoners-of-war being held in Iran following the end of the war with Iraq, in August 1988.

International humanitarian organizations, such as the office of the United Nations High Commissioner for Refugees and private relief groups, were given relatively free access to the large refugee population in Iran. Iran housed over three million refugees from conflicts past and present among its neighbors—the heaviest refugee burden of any country in the world—and, during 1993, it appealed on several occasions for further outside assistance. The presence of foreign organizations in sensitive border regions was closely controlled by the authorities. Nevertheless, such bodies served informally as useful sources of information on human rights-related matters.

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

In 1993, Middle East Watch's work focused on freedom of expression in Iran. A 140-page report titled *Guardians of Thought: Limits on Freedom of Expression in Iran* was released in September and received widespread media coverage. Covering primarily the period from 1989 to 1993, the report examined the

various mechanisms of state control of expression. It presented more than sixty cases of Iranian writers, filmmakers, journalists and intellectuals who had either been imprisoned or otherwise punished for the content of their work, or whose work had been banned or censored. The case studies illustrated tactics of direct, often violent, pressure by groups of ideological vigilantes, media vilification campaigns, and formal censorship; it also showed how the power play between different factions of the ruling élite had a deleterious effect on freedom of expression. Efforts to meet with Iranian government officials, to discuss the contents and recommendations contained in the report, were unsuccessful.

Publication of *Guardians of Thought* was followed up, in October, with a brief report on the detention of a dissident former army officer, Col. Nasrullah Tavakoli, and the imposition of a ten-year prison sentence on a cartoonist, Manouchehr Karimzadeh. The Tavakoli case, involving a lone individual who issued lengthy written attacks on the government, illustrated the limits of official tolerance. Middle East Watch organized an international campaign among cartoonists over the Karimzadeh case.

A delegation from Middle East Watch traveled to Iran in January and February, for a three-week mission. Team members interviewed Iraqi refugees and exiles in Tehran and Khuzestan province about human rights conditions inside Iraq. Informally, the delegation was also able to gather useful information on current conditions in Iran, to counter often distorted accounts received abroad from exile groups. Throughout the year, Middle East Watch met with activists living abroad or visiting from Iran. It participated in conferences on Iran, and addressed groups in the United States on human rights conditions in the country.

## IRAQ AND IRAQI KURDISTAN

*The regional Kurdish government and parliament based in Erbil, elected in May 1992, is treated in this chapter as a self-governing entity, with all due responsibilities for the maintenance of accepted norms of government behavior toward citizens and upholding of human rights standards. This approach by Middle East Watch does not imply recognition of the Kurds' right to self determination, a topic outside the mandate of Human Rights Watch, nor of the legitimacy of the local authorities.*

### Human Rights Developments

There were no indications during 1993 of improved respect on the part of the regime headed by President Saddam Hussein for the human rights of Iraq's eighteen million citizens. Iraq is a party to most international human rights instruments, but its compliance with their provisions has been only on paper. In the twenty-five years since the Ba'th Party seized power in a *coup d'état*, for the second time, in 1968, the party relied almost constantly on maintaining control through a system of "terror and reward"—the alliterative expression in Arabic is *tarhib wa targhib*.

After Iraq's defeat in the Persian Gulf War, in February 1991, the totalitarian nature of the regime became increasingly visible. A rubber-stamp National Assembly remained in existence. But President Saddam came to rely exclusively on a small circle of long-time aides from the ruling Revolutionary Command Council (RCC). All key government posts were held by close relatives of the President. In a new cabinet announced on September 5, 1993, Watban Ibrahim al-Hassan, Saddam's half brother, became Interior Minister; Hussein Kamel Hassan, his son-in-law, was made Minister of Minerals and Industry; and Ali Hassan al-Majid, the president's first cousin, retained the post of Defense Minister. An élite security agency, the *Amn al-Khas* (Special Security), responsible for the protection of the regime, was headed by Saddam's youngest son, Qusai Hussein.

In a little publicized move disturbing even by Iraq's standards of flagrant disregard for the rule of law, on December 12, 1992, the RCC issued a decree effectively absolving members of the Ba'th Party from criminal responsibility for their actions in defending security and order. As published by the state-run Iraqi News Agency, the decree stated that the RCC "bans the interrogation of members of the Party and popular

patrols charged by the Arab Socialist Ba'th Party with the task of conducting security and observation missions under the slogan, "the People's Guards never tire in establishing security and providing tranquillity for people." Members of the Ba'th were already a privileged caste in Iraq, provided with better employment and educational opportunities than non-members. Additionally, many Iraqis told Middle East Watch that, at a time of extreme food shortages and high prices in the country, as a consequence of U.N. sanctions, Ba'th members received favored access to the state-controlled food distribution system.

During 1993, the regime focused its energies at home on preserving its own survival and abroad on securing the lifting of economic sanctions imposed by the United Nations in August 1990, following Iraq's invasion of Kuwait, and periodically renewed. As sanctions are tied to compliance with U.N. Security Council Resolution 687 of March 1991, mandating the elimination of Iraq's weapons of mass destruction, the government avoided confrontation with UNSCOM, the U.N. agency charged with carrying out this task. It also issued a steady stream of propaganda about the effects of sanctions on vulnerable sectors of the Iraqi population.

While sanctions have undoubtedly had a highly negative impact on the health of the Iraqi population, Middle East Watch believes that an exclusive focus on the deleterious effect of U.N.-ordered actions ignores the government's own responsibility to ameliorate the situation, within its capabilities. Iraq continued to refuse to comply with U.N. Security Council resolutions 706 and 712 (of August and September 1992), which provided, *inter alia*, for a "food-for-oil" arrangement that could have alleviated hunger in the country. Negotiations between Deputy Prime Minister Tariq Aziz and U.N. Secretary-General Boutros Boutros-Ghali, at Geneva in August, broke down under Iraqi insistence that it had met the terms of Resolution 687, and should be permitted to resume oil exports without any constraint. Furthermore, the imposition of internal sanctions against northern Iraq and parts of the south exposed the government's bad faith in claiming to be concerned about the wellbeing of the people.

Economic and military blockades of the Kurdish enclave and of the marshes were maintained throughout the twelve months under review, preventing virtually all food, medicine and fuel from crossing army lines. Smuggling, made possible by rising levels of corruption in all corners of Iraqi society as the economy collapsed, was the principal means of survival for the embattled regions, in which the lives of an estimated four million persons were put at risk by the government actions. U.N. agencies, foreign nongovernmental organizations and—in the case of Kurdistan—the U.S. government took part in large-scale relief operations.

Following the expiration in March of a memorandum of understanding (MOU) between Iraq and the U.N. on relief arrangements, the activities of international bodies in Iraq became increasingly problematic. In early 1993, three foreign aid workers were killed by unknown gunmen, in attacks blamed on agents of the Baghdad government; visas for the workers of nongovernmental organizations (NGOs) to enter Iraq became hard to obtain; and U.N. guards charged with protecting relief operations could not be deployed outside Baghdad and the rebel-controlled north.

The blockades of regions of Iraq outside government control were accompanied, particularly in the south, by intensive military action. Scores of villages in the central Amara marshes were regularly shelled, causing thousands of civilian casualties. Marsh villages were burned and their inhabitants dispersed, denied medical care in government facilities or rationed food supplies. Mines placed in the waters of the marshes and on earth embankments protecting drainage schemes caused an untold number of casualties among noncombatants. All such actions were grave violations of international humanitarian law. While rebel groups based in Iran could be accused of similar violations, by using civilian settlements in the marshes as shields for military positions, or by targeting civilians for assassination as was claimed in frequent communiqués, the vast preponderance of abuses were on the government side of the conflict.

A vast hydrological scheme, to divert Euphrates and Tigris waters away from the Amara and Hammar marshes, advanced apace during 1993. U.S. government-released satellite photographs showed that, as of March, a significant part of the marshes had been drained, destroying the habitat and way of life of an ancient people, the Maadan or Marsh Arabs. Between July and September, as summer temperatures



rose and water disappeared, an estimated 7,000 Iraqi Shi'a from the marshes region took refuge across the border in Iran. They reported that frequent army attacks on fleeing persons made the crossing highly precarious.

At least 105 Shi'a clerics, some of them very elderly, were rounded up in Najaf and Kerbala after the March 1991 uprising. They were not seen again by friends or relatives; nor did the government respond to enquiries from abroad as to their safety. However, contrary to some fears, Middle East Watch heard in September 1993 that the clerics were probably still all alive, and were being held in an undisclosed detention center. During the year, the regime moved to consolidate its control over Shi'a religious institutions in Iraq, particularly in Najaf and Kerbala. It also attempted to influence the succession to the late Grand Ayatollah Abdul Qasim Musawi al-Khoie, spiritual leader of Iraq's eleven million Shi'a and of many other Shi'a Muslims worldwide, who died in August 1992.

Iraq's maintenance of secret prisons and temporary detention centers, within the premises of security forces and in other locations, such as under public buildings, complicated the task of estimating the number of political prisoners in Iraq or determining their physical and mental condition. U.N. Special Rapporteur Max Van der Stoel estimated in February 1993 that there were over a hundred such detention facilities in different parts of the country. Access by the International Committee of the Red Cross and by other outsiders—except for one visit in 1991 by the Special Rapporteur—was barred.

Based on the rough estimates of Iraqi human rights organizations located abroad as well as information from opposition political parties, the total number of persons being detained without charge was estimated conservatively by Middle East Watch at 10,000 to 12,000. The majority were probably Shi'a men, detained on the grounds of their beliefs, and not because of any specific crimes. However, an estimated 70,000 to 100,000 Kurds—men, women and children—taken into government custody during the *Anfal* military operations, in 1988, and not seen again also remained to be accounted for. Most are believed to have been executed. But reports persisted during 1993 of Kurds being held in secret detention centers camouflaged to disguise their location.

Following a July 1991 amnesty, hundreds—possibly thousands—of prisoners were released later that year. However, many other detainees remained incarcerated beyond their prison terms. The U.N. Special Rapporteur said in February 1993 that he had gathered the names of 153 persons who should have been released in the amnesty, but remained in detention as of that date. A small number of foreigners sentenced to excessively long prison terms for offences such as illegal entry into the country also remained in jail during 1993; among them were three British citizens. Three Swedes and an American were, however, quietly released.

The largest single detention facility in 1993 was believed to be the Radwaniya military camp, west of Baghdad, which was estimated to hold somewhere between 5,000 and 10,000 detainees. Most of the Radwaniyya inmates were arbitrarily detained after the 1991 uprisings. Former inmates described to Middle East Watch conditions of gross overcrowding at Radwaniyya, and of periodic public executions. Gross reports of torture, such as the rotation of prisoners strapped to metal drums over open fires, were also reported, but could not be confirmed.

The execution of many persons was reported periodically during the year under review by relatives who either managed to flee the country or were able to communicate to others abroad. In August, hundreds of young Shi'a men held at Radwaniyya were executed, most of them apparently after no legal process. Families in Amara and Nasiriyya said that bodies returned to them sometimes bore marks of torture.

In mid-November, dozens of prominent individuals detained in July and August, apparently on suspicion of participating in plots to overthrow the regime, were executed. Among them were serving and retired military officers. The total number could not be reliably estimated, because of an information blackout on this sensitive subject for the regime; but relatives claimed that the number ran into the hundreds. Many were members of major families from Mosul and Tikrit, part of the Sunni heartland of the country. According to relatives, they were not informed of charges having been brought or of any trials having taken place. Several of the victims had been killed with a bullet to the head, gangster-style. Families were

forbidden from burying the victims in family plots or holding mourning ceremonies. As of mid-November, there had been no reference to this wave of executions in the government-controlled Iraqi press.

Many thousands of Iraqis took advantage of the relative ease of travel abroad during 1992 and 1993 to move to Amman, the Jordanian capital, where they waited for visas to enter other countries. Even here, though, they were not safe from the attention of the Iraqi secret police. On December 7, an Iraqi nuclear scientist, Moayyad Hassan al-Janabi, was assassinated in front of his family in Amman by suspected Iraqi agents, as he was attempting to secure refuge abroad. In 1993, following reports of alleged plots to replace President Saddam, fresh travel restrictions on serving and former army officers were imposed.

The military-backed blockade of the Kurdish-held enclave, where approximately 3.5 million people were living, continued during 1993. As a consequence of the blockade, fuel prices in Iraqi Kurdistan were usually twenty times higher than in government-controlled parts of the country, imposing considerable hardship. In a further tightening of these internal sanctions, commencing in July, electricity supplies were cut off by the government to the Dohuk region of the enclave. Random bomb explosions occurred frequently during the year, causing many civilian casualties. The bombs were frequently left in crowded public places such as open-air markets, and appeared designed to destabilize the Kurdish authorities and increase the pressure on them to negotiate with Baghdad over the region's return to central control.

Outside the Kurdish enclave, foreign human rights groups gathered credible information about the renewal of pressure on Kurds living in the major city of Kirkuk to evacuate Kurdish-dominated districts. Periodic sweeps through Kurdish districts resulted in many arbitrary arrests, although detainees were often freed by paying bribes to their captors. The "Arabization" of Kirkuk and its surrounding oil fields region has been a longstanding goal of the Ba'th regime.

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

In January, shortly before taking office, President-elect Bill Clinton signaled that his administration would be taking a softer approach to Iraq than had the Bush administration. In a newspaper interview, Clinton said he wanted to "depersonalize" the conflict with Saddam Hussein. Faced with uproar over the implication that the new administration was prepared to tolerate the continuation of Saddam's regime, U.S. officials scrambled to insist that there would be no change of policy. As evidence that nothing had changed, it was pointed out that "air exclusion" zones in northern and southern Iraq remained in force.

As if to prove the new administration's resolve, U.S. aircraft patrolling the "no-fly" zones acted preemptively on several occasions to strike at missile batteries they claimed had threatened allied aircraft monitoring Iraqi military behavior on the ground. In a signal to Baghdad that the new team would not be softer than its predecessor, in June President Clinton authorized the launch of a missile attack on the Baghdad headquarters of the Mukhabarat, Iraq's external intelligence service. Eight civilians were killed during the June 26 attack, justified by Washington as a legitimate defensive action, in reprisal for an alleged plot by Iraqi agents to kill former President George Bush during a visit to Kuwait. Middle East Watch considered both the rationale and the legal justification for the missile attack to be dubious.

Washington insisted that the U.S. still sought the replacement of President Saddam Hussein by a regime that promoted a democratic form of government. A clear manifestation of this commitment was meetings Secretary Christopher and Vice President Al Gore held in late April and early May with leaders of the Iraqi National Congress, a multiparty opposition coalition. At these meetings, the administration promised to continue protection for the Kurds, so long as the threat from Saddam Hussein remained potent. It also announced the U.S. intention to seek the establishment of a U.N. commission of inquiry into Iraqi "war crimes, crimes against humanity and acts of genocide." The commission could lead to the holding of a Nuremberg-style war crimes tribunal.

U.S. muscle-flexing notwithstanding, U.S. policy toward Iraq did indeed appear to undergo a subtle, but far-reaching, shift during the Clinton administration's first year. Officials told Middle East Watch that policy had evolved toward a medium-term strategy of "containment." The logic appeared to be that, given the administration's overriding preoccupation with the Arab-Israeli peace process, a dramatic change of regime in Iraq could create fresh instability in the Middle East, distracting Syria and Jordan from the task of

reaching peace agreements with Israel.

Together with its chief allies on Iraq policy, Britain and France, the U.S. remained admirably forthright in its condemnation of Iraqi human rights violations, politically convenient though this may have been. The administration gave solid support to a tough denunciatory resolution against Iraq, at the U.N. Human Rights Commission, in March, and was supportive of the work of the Special Rapporteur, including his proposal to establish a team of U.N. monitors for Iraq.

In late August, the State Department issued a statement of grave concern about Iraqi government actions in the marshes region. And, on September 8, this was followed by a written protest delivered to Iraq at the United Nations by four of the five Security Council permanent members: Britain, France, Russia and the United States. The four "noted an increasing pattern of repressive and unacceptable actions by the government of Iraq, including the cut-off of electricity to civilians in the north, attacks against humanitarian workers, repression of civilians in the marshes, violations of the no-fly zones, and new military attacks in the south." The note also protested Iraq's lack of cooperation with international humanitarian organizations.

Faced with growing pressures from Arab and other developing countries to relax U.N. sanctions against Iraq, the U.S. led the group of U.N. members who insisted that there could be no let-up until Iraq complied fully with the terms of Security Council resolution 687, covering the elimination of Iraq's weapons of mass destruction.

### **The Right to Monitor**

The freedom of private citizens, individually or collectively, or of international organizations, to monitor government violations of human rights does not exist in Iraq. The dissemination of information about state abuses, even those affecting oneself or one's own relatives, is treated extremely severely. All Iraqi human rights organizations are thus either located abroad or, since October 1991, in the Kurdish-controlled enclave of northern Iraq.

The Iraqi government extended unprecedented cooperation to U.N. Special Rapporteur Van der Stoel during the first year of his mandate, to February 1992, permitting him to travel within the country, visit prisons and meet officials. The harshly critical report that Van der Stoel, a former Netherlands Foreign Minister, delivered to the U.N. Human Rights Commission that month terminated all cooperation. Since then, the Special Rapporteur has not been permitted to return to Iraq. (U.N. sensitivities over sovereignty have, unfortunately, prevented him even from taking advantage of the valuable information available in that part of Iraqi Kurdistan outside central government control.) Baghdad likewise made clear that it would not cooperate with U.N. resolutions calling for the deployment in Iraq of human rights monitors by the U.N., as proposed by Van der Stoel. Iraq's obdurate attitude and U.N. budget problems left this important initiative stillborn, as of November 1993.

