

HUMAN RIGHTS WATCH/MIDDLE EAST OVERVIEW

Human Rights Developments

Human rights violations were increasingly out in the open in 1995. Many Middle East governments decided they did not have to go to great lengths to conceal abusive practices in their battle against Islamist opponents and "enemies of the peace process." With the international community largely turning a blind eye, governments facing Islamist opposition groups—violent and nonviolent—literally got away with murder. The violent groups they confronted were equally bold and bloody—deliberately killing civilians to punish or intimidate those who withheld support or were related, in any way, to the government.

The Arab-Israeli peace process, jolted by the assassination of Israel's Prime Minister Yitzhak Rabin, dominated the political picture. Elsewhere in the region the aftermath of international armed conflicts and unresolved internal conflicts took other turns, with northeast Iraq the scene of internecine warfare between Kurdish groups and a Turkish invasion; continuing violence in and around Israeli-occupied south Lebanon; Iraq's failure to release information on the almost one thousand prisoners unaccounted for since it withdrew from Kuwait; Yemen's actions to stifle criticism in the wake of its civil war; and more delays in the process to resolve the seemingly intractable dispute between Morocco and the Polisario Front over the status of the Western Sahara.

Nowhere was the conflict between an Islamist movement and a secular government more deadly than in Algeria, where tens of thousands died. Armed Islamist opposition groups in Algeria, as well as in Egypt and the Israeli-occupied territories, violated basic humanitarian norms by deliberately targeting civilians. But the response by governments to opposition groups, Islamist and secular, often failed to distinguish the violent forces from the nonviolent. In Saudi Arabia the government continued its crackdown on the largely nonviolent Islamist opposition, with hundreds of arrests. In Egypt, even nonviolent and nonpolitical organizations, including the nation's principal human rights organizations, were targeted as the government's campaign to suppress the violent Islamist movement was transformed into a blunt instrument to suppress criticism and to restrict political participation.

Elections did not in themselves mean effective political participation; opposition candidates in Egypt were thrown into prison, and in Iran, the lead-up to 1996 elections brought new restrictions on freedom of expression. Kuwait provided a human rights bright spot, with its signing of four international human rights instruments and abolition of its abusive state security courts. In Morocco, despite reforms that had brought significant improvements, law enforcement officials continued to engage in torture and due process violations. Syria's state security courts ignored defendant claims of coerced confessions, and sentenced nonviolent political dissidents to long prison terms. Despite promises that it would not adopt the abusive practices of its neighbors, the Palestinian Authority in Gaza/Jericho—at Israel's urging and with U.S. approval—set up a state security court to try militant opponents. Israel, in the areas under its direct control, continued to abuse the rights of Palestinians.

The commitment to accountability was tested across the region in 1995. Governments exhibited a disturbing confidence that if they rode out an initial storm of criticism the world would soon forget about abuses; whether it was Egypt's stubborn refusal to allow investigations of deaths in detention, or Algeria's cover-up of the Serkadji prison massacre, or Israel's hiding behind a statute of limitations in its domestic law to avoid investigating reports of the murder of prisoners of war by Israeli troops in 1956 and 1967—war crimes that should never be subject to statutes of limitations.

There was no letup in the ongoing struggle between Middle East governments and Islamist opposition groups that called for dramatic transformations in government and society. Algeria was the scene of the bloodiest and ugliest conflict, in which thousands of civilians were deliberately killed or wounded, targeted by both sides. In Israel, radical religious parties, angrily opposed to their government's agreements with the PLO, threatened violence to stop the handover of territory to Palestinian control. The threats turned to action in November when a militant Israeli assassinated Prime Minister Rabin, after several incidents in which Israeli extremists murdered Palestinians.

Emboldened by assurances of continued political support, several governments in the Middle East intensified and broadened their attack on all who opposed the government, violent and nonviolent alike. Expanding the focus from militant activists to the political center, government crackdowns also targeted lawyers, human rights activists, journalists, intellectuals, and academics. Lawyers were beaten in Syria and forty-three were imprisoned in Egypt, some of them after torture. Political parties were banned and in Egypt candidates for parliamentary elections were imprisoned. The space for political activity or dissent was shrinking all over the region.

Nongovernmental organizations, from human rights groups to charitable societies, having emerged as a force to be reckoned with on the international scene, were increasingly restricted.

In Egypt, the Arab world's most populous country, the government of Hosni Mubarak paid little attention to domestic law, international law, or issues of accountability as its battle with the violent clandestine Islamic Group was paralleled by an expanding campaign to suppress the nonviolent opposition as well. Security forces operated with virtual impunity. Arbitrary arrests, long-term detentions, torture, hostage-taking, deaths in detention, and executions of civilians condemned to death without appeal by military courts were the main features of Egypt's human rights record. In a widely criticized move, Mubarak referred eighty-two Muslim Brothers, including former elected members of parliament and at least sixteen candidates in the upcoming election, to the Supreme Military Court for prosecution on political charges.

In Saudi Arabia the government beheaded an Islamist activist, the first Islamist opponent to be executed. He was convicted in a trial that failed miserably to meet international standards. Hundreds of other critics were arbitrarily arrested and detained without trial.

In Bahrain, demonstrations calling for restoration of constitutional rule and the release of political prisoners erupted in December 1994 and continued into the summer of 1995. While some demonstrators were implicated in acts of violence, resulting in the death and injury of members of the security forces and the destruction of property, most demonstrations were peaceful. When faced with peaceful protests, the security forces, led by former British colonial officer Ian Henderson, frequently used excessive lethal force. The government's show of force resulted in the death of at least ten protesters—including some who died under suspicious circumstances while in custody. Scores of protesters were injured when security forces used live ammunition to disperse demonstrators. Hundreds of suspected supporters of the protest movement were arrested, including Sheikh Abdel-Amir al-Jamri, a religious scholar, and members of his family. The only offense of many of those arrested appeared to be their call for restoration of the parliament and constitutional rule, suspended since 1975. By late October, while most detainees appeared to have been released, hundreds still remained in detention, including many who, after summary trials, were given lengthy prison sentences by the State Security Court. Others were summarily dismissed from their jobs.

In April, over 300 Bahraini women signed a petition calling for the restoration of democracy, respect for human rights and increased political participation for women. The government threatened the scores of signatories with the loss of their jobs if they did not withdraw their support for the effort, and subsequently some were dismissed or suspended.

Organized opposition groups continued to violate basic humanitarian law through deadly indiscriminate attacks and the targeting of civilians. In one of their bloodiest attacks yet, Algeria's Armed Islamic Group claimed responsibility for a suicide bombing near an Algiers police station. The explosion killed forty-two and injured over 200, mostly civilians. The group also murdered wives and children of police officers, teachers and other public employees. Militant Palestinian Islamist groups claimed responsibility for four suicide bombings that killed forty Israelis and wounded hundreds.

In spite of the acts of violence intended to derail the Arab-Israeli peace talks, including the assassination of Prime Minister Rabin and the attempt made on the life of Egyptian President Hosni Mubarak, ongoing efforts to negotiate and implement peace agreements between Israel and its neighbors dominated the political picture of the Middle East. Too often human rights issues and the principle of accountability were treated as irritants or obstacles to this process. While political resolutions to the region's conflicts are essential to improving human rights conditions, peace agreements and implementation plans must include at all stages human rights protections in order to have any hope of succeeding.

It would be difficult to consider the first full year of the Palestinian Authority's (PA) partial self-rule as a human rights success. While the transfer of authority reduced contact and clashes between the Israeli army and the 800,000 Palestinians living in the Gaza Strip and Jericho enclave, Israel continued to restrict Palestinians entering and leaving the occupied territories. In

the West Bank areas over which Israel exercised direct control, human rights abuses such as arbitrary arrest, collective punishment and torture continued as in past years.

Meanwhile, in the Gaza Strip and Jericho, the Palestinian Authority made little progress in establishing the rule of law. The PA bypassed its existing civil court system and established a state security court to try mainly Islamist militants accused of violent activities.

As governments planned for the future peace, they were reminded—often painfully—of lingering unresolved legacies of past wars. Israel's occupation of southern Lebanon and the Golan Heights and Syria's 35,000 troops in Lebanon raised a range of human rights issues. The current and future status of Palestinian refugees required immediate attention; their precarious position was exposed when Libya expelled thousands this year, leaving entire families with nowhere to go.

The 1991 Gulf War continued to raise accountability issues. Five years after its invasion of Kuwait, Iraq had failed to account for the more than 900 "missing" Kuwaitis and other nationals rounded up during the invasion and occupation. Five years of U.N. economic sanctions imposed on Iraq and Iraq's refusal to accept the U.N.'s offer of conditional oil sale, have caused critical shortages of food and medicine and a dramatic rise in infant mortality. In northern Iraq, under the protection of an internationally enforced no-fly zone, rival Kurdish parties battled each other, killing or wounding hundreds in the process.

In Kuwait, the Bedoons—native Kuwaitis denied nationality—and Palestinian residents continue to suffer the aftershocks of the war. Collectively accused of collusion with Iraqi forces, they were subjected to a range of harassment and abuse, from heavy fines and threats to arbitrary arrest and torture, all in a concerted effort by the state to force them to leave Kuwait. For the Bedoons, this was a denial of their right to remain in, or return to, their own country.

In some cases governments adopted or continued the use of extraordinary procedures in the form of emergency law or state security courts, which by their very nature were abusive. Kuwait showed improvement in this area by abolishing its state security court, which had meted out death penalties and other harsh sentences in unfair proceedings that used coerced confessions and denied legal counsel.

In most other countries state security courts survived; in fact, thrived in their own abusive way. In Syria, for example, excruciatingly slow-paced trials of accused members of unauthorized political groups continued before the three-judge state security court. Many defendants had already spent fifteen years in prison before being charged and put on trial. Complaints of coerced confessions and torture were ignored by the judges and the accused had no access to lawyers of their choice. Verdicts could not be appealed.

In Egypt, an emergency law in effect since 1981 allowed the government to try civilians before military courts. But the expanded use of military courts to try hundreds of civilians, including leaders of civil society, caused an uproar of protest in Egyptian political and human rights circles.

Several governments encouraged the violent and intimidating activities of so-called vigilante groups supportive of government policy, especially when their actions were directed against known government critics or opponents. In Iran, the government did little to stop militant mobs from attacking, on two separate occasions, a prominent intellectual as he expressed his views on a liberal interpretation of Islamic principles. In Egypt a controversial court ruling declared a university professor an apostate because of his academic writing and ordered his separation from his Muslim wife. This decision was not only an outrageous infringement on the couple's rights; it could also embolden violent Islamist groups to attack them.

It was rare for states to openly confront or condone the use of torture. Most states claimed not to tolerate torture, despite overwhelming evidence to the contrary. A debate brewed in Israel over the government's controversial decision to allow increasingly harsh methods of interrogation, which often amounted to torture. In Iraq, where there was no such debate, a series of brutal decrees, advertised in newspapers, prescribed branding of the forehead and amputation for a range of offenses.

Prisons and detention centers, where accountability has life-and-death consequences, were often routinely used as centers for torture. Many prisoners died in detention as a consequence of torture or severe ill-treatment. Internal investigations were rarely conducted and almost never made public, doing little to show that authorities at a high level did not authorize the abusive treatment. In Egypt there was an alarming rise in the number of deaths in detention. There were at least two reported deaths in detention in the Gaza/Jericho area under the newly established Palestinian Authority.

The Algerian government not only blocked all independent investigations of a massacre in February at the Serkadji prison, it destroyed evidence, hastily buried the estimated one hundred prisoners without autopsies and prosecuted no one.

Across the region it remained difficult for human rights monitors, and at times lawyers, to gain access to prisons. There was at least one welcome exception as the International Committee of the Red Cross was finally granted access to Al-Khiam prison in south Lebanon.

Morocco's process of reform, which led to significant human rights improvements beginning in the late 1980s, stalled in 1995. Prison conditions remained abusive. The government did not account for all of the disappeared, or pay reparations to those who had been released from secret detention. Torture and due process violations continued.

Although difficult to track, use of the death penalty appeared to be increasing. In Saudi Arabia the government beheaded 192 people in the first ten months of 1995, most of whom were convicted of drug trafficking in secret trials with no appeal. That was more than in the two previous years combined.

Elections and preparations for elections were major themes in 1995. The Middle East needed no reminder of the critical human rights implications of an election process. The region's worst human rights disaster, Algeria, was precipitated in 1992 when a military-backed regime annulled parliamentary elections that the major Islamist party was poised to win. Algerians were due to return to the polls at the end of the year for the presidential election, in the face of threats against those who participate by the Armed Islamic Group. One candidate was assassinated in September.

This year human rights abuses were frequently associated with the election process. Governments often cynically manipulated elections and referenda to ensure victory, or validate their repressive rule, and the accompanying processes were riddled with violations of the right to free expression, association and assembly.

In Egypt, President Mubarak's preparation for the parliamentary election consisted of throwing opposition candidates into jail. In Lebanon, the Syrian government, with some 35,000 troops stationed in the country, apparently suggested there might not be the need for an election as long as the Lebanese government could amend the constitution to allow the existing president to serve an unprecedented third term. Despite an outcry from some quarters, the government approved the amendment and President Elias Hrawi began his third term.

In Iran's run-up to election scheduled for early 1996 the government restricted candidate eligibility and closed newspapers.

The U.N. came under sustained pressure from Morocco as it prepared for the referendum on self-determination in the Western Sahara. This threatened the fairness of the process and led to long delays. There were no delays in the September referendum in Iraq, when President Saddam Husein quickly called for a vote of confidence and received 99.9 percent of the votes cast.

The Right to Monitor

Human rights organizations, both national and international, were at the forefront of the struggle to hold governments accountable and to ensure compliance to international legal standards.