When the MOU with the United Nations covering relief operations expired, in March 1993, the government refused to negotiate its renewal. An informal understanding permitted U.N. agencies to continue operating in Iraq on the same terms as before, but the practical consequence was to block the deployment of U.N. guards—a lightly armed security contingent—in any part of government-controlled Iraq outside the capital. The relief program, and guards designated to ensure the delivery of supplies and protect U.N. personnel, had been envisaged by some Western governments as a stratagem to ensure that international observers were present in all parts of the country, to guard against further human rights abuses. In practice, this ploy was an utter failure.

In the year under review, no U.N. officials were based in southern Iraq, where the worst abuses took place. When the U.N. Department of Humanitarian Affairs was negotiating to send a mission to the southern region, Iraq conditioned its agreement on team members not attempting to monitor human rights-related matters or to speak about them on their return.

Middle East Watch requested permission in March 1993 to visit the marshes region of southern Iraq, to examine first-hand the claims and counter-claims of the government and rebel groups concerning the

draining of marsh waters and forced depopulation of the region. No reply was received from the government. In common with most other nongovernmental human rights organizations, to date Middle East Watch has never been granted official permission to visit Iraq. It has, however, made frequent visits to the Kurdish enclave, entering through Turkey, in the process gathering valuable information about past and current abuses. In 1993, the focus of Iraqi government policy remained the lifting of U.N. trade sanctions; foreign groups interested in documenting the impact of sanctions on vulnerable sectors of the population were thus given ready access to the country and its institutions.

Monitoring by Iraqi exiles of human rights developments in their country was carried out primarily in Tehran, Damascus and London. The Iraqi National Congress, a London-based coalition of opposition parties; the Documental Centre on Human Rights in Iraq, affiliated with the Supreme Assembly of the Islamic Revolution in Iraq; the Organization for Human Rights in Iraq, a private London-based body; and Gulf War Victims, a private relief organization located in Tehran, were the principal sources of information. The last three named all focused on the rights of the Iraqi Shi'a.

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

After the intensive field activity of 1992 in Iraqi Kurdistan, which had examined the Anfal campaign against the Kurds, in the year under review Middle East Watch's efforts were concentrated on three areas: publication of two reports on the Anfal, examination of captured Iraqi secret police documents transported to the U.S. for safekeeping, and investigation of the lesser-known situation of the Iraqi Shi'a, particularly residents of the southern marshes.

While many foreign reporters and nongovernmental organizations were able to visit Iraqi Kurdistan, thanks to its Western military protection and shared border with Turkey, few were able to conduct independent studies of the Shi'a—the largest religious group in Iraq and one long suppressed by the Sunniled Ba'th Party regime. Middle East Watch felt it necessary to redress this balance and make its own evaluation of grave reports from opposition parties about developments involving both human rights and humanitarian law in the southern marshes.

Denied permission from Baghdad to make an on-the-spot investigation in southern Iraq, in January and February, a Middle East Watch delegation spent three weeks in Iran meeting Iraqi exiles, activists and refugees; part of this time was spent at the marshes border, in southwest Iran. A report issued in March concluded that a "no-fly" zone imposed by the U.S., Britain and France in August 1992, as a means of protecting the population on the ground, had been of little or no practical consequence. It also alerted the international community to the speed with which the marshes were being deliberately drained by the government as a means of facilitating attacks on local inhabitants, including Shi'a rebels. Based on these findings, Middle East Watch engaged in extensive advocacy work with the U.N. and permanent members of the Security Council, to press for the deployment of U.N. monitors and a halt to the large-scale hydrological works being carried out.

Middle East Watch lobbied for the adoption of the U.S. plan to hold a U.N. commission of inquiry into Iraqi crimes, including genocide. However, as of mid-November, lack of enthusiasm from Western allies on the Security Council, and strong opposition from China and other developing countries, had blocked the plan's progress. Of comparable, or even greater, importance to Middle East Watch, however, was the bringing of a Genocide Convention case against Iraq at the International Court of Justice (ICJ) at The Hague, based on the Anfal campaign against the Kurds. A team of researchers made steady progress in evaluating the documents brought from northern Iraq. And legal research was conducted into the theory of the case, to be brought by a putative state party to the convention.

In January, Middle East Watch published its first substantial report on the Anfal, *The Anfal Campaign in Iraqi Kurdistan: The Destruction of Koreme*. Based on forensic, testimonial and documentary research carried out in 1992, this report was a case study of the fate of one destroyed village in Dohuk governorate, where an on-site massacre occurred in August 1988. A second, overview report on the Anfal, *Genocide in Iraq: The Anfal Campaign Against the Kurds*, was released in July. A painstaking

reconstruction of the seven-month-long Anfal campaign—during which an estimated 100,000 Kurds were taken away and killed at remote locations—the 350-page report marked the summation of eighteen months of research. Included in the media coverage on the subject generated by Middle East Watch's work, was a BBC television documentary on the Anfal based on this book and a cover article in *The New York Times Magazine* in early January that featured Middle East Watch's work on the Anfal.

Two missions were sent to Iraqi Kurdistan during the year, to recover further consignments of Iraqi documents. Advantage was taken of the presence of a researcher in the region, to investigate current issues such as the Iranian shelling of border villages and to meet with local human rights activists. Approximately four and a quarter tons of documents were shipped out of the region in August, to add to the fourteen tons already in the United States. Out of a total number of pages estimated at four million, about 40 percent had been examined as of mid-November.

Arrests without charge, and subsequent executions after summary trials or, in some cases, no legal procedures, involving Iraqi Shi'a detained after the March 1991 uprising and others accused of plotting against the regime, formed a significant part of Middle East Watch work on Iraq in the latter part of the year. In November, the organization reported the execution of dozens of prominent Sunni Iraqis detained in July and August. Hundreds of Shi'a young men were reportedly executed in August and early September at Prison Number One, at the al-Rashid military base outside the capital.

One focus of research attention, given Iraq's previous use of chemical weapons against Kurdish civilians in 1987 and 1988, was the government's maintenance, or use, of banned weapons of mass destruction in defiance of international treaties and U.N. Security Council Resolution 687. In its examination of the captured documents, Middle East Watch discovered, for the first time, explicit references to the use of chemical weapons against the Kurds in 1988. Documents referring to the maintenance of biological weapons stockpiles were also found. In November, Middle East Watch received unconfirmed reports about the use of chemical weapons by Iraqi troops against Shi'a rebels in the Hammar marshes, near Basra. This information was relayed to the U.N. Special Commission on Iraq, UNSCOM.

## IRAQI KURDISTAN

### Human Rights Developments

Human rights conditions in the rebel-controlled region of Iraqi Kurdistan were relatively good during 1993. The two major political parties, the Patriotic Union of Kurdistan (PUK) and Kurdistan Democratic Party (KDP), moved ahead with the integration of their rival *peshmergha* forces. Internal security was in the hands of a newly established body known as the *asaysh*, senior positions in which were also shared between the PUK and KDP. The PUK and KDP also control the Kurdish regional parliament, elected by popular vote in May 1992, and the regional government. But minority Turkomans and Chaldean and Assyrian Christians were also allocated places in the legislature and executive.

This domination of the security forces by the big parties led to complaints from smaller parties and factions, particularly those on the far left and those associated with the mainly Turkish Kurdistan Workers Party (PKK), of the harassment and arbitrary detention of their members. In Erbil, a pro-PKK newspaper was closed down on the orders of the local authorities. In Dohuk, seven suspected extrajudicial executions were reported between August 1992 and August 1993. And in Koysinjaq one person, identified as Mohsen Mujammad Khan, died in detention under unexplained circumstances on September 5, 1993.

Scores of Iraqi Kurds disaffected with the regional leadership in their homeland took refuge in Turkey in 1992 and 1993; but their rights to refugee status were not recognized by the U.N. High Commissioner for Refugees or the Turkish authorities.

### U.S. Policy

When Secretary Christopher and Vice President Gore met the top Kurdish leaders, Masoud Barzani and

Jalal Talabani, in Washington in May, they were careful to do so only in the context of a broader meeting with officeholders of the Iraqi National Congress. In 1993, the U.S. government remained adamantly opposed to any hint of recognition of the Western-protected northern Iraqi enclave as a jurisdictionally separate entity. Consonant with this policy, Washington declined to support appeals from the Kurds and from nongovernmental organizations for a selective lifting of U.N. trade sanctions to ease the worsening economic plight of the 3.5 million inhabitants of the self-governing enclave.

The maintenance in place of the Combined Task Force/Operation Provide Comfort, the two and a half-year-old military shield over regions of Iraq north of the 36th parallel, remained central to U.S. policy toward Iraqi Kurdistan. Aircraft patrolling northern Iraq and a small allied liaison force, at Zakho in the "security zone" region of Dohuk governorate, depend entirely on Turkey for base support and logistics.

In June, the Turkish parliament renewed its approval for the continuation of the allied operation for a further six months, to December 31. But U.S. officials told Middle East Watch that further renewals were looking increasingly difficult. Turkish Prime Minister Tansu Ciller has taken a less accommodating line than her predecessor, Suleiman Demirel, over U.S. policy toward Iraq, pushing hard for a lifting of U.N. sanctions. Turkish worries over the *de facto* establishment of an independent Kurdish state on Turkey's troubled southeast border were expressed in high-level meetings with Iran and Syria, to coordinate policies toward the northern Iraq enclave. As with the United States, U.N. room for maneuver over Iraq relief operations remained limited by Turkish considerations.

As the stalemate between the Western-backed Kurds and the central government in Baghdad persisted into a third year, the Clinton administration appeared to keep on a secondary plane its central dilemma of how to assure the continued protection of the Iraqi Kurds without promoting Kurdish self-determination. Privately, the administration made clear to Saddam Hussein that no major military assault on the Kurds would be tolerated. Public statements also condemned the continued Iraqi military siege of the region. However, the administration remained silent over Iranian shelling of Iraqi Kurdish border villages.

In the 1993 fiscal year, commencing October 1, 1992, Congress appropriated a total of \$69 million for Kurdish relief aid, to be distributed through the Department of Defense; in addition, \$15 million was carried over from fiscal year 1992. Of this total, about \$40 million was disbursed during the year, and expenditure of a further \$20 million was committed. In addition, the U.S. contributed \$100 million to a U.N.-established escrow fund from Iraqi assets in the U.S. frozen under a U.N. Security Council resolution. The latter funds were used for relief programs and payment for U.N. operations in all parts of Iraq, including Kurdistan. In November, Congress approved a further \$30 million in assistance to the Kurds during the 1993-94 winter, mostly for the purchase of fuel.

### **The Right to Monitor**

The Kurdish regional authorities put few obstacles in the way of human rights monitoring by foreign organizations. During 1993, among others Middle East Watch, Amnesty International, the Federation International des Droits de l'Homme, and France Libertés (Danielle Mitterand Foundation) conducted missions to Iraqi Kurdistan. France Libertés and Medico International, a German relief organization with a rights monitoring mandate, maintained field offices in the enclave.

However, local Kurdish organizations at times encountered difficulties in gaining access to prisons run by the Asaysh, the Kurdish security service. Partly as a consequence of the politicization of all Kurdish life, with loyalties split between the two major parties, investigation of abuses for which one party was held responsible, in a region where it was dominant, was not easy.

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

During 1993, Middle East Watch met with the principal Kurdish leaders, Jalal Talabani and Masoud Barzani, on several occasions. It also met frequently with lower-level Kurdish officials. A large part of the discussions concerned the documents captured by the Kurds. But current human rights concerns about developments in the self-governing region were also raised. On October 4, Middle East Watch wrote to the Kurdish authorities about alleged abuses, including arbitrary detention, torture and the closure of a

newspaper that had occurred in the region under their control over the previous year. As of November 22, no reply had been received.

## ISRAELI-OCCUPIED WEST BANK AND GAZA STRIP

### Human Rights Developments

From a human rights perspective, 1993 ended far more optimistically than it had begun. Following the signing in Washington of a Declaration of Principles by Israel and the Palestine Liberation Organization (PLO) on September 13, there was a reduction in some human rights abuses by the Israeli authorities, notably killings by security forces. There were also hopes that, as Israeli forces began to withdraw from populated areas and turn over partial authority to the PLO, the human rights picture would improve.

Improvements would be welcome after a year that was one of the worst in human rights terms of the six-year-old Palestinian *intifada*. Since becoming prime minister in July 1992, Yitzhak Rabin's willingness to negotiate a political settlement with Palestinians had been accompanied by no trend toward greater respect for fundamental rights.

The winter of 1992-1993 provided many illustrations. On December 17, 1992, Rabin summarily expelled 415 suspected Islamist activists in response to a series of fatal attacks on Israeli soldiers, for which Hamas, the militant Islamist organization, had claimed responsibility. During December and January, security forces killed thirty-eight Palestinians in the West Bank and Gaza Strip. In March, Rabin imposed the most stringent closure in the occupied territories since their capture in 1967—indeinitely preventing Palestinians from entering both Israel and occupied East Jerusalem without difficult-to-obtain permits. And, throughout the year, the Israel Defense Forces (IDF) pursued a tactic adopted in late 1992 of using anti-tank missiles and other heavy weaponry against the suspected hideouts of armed fugitives, a tactic that usually destroyed or damaged dozens of neighboring dwellings and left innocent families homeless.

Established patterns of human rights abuses continued during 1993. These included the use of excessive force against demonstrators and "wanted" activists, the torture of detainees to extract information and confessions, and restrictions on movement affecting the entire population. Both before and after the signing of the accord with the PLO, Israel refused to recognize the *de jure* applicability to the occupied territories of the Fourth Geneva Convention, and violated many of its articles pertaining to the treatment of the protected population.

The number of Palestinians killed by Israeli security forces increased for the second straight year. Some of these killings were justified by life-threatening situations in which soldiers found themselves, such as when challenged by activists wielding firearms. (Palestinians killed sixteen soldiers in the occupied territories during the first ten months of 1993.) However, eyewitness testimony collected by human rights organizations and journalists indicated that many of these killings occurred when soldiers were dispersing stone-throwers or pursuing unarmed fleeing suspects, and were in no mortal danger.

The Israeli human rights organization B'Tselem reported that 126 Palestinians were killed between January 1 and September 30, compared to seventy-nine killed during the last nine months of Prime Minister Yitzhak Shamir's government. Forty-two of those killed during the first nine months of 1993 were younger than seventeen, compared to eleven during Shamir's last nine months.

Under the military orders applied by the Israeli authorities, demonstrations in the occupied territories were forbidden without a permit. Troops sent in to disperse demonstrators were often confronted by youths throwing stones, bottles, and sometimes Molotov cocktails. Although equipped with tear gas, shields and rubber bullets, the soldiers often resorted to live ammunition against the youths—whether or not their own lives were in danger. This disproportionate response was effectively condoned by the military command which, except in rare cases, allowed soldiers who used excessive force to go unpunished.

Demonstration-related deaths declined immediately after the signing of the Israeli-PLO accord in September. The principal cause of the drop appeared to be instructions issued to soldiers not to break up

pro-accord demonstrations, and to avoid unnecessary friction with the Palestinian population. In the ensuing weeks, soldiers interfered little with the many rallies staged both for and against the accord, and the demonstrations ran their course with few clashes or casualties.

With regard to the killing of fleeing suspects, the IDF's open-fire orders violated internationally recognized police standards that forbid the use of lethal force, except in the presence of an imminent mortal danger. (See chapter titled "Applicable Legal Standards" in Middle East Watch's July 1993 report, *A License to Kill*.) Israeli soldiers were instructed to shoot at the legs of fleeing Palestinians suspected of grave offenses who refused to halt. Given the unreliability of aiming at the legs and the difficulty of enforcing such a command, the orders effectively gave soldiers a license to kill fleeing suspects, even when they posed no imminent danger.

Many fleeing suspects were killed during undercover hunts for "wanted" Palestinians—activists sought on suspicion of having attacked Israelis or Palestinians they suspected of collaborating with Israel. Middle East Watch, in common with other human rights groups, concluded that IDF and Border Police undercover units often killed activists in situations where they were not endangering the security forces and could have been arrested.

While the authorities depicted the undercover units as risking their lives against armed extremists, the units spent much of their time targeting lower-level activists who were not on any "wanted" list, but who donned masks and engaged in such actions as stone-throwing, graffiti-writing, and enforcing political strikes. The masked youths often carried "cold" weapons such as axes or clubs but rarely carried firearms. When confronting these masked activists, undercover units frequently opened fire before the youths had an opportunity to surrender or as they attempted to flee. Several youths were killed in this fashion in 1993, and others were seriously wounded.

Undercover soldiers were rarely held accountable for their abuses. Despite clear evidence that their use of excessive force was systematic, Middle East Watch was aware of only two cases during the intifada in which an undercover soldier was criminally charged in connection with a killing. In one of the two cases, a lieutenant received a twelve-month prison term, half of it suspended, for the February 1993 shooting of a twelve-year old suspected stone-thrower; the child was attempting to flee at the time he was shot. The case exhibited the failure of the military justice system to hand out appropriately stern punishments in those rare cases when soldiers were court-martialed for using excessive force.

The main cause of killing, after security forces gunfire, was the slaying by Palestinians of other Palestinians suspected of collaborating with the authorities. Between January 1 and October 31 there were eighty-seven killings of suspected collaborators, according to the Associated Press news agency. Some collaborators carried Israeli-issued weapons and were themselves responsible for violent abuses against other Palestinians. They also assisted the security forces in operations that resulted in arrests and killings.

Many of the suspected collaborators were executed only after they had been abducted, and their bodies showed signs of torture. Middle East Watch condemns all killings of persons in formal or *de facto* custody as a violation of customary humanitarian law. The killing of suspected collaborators, often after a secret "trial" with little or no semblance of due process, cannot be excused by the absence of a formal Palestinian judicial system in the areas under Israeli occupation.

Even though many collaborator killings appeared to be the work of armed groups affiliated with the PLO and Hamas, the extent to which the latter groups were to be held responsible remained unclear. The perpetrators had ignored, and in some cases openly defied, public pleas from the political leadership of the PLO and local PLO-affiliated figures to halt the killings. It seemed clear, however, that even if the PLO could not rein in activists who captured and murdered suspected collaborators, at a minimum it could have unequivocally dissociated itself from those responsible. The PLO's failure during 1993 to do so seriously undermined its pleas that the killings be stopped.

As Palestinians prepared for the transition to limited self-rule, PLO chairman Yasser Arafat stated in early October that the PLO was committed to respect all internationally recognized standards and to incorporate them fully into Palestinian legislation. He also acknowledged the role of independent human



rights organizations and pledged cooperation with those groups.

The PLO's commitment to these admirable goals will be tested in numerous ways during 1994, when it assumes authority over internal security in parts of the West Bank and Gaza Strip. Among the challenges will be the issue of violence against suspected collaborators. A Palestinian authority that does not strive to prevent acts of punishment delivered outside of a fair judicial process will be seen as complicit in these abusive acts.

Shortly after Prime Minister Rabin came to office, in mid-1992, the IDF began using a new tactic against wanted fugitives, in response to incidents in which undercover soldiers had been killed. When it suspected fugitives were hiding in a particular house, the IDF would seal off the surrounding neighborhood, evacuate its residents and call on the fugitives to surrender. If they did not respond, the troops would attack the suspected hideout using anti-tank missiles, grenades, machineguns, and dynamite. Invariably, neighboring houses and their contents were damaged in the process.

There were more than thirty operations of this kind between September 1992 and October 1993, most of them in the Gaza Strip. Like the undercover hunts for "wanted" persons, the massive firepower assaults did not cease with the signing of the Israeli-PLO accord. On October 2, the IDF used heavy firepower in five separate locations in the Gaza Strip, destroying or damaging eighteen houses, according to the Gaza Center for Rights and Law, an independent monitoring group.

The Gaza Center charged that in some cases of the large-scale assaults carried out during 1993, authorities did not give the fugitives an opportunity to surrender before launching the attack. Other attacks were launched only to discover that the fugitives had escaped or had not been there in the first place.

While these raids achieved their stated goal of reducing the incidence of serious injuries and killings during confrontations with "wanted" activists, the tactic rendered homeless hundreds of Palestinians accused of no wrongdoing. According to the Ramallah-based human rights organization al-Haq, a total of eighty-four houses were destroyed during heavy assaults on suspected fugitives between January and mid-September. The IDF's stated policy of offering compensation to innocent residents produced few payments; those that were made were generally not commensurate with the losses suffered. The use of massive firepower against suspected hideouts involved in many instances a use of force that was highly disproportionate to the security advantage gained.

The Rabin administration chose during 1993 to avoid a more familiar, and much-criticized, form of house demolition—that of tearing down the home inhabited by the family of a person suspected of a grave violent offense. However, the government persisted in using a less drastic form of collective punishment against the families of suspects: sealing houses shut in twenty-four cases and sealing particular rooms in eighteen other cases, according to a tally compiled by the Israeli human rights organization B'Tselem from January 1 to September 1.

The torture of Palestinians by IDF and General Security Service (GSS) interrogators continued during 1993. An estimated 5,000 Palestinians have been arrested and interrogated each year during the intifada; most have been ill-treated or tortured during an initial period lasting up to several weeks during which time they were denied access to a lawyer.

A number of developments kept the issue of ill-treatment in custody in the public spotlight in Israel during 1993: the death of a Gazan under interrogation (an incident in which medical negligence played a role), a public scandal over the complicity of Israeli doctors in torture, and GSS admissions in court to using certain abusive methods.

Interviews by Middle East Watch of thirty-one Palestinians who underwent interrogations since mid-1992 found a continuation of the systematic mistreatment previously documented by other rights organizations. In both IDF and GSS interrogations, abuse occurred before and between questioning sessions, when virtually all detainees were confined or shackled in painfully cramped positions for prolonged periods with hoods placed over their heads, threatened, insulted, deprived of sleep for up to five days at a time, and denied access to toilets for prolonged periods.

While these methods of "position abuse" were more severe in GSS facilities than in IDF facilities,

IDF interrogators tended to use more violence during the questioning sessions. While the IDF routinely beat detainees severely during interrogation sessions, GSS violence was less common.

Ayman Nasser died on April 2 from lung inflammation, thirteen days after he was arrested in Gaza. An independent pathologist, who was permitted by the Israeli authorities to attend the autopsy, concluded that proper medical care during the interrogation phase would probably have saved Nasser's life. There were also two deaths under interrogation in 1992 to which medical negligence apparently contributed.

The complicity of Israeli doctors in torture became a public scandal in the spring of 1993, when a human rights lawyer obtained, and made public, a form in use at a West Bank prison. The form asked the examining physician to state whether the person about to undergo interrogation was fit to withstand prolonged isolation, tying up, hooding, and prolonged standing. Publication of the "fitness form" prompted the chair of the Israel Medical Association, Dr. Miriam Tzangen, to instruct physicians publicly not to fill out such a form, which she characterized as "co-operation in torture." She was not dissuaded by a letter from Prime Minister Rabin claiming that the form had been "accidentally" put to use prior to interrogations, whereas it had been intended for use during interrogations when medical problems arose.

Further evidence that these methods were officially sanctioned, and were indeed routine, emerged from the 1993 trial in Hebron military court of accused Hamas activist Muhammad Adawi, who claimed that his confession had been coerced. His interrogator denied defense allegations that Adawi had been beaten, but readily told the court that Adawi had been hooded, confined to a small chair for prolonged periods, and deprived of sleep. The interrogator testified that Adawi was subjected to three lengthy periods without sleep, the longest of which was over 109 hours, interrupted only by two brief respites of several hours each, and by the moments when Adawi was able to doze off while confined to a painful position.

The number of Palestinians imprisoned for politically motivated offenses or charges remained one of the highest per capita rates found anywhere in the world. As of early November, approximately 11,000 Palestinians were being held in army or civilian-run prisons, following the first mass release of prisoners resulting from the Israeli-PLO accord. About 760 inmates were freed on October 25 and 26, most of them either under eighteen or over fifteen, or suffering from illness.

The prison population—according to an official tally in late September—included 277 administrative detainees who were being interned without charge or trial. The authorities have used administrative detention far less since 1991 than during the early years of the intifada. Roughly two-thirds of all prisoners and detainees were being held in facilities inside Israel, in violation of Article 76 of the Fourth Geneva Convention.

Mass expulsions in December 1992 were remarkable not only because they constituted the largest single act of deportation since 1967, but also because of the summary way they were carried out. Ignoring the appeals process accorded would-be deportees since 1980, Rabin ordered that several hundred Islamist activists be rounded up and transported immediately to the Lebanese border. Appeals were possible only from abroad.

The action came after Hamas claimed responsibility for the killing of five Israeli soldiers and policemen in a one-week period, including the killing of a kidnapped border policeman. (Middle East Watch publicly condemned that in-custody slaying as an act of murder.) The Rabin government accused the deportees of being activists "who endanger human lives through their actions, or incite to actions of this sort." Rabin termed the deportations "temporary removals," explaining that, unlike previous deportees, the "removes" would be permitted to return within two years. Middle East Watch rejected this distinction, stating that the Fourth Geneva Convention's prohibition against deportations was absolute and was not negated by any time limit.

The deportees, who found themselves in Lebanon the morning after they were hastily rounded up from their homes and prison cells, remained camped on a hilltop near the Israeli border throughout much of 1993. Meanwhile, the governments of both Israel and Lebanon obstructed the delivery of humanitarian aid to them, each saying the deportees were the other's problem. Israel's Supreme Court upheld the legality of the deportations in January.

Under pressure from the United States and the United Nations, on February 1, Rabin announced that one hundred of the deportees would be permitted to return immediately and the others in stages before the end of 1993. However, he insisted that Israel reserved the right to "remove for a limited time hundreds of inciters, leaders, organizers" in the future.

The deportees collectively rejected Rabin's offer, saying that none would return until all could return. In August, they dropped their all-or-none position and the following month 181 returned. All were initially held in investigative detention, and some were subsequently released. As of the end of October, 216 remained in the mountainside camp. Thirty other Palestinians, out of over 1,200 deported between 1967 and 1991, were also permitted to return during 1993. Their return, granted in response to a demand made by the Palestinian delegation to the Arab-Israeli peace talks, was the largest such return of deportees since the beginning of the occupation.

The Israeli authorities' closure of the occupied territories, imposed in late March, was prompted by a wave of attacks by Palestinian assailants on Israelis. Many of the attacks occurred inside Israel. Like the deportations, in its execution the closure was an act of collective punishment, imposed arbitrarily on large numbers of persons not linked to specific offenses. The closure made it illegal for Palestinians to enter Israel or occupied East Jerusalem without a permit. Palestinians seeking permits were forced to wait for hours outside offices of the Civil Administration, the Israeli military-run local government. Many requests were turned down without explanation, while others were issued only after long waits, and then for only short periods of validity.

Those hardest hit by the new policy were Palestinians previously employed inside Israel, and their families. Before the closure, wages earned in Israel represented as much as one-third of the total income of West Bank Palestinians and one-half of the income of Gazans. Despite the fact that many Palestinians working in Israel had the same deductions taken from their paychecks as did Israeli workers, none were eligible for unemployment benefits. Also affected were Palestinians who needed medical care or had other pressing business inside Israel or East Jerusalem, and Palestinian farmers and businesses whose delivery routes were blocked by the new policy.

The closure compartmentalized the occupied territories, cutting off Palestinians from their main urban center, East Jerusalem, with its specialized hospitals, foreign consulates, and other institutions not found elsewhere in the occupied territories. In practice, the closure also made it illegal for Palestinians to travel between the northern West Bank and the southern half without a permit, since all connecting roads passed through Jerusalem.

By the summer, the number of Palestinians with permits to work inside Israel had crept up to 50,000, less than half the number previously employed. However, the closure continued to harm the Palestinian economy and inconvenience many Palestinians with compelling reasons to enter, or pass through, Israel or East Jerusalem.

On October 22, authorities eased restrictions on entering East Jerusalem. Physicians, lawyers, medical patients and Muslim worshippers were issued permits more readily than in previous months, and the permit requirement was dropped for men over forty and for women.

In Middle East Watch's view, Israel had no absolute obligation to allow residents of the occupied territories to enter its territory or provide them with jobs. However, it did have an obligation to attend to their welfare. After having transformed the West Bank and Gaza economies over the past twenty-six years into satellites of Israel's economy, the government of Israel had a duty to assist families suddenly deprived of their main source of income and for whom no employment was readily available. The small number of low-paying temporary public works jobs created by the Israeli government in the occupied territories after the closure were patently inadequate.

Curfews were another form of collective punishment imposed on security grounds. During 1993, the nightly curfew covering all 800,000 residents of the Gaza Strip entered its sixth year without interruption. In addition, the entire Gaza Strip was under round-the-clock curfews December 14-23 and 30-31, 1992. Shorter curfews were imposed on particular refugee camps, villages and towns on scores of occasions throughout 1993.

There were no long-term school or university closures during 1993, a form of collective punishment that was employed during 1988-1990 in response to demonstrations and disturbances that the authorities blamed on students. However, on about fifteen occasions between January and August, authorities closed particular schools and universities for up to two weeks at a time. Education was interrupted also by the closure of the occupied territories, which created obstacles for students who needed to obtain permits to travel between sectors of the territories.

The political breakthrough of 1993 raised hopes for general improvements in human rights. Under the Israeli-PLO declaration of principles, Israel committed itself to withdraw its troops from population centers and turn over responsibility for internal security in some areas to the PLO. However, as long as Israeli forces retain ultimate authority, the Fourth Geneva Convention continues to protect Palestinians resident in all territories captured in 1967—even areas from which Israeli troops withdraw. [*For Israel's conduct in Lebanon, see chapter on Lebanon.*]

### **The Right to Monitor**

Human rights work was generally permitted in the occupied territories. However, there were constraints, which were far more onerous for Palestinians than for Israelis and foreigners.

Several Palestinian human rights organizations regularly denounced human rights conditions in the occupied territories, and their reports received international attention. New groups have been formed each year. The Jerusalem-based Palestinian press also reported critically on human rights issues, although the Israeli military censor often deleted or toned down the coverage.

Palestinian human rights workers and journalists risked harassment by soldiers at checkpoints and at the scene of disturbances or arrests. For example, Reuters photographer Ahmad Jadallah, a Gaza resident, was beaten by a group of soldiers on June 19 after he had filmed them assaulting a taxi driver in Gaza City. Several such incidents were reported during the year, involving both Palestinian and foreign journalists.

The indefinite closure of the occupied territories in March was a major obstacle to Palestinian rights workers, many of whom initially could not obtain permits to travel between different sections of the occupied territories. Prior to the closure, some human rights workers had already been barred from entering Israel and East Jerusalem.

At least in the case of the Ramallah-based rights organization al-Haq, all of its staff eventually obtained permits after the closure. Palestinian lawyers, except those residing in East Jerusalem, were prevented by the closure from traveling to consult with Palestinians imprisoned inside Israel, although most lawyers eventually obtained permits.

In contrast to previous years, no Palestinian human rights worker was jailed during the first ten months of 1993. However, Sha'wan Jabarin of al-Haq was barred from traveling to France to take part in a human rights course. Authorities stated, without furnishing evidence, that Jabarin was a "senior member" of the Popular Front for the Liberation of Palestine, and his travel would "endanger the security of the area."

Representatives of foreign human rights organizations were generally able to travel about freely, and to interview Palestinians without hindrance. The International Committee of the Red Cross (ICRC) maintained a large field staff in the West Bank and Gaza Strip, and was permitted by the Israeli authorities to visit all Palestinians arrested for security reasons within fourteen days of their arrest. The authorities permitted independent human rights organizations, including Middle East Watch, to inspect prisons and detention centers holding Palestinians. However, no group was permitted to visit interrogation wings, the part of the Israeli incarceration system in which the most serious human rights abuses were to be found.

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

The most dramatic moment in U.S. Middle East policy during 1993 was President Clinton's playing host to the signing of the Israeli-PLO accord at the White House. Middle East Watch hopes that the U.S. endorsement of the accord, and its efforts to promote international aid for West Bank and Gaza development, will lead also to a public role in promoting human rights during the difficult transitional phase

due to begin by December 1993.

Such a role would represent a change of course for the administration. In his first year in office, President Bill Clinton showed no interest in openly challenging the poor human rights record of the Rabin government, and was quick to assure the Israeli prime minister that he favored maintaining U.S. aid to Israel at its annual level of over \$3 billion. At no time did officials suggest that the aid, by far the largest annual amount that the U.S. gives to any country, should in some fashion be conditioned on curtailing abuses.

The only human rights issue that prompted public diplomacy by the Clinton administration was the deportation of 415 Islamists in December 1992, one month before inauguration day. It was in fact the new administration's first foreign policy crisis. The Bush administration had voted in favor of U.N. Security Council Resolution 799 on December 18, 1992 to condemn the deportations and urge Israel to rescind them. At that time, President-elect Clinton expressed concern that the deportations "may go too far and imperil the peace talks."

Upon taking office, the Clinton team lobbied against Security Council sanctions on Israel while Secretary of State Warren Christopher engaged in intensive consultations with Rabin. On February 1, Christopher and Rabin separately announced an Israeli compromise on the deportations. Christopher said Israel had agreed to allow about one hundred deportees to return immediately and to halve the period of exile for the remainder. He also announced that Israel would implement an appeals process that could further shorten the terms of exile, and that Israel would now assure the delivery of humanitarian assistance to the deportees. Notwithstanding the fact that Resolution 799 demanded the "immediate return" of all the deportees, Christopher pronounced the U.S.-brokered compromise as "consistent" with the U.N. resolution. Christopher argued that further steps by the Security Council were therefore "unnecessary and ... might undercut the [peace] process which is underway." The prospect of a U.S. veto effectively killed efforts at the Security Council to enact further resolutions on the issue.

It was ironic that Christopher should have announced the deal while at U.N. headquarters, since it represented a bilateral end-run of the U.N. machinery and fell short of the conditions set by Resolution 799. He also claimed that Israel had agreed to stop obstructing humanitarian aid to the deportees, a representation that went unfulfilled: Israel continued to bar the ICRC from conducting a mission to the deportees until September, a matter about which the U.S. remained publicly silent.