Those who had the courage to speak out in defense of human rights, criticize repressive practices, or monitor human rights conditions continued to face attacks from the government and violent opposition groups they criticized.

Two human rights activists were assassinated in Algeria, and as was the case in many of the murders there, the identities of the killers were not conclusively determined. Rampant political violence made any form of independent human rights monitoring an act of great courage.

Most countries in the region placed tight restrictions on human rights monitoring. Syria, which opened its doors to some international human rights organizations, did not allow its own citizens to monitor human rights conditions. Individuals or groups who were determined to investigate

and report on human rights issues were tolerated in some countries as long as they did not cross certain lines, or were obliged to work from outside the country. Some were imprisoned for their work or killed. Although advances in telecommunication technology improved the efficiency of collecting and disseminating information from a position of exile, these groups continued to operate in the face of threats and ongoing harassment.

The large and active Egyptian human rights community came under sustained and aggressive attack in 1995 from the Mubarak government for exposing the worsening human rights conditions. Accused by the minister of the interior of "tarnishing Egypt's image," all human rights groups, domestic and international, faced restrictions, surveillance, interference, and a barrage of ridicule from the government-dominated media.

Human Rights Watch/Middle East requested access to Libya and Iraq in order to conduct fact-finding missions, but had not received a positive response.

The Role of the International Community

The Arab-Israeli peace process dominated 1995 foreign policy objectives for most governments with interests in the Middle East, especially the U.S. and European states. But a double standard with respect to accountability politicized human rights issues, weakened the will of governments to respect the rule of law, and slowed progress. While certain states were publicly criticized for violations and subjected to unilateral or multilateral economic embargoes (Iran, Iraq, and Libya), abuses by "friendly" states were seldom acknowledged.

The double standard was clearly illustrated by U.S. actions and policies in the region. States that supported the peace process, or confronted Islamist militants were usually not criticized or held accountable for their own abuses except, to a limited extent Algeria. On the other hand, governments or groups referred to as "enemies of the peace process" and Islamist opposition groups were held to a strict standard and harshly criticized.

U.S. Assistant Secretary of State Robert H. Pelletreau could have been referring to most governments in the Middle East—especially Egypt, which receives \$2.1 billion in U.S. assistance every year—when he described the situation in Algeria, "The government's reliance on repressive tactics has led to serious excesses by the security forces, alienated the Algerian people...[and] marginalized moderate elements of society..."

Many in the international community seemed to fear that the horrible violence that consumed Algeria could spread to other countries—Egypt, Tunisia and Morocco in particular. This fear muted public expressions of concern about government human rights abuses, sending a message that in the battle against Islamists brutal, arbitrary, and indiscriminate actions would be tolerated.

Governments battling opponents of the peace process were given the same latitude. This was the message delivered by U.S. Vice President Al Gore when he visited Jericho in March. He

praised the Palestinian Authority for its use of state security courts, although he was well aware of their lack of due-process safeguards.

As human rights were downgraded, economic objectives were elevated to a high priority. The U.S. government put enormous effort into winning Middle East contracts for U.S. businesses and promoting economic activity around the Arab-Israeli peace process. A U.S.-sponsored business summit held in Amman brought together more than one thousand business and government representatives. It remained to be seen whether governments and businesses in pursuit of contracts and profits will recognize their obligations to adopt socially responsible practices that defend and promote human rights.

With the human rights component to its foreign policy circumscribed by other agendas, the State Department often pointed to its annual human rights report as evidence of its continued importance. These generally accurate and comprehensive reports were valuable records of U.S. government awareness of human rights conditions, but they were no substitute for foreign policy action. The U.S. government's failure to use the findings of its own reports to hold governments accountable to a single standard of human rights behavior opened its human rights policies to accusations of bias and hypocrisy.

With the U.S. and other governments acting out of a combination of competing interests, the Middle East might have looked to the United Nations for even-handed assistance in defending human rights. But while the U.N. celebrated its fiftieth birthday this year, its performance in the Middle East was not a cause for celebration. Without the mandate or political will to resist Moroccan pressure, the U.N. risked losing control of its operation to organize a free and fair referendum in the Western Sahara.

In Iraq the U.N. was caught in a tragic dilemma; with the government of Iraq refusing to comply with Security Council resolutions, the U.N. maintained tight economic sanctions for a fifth straight year, and watched as Iraqi civilians suffered and died as a result.

The Work of Human Rights Watch/Middle East

Through a combination of fact-finding missions, in-depth research, advocacy, and coordination with local organizations Human Rights Watch/Middle East promoted human rights accountability.

Human Rights Watch/Middle East's work in 1995 covered a range of issues from the government security force's practice of hostage taking in Egypt, to the institutionalized discrimination against the Bedoons of Kuwait. We examined the human rights improvements and shortcomings in Morocco since the reforms beginning in the late 1980s, and assessed the human rights record of the Palestinian Authority in its first year of in Gaza/Jericho self-rule areas.

Governments were not the only targets of our research and advocacy. The United Nation's failing operation in the Western Sahara was the object of a fact-finding mission and findings

were published in an October report. A Human Rights Watch/Middle East delegation met with a Hamas spokesman in the Gaza Strip to protest the targeting of civilians by Hamas militants.

After years of making requests to the government of Syria, Human Rights Watch/Middle East was finally allowed to conduct an official fact finding mission to Syria. The mission lasted seven weeks and included visits to several parts of the country and interviews with a wide range of Syrians. The first in a series of reports focused on the state security court, pressure on political prisoners after release, and torture.

Although priority was given to the monitoring of current conditions and rapid response interventions when the first word of an abuse was received, Human Rights Watch/Middle East also pursued issues of accountability for past abuses; for example, urging states to bring a case of genocide against the government of Iraq for its slaughter of Kurds in the late 1980s.

Human Rights Watch maintained pressure on governments all over the world, with particular attention to the U.S. and the states of the European Union, urging them to raise human rights issues in their diplomatic and trade contacts with Middle East governments.

ALGERIA

Human Rights Developments

Algeria was the scene of the bloodiest conflict raging in the Middle East and North Africa during 1995. Since the military-backed annulment of parliamentary elections that the Islamic Salvation Front (FIS) was poised to win in 1992, the government and the militant Islamist opposition have fought an increasingly ugly war that has cost the lives of thousands of civilians. It has also wiped out many of the freedoms and rights that Algerians had begun to enjoy during a period of liberalization that lasted from after the 1988 riots until the declaration of the state of emergency in February 1992.

Precise data on how many persons have been killed, by whom and why they were targeted is notoriously elusive, due to strict censorship, the hazards of investigating the violence, and the fact that responsibility for most killings goes unclaimed. To complicate matters further, the sources of warnings and claims of responsibility cannot always be authenticated. Unofficial estimates place the numbers killed between 1992 and 1995 between 30,000 and 50,000. Often, killings were carried out in such a way as to maximize suffering and to terrorize others. The victims' bodies were often mutilated and dumped in public places.

Armed Islamist groups continued to kill civilians in blatant violation of the most elemental humanitarian norms, even if, as many believe, some of the killings officially attributed to them were carried out by criminal or other groups whose links to the Islamist movement were tenuous at best.

The targeting of journalists, intellectuals, teachers, and secular party activists and other visible social groups intensified in 1995. The twenty-two journalists and other media workers killed in the first ten months of the year brought the total slain since 1993 to fifty, making Algeria the most dangerous place in the world in which to practice journalism. Reporters lived a semi-clandestine life, sleeping in different places every night. Scores of journalists fled into exile.

The targeting of civilians was pursued most avidly by the Armed Islamic Group (GIA). In March the GIA issued a warning that they would kill the women relatives of government officials and security-force members unless all women Islamist prisoners were released. Since then, bombs have gone off in residential compounds housing police families, injuring scores, and assailants have slaughtered the wives and children of policemen. The GIA also claimed responsibility for a daytime suicide bombing January 30 next to an Algiers police station, killing forty-two and injuring over 200, most of them civilian passers-by.

Most of the civilians killed in the Algerian conflict were neither professionals nor prominent figures. While some civilians were apparently killed on suspicion of being informers or for defying the material demands of armed groups, the motives in many cases remained obscure.

The GIA threatened to kill anyone who participated in the November 1995 presidential elections. One candidate was assassinated in September. Armed groups also continued their campaign of sabotage against public institutions, including schools, government offices, public-sector industries and public transport and telecommunication facilities. Armed groups set up checkpoints on the roads between cities, terrorizing, robbing, and sometimes assassinating passengers in vehicles they stopped.

In September 1994, the GIA had demanded a shutdown of the education system above the middle-school level. In July 1995, the minister of education stated that 958 schools had been totally or partially destroyed in attacks that he attributed to Islamist groups.

With growing constancy, FIS representatives in exile condemned the attacks on civilians by armed groups. (The FIS was outlawed in 1992 after its strong showing in local and parliamentary elections. Its two chief leaders were in prison in Algeria. The relations between the FIS political leadership and the armed groups remained nebulous.) For example, Ja'far el-Houari, a member of FIS executive committee abroad, said in a September 14 interview in *Le Figaro*:

The FIS and the GIA have nothing to do with each other. The FIS is a major political party, with a program, and figures who are known. As for the GIA, no one knows who's in charge....It's not a political party. It is not looking for electoral support. We condemn the attacks they claim, the kidnappings, and the beheadings of young women.

One exception was a statement by Anouar Haddam, head of the FIS parliamentary delegation in exile, who appeared to justify the January 30 suicide bombing by explaining that its target was the police station rather than passers-by. But Rabah Kebir, a member of the FIS executive committee in exile, unequivocally condemned the bombing. Regrettably, such condemnations had little effect on the groups that were carrying out the killings. Also, FIS representatives did not publicly repudiate the targeting by the Islamic Salvation Army, considered the FIS' armed wing, of civilians deemed to be working with the government.

Government troops also engaged in assassinations. There were reports of suspects being arrested and then turning up dead, with official news reports stating that they had been killed in a clash. There were also reports of arbitrary killings carried out by security forces that entered neighborhoods thought to be sympathetic to Islamists and executing persons who had no relation to the armed conflict.

Security forces were also responsible for disappearances. Families and friends witnessed the arrest of suspects, after which they could obtain no further information about their whereabouts.

The torture of Islamist suspects was common in interrogation centers. According to defense lawyers, judges systematically refused to order medical examinations of defendants who claimed their confessions had been extracted through torture.

In February, the government abolished the special courts created by a 1992 decree to try cases involving "terrorism" and "subversion." But the courts were abolished only after the decree's repressive provisions were incorporated into Algeria's criminal and criminal procedure codes. For example, the law now permits garde à vue (incommunicado) detention to last as long as twelve days in "terrorism" cases, an excessively long period that facilitates the abuse of detainees under interrogation. Lawyers reported that even this limit was commonly exceeded, with detainees being held for weeks under interrogation without having any contact with lawyers or relatives.

Another tool of repression is long-term internment without charge. The semi-official Human Rights Monitoring Body (ONDH) reported in July that 641 detainees were being held in Ain Mguel camp in the southern desert. Imprisoned FIS officials were subjected to other forms of abuse: Ali Belhadj, sentenced in 1992 for conspiring against state authority, was transferred between detention facilities without his whereabouts being disclosed, while Abdelqader Hachani spent his fourth year in detention without being brought to trial.

Despite claims by President Zeroual that abuses would not be tolerated, security forces committed excesses in a climate of impunity. Nothing illustrated this better than the aftermath of the confrontation at Serkadji prison in February that cost the lives of five guards and about one hundred prisoners. Despite evidence that vastly excessive force was used against the mutinous inmates, the authorities hastily buried the victims without autopsies, blocked all independent investigations, and prosecuted no security-force member in connection with the slaughter of

prisoners. Another bloody incident at Berrouaghia prison in November 1994 was the object of an even more thorough information black-out.

The government required Algerian news organs to obtain permission to publish any "security"-related information, including all reports on clashes. Television and radio served as mouthpieces of the government, while newspapers that attempted to report independently on incidents or to report the views of Islamists were in several instances suspended or confiscated, their writers and editors hauled into court.

Authorities restricted political activity by the opposition parties that in January had signed a "National Contract" in Rome proposing negotiations with the government and a halt to the violence. Most efforts by them to hold public meetings during the year were blocked, and their activities were either ignored or ridiculed by the state-controlled broadcast media.

The abuse of women became a rallying cry for both sides of the conflict. Security sources reported that 161 women had been killed during the first seven months of 1995, in attacks they attributed to Islamists. There were allegations that Islamists had gunned down women merely for refusing to wear the headscarf, or for working in professions they considered "un-Islamic," such as that of seamstress or hairdresser. The Algerian press publicized the testimony of women who said they had been abducted, raped and enslaved by Islamist rebels, sometimes under the guise of a form of temporary marriage permitted by certain interpretations of Islam (al-mut'a). But it was impossible to gauge the scope of these atrocities, or to verify whether the perpetrators were in fact Islamist groups or common criminals. FIS leaders abroad repudiated the abduction and killing of women.

Women were also victimized by the security forces. Leading activists in the Islamist women's movement were taken into custody and their whereabouts not revealed. There were reports that security forces raided the homes of fugitives and, in their absence, harassed and assaulted female relatives. To cite one example, soldiers in the province of Boumerdes repeatedly visited the home of a fugitive's family, demanding to know where he was. During one visit in August, a group of soldiers confiscated all valuables from the home, and then several of them proceeded to rape the fugitive's wife.

The government fostered the growth of local civil guard and less formal "self-defense" groups in 1995. The civil guards were trained and armed by the security forces. Although created to help protect persons and property in rural areas where the military presence was light, the civil guards added a dangerous element to the armed conflict.