While Secretary Christopher worked hard to convince the rest of the world of the merits of the compromise, Prime Minister Rabin presented it to the Israeli public with the cynicism it deserved. On February 1, he described the compromise as a "package deal" that bound the U.S. to "prevent any decisions in international forums that would have operational significance against Israel." He even told Israel's parliament, "The principle of our ability to remove for a limited time hundreds of inciters, leaders, organizers, remains."

This claim begged for a U.S. clarification of its own position on deportations, be they indefinite or temporary. But U.S. officials ignored this comment, at least in public. Instead, when testifying on March 9 before the House Committee on Foreign Affairs, Assistant Secretary of State for Near East Affairs Edward P. Djerejian preferred to highlight another comment by Rabin—that the deportations were "unprecedented and an exception."

The Clinton administration handled the deportations with a focus primarily on renewing the peace talks. While this was logical, the U.S. at the same time weakened the cause of human rights by lending legitimacy to an inadequate Israeli appeals process, and by lobbying for a diplomatic compromise that left 300 arbitrarily deported persons in exile. In so doing, the U.S. undercut the credibility of a Security Council resolution and muffled its own objection to deportations in principle, a position that the Bush administration had repeatedly expressed.

On March 15, Rabin and Clinton met in Washington, for the first time as heads of government. According to senior aides cited in the press, Clinton assured the Israeli prime minister that he would oppose any attempt to reduce military and economic assistance to Israel not only in the coming fiscal year 1994 budget, but in subsequent years. At a news conference following their meeting, Clinton made no mention of

Israel's human rights record. However, he stated that he and Rabin had not discussed the 400 deportees remaining in Lebanon.

During the rest of the year, the Clinton administration made no principled statements concerning Israeli abuses in the occupied territories. It said nothing publicly about the indefinite closure of the West Bank and Gaza Strip. When questioned about it on April 12, a State Department spokesman avoided raising concerns about its effects on Palestinians. He only noted that the U.S. viewed Israel as responsible for providing security for its people and for the territories under its control.

However, on the closure of the occupied territories and certain other human rights issues, the U.S. privately lobbied the Israeli government. Assistant Secretary Djerejian told reporters in May that the U.S. had asked Israel to ease the closure. A broader protest on human rights was described in the Israeli daily *Maariv* on June 28. According to that account, which State Department officials would neither confirm nor deny for the record, a senior official had warned the Israeli embassy that the U.S. would report a deterioration in human rights conditions if present patterns continued. The U.S. official expressed concern, according to *Maariv*, about the high number of children being killed by security forces gunfire and the demolition of houses caused by heavy weaponry used during the search for fugitives.

The Clinton administration did comment publicly when U.S. citizens became the victims of abuse. It lodged a formal protest with Israeli officials at the end of January, when consular officials were prevented for up to five days from visiting three Arab-Americans who had been arrested and interrogated on suspicion of helping Hamas. On February 9, the State Department sent a second letter, expressing concern about the men's allegations that they had been mistreated while in detention. The Israeli government responded that an investigation found no wrongdoing, according to a State Department official who asked not to be named. He called Israel's response "not satisfactory."

The Clinton administration never commented publicly on the routine abuse that Palestinian residents of the occupied territories undergo during interrogation. This, despite the death of a Gazan under interrogation in April and a scandal in Israel over a form that doctors in one detention center were using to verify a detainee's fitness for abuse during interrogation.

For years, successive U.S. administrations have argued that a policy of vocally criticizing Israel's human rights record was ill-suited to advancing the peace process in the region. Middle East Watch believes that Washington's generous annual aid to Israel bestows on it the authority, and the obligation, to be a public advocate for human rights. Speaking out even-handedly on abuses throughout the region will not, in Middle East Watch's view, derail the peace process.

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

In its work on the Israeli-occupied territories, Middle East Watch devoted resources to one of the main issues it has focused on since the organization was created in 1989: the use of excessive force by Israeli troops.

In June Middle East Watch issued a book-length report titled *A License to Kill: Israeli Undercover Operations against "Wanted" and Masked Palestinians*. While other human rights organizations had already reported on the phenomenon, the Middle East Watch report made a timely contribution because it documented killings under the newly installed Rabin administration, and supplemented Palestinian accounts with testimony by Israeli soldiers.

Middle East Watch maintained a field researcher in the Israeli-occupied territories for eight months during 1993. Among other work, he conducted over thirty interviews with former detainees who had been interrogated either by the General Security Service or the IDF since the advent of the Rabin administration. The researcher also attended the trial of a Palestinian who said that his confession had been extracted under torture. A report on mistreatment during interrogations was scheduled for release in early 1994.

In December 1992, Middle East Watch issued three statements critical of the mass deportations of Palestinian Islamists to Lebanon. A researcher traveled to southern Lebanon to interview the deportees and inspect their living conditions. The data he collected were combined with information gathered in the occupied territories and released at a press conference in Jerusalem on January 12. Middle East Watch's

executive director held a briefing in Jerusalem for the families of the deportees that day, and traveled to the Gaza Strip to make a similar presentation. He also met with Justice Minister David Libai and IDF officials.

Middle East Watch issued a statement criticizing the decision by the Israeli Supreme Court to uphold the deportations, and wrote a letter on February 4 to Secretary Christopher questioning his enthusiastic endorsement of a compromise on the deportations that failed to secure the immediate return of all deportees. A Middle East Watch newsletter published in August updated the situation of the deportees.

In March, Human Rights Watch publicly urged President Clinton to raise human rights issues during his first official meeting with Prime Minister Yitzhak Rabin. In April, Middle East Watch issued a newsletter on the closure of the occupied territories and the isolation of occupied East Jerusalem. When the IDF issued a report defending its human rights record in July, Middle East Watch responded with a brief critique of that document. It also contributed a chapter on prison conditions in Israel and the occupied territories to Human Rights Watch's *Global Report on Prisons*.

During the year, Middle East Watch wrote to the Israeli authorities about restrictions imposed on a number of Palestinian human rights monitors. Letters were sent on behalf of members of the Khan Yunis-based Palestinian Lawyers for Human Rights who were not being given permits to enter or cross through Israel, and on behalf of Sha'wan Jabarin of al-Haq. Jabarin had been denied permission to attend a human rights course in Europe.

Middle East Watch took no position on the accord signed by the PLO and Israel on September 13, which was a political matter beyond the organization's mandate. However, three days before the signing ceremony, it issued a statement highlighting the absence of human rights provisions in the published declaration of principles, and arguing that a durable Israeli-Palestinian peace depended on respect for human rights by Israeli and Palestinian authorities. Identical letters on the subject were sent to Prime Minister Rabin and PLO Chairman Arafat.

Middle East Watch invited Mary Rock, a human rights lawyer and secretary of the Arab Lawyers Committee of the West Bank bar association, to be honored with other international monitors at the Human Rights Watch observance of Human Rights Day in December.

## KUWAIT

### **Human Rights Developments**

The year was marked by intensified persecution of those minority communities whose loyalty to the government was in doubt, especially Iraqis, Palestinians and Bedoons, the stateless longtime residents of Kuwait. After a year of relatively reduced tensions in 1992, the discovery in April of an alleged plot by Iraqi agents to assassinate former U.S. President George Bush during his visit to Kuwait that month sparked renewed pressure on those communities. The Kuwaiti government accelerated its long-term strategy of restructuring its population in a fashion that violated human rights, through arbitrary arrests and summary deportations. Those suspected of collaboration with the Iraqi government were either expelled or tried before the State Security Court, where defendants' rights are limited. Seven Iraqis and ten Palestinians were sentenced to death and, in May, another Iraqi, sentenced to death in 1992, was executed.

The government continued its effective ban on peaceful assembly and association. In August, the authorities closed down all unlicensed associations; the ban order included six human rights and humanitarian organizations.

Despite requests from human rights groups and families of those killed, disappeared or tortured in the post-liberation, martial-law period (February through June 1991), only a handful of such cases had been investigated. More than two years after a vicious attack on one Lebanese family resident in Kuwait city, a Kuwaiti official was charged in April 1993 with the crime of killing Ismael Farhat and his son Osama, and the rape and attempted murder of Naimat Farhat, his daughter. This was the first time a Kuwaiti government official had been tried for a human rights violation taking place during the martial-law period following the liberation of Kuwait in February 1991. With this notable exception, none of those implicated

in the killing and torture of hundreds of prisoners were brought to justice. Kuwaiti officials told Middle East Watch that they had no plans to launch any further investigations of officials. In addition, mass unidentified graves of people buried after the war—apparent victims of Kuwaiti forces—remained to be exhumed.

During 1993, continuing a process begun immediately after liberation, the State Security Court tried scores of Iraqis, Palestinians and Bedoons charged with collaboration with the Iraqi occupying forces. Although the procedures followed in their trials were an improvement over those of the 1991 martial-law courts, serious shortcomings remained, including the use of confessions obtained through torture and the denial of legal counsel of the defendants' own choosing. The court often ignored the reasonable assertion of many defendants that they had been coerced into cooperating with the occupation authorities. Collaboration was defined by the prosecution to include many forms of minor association with the occupiers. All defendants before the court were charged under the broadly worded State Security Law of 1970, which imposed a mandatory death penalty on a wide range of crimes, including, for example, the peaceful expression of opinion, if it is deemed harmful to national morale.

In June, the State Security Court sentenced six Iraqis and ten Palestinians to death for collaboration. The six Iraqis were charged with belonging to the Ba`th Party, the ruling party in Iraq, and joining the Popular Army, a reserve militia which assisted the occupying forces. The ten Palestinians were charged with belonging to the Arab Liberation Front, a Baghdad-based faction of the Palestine Liberation Organization (PLO) financed and sponsored by Iraq, and with carrying arms in support of the occupation. The defendants had been detained since the first months following liberation, when most detainees held on suspicion of collaboration were tortured. The court did not fully consider their claims that their early confessions had been secured through torture. None was allowed legal counsel before the trial, in violation of both Kuwaiti law and international standards.

On June 25, trial commenced before the State Security Court of eleven Iraqis and three Kuwaitis accused of plotting to assassinate former U.S. President Bush. The eleven Iraqis and one of the Kuwaitis faced the death penalty. During the proceedings, several defendants recanted their earlier confessions, which they said had been obtained through the use of torture. Ali Khudair, a sixty-eight-year old Iraqi defendant, told the court that he had been severely beaten by investigators to compel him to confess to the plot. Wali al-Ghazali and Ra`ad al-Asadi also maintained that they made their confessions after they had been subjected to torture, signs of which were clearly visible when they appeared in court. Although most of the accused faced the death penalty, all but one of the fourteen defendants were denied legal counsel until their first court appearance. Sentencing was scheduled for December 25.

Policies aimed at eventually expelling from Kuwait nearly all of its remaining Iraqi, Palestinian and Bedoon residents included arbitrary arrest and detention, torture and ill-treatment of prisoners, unlawful searches, heavy fines, threats, public humiliation and the denial of employment. During 1993, hundreds were arrested and placed in the Talha Deportation Prison and then given a choice between leaving voluntarily or remaining in that makeshift detention facility. This prison was the subject of a scathing parliamentary report about its deteriorating conditions and overcrowding. In June, Talha's inmates began a hunger strike to call attention to their plight. To dramatize the dismal conditions, six detainees—former Iraqi prisoners of war who were classified as refugees by the International Committee of the Red Cross (ICRC) and the U.N. High Commissioner for Refugees (UNHCR)—sewed shut their mouths. Promises by Prime Minister Shaikh Sa`ad, who visited the facility in June, to improve conditions and relocate inmates from this facility to a more suitable building were not fulfilled. Faced with these conditions and no prospect of release, most of those detained chose to leave the country. They had to liquidate their assets quickly and use the proceeds to pay fines for residing in the country beyond August 1992, at a daily rate of two Kuwaiti dinars (\$6.66). In the cases of former government employees, funds owed to them such as severance pay were used to satisfy those fines.

During the year, Kuwaiti authorities escalated pressure on the Bedoons to secure citizenship elsewhere in order for them to remain in Kuwait lawfully. Most Bedoons are long-term stateless residents



of Kuwait who were born there and have lived there all their lives, but are not officially deemed to qualify for Kuwaiti citizenship. The pre-war community of 250,000 was estimated in 1993 at under 200,000 (according to official figures, only 120,000 Bedoons remained).

After Kuwait's liberation in 1991, long-standing anti-Bedoon policies took a violent turn. Accused *en masse* of aiding the Iraqi occupying forces, Bedoons were singled out for retribution, even though many had been killed by the Iraqi occupiers for acts of resistance. Bedoons suffered summary execution, disappearance and torture. All those employed by the government were dismissed from their jobs, prevented from sending their children to government schools and threatened with expulsion from the only country they had ever known. The military and the police, which before the invasion were largely composed of Bedoons, rehired only a small fraction of their pre-war employees—depriving the community of its chief source of income.

Most of the Palestinians who remained in Kuwait—fewer than 25,000, down from a pre-war high of over 350,000—were stateless refugees who came originally from the Gaza Strip but had not been allowed by Israel to return. They carried travel documents issued by Egypt, which refused to allow them to reside in its territory. Although these refugees had no place to go, Kuwaiti authorities denied them the right to remain in Kuwait until they found another country that would accept them. They were harassed, threatened with imprisonment, denied employment, and subjected to heavy fines for every day they stayed in Kuwait. Many exhausted their life savings to pay these fines.

In 1993, the Kuwaiti government ignored appeals by families and human rights organizations to retry or grant appeal to 118 persons sentenced by martial-law tribunals set up in May and June 1991. In those show trials, most defendants were convicted and sentenced on the basis of confessions extracted under torture.

Another vulnerable group of foreign residents subjected to violent mistreatment was Asian domestic employees, mainly from the Philippines, Sri Lanka, India and Bangladesh; their number was estimated at about 150,000 in 1993. Expressly excluded from the protection of labor legislation, these workers had been 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. Some 1,400 Filipina maids fled to their embassy in the year between April 1991 and April 1992. In 1993, several hundred runaway maids sought shelter in foreign embassies, notably that of the Philippines. In the spring, about four hundred maids, mostly from the Philippines, were repatriated, but by the end of October, hundreds more were sheltered in various Asian embassies. Only one case of an abusive employer was successfully tried: on July 24, a Kuwaiti and his Lebanese wife were sentenced to seven years each for causing the death of Sonia Panama, a twenty-three-year-old Filipina maid through ill-treatment.

The lifting of pre-publication censorship on newspapers in early 1992, although welcome, did not mark a trend toward greater freedom of expression. During 1993, the government continued to prosecute reporters who wrote critically of its policies. It also maintained other severe restrictions on peaceful expression, assembly and association. Since 1985, the Kuwaiti government had maintained a moratorium on the formation of new private groups, but in practice had allowed many to function without formal licenses. However, in 1993 this policy of benign neglect was abandoned. On August 6, the Council of Ministers issued a decree dissolving all unlicensed organizations, affecting all those groups engaged in human rights and humanitarian activities. Most had been formed since the liberation of Kuwait in 1991 but had not been formally legalized, despite their repeated requests.

Although the order was directed at all unlicensed organizations, in justifying the need for action government officials cited only human rights and humanitarian organizations, especially those working on the issue of those who disappeared during the Iraqi occupation of 1990 and 1991. The government singled out the Kuwaiti Association for the Defense of War Victims, the country's main human rights group, as being required to close down. All unlicensed groups were notified to cease operation and, on August 15, the Minister of Social Affairs threatened to use force against violators. On October 3, the Council of Ministers instructed the Minister of Social Affairs and Labor to implement the ban immediately.

While the parliament resumed functioning in 1992, the royal family continued its dominance of the executive branch. On October 5, 1992, elections for the National Assembly were held for the first time since it was dissolved by the Emir in July 1986. Only 81,400 first-class male citizens over the age of twenty-one were eligible to vote, accounting for less than 11 percent of the native population. Women and naturalized citizens did not have the right to vote, nor did the Bedoons.

However, the restoration of the National Assembly did not mean the beginning of parliamentary rule. Although the opposition and independent candidates gained a majority of the fifty contested seats, the majority's power was significantly curtailed when the Emir once again asked Crown Prince Shaikh Sa'ad to form a new government. The new cabinet, announced on October 14, 1992, was composed mostly of government loyalists, including five members of the royal family who retained the posts prime minister and first deputy prime minister, as well as the key portfolios of defense, foreign affairs, information and interior.

Although the success of independent candidates in gaining a majority in the National Assembly did not usher in parliamentary rule, deputies began in 1993 to assert their independence. They investigated reports of corruption and mismanagement of public funds during the six years (July 1986 through October 1992) when the parliament was dissolved—investigations that led to the indictment of several former officials, including members of the royal family. In addition, the assembly, for the first time in Kuwait's parliamentary history, formed two committees to deal exclusively with human rights. The Human Rights Committee conducted hearings on prison conditions and, in January 1993, conducted a surprise visit to the Talha Deportation prison. Following the hearing, the Prime Minister visited the prison and, in June, promised to relocate its inmates to a more appropriate facility. In July, the Human Rights Committee adopted a scathing (classified) report on the visit and urged the government to improve conditions there.