The Right to Monitor

The question asked by Algerians everywhere, "Qui tue qui?," surrounded many of the hundreds of unsolved homicides reported each month. In few countries was information about human rights as difficult to access, even though independent organizations were permitted to exist, and visas were issued to foreign groups. Obstacles to monitoring human rights included rampant

political violence that made field-work dangerous and intimidated potential providers of information; strict censorship of security-related information in the press; and a thorough lack of transparency on the part of the security forces and the armed opposition.

Dangerous security conditions impeded virtually all data collection by Algeria's two independent human rights leagues, although they were able to issue statements critical of the government. The 1994 assassination of the president of one league, Youcef Fathallah, remained unsolved, and an activist with the other league, Abdel-Hafid Megdoud, was murdered in September. Also, in February, women's rights activist Nabila Djahnine, was gunned down in Tizi-Ouzou. The press reported that the GIA had claimed responsibility for her killing.

In July, the opposition parties that supported the "National Contract" were barred by the government from holding an open-door meeting in Algiers on the subject of human rights. The meeting was to have featured, inter alia, testimony of abuse experienced by women Islamists and female relatives of Islamists. Such testimony, if permitted, would have challenged the pro-government discourse that holds that the dangers to Algerian women come primarily from Islamists.

The work of the government-created Human Rights Monitoring Body (ONDH) simply did not reflect the gravity of security force abuses, although it made occasional allusions to them. An investigation organized by the ONDH into the incident at Serkadji prison completely ignored the central question of how one hundred prisoners were killed (see above). It was no coincidence that the ONDH-sponsored inquiry was the only one to receive any government cooperation at all.

In the absence of effective monitoring by established independent human rights organizations, ad hoc human rights networks provided a modest flow of information—usually about abuses attributed to a particular side of the conflict. A group of lawyers and families of prisoners assembled an impressive dossier on the killings at Serkadji prison. A network of activists with Islamist sympathies collected testimonies of torture, detentions and killing and published them in Islamist publications abroad and in the White Book on Repression in Algeria 1991-1994. Other groups collected and published sketchy data on the assassination of women and other abuses that they attributed to the Islamist rebels. But associations that tried to expose human rights abuses regardless of the alleged perpetrator were rare indeed.

The Role of the International Community

French Policy

French support for the Algerian government survived the change of French presidents and prime ministers. As the Western country most concerned by developments in Algeria, France lobbied hard to set the course of the policies of its European and North American allies toward its former colony. France reportedly resisted efforts to attach political or human rights conditions to the provision of economic assistance or the terms of debt restructuring. However, by year's end, there were signs that French policy was coming under review.

France was the leading exporter to and the second largest importer from Algeria. It provides Algeria with US\$1.2 billion annually in export credits. In late 1994, France sold Algeria nine Ecureuil helicopters, saying they were for civilian purposes. But the helicopters could be outfitted with rockets and night-vision equipment to be deployed against insurgents.

French policy was shaped partly by concern that an Islamist victory in Algeria would damage bilateral relations, radicalize the Algerian community in France, destabilize other North African countries, and spark an exodus of Algerians towards France and elsewhere. The continuing conflict has already produced some of these outcomes; visa and asylum applications from Algerians have surged in France since the violence began in 1992. (France has rejected the vast majority of both types of requests.) And in July, a wave of terrorist bombings began in metropolitan France that was widely suspected of links to the conflict in Algeria.

French public statements on human rights reflected a double standard. Senior officials frequently condemned atrocities attributed to Islamist armed groups, but refrained from criticizing security force abuses except when denouncing excesses by all parties to the conflict. The bias was made thoroughly apparent in September, when the ministry of interior banned the importation of a searing, if one-sided, report on human rights abuses by the Algerian government, committed mostly against Islamists. It said *The White Book on Repression in Algeria (1991-1994)*, published in Switzerland, might "disturb the public order" because it contained "incitement to hatred." France did not censor equally one-sided, graphic and disturbing material describing abuses committed by Islamists.

Although the "National Contract" proposal by the Algerian opposition was rejected emphatically by Algiers and received in a noncommittal manner by Paris, it obtained a more favorable response in other Western capitals (see above). It put the Algerian government on the political defensive for the first time since elections were canceled in 1992. However, Algiers was able, with much lobbying assistance from France, to negotiate three key debt relief deals during the next seven months, with private creditors (the London Club), public creditors (the Paris Club), and the International Monetary Fund.

French support for the Algerian government received minimal attention during the presidential campaign and Jacques Chirac's first months as president. The issue was forced onto center stage by the bombs that began exploding in France in July. At a July 23 press conference, President Chirac insisted, "French aid to Algeria was not aid to the Algerian state, nor a sign of any sort of approval toward it. It is aid to prevent economic chaos following upon political chaos." On August 29, Prime Minister Alain Juppé insisted that France "does not support the Algerian military," and hopes for "a democratic and stable Algeria."

Few observers accepted such professions of neutrality. There were, however, indications of French impatience with Algiers' failure to embark on a credible democratic process. Relations were strained over the handling of the hijacking of an Air France passenger jet in December

1994, claimed by the GIA. In April, before the French presidential elections, Le Monde reported plans to cut annual aid to Algeria by some 15 percent. And in October, the president's spokesperson said that at the approaching summit with President Zeroual, Chirac would underscore France's desire to see a "true democratic process" get under way in Algeria, including "unassailable legislative elections." On October 26, after the cancellation of their meeting provoked mutual recriminations, Chirac for the first time suggested publicly that it was "legitimate" to consider linking French aid levels to the "pace of the democratic process" in Algeria. As controversially organized presidential elections in Algeria approached, it remained to be seen whether France would become more forceful in advocating a credible democratic process.

U.S. Policy

United States policy toward Algeria was dominated by three elements: fear that the political crisis will spread beyond the national borders, the premise that its influence over developments in Algeria was quite limited, and deference toward France, the European ally that was most concerned about developments in Algeria and most supportive of the current government. Thus, while the United States position was more outspoken than France's toward human rights and the need for wider political participation in Algeria, it passed up opportunities—such as during negotiations over restructuring Algeria's international debt—to pressure the government to curtail abuses and broaden the political process.

The U.S. furnished Algeria with no military or economic grants or credits, although it provided loan guarantees for the purchase of large amounts of U.S. agricultural products. And the U.S. refused in 1995 to license the sale by U.S. companies of virtually all items requested by the Algerian government that could be used in fighting the insurgency.

On human rights, the United States on several occasions expressed strong disapproval of violations committed by the government and by Islamist armed groups. The State Department's Country Reports on Human Rights Practices 1994 was blunt about the abuses on both sides, although quite limited in its level of documentation.

In his only major public statement about Algeria during the year, President Clinton told the incoming Algerian ambassador on March 20, "We have no illusions about the dangers of radicalism in the name of religion. We must be honest in identifying the sources of such radicalism, which include authoritarianism and repression."

Assistant Secretary of State Robert H. Pelletreau stressed this theme before the House International Relations committee on April 6. Countering the argument of Algerian officials that the armed groups thrive mainly due to help from abroad, Secretary Pelletreau told the committee, "The Government's reliance on repressive tactics has led to serious excesses by the security forces, alienated the Algerian people...marginalized moderate elements of society and empowered Islamic radicals who enthusiastically took up the fight."

The U.S. also urged the government to dialogue with the opposition forces, reacting favorably to, but not explicitly endorsing, the "National Contract" signed in Rome by the FIS and two other major political parties.

The U.S. distinguished between Islamist groups, noting that the FIS "has continued to advocate dialogue and a return to elections." In its contacts with the FIS, the U.S. pressed it to do more to disassociate itself from acts of terrorism, including those claimed by the GIA. The FIS's Anouar Haddam boasted that the FIS had resisted such pressures, and challenged the U.S. to prove that Islamist groups had in fact carried out any terrorist actions, according to al-Sharq al-Awsat daily of June 25.

For the government of Algeria, the main successes in the international arena during 1995 were the agreements it signed with the International Monetary Fund, private banks and state creditors to reschedule the country's US\$29 billion debt. It obtained these agreements with no explicit political conditions attached to them. The U.S. went along with the rescheduling, but reportedly did not always go along with French efforts to secure for the Algerian government easier terms of repayment.

The Work of Human Rights Watch/Middle East

Human Rights Watch/Middle East worked to reinforce the efforts of Algerian human rights monitors during 1995. When our offer to participate in an investigation into the killings at Serkadji prison went unanswered, we issued a report on the incident that was based heavily on the work of the ad hoc group of prisoners' lawyers and relatives. We also organized three visits to the U.S. by Algerians active in human rights, arranging meetings for them with Congress, the executive branch, journalists, academics, Algerian-Americans, and nongovernmental organizations.

Human Rights Watch/Middle East also interviewed Algerians who had fled to Europe and North America about the risks they faced at home, and provided information to lawyers preparing asylum claims submitted by Algerians. We also gave press interviews throughout the year, particularly during the lead-up to the November 16 presidential elections.

In 1995, the Embassy of Algeria in Washington replied to the Human Rights Watch World Report section covering events in Algeria during 1994. The embassy stated that Algeria's police "use their weapons only in situations of legitimate defense." It denied the existence of death squads and stated that authorities "do not condone or tolerate the alleged use of torture." Human Rights Watch/Middle East replied in an open letter to the embassy in November.

EGYPT

Human Rights Developments

At the opening session of the Ninth U.N. Congress on the Prevention of Crime and Treatment of Offenders, in Cairo on April 29, President Hosni Mubarak affirmed that his government's fight against "th[e] heinous crime...of terrorism" was "within the framework of constitutional legitimacy and full respect for the principles of human rights." But these reassuring words corresponded little with the state's abusive actions.

Long-term detention without charge or trial, torture, extreme isolation of political prisoners in appalling conditions, a sharp rise in deaths in custody, and continuing executions of civilians condemned to death by military courts were features of the dismal human rights picture in 1995. The official investigation of the presumed death under torture of Islamist defense lawyer Abdel Harith Madani, in April 1994, yielded no public information, and security forces harassed and intimidated his young widow in an attempt to force her silence about the controversial case.

The government prepared for the November 29 parliamentary elections—the first since 1990—by jailing leading opposition candidates and campaigners. The contest for the 444 seats unfolded against a backdrop of continuing emergency law and an unrelenting crackdown on the Muslim Brotherhood, the principal political opposition force in Egypt. The group, which was banned in 1954 and lacks official legal status as a party, planned to run 150 candidates as independents, in almost half of the country's electoral districts. The Brotherhood re-emerged in the 1970s under former president Anwar Sadat and, until this year's arrests, had been tolerated by authorities, its members operating openly in Egyptian public life, calling for the full adoption of Islamic law, and eschewing the use of violence. In August, President Mubarak used his emergency law powers to order the trial of forty-nine prominent Muslim Brothers before a military court, the first time in thirty years that members of the group faced military prosecutors. None of these civilian defendants were indicted for violent offenses. In October, another thirty-three Muslim Brothers, including parliamentary candidates, were referred to the military court.

In other developments, the state initiated measures to curb press freedom and control independent nongovernmental organizations (NGOs). Senior officials denied a pattern of rights violations and, instead, publicly excoriated the integrity of human rights organizations and obstructed their activities. Intellectuals and rights groups warned that a controversial court ruling in June, which declared a university professor an apostate because of his academic writings and ordered his separation from his wife, imperiled freedom of expression.

Acts of political violence punctuated the year, from the attempted assassination of President Mubarak on June 26 in Addis Ababa, Ethiopia, to bloody encounters inside Egypt in which civilians, members of the security forces, and known or suspected Islamist militants lost their lives. The clandestine Islamic Group continued its violent attacks against security forces and suspected police collaborators, and did not spare civilians when it carried out so-called revenge operations for security forces raids in which its members had been shot dead. It claimed responsibility, for example, for killing eight policemen and three civilians in four simultaneous attacks in Mallawi on January 2. In one of the attacks, the Egyptian Organization for Human Rights (EOHR) reported, armed militants stopped a pick-up truck and fired indiscriminately at

the passengers. On March 22, several hours after an Islamic Group leader and two of his colleagues were killed in Minya, militants opened fire on police in a train traveling between Minya and Assyut; three civilians, two policemen, and one militant were killed in the exchange of fire.

Christians were shot dead in villages in the south by suspected Islamist extremists who went unapprehended. On July 8, pharmacist Khayri Fahmi Girges was killed in his field near Mallawi. Residents said that one month earlier Girges had received anonymous letters threatening him with death unless he reversed his decision to donate part of his land to the Coptic archdiocese of Mallawi. The influential weekly *Rose al-Yusuf* reported on September 25 that eleven Christians had been killed in Upper Egypt in September alone, all of them wealthy jewelers or landowners. The magazine criticized the news blackout about these targeted sectarian killings.

In an astounding statement, Interior Minister Hassan el-Alfi suggested that the state had the right to carry out extrajudicial executions of militants. "The security forces are very concerned about human rights," he said in an interview with *al-Wafd* on May 10. "During the past years, we have been very patient in our fight against terrorism. We could have annihilated the terrorists.... We found weapons and got full confessions from the people who are currently in prison, which would have entitled us to kill them on the spot." Numerous extrajudicial executions have, however, been reported in recent years. In a report released on December 1, 1994, EOHR expressed "grave suspicions" that, over the previous seven months, eleven suspected Islamic Group members in Minya "were killed intentionally by gunfire shortly after their arrest, or when they were not in a position to resist." In 1995, known or suspected militants continued to be shot dead in raids by "anti-terrorism units."

Since 1992, military courts have tried and condemned to death civilians charged with acts of political violence in proceedings that have not complied with international fair trial standards. In 1995, executions were carried out swiftly after death sentences by these courts, with no appeal to a higher tribunal—in violation of international standards. Two men found guilty of the October 1994 attempted assassination of writer Naguib Mahfouz were sentenced to death on January 10 and hanged on March 29. As of August 6, forty-eight of the sixty-four civilians condemned to death by military courts since 1992 had been executed. The Egyptian Foreign Ministry informed Human Rights Watch in June 1993 that cases referred to military courts involved "terrorist groups that have committed the crimes of killing and harming public property, especially when committed on the strength of extremist beliefs." The trial that began on September 16 of forty-nine Muslim Brothers, none of whom were charged with crimes involving violence, was a significant departure from these stated guidelines.

Prison conditions, and an alarming rise in prisoner deaths, emerged as a major issue in 1995. Defense lawyers expressed extreme concern about inadequate food, lack of medical care, and physical abuse of political prisoners, particularly at new facilities such as Wadi Jedid, Aqrab, and Fayoum, where contact with outsiders was severely restricted or nonexistent. One attorney told us in July that he was permitted two minutes at Wadi Jedid earlier in the year to see Hassan

Gharabawy, a lawyer detained without charge since 1989: "They brought him to me crawling, then they told him to 'visit.' He got up, collapsed, and said: 'I do not want anything. I am dying slowly.'"

Authorities made it difficult for lawyers to collect detailed information about conditions and medical care at Wadi Jedid, first by denying entry even to those with official permits to visit and then by limiting the time with prisoners to five minutes. Visits to Aqrab and Fayoum prisons were prohibited. In August, lawyers provided us with the names of twenty-three prisoners who reportedly died at Wadi Jedid since it opened in February. One of them, thirty-five-year-old defense lawyer Mustafa Iraqi from Fayoum, was arrested in December 1992, tried and acquitted by a military court in August 1993, but never released. Authorities said that Iraqi died on June 20 of natural causes from a lung ailment, but his family and lawyer have not received a copy of the medical report. Lawyers reported that gathering information about these and other deaths was exceedingly difficult because families were intimidated by security forces and afraid to speak.

Continuing a pattern Human Rights Watch/Middle East has documented since 1992, defense lawyers who represented detained Islamist militants were subjected to intimidating surveillance, harassment and other forms of pressure by State Security Investigation (SSI), the elite internal-security arm of the interior ministry. Over forty lawyers remained imprisoned without charge or trial under emergency law detention orders, despite repeated court orders to release them, including Hassan Gharabawi (detained since November 1989), and Abdel Moneim Muhamed Muhamed and Shaaban Ali Ibrahim (detained since June 1990).

Stepped-up government pressure against the nonviolent Islamist political opposition began in late 1994. Journalist Adel Hussein, secretary general of the opposition Labor Party which works in political alliance with the Muslim Brotherhood, was summoned for questioning by state security prosecutors on December 24, 1994, on suspicion of links with extremists purportedly because Islamic Group leaflets were found "under his seat" on a flight to Cairo. He was detained until January 18, pursuant to the 1992 "anti-terrorism" amendments to the penal code. These provisions grant prosecutors the power to detain anyone for up to six months, without judicial review, for investigation of the vaguely-worded offense of promoting, by any means, the aims of groups that "seek to suspend the constitution or laws, prevent state authorities from carrying out their duties, threaten personal or public liberties, or harm national unity or social peace." After his release, Hussein termed his detention a "farce" that was designed to intimidate the political opposition.

The crackdown on the Muslim Brotherhood followed, beginning with the arrest of twenty-eight men, all of them active in public life, on January 23. They included former members of parliament Hassan el-Gamal, Dr. Eissam al-Erian (deputy secretary general of the Egyptian medical syndicate), and Dr. Ibrahim Zafarani (secretary general of the medical syndicate in Alexandria). There were additional roundups throughout the year. On July 17, former parliamentarian Dr. Muhamed el-Sayed Habib, geology professor and head of the faculty club at Assyut University, was arrested with seventeen others. On October 9, fifteen prominent figures

were arrested, including lawyer Muhamed Gharib and parliamentary candidates Dr. Abdel Moneim Abul-Futuh (assistant secretary general of the Arab Doctors Union) and Mahmoud Hussein (treasurer of the engineers association), and other elected leaders of professional associations. All of the aforementioned were among the Muslim Brothers being tried before the military court (see below). On October 31, candidate Ahmad Seif Islam Hassan al-Banna, a sixty-two-year-old lawyer and bar association leader, was arrested with six others while campaigning in a Cairo neighborhood.

One aspect of the government campaign was to discredit the Brotherhood in the eyes of the Egyptian public in advance of the parliamentary elections. State ministries issued statements intended to link the Brotherhood to terrorism and violence, without providing specific information about the basis for the allegations. When 149 people were arrested at a summer youth camp near Alexandria on July 28, MENA (Middle East News Agency) said that the camp was being used by the Brotherhood, which it described as a "terrorist organization," for training "in violent physical exercises, karate, and Kung Fu...and teaching the terrorist concepts that depend on repudiating society and changing it by penetrating its vital sectors and recruiting its members to serve terrorism and extremism."

Brotherhood leaders countered with pleas for the right to participate without restrictions in Egypt's political system. "The government has arrested any Muslim Brotherhood members found distributing leaflets," official spokesman Mamoun al-Hudaybi said in an April interview in Filastin al-Muslimah (London). "The Muslim Brotherhood cannot organize a public meeting in a public place...How can we address the people if there are no leaflets, especially since the entire media is monopolized by the government, which exploits it to serve its candidates?"

The confrontation escalated when President Mubarak on August 31 ordered the trial before the Supreme Military Court of forty-nine well-known Muslim Brothers, including one in absentia. None of them were accused of crimes involving violence. But Interior Minister el-Alfi claimed that prosecutors had proof that the defendants were involved in terrorism. In an interview published in al-Ahram on August 26, he said: "It has been proven that the elements of the dissolved Muslim Brotherhood are involved in backing and supporting terrorism. The prosecution's interrogation of detained suspects has revealed this. Investigations disclosed many important things and substantiated evidence irrefutably." Yet, the accusations presented at the trial's opening session on September 16 were limited to nonviolent offenses such as belonging to a proscribed group, recruitment of new members, and organizational leadership and fundraising activities. On October 30, the defense team of over sixty lawyers withdrew from the case. "There is not a single proof of criminal activity," one of the lawyers told the press the next day. "This is a political case that is not for a criminal court to decide." Earlier in the month, on October 15, President Mubarak referred another thirty Muslim Brothers to the military court. Sixteen of them were planning to run for parliament, some standing in for prospective candidates and former parliamentarians who had been arrested earlier in the year and were brought before the military court in September.

Press freedom suffered a major setback on May 27 when parliament hastily passed Law 93 of 1995, with only forty-five of 444 legislators present for the vote. The content of the new law—as well as the lack of advance notice and public debate prior to its passage—generated angry protests from journalists. The law amended the penal code, mandating fines and imprisonment for broadly defined offenses such as "publishing false or biased rumors, news and statements or disconcerting propaganda" if such material "offends social peace, arouses panic amongst people, harms public interest, or shows contempt for state institutions or officials." The law also cancelled statutes that prohibited the detention of journalists for investigation of press-related offenses, and it stiffened penalties for defamation and libel, while eliminating the burden on prosecutors to prove malicious intent. The government responded to the public furor with a compromise, deciding in June to form a special committee, appointed by the state-controlled Higher Press Council and including journalists, to review all press legislation and draft a comprehensive new law to present to parliament at the end of 1995. On October 8, the journalists' syndicate criticized the slow pace of the committee's work, warning that it would withdraw its representatives from the committee if a new law was not drafted by December 24.

There was increasing evidence of a coordinated government effort to exert greater control over independent NGOs and restrict their activities. In February, Cairo-based groups formed a coalition to call attention to moves by the state to challenge their legal status and interfere with funding from international donors. One area of concern was a legal memorandum prepared by the Ministry of Justice in January, that threatened the survival of NGOs that were registered as civil companies but were not profit-making enterprises. Some groups have used this legal option as an alternative to seeking status under the restrictive Law 32 of 1964 that governs private associations. The memorandum stated that such civil companies were in violation of the law—and subject to prosecution, imprisonment and fines for criminal offenses—because NGOs should be regulated by the Ministry of Social Affairs, pursuant to Law 32. The memorandum further stated that such groups could not legally secure funding from any foreign institution or individual. This ruling was reinforced by the Foreign Ministry, which in January called a meeting of funding organizations to stress that it was prohibited to provide grants to groups not registered under Law No. 32. There were also plans to create a government-appointed NGO coordinating council that would supervise the plans, activities and funding of the NGO community. These proposed legal and administrative mechanisms for greater control over the long term were accompanied by blatant interference throughout the year with activities scheduled by various NGOs.

The term "intellectual terrorism" was used frequently in Egypt during the year to describe the legal maneuvers of conservative Muslim activists against targeted individuals for their intellectual expression. Nothing illustrated this more dramatically than the case against Dr. Nasr Abu Zeid, a professor of Islamic Studies and Linguistics at Cairo University, who was declared an apostate by a civil appeals court in June and was ordered separated from his wife. The court's decision raised deep fears about the future of freedom of expression in Egypt because of the power of dogmatic religious forces to intimidate and silence intellectuals.

Dr. Abu Zeid, a Muslim, was first targeted in 1992, when a university committee voted to deny him promotion because one member argued that his academic writing contained "clear affronts to the Islamic faith." (This decision was reversed in May 1995, when the university council granted Dr. Abu Zeid status as a full professor.) Dr. Abu Zeid was targeted again in 1993, when an Islamist lawyer filed suit in the Giza Personal Status Court to divorce Dr. Abu Zeid from his Muslim wife, Dr. Ibtihal Unis, also a university professor, on the grounds that he was an apostate. In January 1994, the court threw out the case, ruling that the plaintiffs did not have standing. The decision was challenged before the Cairo Court of Appeals, which on June 14 cancelled the lower court's ruling and announced its controversial decision to separate Dr. Abu Zeid from his wife. The appeal court cleared the way for the decision first by ruling that the lawyers who brought the lawsuit had standing because the Islamic legal principle of hisba—any Muslim's right to legal action in matters considered harmful to Islam—applied in personal status matters, and then by declaring Dr. Abu Zeid an apostate.

The appellants cited Dr. Abu Zeid's academic writings, which they claimed contained heretical statements, to establish their case, and the appeals court agreed. Referring to specific passages from Dr. Abu Zeid's writings, the court found that his academic work "constitutes a direct attack against God's verses [in the Quran]." The court stated that Dr. Abu Zeid "denies the existence of devils and makes their presence a merely psychological matter in the minds of the first Islamic believers, and that the Quran merely acquiesced to their understandings and culture." Dr. Abu Zeid's writing indicated that he "refused to acquiesce to God's legislation, claiming that it is related to a specific historical period, and asking that the mind begin to exchange them with contemporary meanings that are more humane and progressive, better than the literal meanings," the court concluded.

"This dark medieval nonsense has to stop," wrote prominent sociologist Saad Eddin Ibrahim in a July editorial in the monthly *Civil Society*. EOHR termed the decision "unprecedented in the history of modern Egypt, that is, to separate a husband from his wife against their will, due to opinions expressed and adopted by one of them." In a July report, the Cairo-based Center for Human Rights Legal Aid (CHRLA) warned of the dangerous precedent set by the appeal court's acceptance of a case based on hisba because it "grants Muslims the right to file lawsuits in cases where, in their opinion, an exalted right of God has been violated," thus inviting "examination of the consciences of writers, intellectuals and researchers." Following the court's ruling, the clandestine Jihad Organization issued a call for the killing of Dr. Abu Zeid as an apostate, and added that anyone opposed to the death penalty for apostasy was himself an apostate.

Human Rights Watch/Middle East reported in 1994 that Muslim converts to Christianity had been questioned by the SSI about their religious beliefs and contacts with non-Christians, and that in some cases the interrogations had involved threats and violence, including torture. We continued to receive information about the harassment of Egyptian Christians by the security apparatus. On September 18, we wrote to authorities about the gross mistreatment, including sexual abuse, of a young Coptic Christian woman, who had been summoned for questioning by SSI in August and again in September. The interrogators sought information about her

relationship with Muslim converts to Christianity, and the names of activists in the convert community.

The Right to Monitor

Tensions increased greatly between the state and the human rights movement in 1995. The government used the media and international fora to denigrate independent human rights monitors and reports, and the Interior Ministry escalated its direct interference with the activities of local and international human rights groups. In a February 20 written statement to the U.N. Commission on Human Rights, the government said that Human Rights Watch reports on Egypt "were based on lies and allegations circulated by terrorists and repeated by some nongovernmental organizations....[T]he aim of Human Rights Watch seems to be to publish false and biased allegations and bring some States into disrepute on a selective and unfair basis." This note verbale was in direct response to a written statement about cases of torture submitted by Human Rights Watch to the commission in January.

Throughout the year, Interior Minister el-Alfi criticized Egyptian and international human rights groups. "Unfortunately, these organizations obtain their information from offenders, weirdos, and people who have a vested interest," he said in an interview published in al-Ahram on August 26. He offered additional words of scorn following the release of EOHR's report on prisons, which was based on seventy-one visits to fifteen facilities: "The reports published by human rights organizations about prison conditions are sheer lies and fabrications, have no basis in truth and are simply aimed at tarnishing Egypt's image," al-Ahram Weekly reported on September 28.

The Interior Ministry monitored and restricted the activities of human rights groups throughout the year. Incidents included: instructions by SSI for the Egyptian Center for Human Rights and Consolidation of National Unity to cancel a conference on sectarian violence in Egypt (January); cancellation of a meeting at the Ibn Khaldoun Center for Development Studies for women's groups preparing for the U.N. women's conference in Beijing (May); cancellation of a previously approved training workshop sponsored by the Lawyers Committee for Human Rights and EOHR on the use of video technology (May); cancellation of a human rights training session by international experts for Egyptian lawyers, sponsored by the CHRLA (July); and the detention, blindfolding and interrogation by SSI of an EOHR lawyer who was on a fact-finding mission in Upper Egypt, during which time his notes and other documents were seized (July 13-15).