Until it resigned in August, the Assembly's Committee on POWs and the Hostages had become one of the most important parliamentary groups. It dealt almost exclusively with the issue of the 850 Kuwaitis (and others) who disappeared during Iraq's seven-month occupation of Kuwait (August 1990 to February 1991). The committee, headed by Deputy Mubarak al-Duwaila, supported private efforts to assist in securing information about their whereabouts. It introduced measures, later adopted by the full assembly, to urge the government to recognize and assist private groups in the country dealing with the issue of the disappeared. On August 17, this committee resigned *en masse* in protest of the government's decision to close down private groups dealing with the subject.

The second session of the 1992 National Assembly convened on October 26, 1993, amid growing competition between Islamist and secular deputies over the future direction of Kuwait, including the issue of how to treat human rights. In the first session, which had concluded in September, some Islamist opposition deputies appeared to side with the government's decision to close down human rights and humanitarian organizations, traditionally populated by secular and liberal activists.

### **The Right to Monitor**

The right to monitor was dealt a severe blow with the closure in August of all human rights groups in Kuwait, including the Kuwaiti Association to Defend War Victims (KADWV). Established immediately after the Gulf War, the association had been the main independent local group devoted exclusively to monitoring human rights. The Kuwaiti government, which never formally recognized the organization's legal existence, announced in August that KADWV and the other human rights and humanitarian groups were illegal since they had not been licensed. On October 3, the government reiterated its decision to close down all unlicensed private associations.

KADWV and some of the other banned groups nevertheless continued to function and meet privately. As in previous years, a focal point for KADWV in 1993 was the fate of over 850 Kuwaitis and others who disappeared during Iraqi occupation. The organization also followed the fate of those who disappeared or went missing after liberation, mainly Palestinians and Bedoons; and it provided aid, including legal counsel, to prisoners and victims of official abuse.

Included in the government's ban were five other human rights and humanitarian groups. These

were the Kuwaiti Association for Human Rights, League of Families of POWs and the Missing, Mutual Assistance Fund for the Families of the Martyrs and POWs, Popular Committee for Solidarity with POWs, Pro-Democracy Committee, Supporters of Single-Citizenship Committee, and Women Married to Non-Kuwaitis Support Association.

In 1993, the Kuwaiti government allowed visits by several international human rights organizations, but significant delays in granting approval were reported. Most non-Kuwaiti lawyers who volunteered to travel to Kuwait to represent those accused of state security offenses were not granted entry visas by Kuwaiti embassies without explanation. The few who were able to secure visas were not permitted to represent their clients in court.

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

Since the end of the 1991 Gulf War, the U.S. has been the main force protecting Kuwait from renewed Iraqi attack. A ten-year military agreement signed in September 1991 regulated 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 amounted to a semi-permanent presence in light of their frequency, their duration and the large number of troops involved. 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. Similar agreements were concluded with France and the United Kingdom.

The U.S. continued to provide sophisticated weapons to Kuwait, during the year under review, with sales of tanks and fighter planes totalling over \$1 billion. U.S. officials expressed their belief that the defense of Kuwait, as part of the defense of the Arabian Peninsula, was one of two key policy goals in the Middle East—the other being peace between Israel and her Arab neighbors. In April, David L. Mack, then-Deputy Assistant Secretary of State for Near Eastern Affairs, explained that Arab-Israeli peace was sought, in part, to "assure the security of this vital region." "Over the long term, peace between Israel and its Arab neighbors is essential to our continuing effort to encourage and help provide a credible defense of the Arabian Peninsula," Mack told the U.S. - GCC Business Conference in Washington. During visits by Secretary of State Warren Christopher to Kuwait and Saudi Arabia, Secretary Christopher reasserted longstanding U.S. policy. In February, he told Kuwaiti and Saudi leaders: "President Clinton's commitment to the security of friends in the Gulf, like that of every president since Franklin Roosevelt, is firm and constant," according to a statement by the State Department. There was no public reference to human rights during those visits.

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, other than cataloguing human rights abuses in Kuwait, in the State Department's *Country Reports on Human Rights Practices*, U.S. officials shied away from publicly criticizing the serious human rights violations committed by Kuwaiti authorities against foreign and Bedoon residents. This reticence, which persisted during 1993, came despite what most Kuwaitis acknowledged to be their near-complete reliance on the U.S. to protect them from external threats.

In what may have been an effort to downplay human rights as a component of policy, the ranking Clinton administration official for the region described the U.S. relationship with Gulf countries as a purely commercial one. According to Mack, "I like to think of the ties between the U.S. and GCC as being based on a logic as ancient as that of the oriental bazaar, or souq. Simply put, the interests of the merchant in the bazaar and of his regular customers are complementary. If another party impeded or prevents the free and peaceful exchange of goods, or attempts to establish terms of trade through intimidation or extortion, both merchant and customer suffer."

By contrast to the State Department's assiduous efforts to help U.S. businesses who had problems or disputes in Kuwait, on human rights the U.S. refrained from taking the initiative: "We look instead to

government and private sector leaders to devise, in consultation with their peoples, measures for democratic consensus building that flow naturally from their own established political traditions and cultural values," said Mack. The U.S. official reported, however, that, during his trip to Kuwait, Secretary Christopher had "applauded the reinstatement of the Kuwaiti parliament and encouraged the Kuwaiti government's consideration of expanding the electorate."

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

In 1993, Middle East Watch focused on advocacy to improve the observance of human rights in Kuwait, engaging in substantive discussions with Kuwaiti officials over human rights issues. 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 also briefed immigration officials and refugee aid groups to help them deal with a flood of refugees from Kuwait pressured to leave or banned from returning.

To help especially vulnerable stateless refugees—Palestinians and Bedoons—stranded outside Kuwait, Middle East Watch filed a substantial number of affidavits and appeals to immigration officials and judges in Canada, Norway, Denmark, Switzerland and the United States.

When the State Security Court sentenced sixteen men to death in June, Middle East Watch protested the sentences and called for a full judicial review of the verdicts, in an open letter to the Emir of Kuwait. The June 24 letter was covered extensively in the Kuwaiti media. In August, when the Kuwaiti government banned all unlicensed organizations, targeting especially human rights and humanitarian groups, Middle East Watch sent an open letter to the Crown Prince protesting the action; the following month it issued a newsletter on the subject.

## **LEBANON**

### **Human Rights Developments**

The year was marked by frequent attacks on the peaceful exercise of civil and political rights, especially freedom of the press and assembly. In November 1992, President Elias el-Hrawi chose Rafiq al-Hariri to form a new government. The appointment improved the economic prospects of Lebanon by restoring a measure of confidence in the financial future of the country. But the government of al-Hariri, a Lebanese-Saudi billionaire and businessman, appeared to subordinate respect for civil and political rights to the strengthening of the armed forces and rebuilding the Lebanese economy, devastated by the fifteen-year civil war. The government often stated that Lebanon suffered from an "excessive freedom" that inflamed sectarian passions and made reconciliation difficult. Under the pretext of maintaining civil peace, the government jailed protesters, closed down news organizations and prosecuted reporters and publishers. Following an August ban of all demonstrations, on September 13 army troops used force to disperse demonstrations, with disastrous results: seven men and one woman were killed and about forty other peaceful demonstrators injured.

The year witnessed the government's growing reliance on special courts, such as military courts and the Publications Court, where procedures are abbreviated and the rights of defense are circumscribed. Critics of the government, including supporters of the Lebanese Forces, the largest Christian militia, and Gen. Michel Aoun, the ousted former prime minister, were frequently arrested, questioned and warned against further political activity. Others were tried before special courts and sentenced to lengthy prison terms.

During November and December 1992, scores were arrested after leaflets critical of President el-Hrawi were distributed on November 22, 1992, Lebanon's independence day. The leaflets criticized Syria and supported General Aoun, an outspoken critic who has lived in exile in France since August 1991. Many of those detained were known supporters of the general. As the government considered the offending leaflets defamatory of the commander-in-chief (President el-Hrawi), and weakening of the army morale, it

deemed that the case fell under the competence of military courts, despite the fact that the defendants were civilian and the charges did not involve the use of violence. In late December 1992, twelve were formally charged by the military prosecutor. The following April, a military court sentenced most of the defendants to prison terms of up to seven years for the printing and distribution of those leaflets.

On July 6, Elie Mahfoud, head of the Movement for Change, a pro-Aoun opposition group, was arrested. He was charged with falsely accusing the government of arbitrarily holding hundreds of detainees, thus harming the reputation of the state. On July 13, after a summary trial before a military court, Mahfoud was convicted of "defaming official Lebanese institutions" by distributing the press statement. He was sentenced to two months in prison, later commuted to one week.

In July the Military Court of Cassation ratified in July judgments rendered by lower military courts in the case of suspects linked to an August 1992 deadly explosion in the headquarters of the Lebanese Army's First Brigade in Beirut. The two dead, Capt. Imad Abboud and Sgt. Philip Wanis, were suspected by the authorities of involvement in the explosion. Five officers and two civilians were sentenced to prison terms ranging from four months to five years. The defendants' confessions of guilt had been elicited through the use of force, according to defense lawyers.

Alarmed by the increase in detention of government opponents and their ill-treatment, the Maronite Bishops Council criticized the security forces' excesses. In a statement issued on July 13, the council deplored "the arbitrary arrests of young men, including teenagers, which are accompanied by beatings, humiliation and insults. These actions are committed with disregard to the laws preventing arbitrary arrests, ignore the safeguards stipulated in these laws, and violate human rights."

Arbitrary arrests for peaceful expression resumed in October and continued in November. Between October 19 and November 4, dozens of Aoun supporters were arrested after some of them participated in a television program in which they voiced support for the General and criticized the Syrian presence in Lebanon. According to reports by Beirut-based lawyers and human rights monitors, the detainees included Abbad Zuwain, a writer and political activist, and his brother Najib Zuwain, Albert Shidyaaq, Jean Eid, Paul Kallab, Tony Bitar and Patrick Khoury—all were arrested, without warrants, by plainclothes security forces. On October 29, Minister of Justice Bahij Tabbara confirmed the arrest of an unspecified number and described it as "precautionary detention." Other officials described the detainees as "suspected Aoun supporters," some of whom were also suspected of distributing pro-Aoun leaflets. When Abbad Zuwain, who is a prominent Aoun supporter, was released on October 29, it was learned that he had been beaten severely by Syrian intelligence officers during interrogation about his political activity.

Under Lebanese law, those arrested must be released or referred to the public prosecutor's office within twenty-four hours of their arrest. This rule was frequently violated, with detainees held incommunicado without charge for weeks or longer. Access to lawyers improved during 1993, thanks mainly to the efforts of a recently-formed Emergency Committee of the Lebanese Lawyers' Association. Nevertheless, many of those detained by the military were held for periods as long as several months without access to family or lawyers. Lawyers complained about the lack of cooperation on the part of the chief military prosecutor's office in facilitating access. This was especially true in cases where politically motivated crimes were suspected. Between August 2 and 4, the army intelligence forces arrested several officials of the Lebanese Forces, an opposition group, including Jacques Zifikian, George al-'Alam, Tony Abou Younis and Jan `Aqouri. Tens of other members and supporters of the Lebanese Forces were arrested and their houses and offices were raided. The authorities did not formally acknowledge the arrests until weeks later, when they responded to media reports by stating that those detained were suspected of involvement in acts of kidnapping and murder that had taken place during the civil war of 1975 to 1990, or in its immediate aftermath. This retrospective prosecution appeared to be politically selective. In August 1991, parliament had declared a sweeping amnesty for most civil-war crimes committed before March 28, 1991. Excluded were massacres and assassinations or attempted assassinations of political leaders, religious figures and diplomats. A number of senior officials, including members of the cabinet, had been leaders of militias implicated in such crimes, but had not been investigated.

Despite repeated demands by families of the missing, the government failed to search for those who were kidnapped and subsequently disappeared during the civil war. The number of missing, presumed dead, was estimated officially at about 14,000 persons. The government also failed to investigate vigorously more recent politically motivated abductions. After four months in captivity, Nasri al-Khoury Sader, a lawyer affiliated with an opposition faction, who had been kidnapped with two companions in August 1992, was released at the end of November. Sader's abduction, blamed on individuals affiliated with Hizbulla, the pro-Iranian Shi'a party, prompted a lengthy strike by the members of the Lebanese Lawyers Union. Later in the year, one of his companions was found dead in southern Lebanon; the other was missing, as of November 5. Also missing since his abduction in September 1992 is Butrus Khawand, a member of the political bureau of the Lebanese Phalanges Party, a Christian opposition group.

During 1993, a number of judges resigned and others publicly complained about interference with the judiciary. At a press conference in February, Joseph Ghamroun, chief judge of the Criminal Court in the Beqa', announced his resignation, citing "deteriorating conditions under which judges must work". He referred specifically to executive interference with the judicial process. In March, 150 judges held a secret meeting at the Cassation Court at the Palace of Justice in Beirut, in which the independence of the judiciary was a main point of discussion, according to participants. After the meeting, the judges called for the adoption of a draft law—under consideration for some time—that would establish a clear separation between the executive branch and the judiciary. Despite a promise in March by Prime Minister Hariri to improve matters in the judicial branch so that "the basic rights of the Lebanese as stipulated in the Constitution will be guaranteed," there was no evident improvement.

Revealing a low tolerance threshold for criticism during 1993, the Hrawi government moved forcefully to carry out its previous threats against the media. In moves unprecedented since the civil war, in April and May the government shut down four news organizations and filed criminal charges against four journalists for violating press regulations. ICN, an outspoken television station, was closed down, as was the daily *Nida' al-Watan* (Call of the Nation)—both owned by Henry Sfair, an independent politician—for reporting an alleged plan by Prime Minister Hariri to "Islamize" Lebanon. Two other dailies, *al-Safir* (the Ambassador) and *al-Sharq* (the East), were also closed for publishing material considered offensive to the government. Court injunctions permitted the three newspapers to resume publication temporarily, pending the outcome of the criminal prosecution of their owners and reporters. But the closure of ICN was permanent. Throughout the year, criminal charges were filed against reporters, editors-in-chief, publishers and media owners, for violations of press regulations, including highly restrictive decrees issued without parliamentary approval during the civil war. The government's vigorous prosecution of violators of press laws was not matched by similar zeal in the investigation of attacks on the press, including assassinations and beatings of journalists.

In an attempt to enforce its monopoly over the ownership of television stations, the government threatened to close all forty-five private television stations. The Ministry of Information issued extremely restrictive media guidelines and put a legal and economic squeeze on these stations to drive them out of business, by directing advertising away from them and threatening them with closure and fines. On November 3, a court in Beirut fined *al-Mashriq*, a private station, \$294,000 for infringing on the state's television monopoly. The only licensed station was the Lebanon Television Company (LTV), a company owned jointly by the Lebanese state and Prime Minister Hariri. LTV was granted a monopoly over television broadcasting until 2012.

During the year, the General Directorate of Public Security (GDPS), the national police force, revived its control over all non-periodical publications, including leaflets and press releases. All such publications were required to be submitted to the police for approval before being distributed. Violators were often prosecuted, and some received lengthy prison sentences. The GDPS also resumed prior censorship of books, plays and films. In a further imposition of censorship, in August Michel Samaha, Minister of Information, instructed LTV to submit its news bulletins to him before they were aired.

Freedom of assembly was dealt a severe blow when, on August 11, the Hariri government issued a

categorical ban on all demonstrations. Prior to the ban, it had been the practice to grant permits, selectively, to hold demonstrations, albeit under very strict conditions. On September 13, as Israel and the Palestine Liberation Organization signed in Washington an interim self-rule accord for Gaza and Jericho, scores of protestors against the agreement were killed and injured in Beirut and Palestinian refugee camps in Lebanon. In one particularly bloody demonstration called that day in Beirut by Hizballa and other groups opposed to the peace accord, Lebanese army troops killed seven men and one woman and injured around forty as they peacefully protested. Consistent reports pointed to the responsibility of senior officials of the government, including the President, the Minister of Defense and the army commander for giving the order to use force to disperse the demonstration.

Under the terms of Syria's September 1991 agreement with Lebanon, Lebanese officials consulted regularly with commanders of Syrian troops in Lebanon over most security matters, whether involving Syrian nationals or others. Officers 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.

The 35,000 Syrian troops still deployed in most of Lebanon were an effective deterrent to the voicing of any criticism of Syria. There was little change in the deployment of troops despite earlier hints that Syrian forces would redeploy outside Greater Beirut, where half the Lebanese population lives, once the parliamentary elections were concluded. Although the elections brought, in October 1992, a largely pro-Syrian parliament, only minor redeployment took place; in the following January, troops were largely removed out of the Southern Suburb (of Beirut) and areas of West Beirut.

Israel and the Israeli-sponsored South Lebanon Army (SLA) were responsible for serious human rights violations in Lebanon during the year. Shelling and air raids by Israel and its allies on southern Lebanon, while ostensibly directed against guerilla bases, produced a heavy toll of civilian casualties. Between July 25 and 31, Israeli shelling of southern towns and villages resulted in several hundred civilian casualties and the flight of hundreds of thousands.

Israel continued to hold an undisclosed number of Lebanese detainees. As of October 31, Middle East Watch learned that at least twelve Lebanese detainees, most believed to belong to Hizballa, were being held in Beer Sheva prison in southern Israel. All were being held in custody beyond the expiration of their court-ordered sentences, in "administrative detention," without charge or trial, under British Mandate-era emergency regulations.