Although the internationally recognized EOHR celebrated its tenth anniversary in 1995, it was forced to continue operating without official legal status. It has appealed a lower court ruling that upheld a decision by the Ministry of Social Affairs to deny it registration as a legal NGO. In August, the High Administrative Court postponed until December 4 its decision on the EOHR appeal.

U.S. Policy

The U.S. was Egypt's largest donor and military supplier in 1995. As in past years, the country enjoyed special status as the second-largest recipient of U.S. military and economic assistance in

the world, after Israel. The aid—\$1.3 billion from the Foreign Military Financing Program and \$815 million in Economic Support Funds—continued to flow, without conditions imposed for practical and measurable human rights improvements, despite the damning assessment of rights conditions presented in the State Department's Country Reports on Human Rights Practices for 1994. Following the release in February of the country report—which senior Egyptian government officials criticized as "lies" and "fabrications"—the U.S. Embassy in Cairo issued a comforting statement on February 11 that softened the sting: "The determination of the U.S. government to combat terrorism is second to none and our cooperation with the Egyptian government in this matter is extensive and of great mutual importance [I]t is important to emphasize that our commitment to the prosperity and security of Egypt and our close relationship with its government remain unchanged and strong." For the balance of the year, Clinton administration officials offered no public criticism of the human rights practices of the Egyptian government. President Mubarak was warmly received during his official visit to Washington, D.C., from April 1-5; regrettably, human rights were deliberately omitted from the agenda of his meeting with President Clinton.

The opening statement of Assistant Secretary of State for Near Eastern Affairs Robert H. Pelletreau to the Subcommittee on Near Eastern and South Asian Affairs of the Senate Foreign Relations Committee, on May 11, described Egypt as "our key Arab partner in efforts to achieve an Arab-Israeli peace and bolster moderate forces in the volatile Middle East." Secretary Pelletreau defended the Clinton administration's FY96 aid request by citing the mutual interest of both countries in "peace, stability, moderation, and development of the region," with no mention of human rights or Egypt's sorry performance.

U.S. Ambassador Edward Walker, in a lengthy interview published in the August 31 issue of the English-language weekly al-Ahram, also characterized the U.S.-Egyptian relationship as "very positive." He added apologetically: "We've had some differences in tactics from time to time, but that's very natural between countries, even with the best of friends like Egypt." The ambassador expressed concern about "the scourge of terrorism," and then offered this noncommittal comment: "You have to balance out the legal protection that people have in any society with the need of law enforcement forces to go after people."

The Work of Human Rights Watch/Middle East

Throughout the year, we followed up on previous areas of research with advocacy initiatives—in Cairo, Geneva and Washington—designed to focus attention on SSI abuses and impunity, prison conditions, and the increasing reliance on the military justice system to prosecute civilians. We met in Egypt with human rights and other groups to discuss common concerns, including the state's intensified pressure on the NGO community.

In January, we released *Hostage-Taking and Intimidation by Security Forces* which documented illegal incommunicado detention of family members to pressure fugitive Islamist militants to surrender to authorities. The report also highlighted security forces use of arbitrary arrest, threats and other forms of intimidation to ensure their own impunity and silence family members from

speaking out about cases of disappearance, deaths in detention, possible extrajudicial executions, and excessive use of lethal force. Soon after its release, SSI detained and pressured the wife of Abdel Harith Madani, who died in custody in 1994, not to speak about her husband's case to journalists and human rights organizations. In a February 10 letter to Interior Minister el-Alfi, we protested this attempt to intimidate the widow, and condemned the banning of a story about her harassment from the February 12 issue of the Middle East Times. In February, a Human Rights Watch/Middle East representative traveled to Cairo to gather additional information about the treatment of Madani's widow and discuss the case with lawyers, journalists and government officials. The government did not respond to our requests for meetings. In September we wrote to President Mubarak protesting the expanded use of the military justice system to prosecute civilians.

IRAN

Human Rights Developments

As international attention focused on Iran's criticism of the Arab-Israeli peace process, and other aspects of its foreign policy, inside the country Iranians were increasingly outspoken in demanding respect for basic freedoms. A few days before his death in January, the Islamic Republic's first Prime Minister, Mehdi Bazargan, who in recent years had been one of the government's most persistent internal critics, spoke of the suppression of political freedom and of "widespread, corruption into the very heart of the judiciary." He noted in an interview published in the West, "they never allowed this nation to breathe. All efforts to restore some liberty were crushed at the inception." Bazargan's words aptly described another year in Iran's long human rights crisis. The government closed newspapers, imprisoned critics, forcibly suppressed protests, and condoned vigilante attacks against domestic opposition. Religious zealots from competing authorities interfered in people's everyday lives enforcing ever-changing rules of conduct.

The attack on freedom of expression, reported in Human Rights Watch World Report 1995, gathered pace. In a case that had a chilling effect on writers and creative artists, Ali Akbar Saidi-Sirjani died in detention under mysterious circumstances in November 1994. The coroner's report on the cause of death of this prominent writer was withheld.

Ayatollah Ahmad Jannati, a senior member of the Council of Guardians, denounced writers who, following the disappearance of Saidi-Sirjani, signed an open letter in October 1994, calling for an end to censorship. Speaking at Friday prayers at Tehran University, Ayatollah Jannati accused the writers of "spreading corruption," and warned them that if they continued zealous government supporters (hezbollahi) would act to stop them. The Council is a body of twelve clerics and experts in Islamic Law responsible for ensuring that legislation comports with Islamic principles and the Constitution of the Islamic Republic.

In December 1994, 500 journalists joined the writers' protest against censorship, objecting in particular to the summary closure of newspapers by the authorities. Nevertheless, in February 1995, the Press Supervisory Board, a government dominated body, ordered the closure of the Jahan-e Eslam newspaper for "acting against the security of the state, and tarnishing officials." The closure arose out of a serialized interview with former Interior Minister Ali Akbar Mohtashemi, which was highly critical of the policies of president Rafsanjani. In March, the literary journal Takapou was accused of violating Islamic values and closed. In August, the government closed Payam-e Daneshju, a weekly news magazine, also associated with the critics of the president. The magazine had gained a large circulation because of its reporting on allegations of widespread corruption within the government, and within the Bonyad-e Mostazafin, a foundation closely associated with the government. In October, a provincial daily, Tous, was closed for violating laws on defamation in its criticism of the government.

The government carried out these newspaper closures in apparent violation of press laws requiring charges against the media to be brought before a court. The government submitted the draft of a new press law to the parliament (Majles) in June. The new law would provide the Ministry of Islamic Guidance with powers to order the closure of publications without the need for prior court approval, thus writing into law the ministry's de-facto powers. The banned but active opposition group, the Freedom Movement of Iran, criticized the draft law because it would allow the executive to encroach on the powers of the judiciary, and would further restrict the freedom of the press.

In violation of constitutional prohibitions on government ownership of newspapers, government officials began publication of two new newspapers, Iran and Akhbar.

Restrictions on freedom of expression also extended to the cinema industry. In June, 214 filmmakers signed an open letter to the government calling for the lifting of government's restrictions on the industry. The filmmakers complained of bureaucratic interference in scripts, production, funding and distribution. The Ministry of Islamic Guidance responded to these protests by announcing at the end of June that it would ban the export of films portraying a "negative image of life in Iran." In recent years, Iranian films have won acclaim at international film festivals, but the ministry stated that these films "lack a national and Islamic identity."

In a sinister development, threatening to stifle the free exchange of ideas, hezbollahi mobs attacked intellectual Abdol Karim Soroush as he was giving a speech in Isfahan, in July, and again in Tehran in October. On both occasions, scores of youths opposed to the philosopher's ideas disrupted his scheduled university lectures, preventing him from speaking. Dr. Soroush had been criticized for his liberal interpretation of Islamic principles. The attack on Soroush followed criticism made in September by Spiritual Leader Ali Khamenei, who chided unnamed intellectuals for unjustly criticizing the clergy and "earning a living on Islam." In July, following the first attack on Soroush, 107 professors sent an open letter to President Rafsanjani urging him to uphold the constitution, and to prevent such illegal interference in people's rights.

Vigilante violence continued throughout the year, encouraged by state officials and religious spokesmen. In July, a mob attacked the memorial service for Dr. Karim Sanjabi, a leader of the National Front, and a former minister in the transitional government of Mehdi Bazargan. The authorities took no action to restrain the attackers or to pursue and prosecute them after the event.

In August, the Morgh Amin bookstore in Tehran was firebombed because it had published a book condemned by some as un-Islamic. The burning of the bookstore sparked a controversy in the press as hard-liners, like Ayatollah Jannati, praised the actions of those who burnt the store, saying that they had only done what the authorities should have done. This brought a response from supporters of president Rafsanjani, "How can a man who is a member of the legislature encourage thugs to take the law into their own hands." Others within the government responded that it was the testament of Ayatollah Khomeini that the hezbollahi should take up the task of protecting Islam whenever the authorities failed. When Salam newspaper entered the fray, accusing Ayatollah Jannati of "encouraging anarchy," a mob gathered outside the newspaper offices shouting "death to the enemies of Islam." In September, more than forty publishers sent an open letter to president Rafsanjani calling on the government to "deal legally with anti-cultural elements and book burners."

The president's critics were not the only Iranians resorting to officially-sponsored vigilantism. Clerics had written an open letter to Ayatollah Khamenei in August, Salam newspaper reported, protesting that supporters of president Rafsanjani had formed gangs of thugs who "drove from their pulpits" Friday prayer leaders critical of government policies. Also in August, government supporters prevented Ayatollah Mohtashemi from making a speech at Tehran University.

The forthcoming elections were increasingly the focus of opposition statements. The opposition Freedom Movement called on Iranians to participate in the elections, and to change the government through the ballot box. However, in August, the authorities reconfirmed the ban on the Freedom Movement as an organization whose activities "are not in accordance with the Iranian Constitution." The authorities took no measures to secure meetings and activities organized by the Freedom Movement from attack by mobs.

The continuing economic crisis contributed to social unrest. In April residents of a shantytown in the Islamshahr suburb of Tehran demonstrated against increases in bus fares. According to Amnesty International, security forces fired on the crowd, killing up to ten people. Revolutionary Guards detained hundreds of people after the demonstration. Golam Hossein Rahbarpour, head of the Revolutionary Courts in Tehran, announced in June that fifty of the demonstrators would go on public trial before Revolutionary Courts. Nevertheless, the detainees were held incommunicado, and without charges. In response to the Islamshahr disturbances, the government was reported to have conducted military maneuvers, and formed a rapid reaction force "to crush the enemies of Islam," according to journalist Safa Ha'eri.

In July, Salam newspaper reported a strike by workers at the Benz Khavar auto manufacturing plant in Islamshahr. The workers' demands for increased pay were met by the deployment of

troops around the factory, who broke up the demonstration after three days. The opposition Iran Nation Party reported that some of the strikers were detained, and would face trial before Revolutionary Courts. In August, workers in a privatized textile factory in Ghaemshahr, in northern Iran, staged a protest against job lay-offs. Again, Revolutionary Guards forcibly broke up the protest.

Intrusive restrictions on everyday life continued. In January, the Majles passed a law banning the possession of satellite television dishes. The law, which came into effect in March, stipulated that violators would be fined up to \$2,000. The new law also gave a pretext for security forces to enter private houses to search for outlawed satellite equipment.

In September, Ayatollah Khamenei issued a fatwa stating that, "teaching young people to read and play music makes them depraved and leads to corruption." In accordance with the ruling, Tehran's largest public-funded cultural center canceled its music classes. However, private music schools continued to function.

In September, Ayatollah Jannati urged zealous Muslims to block traffic if they saw wedding parties that did not conform to Islamic norms. According to Reuters, the radical legislator was apparently referring to brides who appeared in public in western-style bridal gowns.

The activities of extra-governmental enforcers of Islamic orthodoxy became more prominent throughout the year, increasing the likelihood of interference in the daily life of citizens. Women continued to be hounded to comply with petty restrictions. In May, police authorities began implementation of a decree prohibiting women from riding in the front seat of taxis. More than 120 shops in northern Tehran were closed for selling female clothing "incompatible with the norms of the Islamic Republic." Detention of women for failure to observe a rigid dress code continued, but enforcement was inconsistent and unpredictable. In an interview with Aftab-Gardoun magazine in June, president Rafsanjani urged women to accept the "limitations" nature had imposed on them.

In May, according to Salam newspaper, a new court system was introduced in Tehran, in accordance with the decision to unify criminal courts within a system of General Courts (Dadgahayeh Aam). The introduction of the new system brought chaos as inexperienced judges were given responsibility over both investigation and judgment, undermining legal safeguards. The government dealt severely with those who criticized the new system. Dr. Javad Tabatabai, deputy-dean of Tehran University Law School, was dismissed after criticizing the new courts. Students declared a strike to protest his removal.

In an unusual development, three women accused of the murder of Christian leaders in 1994, were brought to trial in public before Revolutionary Court. Proceedings before such courts almost invariably take place in secret. The motivation of the authorities to hold this trial in public appeared to be political, as the authorities sought to place responsibility for the killings on the violent opposition group, the People's Mojahedine Organization of Iran (PMOI). At the

hearing in September, the women confessed to the murder of Protestant pastor Tateos Michaelian. The women's confessions, emphasizing their connection to the PMOI, were televised. Other unusual aspects of this trial were that the women were assigned lawyers—lawyers are normally banned from Revolutionary Courts—and the hearings were open to observers, including Western diplomats.

There were reports that political opponents of the government were sentenced to death, especially in the Kurdish areas in the northwestern provinces. For example, in September, according to the Kurdish Democratic Party of Iran, which advocates armed revolt, six of its supporters were executed in Orumieh Prison. Also in September, the Organization of Iranian People's Fedaian (Majority) announced the execution of one of its supporters in Langrud. Violent clashes between armed government opponents and the security forces continued to take place in the Kurdish areas, and in Sistan va Baluchestan province in the southeast.