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. In 1993, an estimated 200 detainees were being held in Khiam without charge or trial and without access to family or lawyers. The International Committee of the Red Cross continued to be denied access to these detainees.

Besides the SLA, the Iranian-supported Hizballa was the only other major militia that had not been disarmed by the Lebanese government. It, too, was implicated in a significant number of human rights violations, including abductions and beatings, in 1993. In light of the significant bloc of parliamentarians from Hizballa elected to the new Chamber of Deputies, the government appeared to be less inclined to curb human rights abuses by Hizballa loyalists. Ostensibly aiming to pressure Israel to abandon the Lebanese border area it controls, Hizballa also engaged in 1993 in indiscriminate shelling of northern Israel, causing civilian casualties, in violation of international humanitarian law. Hizballa's attacks on areas of southern Lebanon under SLA control caused extensive damage and casualties among noncombatants.

### **The Right to Monitor**

There was no explicit prohibition against human rights work in Lebanon. However, local human rights groups and individual activists reported that various extralegal methods were used to restrict their freedom of activity in 1993. Security forces and militias employed violent tactics aimed at stifling human rights reporting, including arbitrary arrests and death threats.

While a number of independent groups operated openly, but cautiously, most functioned only

clandestinely or abroad. Among the established groups inside Lebanon were, in Beirut, the Lebanese Association for Human Rights, the Foundation for Human and Humanitarian Rights, and the Lebanese Lawyers Association, especially its Emergency Committee. In Tripoli, the Center for Human Rights operated at al-Jinan University. Outside Lebanon, the Lebanese League for Human Rights was especially active in France and Belgium.

Humanitarian and academic organizations reported regularly on issues related to human rights in Lebanon. Among the Beirut-based groups were the Lebanese NGO Forum and the Movement of the Handicapped & Youth for Human Rights and Peace. *The Lebanon Report*, published monthly by the Lebanese Center for Policy Studies, a research institution in Beirut, provided information related to human rights.

Because of the dangers human rights monitors faced, most local groups avoided issuing public reports about specific abuses, restricting their activities to providing legal assistance to detainees and information to their families and other interested parties.

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

The United States significantly increased its support for the Lebanese government during 1993 in economic, military and political spheres. In the course of Middle East peace negotiations, Secretary of State Warren Christopher, twice visited Lebanon. In late September, bilateral relations were elevated further when President Bill Clinton met with Prime Minister Hariri in the U.S. American officials appeared concerned primarily with bolstering the Lebanese government and armed forces, and ensuring Lebanon's active participation in the peace process. Regrettably, however, no concern over violations of human rights in Lebanon was voiced publicly by U.S. officials, when the Lebanese government waged a campaign against the press, jailed opponents and banned demonstrations, or when the Lebanese army attacked peaceful demonstrators. The gathering impression about the administration's attitude toward human rights was strengthened when the regional media gave prominence to comments attributed to President Clinton in a telephone conversation he had with President Hafez al-Asad of Syria on September 15; Clinton reportedly asked, in effect, that critics of the recently signed Israel-PLO accord be silenced.

During 1993, the U.S. increased its military assistance to Lebanon and ended an eight-year ban on the provision of lethal equipment. On October 6, Edward P. Djerejian, Assistant Secretary of State for Near Eastern and South Asian Affairs, cited military aid as the most important element of U.S. assistance to Lebanon. Less than a month after the Lebanese Army had opened fire, on September 13, on peaceful demonstrators in Beirut, killing eight and injuring dozens, Secretary Djerejian expressed unconditional praise for the army and its commander Gen. Emile Lahoud, and argued for additional military aid.

Economic assistance to Lebanon also increased during 1993. Although U.S. economic aid was relatively small, it had a specially high multiplier effect; Washington persuaded U.S. allies and multilateral institutions to provide record levels of economic aid. President Clinton personally communicated with a number of Arab and European heads of state to encourage their support and assistance to Lebanon. A study published in October by an investment guarantee group revealed that, on a per capita basis, Lebanon became the second-largest recipient of foreign aid in the Middle East, next only to Israel.

In March, partly due to Washington's efforts, the World Bank extended a \$175 million loan to Lebanon, its first from the World Bank since 1978. The loan formed part of a \$3 billion development plan the Lebanese government drew up for the period 1993 to 1996. New funding from elsewhere poured in. In July, Saudi Arabia announced a contribution of \$130 million to co-finance eleven projects in Lebanon. Kuwait and Qatar made similar announcements following visits by Prime Minister Hariri during which he requested increased aid to Lebanon. In August, an Arab foreign ministers' meeting approved a \$500 million aid package to Lebanon, in part at U.S. urging, according to State Department officials. Italy, France and Germany pledged substantial amounts of aid to Lebanon.

U.S. and allies' expressions of support for the Lebanese government were not accompanied by public concern over the serious human rights violations committed by the Hrawi/Hariri government, including the unprecedented attacks on freedom of the press and the death of peaceful demonstrators.



On September 15, two days after the bloody confrontation in Beirut and other protests in neighboring countries, President Clinton called President Asad of Syria to solicit his support for the Gaza-Jericho accord. Clinton asked Asad to silence Palestinian critics who were attacking the peace agreement. Absent public clarification of the President's remarks, which were widely reported in the front pages of Middle Eastern newspapers, an impression was strengthened in the region that the U.S. subordinated human rights, including the right of peaceful dissent, to other foreign policy considerations.

Critics of the Israel-PLO agreement voiced their conviction that President Clinton's September 15 phone call to President Asad was aimed at silencing those in Lebanon, and elsewhere, opposed to the Palestinian limited self-rule accord.

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

There were two points of special focus to Middle East Watch's work during 1993: Lebanese government attacks on the freedom of press and assembly, and the Israeli government's actions involving Lebanon.

In July, Middle East Watch issued a forty-eight-page report titled, "Lebanon's Lively Press Faces Worst Crackdown Since 1976," on the closure of news organizations and the restoration of strict censorship of the press, radio, television and all forms of political, cultural and artistic expression. The report concluded that the restrictive measures against the press were taken to safeguard the immediate interests of President Hrawi and Prime Minister Hariri and the policies of their government, and to shield the interests of Syria and Saudi Arabia, Lebanon's closest allies. Following the publication of the report, Middle East Watch coordinated a vigorous campaign involving several advocacy groups to draw attention to this unprecedented attack on the press and to call on the Lebanese government to end its crackdown. In September, it broadened this theme through a sixteen-page report on the government ban on demonstrations and the forcible dispersion of peaceful protests.

Following Israel's expulsion on December 17, 1992, of 413 Palestinians to Lebanon, Middle East Watch sent a mission to the region. After investigating the conditions under which the deportees were living in southern Lebanon, it held a press conference, on January 12, in Jerusalem to publicize its findings.

While laying the primary responsibility for the deportees' plight on Israel, Middle East Watch criticized the Lebanese government for its failure to permit humanitarian assistance to reach them and for its denial of access by the ICRC. In a number of subsequent statements, Middle East Watch demanded that the U.S. take a leading role in urging Israel to repatriate the deportees, but its efforts to meet with U.S. officials to discuss their plight were unsuccessful. In August, Middle East Watch issued an updated report on the deportees' conditions.

The July fighting in Lebanon between Israel and Hizballa prompted Middle East Watch to issue press statements expressing concern over the apparent indiscriminate attacks by both sides on civilians. In October, Middle East Watch and the Arms Project, another division of Human Rights Watch, sent a mission to Lebanon to investigate possible violations of the rules of war. A report on the subject was scheduled for January 1994 release, after the completion of a November 1993 mission to Israel, to gather information from official and private sources.

## **SAUDI ARABIA**

### **Human Rights Developments**

During 1993, in some respects, the dismal human rights record of the Kingdom took a turn for the worse. Torture, ill-treatment and incommunicado detention without trial remained the norm during the year, especially for those accused of security and political offenses. Executions imposed after summary trials increased to more than double the rate of the previous year. The ban on free speech, assembly and association was strictly enforced; violators were jailed, deported, banned from travel or dismissed from their government positions. Fifteen university professors were jailed, and about sixty others banned from travel for the expression of views critical of the government. Formally sanctioned severe restrictions on the

employment and movement of women remained in place. In a positive development, most political prisoners from the Shi'a minority were released in July. But discrimination against and harassment of Christians and non-Sunni Muslims continued unabated.

Senior government officials, meanwhile, continued to deny that human rights abuses occurred. Prince Nayef, Minister of Interior and the top security official in the country, said in May that Saudi Arabia "respects human rights much more than any other state or any other society in the world." The year was marked by a campaign in government-controlled media against human rights, which were dismissed as products of anti-Islamic Western bias and "Zionist intrigue."

The most significant development in 1993 was the Saudi government's swift crackdown on peaceful dissent by Islamist groups. The crackdown included formally banning the Committee to Defend Legitimate Rights (CDLR), established on May 3 by six prominent Islamist jurists and university professors. On May 12, the government-appointed Council of Senior Scholars, the highest religious body in the country, denounced the formation of the group as a violation of Islamic law. On May 13, King Fahd summarily dismissed the CDLR's founders from their government jobs. Two founders who were lawyers in private practice had their law offices closed down by royal order. The CDLR spokesman Dr. Muhammed al-Mas'ari, a physics professor at King Saud University, was arrested on May 15, after he defied an order not to talk to the foreign press about the committee. Fourteen other professors from King Saud and al-Imam universities were subsequently arrested and detained without trial. Lawyers supporting the new group had their offices closed and one, Sulaiman al-Rushudi, was also detained. Scores of the committee's other supporters, including about sixty university professors, were either dismissed from their official positions, banned from travel or both.

This crackdown on peaceful dissent was the first major test of the Basic Law of Government, issued by King Fahd in March 1992. Although this law was hailed by Saudi and United States officials as heralding a new era of respect for basic rights, the Saudi government's actions since its adoption proved such hopes to be premature. Ten days after the establishment of CDLR, the first nongovernmental organization of its kind to be formed in Saudi Arabia in decades, the government disbanded the group and jailed or dismissed its founders, most of whom were socially prominent and respected Islamist figures. The government-appointed clergy were induced to call for the banning of the group as un-Islamic, and to denounce its founders. Senior officials and the state-run media described the group as seditious or dismissed it as marginal.

According to its founders, the formation of the Islamist-inspired CDLR was in part prompted by widespread arrests and increased official harassment of Islamist activists. The Directorate of General Investigations (DGI), the secret police known as al-Mabahith, arrested and held without trial or formal charges hundreds of suspected followers of popular preachers and other sympathizers with Islamist groups during 1993. Scores arrested in Riyadh and al-Qasim were disciples of Salman al-'Awda and Safar al-Hawali, two popular Islamist speakers and university professors who advocated religion-based social and political reforms. The two scholars were banned in September from speaking in public and dismissed from their academic posts. Shaikh Ibrahim al-Dibayyan, another popular preacher, was arrested in February after he publicly criticized government policy in his sermons. In June, Shaikh Sa'id Ba Tarfi in Jidda, who advocated *jihad* (holy war) in Bosnia, and about twenty of his followers were also arrested. His followers, mostly from Egypt, Yemen and Afghanistan, were suspected of supporting Islamist groups in Egypt and Afghanistan. For similar reasons, over ten local and foreign supporters of Usama Bin Ladin, a prosperous businessman who financed the *mujahideen* of Afghanistan, were arrested in Jidda. In most cases, no charges were filed against the detainees, but they were interrogated about their political activities. Most of the Saudis detained were later released after they signed statements expressing their regret and pledging not to engage in further political activity. Some of those who declined to sign such statements remained in prison while others were released but dismissed from their government jobs and banned from travel. Most of the foreigners were deported.

A violent protest in March at the Rafha refugee camp resulted in the death of at least eight Iraqi refugees and three Saudi government employees and the injury of over 140 refugees. The uprising at the

camp, located near the Iraqi-Saudi border, was triggered by the refusal of Saudi authorities to permit family members fleeing Iraq to join their relatives in the camp. During the protest, fire was set to a camp administrative building and security forces subsequently opened fire to disperse the crowds. Following the incident, hundreds were detained. Many were known to have been tortured, in an apparent attempt by the authorities to find those who organized the protest.

Hostility between the refugees and the camp's guards predated this development. Since April 1991, a month after the Rafha camp was established for Iraqi refugees, there had been clashes between the camp's residents and guards in which scores of refugees were killed or injured. Refugees suspected of organizing protests were forcibly repatriated during 1991 and 1992. The government provided adequate levels of food, health care and education, and, until the March 1993, protest provided residents with additional monthly stipends. But the refugees' movement and their political expression and religious freedom were restricted. Less than 10,000 refugees were resettled in third countries between 1991 and the end of October, 1993, leaving about 25,000 refugees at the camp as of that date. The government denied press reports that it had forcibly repatriated some refugees after the March incident.

Middle East Watch received confirmed reports during 1993 of torture and ill-treatment of detainees during interrogation by the secret police and the religious police. To compel prisoners to provide information, they were frequently subjected to electric shock, falaqa (beating on the soles of the feet) and flogging with bamboo sticks on other sensitive parts of the body. Ill-treatment included prolonged incommunicado detention, sleep deprivation, threats, and insults. Visits by family members or lawyers were often denied for long periods.

There was one confirmed report of death in custody during the year. Hussein Ali al-Shuwaikhat, a nineteen-year-old Shi'a from Saihat in the Eastern Province, died on January 18 after he was transferred, bleeding, to a hospital. Although officials at the 'Awwamiyya Western Prison, where he had been kept since March 1991, assured his family that he had died of natural causes, no autopsy was permitted. Authorities rejected the family's request to investigate the incident, and al-Shuwaikhat's father was coerced into signing a statement—five days after the death—declaring the cause of death to be natural.

The number of judicial executions in Saudi Arabia reached a record level in the first seven months of 1993. According to official figures, during that period, sixty-three persons were executed, nearly all beheaded. This figure surpassed the total for all of 1992, and was more than double the 1991 figure. In almost all of these executions, defendants were convicted after proceedings that fell far short of international standards for fair trials. Most were not represented by lawyers at the trials or assisted in preparing their defense. Out of the sixty-three, over forty were beheaded for drug offenses—more than during the preceding five years put together. Between 1987, the year the death penalty was introduced for drug smuggling, and October 1992, thirty-eight were executed, according to Gen. Mohammed al-Maleki, a drug enforcement official.

Arrest and detention procedures continued to be 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 pre-trial detention, these procedures allowed detainees to be held indefinitely without trial or judicial review. Although families were often able to find out informally if one of their members had been detained, rarely was there formal notification. This problem applied equally to foreigners arrested in Saudi Arabia, many of whom had no family in Saudi Arabia to notice that they were missing. Saudi authorities did not notify foreign missions of the arrest of their nationals and declined to sign international or bilateral consular agreements mandating such notification.

It was equally rare for a detainee to be informed of the charges against him or her. Saudi law permits interrogation of detainees without the benefit of counsel, and the use of force to elicit confessions was commonplace in the Saudi security system. This may be in part because of the Saudi legal system's over-reliance on confessions. Imprisonment and Detention Law No. 31 explicitly sanctioned flogging, indefinite solitary confinement, and deprivation of family visits, as methods for disciplining prisoners.

Detention without trial continued to be authorized for those involved in commercial disputes or

business failures. Abdalla al-Rajhi, a forty-five-year-old Saudi banker detained without trial since 1979 when his firm collapsed, was released in February 1993. However, many others remained in debtors' prisons; some had been there for as long as ten years. Foreigners, estimated officially at about five million or 27 percent of the population, faced special hardships, including a ban on travel within the country or abroad without written permission from their employers. Hundreds of foreigners accused of violating the stringent visa regulations, by overstaying their residency permits or changing their employers, were being held in crowded, substandard deportation facilities throughout the Kingdom. Most were subsequently expelled without judicial review. Since regulations required that aliens secure clearance from their former employers before being permitted to leave the country, many were kept in deportation facilities awaiting these clearances.

Human rights abuses were facilitated by the absence of an independent judiciary and the lack of scrutiny by an elected representative body or a free press. Although the March 1992 Basic Law of Government formally recognized, for the first time, the principle of an independent judiciary, Middle East Watch continued to receive reports from within the judiciary that judges periodically came under pressure from senior members of the royal family and other government officials to influence their decisions. Not surprisingly, judges remained 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*), and thus had broad discretion to overrule judicial decisions. Provincial governors in Saudi Arabia, as representatives of the King and usually close relatives, also exercised their authority to review court decisions.

A twenty-seven-page report sharply critical of the judicial system in the Kingdom was circulated during the U.N. World Conference on Human Rights, held in Vienna between June 14 and 25. Although written anonymously, Middle East Watch learned that the report was authored by a group of Saudi lawyers and judges. It was especially critical of the pervasive interference by members of the royal family in the judicial process.

The royal family's concentration of power—one that has few parallels in the world—was immunized from criticism by the absence of a free press or parliament. This left government officials and other prominent citizens, primarily members of the royal family and their associates, free to abuse their positions and act as if they were above the law. In early 1993, two men from the Qahtan tribe were killed after they had entered the estate of Prince Mish'al, King Fahd's brother, without his permission. Attempts by the families of the two men to bring the Prince, whom they accused of killing the two men, to trial were unsuccessful.