Iran has long provided a haven to millions of refugees from the conflict in Afghanistan, with little assistance from the international community. In a draconian plan, the government announced that all of the estimated 1.6 million refugees must leave Iran by March 1997, inducing them to leave by refusing to renew their residency or work permits. The government's resolve to eject its Afghan population was not weakened by the continuing conflict in Afghanistan, from which the refugees had originally fled.

The government enhanced its joint security agreement with Turkey, which led in August to an exchange of dissidents, in violation of the international prohibition on refoulement. Iran handed over thirty-four opponents of the Turkish government and received fourteen Iranian dissidents in return. While an Interior Ministry spokesman, Ali Reza Barati, stated that cooperation with Turkey "to eradicate terrorism" would continue, these exchanges raise grave concerns about the security of Iranian refugees in Turkey who were compelled to go through processing by Turkish police in order to obtain refugee status.

The Right to Monitor

The government denied access to independent international human rights organizations, and for the fourth consecutive year, the U.N. special representative on the human rights situation in Iran was not allowed to visit Iran. Domestic human rights activity was limited to government controlled groups. Human rights bodies like the Parliamentary Human Rights Committee, the Organization for Defending Victims of Violence, which was associated with the Ministry of Foreign Affairs, and the newly established Human Rights Commission within the judicial branch operate in Iran, but their activities did not substitute for independent monitoring or reporting. Nevertheless, this year saw an increasing number of groups and individuals voice public criticism of the government. In January, Grand Ayatollah Sadeq Rouhani, one of Shi'ism's pre-eminent clerical leaders, wrote an open letter to President Rafsanjani stating that life in Iran had become "unbearable for those who abide by the true principles of our Islamic faith." Grand Ayatollah Rouhani stated that he wished to leave Iran because his life was at risk from "armed criminals." In a long letter, published in London by the Arabic daily Ash-Sharq Al-Awsat, Grand Ayatollah

Rouhani criticized specific government practices, including night raids on private houses on the pretext of searching for alcohol, and confiscation of property without due process of law.

In a second open letter in June, Grand Ayatollah Rouhani criticized arbitrary detention, beatings of prisoners and extrajudicial executions. In apparent response to Rouhani's statements, the security forces detained twenty-five of his followers in Qom in July, including his 26-year-old son, Javad. The detainees were held in an unknown location, and the authorities did not announce the charges on which they were being held. Grand Ayatollah Rouhani's movements were restricted by the authorities, as were those of other senior clerics, including Ayatollah Montazeri, the former designated successor to the Leader of the Islamic Republic. Many clerics joined in protests against these actions.

Secular critics were also active in 1995. Retired general Azizollah Amir Rahimi continued to voice dissent, even after his release from prison in March. Former minister, Dariush Foruhar openly challenged the authorities in a July telephone interview with the independent Paris-based news agency, Iranian Press Services, to permit "a peaceful transition from dictatorship to democracy," or else "face the consequences." He warned that "state hooliganism" would be confronted forcefully. Foruhar also condemned forthcoming parliamentary and presidential elections, scheduled for March and April 1996, as a facade.

Foruhar's supporters claimed that the government was preparing to kill him, pointing to an article in Keyhan Hava'i newspaper in which he was accused of being "in tune with Western governments," and of rejecting the Islamic Constitution. The article suggests that while in Europe, Mr. Foruhar, "may be prey to violent actions by opposition organizations."

Former deputy-Prime Minister Abbas Amir-Entezam continued to speak out from his prison cell in Evin Prison. Mr. Amir-Entezam, imprisoned since late 1979 on unproven charges of espionage for the United States, wrote to a prominent German legislator to call for worldwide condemnation of the government's violation of human rights. "Why should our people be denied the right of choosing freely its own government?" Mr. Amir-Entezam asked in his letter.

The Role of the International Community

The United Nations

The U.N. special representative on Iran was not allowed to visit Iran in 1995. Nevertheless, in March the U.N. Commission on Human Rights condemned Iran for "gross and systematic violations of human rights." The report of the special representative adopted by the Commission noted that at least 283 persons detained in 1992 in connection with unrest in Mashad remained in detention without trial. The report also detailed the persecution of religious minorities, including increased surveillance on Iranian Christians.

In August, the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities adopted a resolution condemning "flagrant violations of human rights in Iran,"

including "excessive use of the death penalty," torture, the use of excessive force in suppressing demonstrations, the harassment and intimidation of people by street patrols, the lack of due process standards and restrictions on freedom of expression.

The European Union

In May, the European Union sought a written pledge from the Iranian government that it would take no action of any kind aimed at killing the British author, Salman Rushdie, condemned to death by a fatwa from the late Ayatollah Khomeini. The approach followed indications given by Iranian officials to Scandinavian governments that the threat to the author's life from the Iranian government could be lifted.

When put to the test, the reports proved to be without substance, and no written statement from the Iranian government was forthcoming. This led to a cooling in relations between the Scandinavian countries and the Iranian government, with Norway downgrading its diplomatic relations. However, while the E.U. expressed frustration over the failure to make progress on the Rushdie case, the European Commission announced in May its intention "to leave all lines of communication open with a country which is an important trading partner and an important regional power." Germany expressed its opposition to sanctions because they would result in Iran defaulting on debt payments. The E.U. debated lesser punitive measures, including the suspension of economic dialogue, and the cancellation of the annual meeting of foreign ministers with Foreign Minister Velayati.

U.S. Policy

On April 30 President Clinton issued an executive order imposing a total trade embargo on Iran, citing Iran's "export of terrorism," threat to the Middle East peace process, and pursuit of nuclear weapons as the reasons for his decision, which placed a new emphasis on Iran in U.S. foreign policy.

Skepticism characterized the initial international reaction to the forthright U.S. action, with the European Union declaring its intention to continue a "critical political dialogue" with the Iranian authorities, and Japan showing little enthusiasm to join any embargo. The Clinton administration's decision to act against Iran, after years of talking tough appears to have been prompted by the desire to head off anticipated congressional moves to propose even harsher measures that would have imposed a secondary embargo on companies trading with Iran, potentially causing havoc in international trade.

U.S. policy focused on preventing the transfer of nuclear technology to Iran from Russia and China. The U.S. also tried to persuade its Western allies not to take over the business it was foregoing by upholding the embargo.

The economic results of this policy were inconclusive. At the G-7 Summit in Halifax in May, the communique made no direct reference to the Iran sanctions. The U.S. made little attempt to link its sanctions policy to the internal human rights situation, and in the short term, at least,

those most hostile to the West inside Iran drew credit for standing up to U.S. pressure, and could use the embargo to justify repressive internal measures. In September, Assistant Secretary of State for Near Eastern Affairs Robert Pelletreau claimed that the policy was working, pointing to pressure from other countries that denied Iran access to official credits. Pelletreau declared the U.S. intention to "raise the cost to Tehran's leaders of maintaining their destabilizing policies."

In the absence of a U.S. diplomatic presence, the State Department's Country Reports on Human Rights Practices for 1994 relied on observation of the human rights situation from outside the country. The report contained little new information, and spoke in broad generalities.

The Work of Human Rights Watch/Middle East

In November 1994, Human Rights Watch/Middle East called on the Iranian government to conduct an independent autopsy into the cause of death of Ali Akbar Saidi-Sirjani, and to publish the results. It received no reply.

In January, following a statement by Prosecutor General Ayatollah Moghtadai inviting international human rights organizations to visit Iranian prisons, the organization resubmitted its request to send a delegation to Iran to assess prison conditions. It received no reply. The organization had first made this request in April 1994, following a statement from another Iranian leader inviting representatives of the international news media to visit Iran's prisons.

In June, following the United States' Executive Order on Iran, Human Rights Watch/Middle East expressed concern to Secretary of State, Warren Christopher, about obstacles that the Executive Order may pose to the exercise of freedom of expression and movement by Iranians and others, including journalists, academics, researchers, and human rights workers.

In September, Human Rights Watch/Middle East wrote to Minister of Interior, Mohamed Ali Besharati, expressing concern over the arson attack on the Morgh Amin bookstore, and Ayatollah Jannati's praise of the attack. The organization asked to be informed of the government's efforts to apprehend the perpetrators of the attack.

In a letter to the Turkish authorities, the organization expressed concern over the situation of Iranian refugees in Turkey, and urged the Turkish government to uphold its obligations under international law to safeguard refugees from being sent to countries where they faced persecution.

IRAQ AND IRAQI KURDISTAN

Human Rights Developments

Nearly 20 million Iraqis continued to suffer under the combined impact of a brutally repressive government and a fifth consecutive year of crippling economic sanctions. The government of

President Saddam Hussein continued to impose arbitrary arrests, torture, lack of due process, and an expanded use of the death penalty on a population suffering from critical shortages of food and medicine, high unemployment and rampant inflation. As the year ended there was little relief in sight on both fronts. Iraqis were increasingly dependent on an abusive government that, despite high level defections, remained powerful. And in spite of credible U.N. reports of a health and nutrition crisis in Iraq, the United Nations had hardened its position to maintain sanctions, due partly to Iraq's lack of cooperation in complying with U.N. resolutions. The Iraqi government continued to punish its citizens under a series of brutal decrees first passed in June 1994. The decrees—which impose punishments constituting torture—ordered the amputation of ears and hands, branding of foreheads and the use of the death penalty for crimes such as stealing, desertion from the military, smuggling antiquities, engaging in currency exchange, organizing prostitution and car theft. The amputations and branding were sometimes carried out in non-medical facilities and without anesthesia. Human Rights Watch/Middle East learned that physicians who refused to perform these procedures, or attempted to repair or reconstruct damage done by such punishments, were themselves punished with amputation and even execution.

New decrees broadened the application of the death penalty. Anyone receiving a third conviction for theft or surgically repairing the disfigurement brought about by branding and amputation would be executed.

In response to Human Rights Watch/Middle East's report on these decrees, Iraq's mission to the U.N. claimed that these laws were a response to the increase in crime and the deteriorating economic situation created by the U.N. sanctions. Responding to calls to repeal the decrees, the mission wrote that parties "...who are eager to cancel these decrees in the name of human rights should work to cancel the reasons that pushed [the government] in the direction of legislating them, and lifting the economic blockade over Iraq will certainly produce new conditions that will lead to canceling the punishments."

In the face of worsening conditions hundreds of thousands of Iraqis fled their country and many others tried to leave. In response to this major exodus of the mainly middle class, the government took several steps. To stem the flow of government employees to other countries the government enacted laws restricting their right to exit Iraq. And to keep state employees from taking better paying jobs in the private sector, the government prevented them, by law, from resigning from their positions. Iraq also placed onerous exit taxes on professionals, especially doctors and dentists, to prevent them from easily leaving the country.

Even Iraqis who managed to flee to Jordan were still vulnerable to Iraqi intelligence agents who operated relatively freely and effectively there. For several months in 1995, Iraqi agents occupied an apartment across the street from the United Nations High Commissioner for Refugees (UNHCR) offices in Amman in order to monitor and photograph Iraqis seeking asylum.

Human Rights Watch/Middle East spoke with a number of Iraqis in Jordan who received threats, either from staff at the Iraqi Embassy in Amman or from officials coming from Baghdad directly. Pressured to cease any type of activity considered critical of the government, these individuals were threatened with direct action, such as bodily harm or abduction; or indirect action like harassment of relatives who still resided in Iraq. Prior to August, when Iraq was told to drastically reduce the number of its embassy staff, the government of Jordan appeared to turn a blind eye to these activities.

At the end of 1994, the Iraqi government detained Air Force Brigadier General Turk Ismail Dulaimi along with several other Air Force officers for allegedly plotting a coup. Dulaimi was released in April; then rearrested two weeks later and summarily executed. When his body was returned to his family in the town of Ramadi, it reportedly bore marks of torture. This triggered angry demonstrations by members of Dulaimi's family and relatives. The Iraqi government immediately put down the disturbances and afterwards, according to reports from Ramadi, mounted a campaign of arbitrary detentions, torture and summary executions against persons presumed to have links to the coup plot and protests.

In July 1995 the government announced two general amnesties, in part to cope with severe prison overcrowding. The first amnesty related to criminal offenders. The second was offered to political prisoners and government opponents living abroad or in hiding in Iraq. The release of political prisoners and others unjustly imprisoned is usually a welcome development. However, because political opponents were required to register with the Iraqi government in order to qualify for the amnesty, there was legitimate skepticism about the government's real intentions. This would not be the first time that Iraq used an amnesty as a ruse to round up opponents. After the 1991 uprising in the south, Iraq issued an amnesty for which people had to apply. About 3,000 individuals who came forward and registered in Najaf were placed on trucks and have not been heard of since. Some political prisoners were released in 1995 under the amnesty, but most remained in prison.

In spite of the amnesty the government continued to harass, threaten and arrest people on political grounds. Freedom of expression was tightly restricted. Writers who criticized or questioned government policies were detained. For example, Aziz Said Jasim, a political theorist and writer, and Dhargham Hashim, a journalist who published an article favorably portraying Marsh Arabs, remained in prison.

Five years after its invasion of Kuwait, Iraq has yet to provide significant information regarding the condition and location of more than 900 Kuwaitis and others rounded up during the invasion and occupation of Kuwait. Iraq maintains that as of January 1992 all Kuwaitis held in Iraq had been released. But the Kuwaiti government claims that more than 600 Kuwaitis were still being held by Iraq; an independent organization places the figure at more than 900 individuals, including non-Kuwaitis and Kuwaiti Bedoons who were not included in the government's count.

On July 10, the Iraqi government submitted to the U.N. Security Council a memorandum promising to cooperate with an investigation of the disappeared Kuwaitis. It said that it had prepared a response to 230 files submitted by Kuwait through the International Committee of the Red Cross (ICRC). The government said it would act on the remaining files in cooperation with the ICRC, "provided that there is complete compliance with the requirement of secrecy and avoidance of politics in resolving the matter and that the information provided is credible." This would suggest that, despite earlier denials, Iraq has information on the disappeared.

In August, Lt. General Hussein Kamel Hassan Majeed, minister of minerals and industries and head of Iraq's weapons program, defected to Jordan. Joining him was his brother Saddam Hassan, head of the presidential guard; their wives (Saddam Hussein's eldest daughters); and an entourage of thirty people. While the international community was not sure what to make of this unprecedented development, the Iraqi government acted decisively; it immediately rounded up scores of individuals related to or associated with Hussein Kamel, including soldiers and officers of the elite Republican Guards as well as Mohammad Dhiyab al-Ahmad, minister of housing and reconstruction and Amir Rashid al-Saadi, minister of industry.

Hussein Kamel publicly claimed that he defected in order to serve the interests of Iraq and its people. But, intimately involved in the Iraqi leadership for several years, Kamel and his brother had played direct roles in the government's severe human rights violations. Hussein Kamel directed the destruction of the Shia holy places after the uprisings in 1991, and he was directly responsible for developing Iraq's biological weapons program. Saddam Kamel oversaw the infamous Radwaniyya prison where thousands have been detained without trial and tortured; and many were executed. It was reported that Saddam Kamel personally executed several prisoners.

The government continued to repress Iraq's minority populations. Focusing on the northern city of Kirkuk, the authorities maintained a policy of "Arabization" designed to displace the resident Kurds and establish Arabs as the city's majority; the Kurdish leadership has argued that Kirkuk be placed in the Autonomous Region under Kurdish control. Since 1991, the government has expelled Kurdish families from the city and seized their homes and property.

Other minorities such as the Turkomen, Assyrians and Chaldeans were coerced to list their ethnicity as Arab in a government effort to erase their distinct identities and increase the number of Arabs in the census. Turkomen neighborhoods were confiscated and inhabitants forced to relocate.

In a similar manner, the government subjugated the Shi'a Muslim population, despite the fact that they constitute a majority. Shi'a were prevented from buying homes in Baghdad and some were expelled. In addition, the government moved large numbers of Shi'a to areas in the north, such as Kirkuk, in order to dilute the resident Kurdish majority, "Arabize" the area, and weaken the Shi'a power in southern Iraq.

Although Iraq historically has not targeted Christians, in 1995 Human Rights Watch/Middle East received reports including first hand testimony and documents about abuses against Iraqi Jehovah Witnesses. A group of five Jehovah Witnesses were detained and held without trial by the Intelligence Agency and the General Security force. During their more than two months of detention, they were reportedly beaten and whipped, subjected to severe overcrowding and denied adequate food. Released from prison, their ordeal has not ended; they still suffer periodic harassment, threats of imprisonment, and extortion.

The Right to Monitor

The freedom to monitor or disseminate information about government violations of human rights does not exist in Iraq. Harsh laws punished those who were found to insult or demean government or Ba'th Party institutions, subjecting them to arrest, detention, imprisonment and even the death penalty. As far as we know, no independent human rights organization openly operated within government-controlled Iraq in 1995.

Iraqi exiles monitor human rights developments primarily from Tehran, Damascus, and London. The Iraqi National Congress, a London-based coalition of opposition parties; the Organization for Human Rights in Iraq, a private London-based group; the Documental Center on Human Rights in Iraq, affiliated with the Supreme Assembly of the Islamic Revolution in Iraq; and Gulf War Victims, a private relief organization located in Tehran, were principal sources of information about human rights conditions.

The U.N. special rapporteur for human rights in Iraq, Max Van der Stoel, has since 1992 been refused permission by Iraq to conduct investigations. Iraq said in a letter from its U.N. mission that during his last visit in early 1992, Van der Stoel "...behaved in a way which was far from neutrality and objectivity that his mission demands..." The letter provided nothing to support these allegations.

The Role of the International Community

The United Nations

In February, Special Rapporteur Van der Stoel issued an interim report on the situation of human rights in Iraq. He was extremely critical of the use of amputations and brandings by the Iraqi government. He strongly rejected Iraq's argument that such measures were necessary to prevent crime. He decried the treatment of the Shi'a population, condemning the ongoing destruction of the marsh region, military assaults on Shi'a villages, and ongoing "interference in the conduct of religious affairs."

In April, the Security Council passed Resolution 986, under which Iraq would be permitted to sell \$2 billion worth of oil every 180 days in order to buy food and medicine for its people. The conditions for this sale included the requirement that most of the oil flow through Turkey and that 30 percent of the proceeds go toward war reparations, U.N. humanitarian assistance

programs, U.N. administrative costs, and a separate relief operation in the Kurdish governorates in the northern "safe haven." Iraq rejected the resolution, saying that the conditions infringed on its sovereignty and national unity.

In September the World Food Programme (WFP) issued a report on its August mission to Iraq. "Alarming food shortages are causing irreparable damage to an entire generation of Iraqi children," according to a WFP statement.

The crisis could no longer be ignored or merely blamed on Baghdad. International organizations and some states recognized that if U.N. imposed sanctions were even partly responsible for the deteriorating health and nutritional conditions, then international action—either in the form of stepped up relief or adjustments to the sanctions—was necessary to alleviate the suffering. But hopes of seeing sanctions lifted anytime soon were dashed in August when the defection of Husein Kamel shook loose new information about Iraq's weapons program which had been withheld by Iraq. Compliance seemed to be a long way off and the mood in the Security Council turned sharply against efforts to ease sanctions.

United States Policy

While the U.S. held firm to its policy of isolating Iraq and maintaining economic sanctions for the fifth consecutive year, 1995 saw an increasing number of states—mainly in the Middle East, but also in Europe—express serious concern about the impact of economic sanctions on the welfare of Iraqi civilians. The momentum to consider an easing of sanctions received a boost early in the year when it appeared that Iraq was moving closer to compliance with conditions, outlined in U.N. Security Council Resolutions, for lifting sanctions. France and Russia, keenly interested in reestablishing trade relations with Iraq, led this initiative. It was met with determined opposition from the U.S. which insisted on strict compliance with all U.N. resolutions before lifting sanctions, especially the requirement to provide all relevant information on Iraq's past and current chemical and biological weapons capabilities.

Serious humanitarian reasons for easing the crippling effects of sanctions were matched by principled arguments that Iraq had been offered, but refused to accept, arrangements through which oil sales would resume, strictly regulated by the U.N., allowing Iraq to meet the basic needs of its people. It was argued that lifting sanctions without strict control would remove pressure needed to hold Iraq accountable for its aggression against Kuwait and to ensure the elimination of its weapons of mass destruction. Trade and economic considerations increasingly emerged as factors in the sanctions debate, although these were not often openly discussed. As some states eagerly anticipated the end of sanctions to establish lucrative trade deals with Iraq, others appeared to be more interested in maintaining sanctions to preserve the status quo, in particular, protecting Saudi Arabia's paramount position in the oil market.

The Work of Human Rights Watch/Middle East

In June, Human Rights Watch published a report detailing the government's enactment and implementation of harsh punishments including amputation, branding, and the death penalty.

Also, in June, after learning of a planned trip to Iraq by the U.N. High Commissioner for Human Rights, we sent a letter reminding the commissioner that his visit should not be seen as an alternative to Van der Stoep's blocked human rights investigations and urging him to press the government to allow the visit of the special representative.

In August, Human Rights Watch/Middle East conducted an investigative mission to meet with a wide segment of the Iraqi exile community in Amman, Jordan.

On the basis of evidence gathered from more than eighteen tons of seized government documents and two years of field research on Iraq's campaign of genocide against the Kurds, Human Rights Watch continued to pursue the goal of bringing a case for violations under the Genocide Convention against the Government of Iraq at the International Court of Justice.

IRAQI KURDISTAN

Human Rights Developments

Human rights conditions in the Kurdish controlled region of Iraqi Kurdistan continued to deteriorate during 1995. Thousands of civilians fell victim to the internal fighting that plagued northern Iraq throughout the year.

In December 1994, armed skirmishes between the two principal parties, the Patriotic Union of Kurdistan (PUK) and Kurdistan Democratic Party (KDP), broke a tenuous cease-fire. Fighting continued into 1995, concentrated around Erbil, seat of the Kurdistan Regional Authority. Eventually Erbil fell entirely under the control of the PUK.

Another cease-fire brought the heaviest fighting to an end in March. In June, both the KDP and the PUK showed some progress in reconciliation, but in July, the cease-fire was broken and armed hostilities resumed.

In March, the Turkish military launched a major operation sending 35,000 troops into northern Iraq in search of rebels of the Turkish Kurdish Workers Party (PKK). This unprecedented deep incursion triggered human rights concerns and a call on Turkey to abide by the standards set out in the Geneva Conventions. Rejecting the applicability of the conventions, Turkey stated it only targeted PKK rebels; however, Kurdish civilians from both Turkey and Iraq were casualties in the fighting. After completing a full withdrawal in May, the Turkish military invaded again in July and withdrew soon afterwards.

Compounding difficulties caused by fighting between the Kurdish parties and the invasion of northern Iraq by Turkey, the Iraqi military launched attacks along the southern area of the "safe zone" in March. In addition, there were persistent reports of Iraqi government agents acting in northern Iraq, using thallium sulfide poison against political opponents. In January, members of

the Iraqi National Congress in northern Iraq reportedly became ill from thallium poisoning and one died before receiving sufficient treatment. In August, it was reported that seven persons affiliated with the Supreme Council for the Islamic Revolution in Iraq were poisoned in the village of Maidana; one died.

On February 11, Dr. Sa'di Barzanji, a professor of law at the University of Salahaddin, was physically assaulted and kidnaped by four armed PUK members. He was held in incommunicado detention for two days before Jalal Talabani, the secretary general of the PUK, secured his release. However, he was kept under house arrest in Suleimaniya and was not permitted to return to Erbil.

The Right to Monitor

Although the Kurdish regional authorities have expressed openness to human rights monitoring by international organizations, the volatile atmosphere makes it dangerous and difficult to conduct investigative missions. International relief agencies continue to close their operations in the region due to the severity of the clashes between the parties.

The Kurdistan Human Rights Organization sought to document abuses throughout the region. Its staff have suffered direct threats and intimidations by all the parties to the conflict for their reporting of violations and their cooperation with international human rights organizations. Several Kurdish activists were forced to flee the region in 1995 and seek political asylum because of specific threats against them.

The Role of the International Community

European Union Policy

The European Parliament issued a resolution on the situation in northern Iraq, calling for a cessation of the fighting that brought "grave violations of human rights by both the KDP and the PUK and also by the Islamic Movement" including a bomb explosion in a crowded market in Zakho which killed over seventy people. In another resolution, the parliament "condemned" Turkey's military intervention in northern Iraq and the resulting violation of international law and human rights."

United States Policy

In January, David Litt, a U.S. State Department official visited northern Iraq. In his meeting with the Kurdish leadership, he urged the PUK and the KDP to accept the Iraqi National Congress as the mediator in their conflict and establish a cease-fire.

The U.S. has continued to maintain the no-fly zone in northern Iraq, but stepped aside when Turkey invaded northern Iraq to attack Turkish Kurdish insurgents.

The Work of Human Rights Watch/Middle East

On January 9, Human Rights Watch/Middle East sent a letter to Mr. Talabani, leader of the PUK, Mas'oud Barzani, president of the Kurdistan Democratic Party and Abdullah Rasoul, prime minister of the Kurdistan Regional Government expressing concern over the fighting in northern Iraq.

On February 21, Human Rights Watch/Middle East sent letters to Talabani, Barzani and Rasoul, regarding the abduction of Dr. Barzanji. It discussed our concerns regarding violations of the laws of war during recent fighting, including the treatment of civilians.

On March 2, Human Rights Watch/Middle East issued a press release and two letters regarding Dr. Barzanji. In a letter to Talabani, we protested Barzanji's continued detention under house arrest. In a letter to Rasoul, we informed him that as the de facto authority it was obligated to protect the rights of civilians, and that the continued detention violated the PUK's obligations under international humanitarian law. To date Human Rights Watch/Middle East has not received a response to either letter.

On April 20, we sent a letter to Erdal Inonu, the Turkish foreign minister, protesting Turkey's denial of the applicability of the laws of war in northern Iraq. The letter outlined Turkey's obligations under the Geneva Convention.

ISRAELI-OCCUPIED WEST BANK AND GAZA STRIP

Human Rights Developments

Implementation of the interim agreement between Israel and the Palestine Liberation Organization (PLO) dominated both political and human rights developments. The assassination of Israeli Prime Minister Yitzhak Rabin on November 4 cast doubt on the future pace and course of the peace process.

In 1995, the 800,000 Palestinians of the Gaza Strip and the West Bank enclave of Jericho spent their first full year under Palestinian rule. In the rest of the West Bank, the transfer of formal authority to the Palestinians over local security matters got under way after the "Oslo II" agreement was signed in September. Elections for an eighty-two member legislative council were planned for early 1996, the first elections for public office to be held in the West Bank and Gaza Strip in two decades.

For Palestinians living in the areas affected, the incremental transfer of authority reduced direct contact with the Israeli Defense Forces (IDF). Community life and work were no longer disrupted by prolonged round-the-clock curfews, which had been so often imposed by the IDF during the Palestinian uprising. Clashes with soldiers, and the attendant casualties, decreased. Israeli security forces killed thirty-four Palestinians during the first ten months of 1995, compared to 108 in all of 1994.

Slightly under 5,000 Palestinians remained in Israeli prisons after the initial prisoner releases stemming from the "Oslo II" accord; but due to continuing arrests throughout the year, this figure was only slightly below the number in prison at the same time one year earlier.