Expectations raised by the government when King Fahd decreed the Basic Law of Government in March 1992 were dashed by the experience of the subsequent eighteen months, in which there was no perceptible improvement in respect for human rights. Formally sanctioned discrimination based on gender or religious beliefs continued unabated. Glaring due process deficiencies in the Saudi penal system were not rectified: based on Shari'a, as interpreted by government-appointed clergy, the unwritten criminal code for instance did not permit defendants to have legal representation in the courtroom. In May, the Council of Senior Scholars ratified the government's policy banning the formation of private human rights advocacy groups.

On August 20, King Fahd appointed the new Consultative Council, replacing a council by the same name that had been in existence since 1926 but had been almost completely ignored by the executive since 1953, when most of its powers were usurped by the King and his cabinet. Almost all of the sixty-one members of the new council were government loyalists, the majority of them longtime government employees. According to the Consultative Council Bylaws issued in August by King Fahd, the Council's members may retain their positions in the executive branch while serving their terms in the Consultative Council. By virtue of its mandate, composition and bylaws, the Council did not appear likely to provide a forum for significant political participation or act as a check on human rights abuses.

During 1993, the government initiated a dialogue with Shi'a political figures in exile. In exchange

for ceasing their political activity abroad and discontinuing their publications, the government released political prisoners and promised to consider seriously Shi'a grievances. On July 25, the government released over thirty Shi'a men, representing nearly all Shi'a activists still in jail on political and security-related charges. Four exiled leaders returned to the Kingdom and some met with the King, a rare occurrence.

The *quid pro quo* also took place. In September, exiled groups suspended their publications. The Reform Movement, based in London, suspended its monthly *al-Jazeera al-Arabia* (The Arabian Peninsula), which reported regularly on human rights violations in the Kingdom and translated reports by Western human rights groups. The International Committee for Human Rights in the Arabian Peninsula and the Gulf, a group affiliated with the Reform Movement, suspended *Arabia Monitor*, its monthly English-language publication issued in Washington. However, as of the end of October, there was no evident change in institutionalized discrimination against the Shi'a.

In 1993, Islamists intensified their public criticism of the government. In mosque sermons and clandestinely distributed leaflets and audiocassettes, they criticized corruption and favoritism and called for more political participation. They also sought greater autonomy for Islamic preachers, including freedom of expression, as well as an end to torture and arbitrary arrests and searches. A number of Islamist leaders who publicly criticized the government were dismissed from their government jobs and banned from travel or from public speaking. On September 26, Salman Fahd al-'Awda and Safar Abdel Rahman al-Hawali, two popular Islamist speakers and university professors, were asked by senior Ministry of Interior officials to sign a statement apologizing for speaking out against the government and promising never again to discuss the "State's internal, foreign, financial, media or other policies," or "communicate with anyone outside the country, or any activist inside the country, by telephone or fax." When they refused to sign, they were informed of their dismissal from their university teaching positions. They were also banned from recording speeches, leading prayers or publishing books or articles. In May, the Ministry of Interior had once again warned pilgrims and other travelers to the Kingdom against importing any "political" publications.

The government owned and operated all radio and television stations in the Kingdom, and it kept the privately owned local press on a very short leash, preventing criticism of government policies. During the year, three editors-in-chief—Khaled al-Ma'eena and Luqman Younis, both of the *Arab News* English daily, and Yousef Damanhoury of the Arabic daily *al-Nadwa* (Symposium)—were either dismissed or suspended from their positions for publishing materials considered offensive. A large number of foreign publications, including daily newspapers and weekly magazines, were barred from the country in 1993 on the grounds of their supposedly offensive content. Most visa applications by journalists from major U.S. and British news organizations were turned down.

During 1993, the government continued its efforts to expand its considerable influence over major regional and international news organizations. On August 4, a cooperation agreement was signed between Ali al-Sha'ir, Minister of Information and Jacques Taquet, director general of Radio Monte Carlo's Middle East Division. Under this unusual agreement, Radio Monte Carlo, which has a large audience in the Kingdom for its Arabic broadcasts, undertook to publicize "the government's position on political, economic and oil issues, emphasizing the great achievements that have taken place during the reign of King Fahd, Custodian of the Holy Shrines," according to a Ministry of Information statement. In the two previous years, Saudi businessmen had acquired the U.S. news agency United Press International and *al-Hayat*, a major Arabic daily, and MBC, a London-based satellite TV network.

### **The Right to Monitor**

Since monitoring human rights violations was considered by the government as political activity, Saudi Arabian law and practice strictly prohibited such an undertaking. Associations of any kind wishing to report on human rights violations in the Kingdom either had to work clandestinely inside the country, at the risk of arrest, or operate outside the Kingdom. In 1993, the ability to monitor human rights abuses in Saudi Arabia became even more restricted, with the shutdown of groups reporting on human rights and the arrests of

activists attempting to monitor violations.

On May 3, seven distinguished Islamist jurists and professors publicly announced the formation of the Committee for the Defense of Legitimate Rights. The government reacted swiftly and harshly. The same month, the Saudi government banned the group and began to arrest its founders and core supporters. Others were dismissed from their government positions, had their law offices closed or were banned from travel.

A few months later, another important source of human rights information dried up under government pressure. Leaders of the Reform Movement, the main Shi'a opposition group, agreed in August to suspend their activities abroad, which had included the distribution of human rights information by groups affiliated with them and the translation of reports by international human rights organizations. In September, it suspended the publication of *Al-Jazeera al-Arabia* (The Arabian Peninsula), an Arabic monthly affiliated with the movement. Published in London, the magazine regularly published articles on human rights violations, especially those related to the Shi'a minority. That month, the London-based International Committee for Human Rights in the Gulf and Arabian Peninsula, which had close ties to the Reform Movement, suspended the publication of *Arabia Monitor*, an English-language monthly issued from Washington, D.C. After its representatives met with King Fahd in October, the International Committee suspended all public reporting on human rights in Saudi Arabia.

The government allowed humanitarian organizations to operate in the country; the United Nations High Commissioner for Refugees and the International Committee of the Red Cross maintained offices concerned mainly with the resettlement of Iraqi refugees and conditions at the Rafha refugee camp. However, no foreign human rights organizations were permitted to visit the country in 1993. As in the past, requests for information and inquiries that Middle East Watch made during the year on specific incidents of human rights violations went unanswered.

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

By virtue of a long and intimate relationship with Saudi Arabia spanning over fifty years, the United States is uniquely well-placed to help curb human rights abuses in Saudi Arabia. During the 1992 election campaign, Bill Clinton had cited Saudi Arabia, in a November 1992 magazine article, as a target for future human rights attention. Regrettably, his administration reverted to the practice of previous U.S. administrations, by emphasizing the special relationship and failing to criticize Saudi violations publicly. Human rights principles appeared 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 other important interests.

The broad range of cooperation between the two countries was premised on a U.S. commitment to the defense of Saudi Arabia—a key goal of U.S. foreign policy. The Clinton administration reiterated this commitment. In his first visit to the region in February, Warren Christopher told Saudi leaders that President Clinton's commitment to the security of Saudi Arabia "like that of every president since Franklin Roosevelt, is firm and constant." There was no public reference to human rights during those visits.

U.S. officials expressed their belief that the defense of the Arabian Peninsula was one of two key policy goals in the Middle East—the other being peace between Israel and her Arab neighbors. In September and October 1992, Edward P. Djerejian, Assistant Secretary of State for Near Eastern Affairs, articulated this policy clearly in congressional testimony and other forums. David L. Mack, Deputy Assistant Secretary of State for Near Eastern Affairs, reiterated the same policy.

The administration's multi-tiered approach to ensuring Saudi Arabia's security included bilateral military arrangements and the provision of advanced U.S. weapons. A package of sophisticated weapons totaling \$14 billion was signed in 1992, for delivery in 1992 and 1993. Although delivery of some of these system slowed down because of financial difficulties, arms sales to Saudi Arabia, at \$4.2 billion, accounted for 31 percent of all U.S. arms sales in 1992, according to a study by the Congressional Research Service published in July. The U.S. military held periodic joint exercises with Saudi forces and maintained an

enhanced naval presence in the Gulf with unrestricted access to Saudi facilities.

Considering this special relationship between the two countries, it was perhaps remarkable that the administration did not apparently consider utilizing its leverage to bring about a significant change in the Saudi human rights record. U.S. officials refrained in 1993 from voicing public criticism of Saudi human rights violations, some of which were catalogued, in some detail, in the State Department's most recent *Country Reports on Human Rights Practices*. In 1993, U.S. officials reported progress in resolving a number of long-standing commercial disputes between U.S. citizens and Saudi entities. But, even when the victims were U.S. citizens—there are nearly 40,000 U.S. citizens in the Kingdom—they shied away from publicly criticizing Saudi human rights practices. In 1993, Saudi Arabia failed to notify the U.S. Embassy of the arrest of American citizens and declined to approve a bilateral consular treaty providing for notification and immediate access to detainees.

When, in May, Saudi authorities banned the Committee for the Defense of Legitimate Rights and began to arrest its founders or dismiss them from their academic posts, the State Department refrained from criticizing the action. Despite the fact that embassy officials had met with the founders of the group before their arrest, a May 13 State Department written statement only promised that the U.S. Embassy would "look into the reports." Instead of addressing the Saudi action, the State Department went out of its way to defend the meeting as "routine, legitimate activity....The U.S. is in no way interfering in the internal affairs of Saudi Arabia. The meeting has been discussed between our two governments and it does not affect our excellent relations." On May 17, when a State Department spokesman was repeatedly questioned by reporters about the U.S. reaction, he declined again to comment on the Saudi action, saying that the Department was still "looking into it."

Despite the fact the State Department's own *Country Reports*, published in early 1993, revealed detailed knowledge of human rights abuses in Saudi Arabia, a State Department spokesman declined to criticize the Saudi ban on public Christian worship, an issue researched extensively by U.S. diplomats. On September 14, asked whether he had any comment about reports of persecution of Shi'a and Christians, the spokesman declined to comment directly or to criticize the government. He added, "I will say that we, of course, support religious freedom. Our most recent human rights report contained substantial coverage of the situation in Saudi Arabia, and we have made our views and our concerns known about this at the highest levels within the Saudi government."

On March 23, the U.S. Supreme Court decided the case of *Saudi Arabia v. Nelson*, ruling that the Foreign Sovereign Immunities Act of 1976 (FSIA) denied U.S. courts jurisdiction to hear suits by U.S. citizens against foreign governments unless the dispute related to commercial activity. The court decided that this did not apply to Nelson's suit against Saudi Arabian government agencies, on the grounds that police action, no matter how monstrous, was by definition a sovereign matter. Scott Nelson, a former safety engineer, had filed legal action against Saudi authorities for torture and unlawful detention. The Bush administration filed an *amicus* brief with the U.S. Supreme Court in support of the Saudi position that U.S. courts had no jurisdiction in this case (Human Rights Watch filed a brief with the court in support of Nelson's claim).

On September 23, 1992, despite objections by the Bush administration, the House Judiciary Committee adopted an amendment to the FSIA enabling Americans subjected to torture abroad, and the families of American victims to extrajudicial execution abroad, to obtain remedy in U.S. courts. The bill did not reach the House floor before the end of the term. A similar amendment was introduced in the new Congress. In September 1993 the House Judiciary Committee adopted this new measure, adding the crime of genocide to the list of human rights abuses included in the previous amendment. The Clinton administration did not express a view on this amendment. A State Department official told Middle East Watch in October that the administration was "still formulating a position" on the proposed legislation.

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

In 1993, Middle East Watch's Saudi Arabia work focused on advocacy. In one notable case, on January 29,

Canadian authorities granted asylum to a Saudi woman known as Nada (her family name was withheld). Nada fled Saudi Arabia in 1991, claiming fear of persecution for her feminist beliefs. Middle East Watch had supported Nada's claim and urged Canadian authorities, in 1992, to grant her asylum. After the Canadian landmark decision was announced, Middle East Watch issued a statement applauding the decision, and called for wider application of the principle of granting asylum to women who were persecuted on grounds either of their gender or feminist beliefs. In March, Canada's Immigration and Refugee Board issued guidelines widening the scope of the definition of women refugees, giving support to the concept that women should be treated as a social group under the terms of the 1951 Refugee Convention. In May, Middle East Watch called on the U.S. to introduce similar measures in its immigration policy.

In April, Middle East Watch called on the Congress to adopt legislation allowing for legal action in the U.S. to remedy human rights violations committed abroad. The recommendation was in response to the Supreme Court decision in *Saudi Arabia v. Nelson*. Middle East Watch had acted as *amicus curiae* in support of Scott Nelson, an American worker who was suing the government of Saudi Arabia for torture and arbitrary arrest during his employment with a Saudi government agency.

When Saudi university professors were arrested in connection with the founding of CDLR, Middle East Watch participated in a campaign to free them. Human Rights Watch's International Committee on Academic Freedom sent similar protests.

## SYRIA

### **Human Rights Developments**

In 1993, Syria's fifteen million residents lived their thirtieth year under emergency law, imposed in March 1963 when the Arab Ba`th Socialist Party seized power. The reference by President Hafez al-Asad in a June 1991 speech to the need to "increase popular participation in political decision-making" had generated hope that an opening of Syria's political system might be in the offing. But, towards the end of the year, anticipated reforms had not been realized. As in past years, opposition political activity was not tolerated, independent institutions of civil society were not permitted to exist, and the media remained under total state control. The regime of President Hafez al-Asad, which has ruled in authoritarian fashion since 1970, has earned the ignominious distinction of holding some of the world's longest-serving political prisoners, detained without charge or trial for over twenty years. One of them, Gen. Salah Jadid, by many accounts the most powerful figure in Syria from 1966 to his arrest in 1970, died in detention in August. Jadid's death—and the release earlier in the year of five former government and Ba`th Party officials arrested in 1970 or 1971—left eight long-term political prisoners, all arrested between 1969 and 1972, incarcerated without trial.

Despite the welcome mass releases over the last two years of thousands of Syria's security and political prisoners—including 4,018 in three successive amnesties between December 1991 and December 1992—Middle East Watch estimated that some 4,000 remained incarcerated. Among them were individuals held for association with political groups not engaged in violence, and writers and other professionals held merely for peaceful expression and association. Fifteen human rights activists from the Committees for the Defense of Democratic Freedoms and Human Rights in Syria (CDF), an independent human rights organization formed in Damascus in 1989 that is barred from working openly inside the country, were part of this group of prisoners of conscience. The CDF members were arrested between December 1991 and March 1992.

There were reports in 1993 of arrests under the emergency law, incommunicado detention, and deaths believed to have been caused by torture. Additionally, during the year, the Supreme State Security Court began to hand down verdicts in trials begun the previous June of some 500 detainees accused of membership in outlawed political groups. Most had been held without charge since the 1980s. The legal proceedings fell short of international fair-trial standards and the court's decisions could not be appealed to a



higher tribunal. Five detained CDF members were among those tried by the court; in a disgraceful move in 1992, the security court had sentenced fourteen other CDF members to prison terms of up to ten years (four were released in a subsequent amnesty).

Kurds, Palestinians and Jews all continued to be at risk as minorities. The large Kurdish population of over one million suffered from blatant state-sponsored discrimination. Most of Syria's 300,000 Palestinians remained as refugees under the law, pending final resolution of their status through the Arab-Israeli peace process. Thus, while Palestinian residents were issued identity cards, they were not granted Syrian citizenship and passports, even if born in Syria to refugee parents. In the second half of 1993, some thirty Palestinian families of Gazan origin were expelled after authorities confiscated their identity papers. Syria's tiny remaining Jewish community faced fresh obstacles in securing exit permits, in a reversal of the regime's April 1992 liberalization of departure rules that led 2,650 Syrian Jews to emigrate to the U.S.

Freedom of expression continued to be a casualty of the longstanding state of emergency. Syria's media served as state organs, and no independent publications were permitted to exist. In a clear articulation of the government's philosophy, Information Minister Muhammed Salman unabashedly stated, in an interview published in the Jordanian daily *al-Dustur* on May 10, that the role of Syria's media since 1970 has been to "express and explain the state's domestic development policy and Arab and foreign policy." He added: "We express in our media the policy drawn up by our political leadership, away from sensationalism or competition, or any other heading that could be used as a cover to propagate policies or ideas that are like harmful weeds that have a deceptive appearance." The minister cited Syria's state of war with Israel, and the occupation of the Golan Heights, as reasons for tight control of the media: "This requires immunizing citizens politically and culturally all the time through the official media, as well as through the parties of the National Progressive Front, and the popular, professional and cultural organizations."

In a June 1 report from Damascus, CDF noted that the Ministry of Information and the security apparatus both played a prominent role in monitoring and suppressing independent thought. Manuscripts, articles and other works—as well as Friday sermons in mosques—had to be authorized by state agents. Syrian writers and intellectuals had been interrogated for what they had said in public fora; many were blacklisted from traveling abroad. Special intelligence-service units at each university conducted surveillance of all activities and compiled periodic reports about the content of academic lectures.

Despite the regime's poor rights record, Syrian officials in 1993 celebrated the country's political system, glossing over the lack of pluralism, the absence of an independent civil society, and the thousands of victims of human rights abuse. Vice-President Abdel Halim Khaddam, quoted on April 27 in the Kuwaiti newspaper *al-Watan*, proclaimed that Syria was "the most stable country in the Third World." He said that the political system had "proved its efficacy because of this stability over the past twenty-three years." During an official visit to France in February, Foreign Minister Farouq al-Shar`a was asked by the London-based Arabic daily *al-Hayat* about human rights. "As regards human rights," he stated, "we believe that no state in the world, not even a superpower interested in a new world order, has a right to dictate the political regimes of other states." But when the foreign minister addressed the U.N. World Conference on Human Rights in Vienna on June 17, he declared that Syria was "committed to the Universal Declaration of Human Rights" and "reflected in its different legislation and laws the humanitarian yardsticks which are encapsulated in [international human rights] charters and covenants." He neglected to mention that exceptional powers under the longstanding emergency law have essentially voided any human rights guarantees enshrined in Syrian law.

The regime demonstrated sensitivity to its human rights image abroad, however, when it dispatched three representatives to an October 18 conference in Paris organized by CDF, the International Federation of Human Rights and Amnesty International. The three were: Ghassan Rifa'i, former editor-in-chief of the government daily *Tishrin*; Gen. Asad Muqaed, president of the official association of the Syrian community in France; and Dr. Adel Zaaboub, head of the state-run Syrian Arab News Agency (SANA) in France and a former government censor. In their remarks, Mr. Rifa'i and Gen. Muqaed noted that the government was involved in a struggle against terrorism, and acknowledged that some abuses had occurred from the state's

efforts to protect society from terrorist actions. (According to CDF, there had not been a terrorist incident in Syria since 1983.) They also misleadingly characterized the efforts of CDF and international human rights organizations on Syria as political rather than human rights work.

There was no space for opposition political parties independent of the ruling Ba`th Party and the National Progressive Front (NPF), which the Ba`th dominates. Law No. 49 of July 1980, which banned the Muslim Brotherhood and made membership in the organization a capital offense, remained in effect. President Asad offered a defense of Syria's one-dimensional political landscape in an interview with his English-language biographer Patrick Seale. As published in the May 10 to 16 issue of the London-based Arabic weekly *al-Wasat*, Asad maintained that the seven political parties in the NPF were "deep-rooted movements" with "differences among them." Seale responded that these parties had extremely limited power, and asked the Syrian leader if he intended to give them more room to maneuver. Asad's reply provided no indication that any form of political pluralism was in the offing, despite some signs to that effect at the end of 1991.

The Syrian leader provided his own view of the system: "I believe that these parties have real power. They participate...in the decisions that affect the fate of every citizen. They monitor the government's work....There is nothing that prevents them from voicing their opinion on any issue....Not one member of these parties has been arrested for his activities within the Front." He did not mention that political activity outside the narrow band of the state-controlled NPF was not permitted.

Despite the dramatic and encouraging reduction in the number of security and political prisoners in Syria during 1992 and 1993, developments in 1993 demonstrated that independent political activity not only would not be tolerated, but also would be punished severely, as would human rights work inside Syria by Syrians. Trials of over 500 detainees, which started in June 1992, continued before the Supreme State Security Court, a tribunal created in 1968 to try violations of emergency-law regulations. The defendants, almost all of whom had been arrested between 1980 and 1992, included suspected members or supporters of communist, rival Ba`thist, Nasserite, and Kurdish nationalist organizations. The trials of five CDF members arrested in February and March 1992—Kurdish writer Ahmad Hasso, Palestinian writer Salama George Kila, free-lance journalist Ibrahim Habib, athletics teacher Najib Ata Layqa and merchant Jihad Khazem—also began.

All of the defendants faced charges of membership in organizations attempting to change the structures of the state or the foundations of the society through the use of violence; the dissemination of false information in order to undermine public confidence in the goals of the revolution; and opposition to Arab unity, socialism and other objectives of the revolution—offenses itemized in a 1965 military decree. Amnesty International reported in June 1993 that, while a small number of the 500 defendants stood accused of participation in violent incidents, the majority had neither advocated nor participated in political violence but were prisoners of conscience "detained simply because they are suspected of membership of links with illegal political parties, distribution of leaflets and attending their meetings."

On June 24 and June 29, the security court handed down a first set of verdicts and sentences against thirty-four defendants, all accused of supporting the illegal Party for Communist Action (PCA). Harsh prison terms were imposed on twenty-two defendants. Twelve men were sentenced to fifteen years with hard labor: two were political prisoners who had already been detained for over ten years, Malik al-Asad and Rustum Ahmad Rustum; a third was Dr. Ayman Daghistani, detained since 1987 and sentenced for reading the banned PCA newsletter *Red Flag*. Ten other defendants received sentences of ten to thirteen years with hard labor, and seven received lesser terms. All of those sentenced were stripped of civil rights, including the right to vote, travel abroad and hold government jobs. Amnesty International observers who attended some of the trial proceedings found gross violations of internationally accepted fair-trial norms, including a failure to investigate complaints of torture, lack of full access by defense lawyers to the files of their clients, and the denial of private meetings between lawyers and their clients.

The continuing practice of incommunicado detention in Syria—coupled with the lack of independent mechanisms for investigating suspicious deaths in detention—rendered conclusive

documentation of torture extremely difficult. CDF reported in 1993 that six political prisoners were believed to have died under torture at two prisons between October 1992 and January 1993. Ahmad Mattar, Abdel Karim Dhouchi, and Muhammed Barakat died at al-Riqqa prison, east of Aleppo, some time between December 20, 1992, and January 15, 1993. Three others died at Sednaya prison, north of Damascus. The body of one of them—Shakour Ta`ban, a lawyer in his fifties who had been arrested in connection with a communique issued in January 1991 in opposition to the Gulf War—was returned to the family in November 1992. (Two other lawyers arrested in the same case, Mrs. Naif al-Hamaoui and Walid Mouteiran, remained in detention as of the end of October 1993.) The other deaths at Sednaya prison were those of sixty-year-old Muhsen Abdallah, who died in November 1992, and sixty-three-year-old Qasem Hesso, who died sixteen days after his arrest in October 1992.

Suspected Kurdish political activists remained detained for freedom of expression. On October 5, 1992, four illegal Kurdish organizations had published materials to mark the thirtieth anniversary of Decree Law No. 93 of 1962, which effectively stripped about 120,000 Kurds of their Syrian citizenship and passports (the number of stateless Kurds has since risen by natural increase to 180,000). The groups had called upon Syrian citizens to support equal civil and cultural rights for the Kurds. The authorities responded with the arrest of about 260 Kurds in al-Hassakah, Ras al-`Ain and al-Qamishli in the northeast, and in Aleppo and Afrin in the northwest. Forty of the Kurds remained in detention in 1993, most of them suspected of membership in the banned Kurdish Popular Union Party. CDF reported that authorities prevented some Kurdish intellectuals from traveling abroad throughout 1993, and prohibited the formation of Kurdish cultural centers, bookshops, publishing houses and other associations. In a further mark of discrimination against Kurdish culture, a September 1992 decree (No. 122) prohibited Syrian civil servants from registering children with Kurdish first names.

Syrian prisons, known for their abysmal conditions in violation of minimum international standards, remained off-limits to independent domestic or foreign scrutiny. There continued to be grave concerns about inadequate medical care for prisoners suffering from serious illnesses. In August, CDF submitted to the U.N. Human Rights Commission the names of fourteen prisoners believed to be in poor health, including lawyer Riad al-Turk, arrested in 1980, and former government minister Muhammed `Id Ashshawi, arrested in 1970.

Some of the longest-serving political prisoners in the world remained incarcerated in Syrian jails. Their advanced age, coupled with conditions of confinement and medical care, raised humanitarian and human rights concerns. In 1993, the government released five prisoners, former high-ranking officials, who had been held for over twenty-two years; these releases reportedly left thirteen men in detention who had been arrested between 1969 and 1972: eight of them were never tried, and four (all arrested in 1970) had been held beyond the expiry of their sentences in 1985. One of the prisoners never charged or tried was sixty-nine-year-old Gen. Salah Jadid, a key figure in the 1963 coup and *de facto* head of the Ba`th Party at the time of his arrest in November 1970 following a bloodless coup led by his former colleague, then-Defense Minister Hafez al-Asad. Gen. Jadid had been held in al-Mezze military prison in Damascus and died on August 19. Rights groups and Jadid loyalists called for an independent investigation of the circumstances of his death. CDF received information that ten members of Jadid's family were arrested after his death, including his grandsons Nidal Jadid and Salah Jadid.

On March 24, fifty-seven prisoners perished in a fire in al-Hassakah prison in northeastern Syria. Most of them reportedly were Kurds, and at least four were political prisoners. Following the fire, one political prisoner at al-Hassakah wrote in a letter to his brother that sleeping quarters designed for fifty or sixty had been packed with up to 115 inmates, and that political detainees were not separated from criminal prisoners, as required by international standards. The Ministry of Interior appointed a four-member committee of high-ranking military and security figures to investigate the fire. The committee found eight prisoners culpable, and condemned five to death, two to life imprisonment, and a seventeen-year-old to twelve years in prison. SANA reported on May 20 that the five condemned men—described as "criminals"—were hanged that morning in a public square in the city of Hassakah. According to CDF, the

condemned men were not afforded the right to legal counsel or the right to appeal the committee's decision.

Syria's remaining Jewish community of 1,100 to 1,200 persons faced renewed obstacles to emigration, following the liberalization of exit-visa procedures in April 1992. According to the New York-based Council for the Rescue of Syrian Jews (CRSJ), beginning in October 1992 the issuance of exit permits slowed down again to a trickle. CRSJ reported in October 1993 that exit permits were not being issued to entire families (a pre-liberalization practice); Jewish prisoners released in 1992 had not been permitted to travel abroad; harassment by security forces had noticeably increased; and the sale of personal and business property continued to be barred, government promises notwithstanding.

### **The Right to Monitor**

The Syrian government did not recognize the right of local human rights monitors to carry out work inside the country. But in a welcome change of policy, beginning in 1992 several international human rights organizations received permission to undertake missions to Syria.

The regime sent an unmistakably strong signal in 1992 that human rights work by Syrians inside Syria would not be tolerated when the Supreme State Security Court tried seventeen members of the independent, four-year-old Committees for the Defense of Democratic Freedoms and Human Rights in Syria (CDF). In March 1992, the court sentenced fourteen CDF members to prison terms ranging from three to ten years. Four given three-year sentences were released in March and April, as part of the March 1992 amnesty, but ten remained in prison as of November 1993. In 1993, the security court began to try another five CDF members, all arrested in February and March 1992.

On August 10, the fifteen imprisoned CDF members—held in Sednaya and Adra prisons near Damascus—began a hunger strike to protest their continued detention. In remarks to the U.N. Human Rights Commission in Geneva on August 18, the Syrian government representative, Clovis Khouri, denied that the rights activists were on hunger strike. He accused CDF, whose representative had addressed the Commission two days earlier and publicized the hunger strike, of making false claims. He denounced CDF, stating that the organization's name was "a cover-up of their crimes against the internal and external security of Syria." He noted that CDF was an illegal organization and claimed that the "political" goal behind CDF's reports was "to distort Syria's reputation abroad."

To date, two international human rights organizations have been granted permission to undertake work in Syria. Amnesty International conducted its first fact-finding mission in December 1992, followed by a second mission in May 1993. Syrian authorities also granted permission for a representative of the International Commission of Jurists to observe a portion of the March 1992 security trial of the CDF members. In November 1993, Middle East Watch transmitted a letter to President Asad through the Syrian Embassy in Washington, D.C., requesting permission to conduct a fact-finding mission in Syria in 1994. Previous requests made by Middle East Watch to visit Syria went unanswered.

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

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

There were numerous high-level meetings during the year between the Clinton administration and Syrian government officials concerning the Arab-Israeli peace process and U.S.-Syria relations, but no evidence that Syria's thirty-year state of emergency and poor human rights record occupied a prominent place on the bilateral agenda. Early in the year, U.S. Secretary of State Warren Christopher summarized the relationship with Syria. "In recent years, the U.S. and Syria worked together to advance the peace process and regional security, and we expect that this cooperation will continue and we look forward to it," he was quoted by the Syrian government news agency SANA as saying upon his arrival in Damascus on February 20.

Middle East Watch was aware of only one specific human-rights problem in Syria on which the Clinton administration spoke out publicly in 1993—freedom of travel for the remaining Syrian Jews. If other rights abuses were raised and discussed in the numerous bilateral meetings during the year, the issues were not publicly disclosed by either side. For example, after Secretary Christopher met President Asad on

February 21 in Damascus, he declined to offer specifics about discussions on improving bilateral relations between Syria and the U.S.: "My talks with President Hafez al-Asad covered a wide range of issues. The discussions lasted for more than three and a half hours. I do not want to get into the details of the issues we discussed together. However, I can say that there was common ground between myself and President al-Asad." Asked to comment about a possible political opening in Syria and the removal of Syria from the U.S. terrorism list, the Secretary of State was equally opaque. "We discussed both issues and I do not wish to go into more details about the nature of these discussions," Syria Television Network quoted him as saying.

In October, Syrian Foreign Minister Farouq Shar`a visited Washington, the first visit to the U.S. capital by a senior Syrian official in almost two decades. The State Department said that human rights were among the topics discussed but would not disclose details of the talks. On October 5, Foreign Minister Shar`a met with Secretary Christopher in a ninety-minute private meeting. The State Department's spokesman said that the talks focused "on all aspects of our bilateral relations," including the Arab-Israeli peace process. Asked to describe the types of issues discussed, said: "We've discussed terrorism, we've discussed human rights, we've discussed the situation involving Syrian Jews, there have been other aspects as well." He provided no additional details.

On October 7, the Syrian foreign minister met briefly with President Clinton. According to the White House press secretary, the "constructive" discussion focused on developments and next steps in the peace process.

### **The European Community**

European Community (E.C.) aid to Syria was delayed, and also blocked, due to concerns about the human rights record of the Asad regime by members of the European Parliament. In 1992, the European Parliament twice blocked implementation of the ECU 158 million, (\$178.4 million) five-year Protocol on financial and technical cooperation, the fourth such protocol between the E.C. and Syria. On January 15 and again on October 28, the parliament did not give its assent to the aid package because of concern about the human rights situation in the country. (An earlier protocol with Syria—ECU 146 million in loans and grants, or \$164.834 million—did not receive final approval until November 1992.)

In 1993, the E.C.-Syria fourth protocol again ran into difficulty because of human rights concerns. Prior to the European Parliament's first 1993 vote on the protocol, Foreign Minister al-Shar`a visited the E.C. headquarters in Brussels and met on February 26 with E.C. Commissioner for Foreign and Security Affairs Hans van den Broek, the former Dutch foreign minister. During the visit, the Syrian foreign minister "rejected any link between the domestic situation in Syria and cooperation with the [European] Community," the *Bulletin of the European Communities* reported. The vice-chair of the Green Group in the European Parliament, Brigit Cramon Daiber, called on Commissioner van den Broek to ask the Syrian foreign minister for details about the human rights situation in Syria and information about Alois Brunner, the alleged Nazi fugitive who reportedly has lived in Syria since the 1950s. Mrs. Cramon Daiber demanded clear answers from the Syrian government as a condition for assent to the fourth financial protocol by the parliament.

Commissioner Van den Broek told the European Parliament that he wanted an end to the E.C.'s "isolation" of Syria. "Syria is an important player in the Middle East peace process," the March 5 issue of *Middle East International* quoted him as saying. "Our relations with Syria must be relaunched." But, on March 10, the fourth protocol was turned down by the European Parliament. The vote was 249 in favor and 75 opposed, with 29 abstentions; the proposal fell just eleven votes short of the 260 required for assent. Another vote on the protocol, scheduled for October, was postponed.

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

Middle East Watch pursued a strategy of monitoring and advocacy with respect to Syria during the year under review, focusing in particular on long-term detainees and the jailed human rights activists.

Throughout the year, Middle East Watch participated in the efforts of the U.S. Congressional Friends of Human Rights Monitors to free the fifteen CDF activists imprisoned since 1992. It selected imprisoned Palestinian writer and CDF member Salama George Kila as one of the thirteen international human rights monitors that Human Rights Watch would honor in December 1993.

Middle East Watch also provided information to the U.S. Congressional Human Rights Caucus, which in January sent a letter to President Asad expressing concern over the fate of long-term detainees and criticizing the state security trials then in progress. In August, it provided information to members of the U.S. Senate working on behalf of those detained in Syria for union activities.

In November, Middle East Watch distributed a report on human rights developments in Syria to members of the European Parliament, in advance of an anticipated vote by the parliament on the European Community aid package to Syria. It recommended that aid, with the sole exception of assistance of a humanitarian nature that directly benefits the needy, be conditioned upon specific human rights improvements.

At the initiative of Middle East Watch, the American Association for the Advancement of Sciences (AAAS) launched in December 1992 a campaign on behalf of detained Syrian professionals. Based on research conducted by Middle East Watch the previous year, the effort involved, in addition to AAAS, four engineering societies, five health professional associations and three general scientific societies. These organizations sent a stream of letters in support of jailed professionals to Syrian officials and to their counterpart professional associations in Syria. With backing from Middle East Watch, a similar effort was undertaken by the Washington-based National Academy of Sciences (NAS).

Middle East Watch selected Salama George Kila, a member of CDF imprisoned since March 1992 for his human rights work, as one of the international monitors to be honored by Human Rights Watch in its observance of Human Rights Day, December 10.