Israel continued to maintain stringent control, if at a distance, over aspects of the lives of Palestinians no longer under its direct rule. The most onerous controls were on freedom of movement; Israel continued to restrict Palestinians entering and leaving the occupied territories, as well as traveling within the territories, through a system of permits and checkpoints. Israeli security forces, in those areas where they continued to exercise direct control, committed the same kinds of abuses as in past years: they arbitrarily arrested hundreds of civilians, tortured suspects during interrogation; and employed excessive and often fatal force in confronting demonstrators.

The first part of this section covers the practices of the Israeli occupation authorities. A separate subsection examines the conduct of the Palestinian Authority (PA). Both sections focus on political and civil rights. Some prominent issues in the Israeli-Palestinian conflict, such as the future boundaries of a Palestinian entity and how the right to self-determination is to be exercised, lie outside the mandate of Human Rights Watch.

Some commentators argue that the interim accords have ended the state of military occupation. In our view, Israel, in its actions that affect Palestinian civilians anywhere in the West Bank and Gaza Strip, continues to be bound by the obligations of a military occupier, especially the humanitarian law requirements of the Fourth Geneva Convention. Militant opposition groups, such as the Islamic Resistance Movement (Hamas) and the Islamic Jihad, must also abide by customary humanitarian norms, especially the unconditional prohibition on acts of violence against civilians.

The increase in attacks on Israelis by Palestinian groups opposed to the Israeli-PLO accord, particularly of deadly suicide bombings, led to an intense Israeli crackdown on suspected Hamas and Islamic Jihad members. Hundreds of suspects were arrested and interrogated, often abusively.

In October 1994, the government of Israel announced that it would allow the General Security Service (GSS) to employ harsher interrogation methods. The new powers remained classified, as did the GSS's standing interrogation guidelines. But according to the testimony of Palestinians who underwent interrogation, the methods used in 1995 involved a more intensive use of those already practiced: primarily a combination of sleep deprivation, hooding, prolonged standing or sitting in unnatural positions, threats, beatings and violent whiplashing of the head. Some combination of these methods were used on most of the hundreds of Palestinians who were taken in for interrogation during the year, including those who were later released without charge. Applied in combination, these methods often amounted to torture.

In April, Abd al-Samed Harizat, a suspected Hamas activist, became the first Palestinian to die under Israeli interrogation since 1993. A Justice Ministry inquiry determined that Harizat had died from fatal brain damage caused by his interrogators violently shaking his head back and forth. Nevertheless, the state attorney declined to prosecute the interrogators, explaining that death from the shaking technique was so rare that the interrogators could not have anticipated that their actions would lead to fatal results.

According to reports in the Israeli media, the government renewed throughout the year its authorization for interrogators to employ the harsher methods, including whiplashing, but only in "exceptional" cases and only with permission from superiors.

In August, the GSS held a rare press conference to claim that the use of the harsher methods had enabled the agency to crack a Hamas ring responsible for a string of suicide bombings. Attorney General Michael Ben Yair entered the public controversy in October, telling the press that shaking should be restricted to rare cases because of its severe nature. "I am not ready to see every black-bearded Palestinian youngster who is detained for interrogation end up with brain damage," he said.

The army's pursuit of "dangerous" fugitives was also the subject of unprecedentedly blunt words, although the fatal shooting of fugitives declined in 1995. In April, the army's commander of the West Bank forces told an Israeli newspaper that the goal of such operations was to kill certain wanted men. Human rights organizations have long charged that special army units had summarily killed scores of fugitives since 1989 without making an effort to capture them alive, challenging official assertions that force was used only as a last resort.

In February, authorities lengthened the maximum period of administrative detention (internment without charge) from six months to one year, renewable. Among the nearly 200 Palestinians in administrative detention as of October, the longest-held had been detained without charge for over three years.

Israeli-imposed restrictions on movement constrained the lives of virtually all Palestinians in the West Bank and Gaza Strip. The stated grounds for these restrictions were security concerns, which were exacerbated by the rise in deadly bombings inside Israel that had been carried out by residents of the West Bank and Gaza Strip. At the same time, these restrictions were imposed indiscriminately on all Palestinians, without regard to individual guilt or to the extreme hardship that particular individuals faced as a result. Appeals procedures for Palestinians denied a permit were neither efficient nor transparent. Given its inflexible and indiscriminate nature, the closure policy constituted a form of collective punishment that harmed Palestinians living in both the self-rule areas and those under direct Israeli rule.

During most of the year, only the small number of Palestinians who held valid Israeli-issued permits were allowed to enter Israel or Israeli-annexed East Jerusalem. They were also effectively the only ones permitted to travel between the West Bank and the Gaza Strip, since that trip required crossing through Israeli territory.

There were extended periods during the year when no Palestinians, even those holding permits, were permitted to leave the West Bank or Gaza Strip. According to Palestinian human rights organizations, between May 1994, when the first agreement on the transfer of authority was signed (the "Cairo Agreement"), and August 30, 1995, the Israeli authorities imposed seventeen total closures on the West Bank and Gaza Strip for a total of seventy-four days.

The closure policy severely disrupted Palestinian life and caused economic hardship. The number of Palestinian workers employed inside Israel continued to dwindle because their permits had been canceled or non-Palestinian workers had been hired to replace them. Many Gaza students could not pursue their university studies on the West Bank. Other Palestinians could not reach Jerusalem to meet business contacts, submit visa requests at foreign consulates, or obtain specialized medical care.

Tensions over Israeli settlements continued to simmer, fueled by the approaching transfer of authority to the Palestinians over parts of the West Bank. Tensions were highest in Hebron, where the IDF continued to respond to settler-Palestinian strife by subjecting Palestinians—but not settlers—to curfews, road closures, and delays at checkpoints. Settlers continued to vandalize Palestinian property, throw stones at Palestinian homes and otherwise harass Palestinians, with little risk of the harsh treatment that authorities administered to Palestinians suspected of similar acts against Jews.

During the first ten months of 1995, Palestinians killed eleven Israeli civilians and one tourist inside pre-1967 Israel. Hamas claimed responsibility for some of these attacks, openly targeting Israeli civilians and thereby violating one of the most elemental customary norms of humanitarian law.

The number of Palestinians killed by their brethren as suspected collaborators with Israel continued to decline. Two Palestinians were killed as suspected collaborators in the first eight months of the year, according to the Associated Press. In addition, in October, two human rights organizations, al-Haq and the Mandela Institute, expressed concern about three Palestinian detainees inside Israeli prisons who appeared to have died from physical torture inflicted during questioning by other detainees.

The Palestinian Authority (PA)

Human rights in the areas under Palestinian rule remained in a precarious state. Although Palestinians savored freedoms they had not known during the years of the direct Israeli occupation, the PA made little progress in establishing a rule of law. Violations of human rights included physical abuse of detainees, newspaper closures, and closed-door trials of opposition suspects that violated basic due-process norms. There were also acts of violence and intimidation against Palestinians by the over-staffed security agencies, and by members of the Fatah faction of the PLO, who while not formally integrated into the security agencies, were allowed freedom of operation as such by Yasir Arafat, who chairs both the PA and the PLO.

Under pressure from Israel and the United States to prevent and punish attacks on Israeli targets from the areas he administered, Chairman Arafat arrested suspected members of opposition groups, primarily from Hamas and Islamic Jihad, throughout the year and imprisoned them without formal charges for weeks or months at a time. Other suspects were put on trial in the newly-created state security courts. In these courts, which stood outside the existing Palestinian civil and military court system, trials usually took place at night and were closed. The proceedings, which often lasted only minutes, were presided over by security force officers with no previous judicial experience. Defendants, who were mostly accused of planning or taking part in violent activities on behalf of the Islamist opposition, were given insufficient notice of the charges and were not represented by lawyers of their own choosing. Most of the trials ended in convictions and prison terms.

During the first ten months of the year, two Palestinians died under suspicious circumstances during or after interrogation by the Palestinian security services; two others were killed shortly after their release from detention. In at least one of these two cases, there was suspicion of security force complicity in the death. In one death-in-detention case, involving a U.S. citizen of Palestinian origin, the U.S. government pressed for a serious inquiry and the PA announced that five security-force members had been detained. But investigations into the deaths lacked transparency, raising doubts about the commitment of the PA to exposing the facts and punishing abuse in its ranks.

The PA grew more aggressive in pressuring Palestinian media to temper criticism of the Israeli-PLO accord and the authority's record. Journalists were briefly arrested, and newspapers were suspended on at least five occasions for articles deemed damaging to the authority. In May, the Gaza state security court sentenced the editor of Hamas-affiliated al-Watan newspaper to two years in jail on charges of incitement against the authority. He was still in prison when a ban on al-Watan was lifted in October.

The various security agencies came under scrutiny not only for their conduct within the self-rule areas of Gaza and Jericho but also beyond their borders. The Israeli human rights organization B'Tselem issued a report in August 1995 accusing the Palestinian Preventive Security Service (PSS) of conducting policing activities throughout the West Bank, even though the Cairo Agreement gave them responsibility for internal security only in the self-rule areas. The PSS was accused of arresting residents without warrants, holding them in detention for long periods without bringing charges against them, and torturing them during interrogation. B'Tselem pointed out that the PSS was, with Israeli acquiescence, filling a vacuum in that Israeli occupation forces had largely neglected law enforcement in criminal matters. The PSS denounced the B'Tselem report as "baseless," and denied that the abuses it documented were the work of PSS agents.

U.S. Policy

Just as human rights in the occupied territories was never a focus of U.S. policy toward Israel, in 1995 it became apparent that it was not a focus of U.S. policy toward the PA, either. With the

exception of suicide bombings that killed Israelis, the administration kept largely silent in the face of serious violations, as if it feared that interventions on human rights issues might undermine the peace process it backed so strongly.

Human rights violations are not merely "symptoms" of a conflict to be addressed by focusing exclusively on long-term political goals. While a just political solution to the Israeli-Palestinian conflict can of course improve the state of human rights, abuses must also be confronted in the present. They cause enormous suffering, constitute violations of the legal obligations of the abusive parties, and contribute to the kind of political turmoil that undermines peace prospects.

The U.S. has provided Israel each year with more than three billion dollars in economic and military assistance, making it the largest beneficiary of U.S. bilateral assistance. The U.S. also became the largest bilateral donor to the PA when, in 1993, it pledged \$500 million in development projects and loan guarantees over five years, including \$24 million in 1995 for "democracy-building" programs. In our view, this aid gives the U.S. influence it should use to promote greater respect for human rights by the Israeli and Palestinian authorities.

The U.S. downgrading of human rights was best illustrated by its response to two salient issues in 1995: Israel's adoption of explicitly more abusive interrogation methods and the PA's creation of the state security courts.

The rise in suicide bombings prompted the government of Israel to ease restraints on interrogation methods. This represented another step backward by a state that had ratified the Convention against Torture in 1991 but had continued to use torture systematically. The State Department's Country Reports on Human Rights Practices for 1994 called "credible" the reports that Israeli interrogators were responsible for "widespread abuse, and in some cases torture." Except in the Country Reports, the U.S. refrained from clarifying publicly where it stood on this core rights issue, despite preliminary evidence that the eased guidelines had led to an increase in torture, the death of a Palestinian under interrogation in April, and the debate in Israel around the new guidelines.

Toward the PA, the U.S. effectively endorsed Israel's position of repeatedly urging Chairman Arafat to do more to prevent and punish attacks by armed opposition groups on Israelis, while showing little interest in the human rights consequences of how this goal was achieved. The highest U.S. official to visit the area during the first ten months of 1995, Vice President Al Gore, conveyed this message clearly. On March 24 in Jericho, Gore hailed Chairman Arafat's promise to set up state security courts as "an important step forward in helping to build confidence in the peace process and in the effort by authorities on all sides to control violence and stop terrorism and defeat the enemies of the peace process." On April 4 the vice president sidestepped reports of the courts' lack of due-process safeguards, telling a Washington audience, "I know there has been some controversy over the Palestinian security courts, but I personally believe that the accusations are misplaced and that they are doing the right thing in progressing with prosecutions."

One week later the State Department spokesperson alluded weakly to the problem, responding to a journalist's question, "The establishment of the rule of law, including respect for human rights, is a very important element in the development of Palestinian self-rule.... We know that Chairman Arafat and the Palestinian authorities are grappling with these issues."

There was no doubt that attacks on Israelis posed a grave threat to the peace process. It was also true that in attempting to stop the attacks, the new and financially strapped PA lacked some of the means and institutions that can help to safeguard human rights. But by endorsing a security policy that resulted in arbitrary mass arrests and summary, closed-door trials, the U.S. appeared to attach little priority at this formative stage to the need to build human rights protections in the self-rule areas.

To its credit, the U.S. Embassy and Jerusalem consulate staff took an active interest in human rights conditions, meeting regularly with local rights groups and producing a well-researched chapter in the Country Reports on Human Rights Practices for 1994. And although John Shattuck, the assistant secretary of state for democracy, human rights and labor, did not visit Israel or the occupied territories in 1995, his staff met in October in Washington with Col. Jibril Rujoub, Chief of the Palestinian Preventive Security Service in Jericho. According to Bureau staff, much of the meeting was devoted to human rights concerns.

The Right to Monitor

Israeli, Palestinian and international human rights organizations were permitted to exist and operate in the occupied territories. During 1995, they collected and disseminated information with little interference from the Israeli authorities. The main impediment to fact-finding was the tight Israeli control over the movement of Palestinians, including human rights workers and journalists (see above). One al-Haq worker, Sha'wan Jabarin, completed an eight-month term in administrative detention in February 1995.

Human rights organizations continued to work in the Palestinian self-rule areas. However, several incidents occurred to suggest that official tolerance for human rights fact-finding and criticism was limited.

Following the release of a critical statement on the decree to establish the Palestinian state security courts in February 1995, Raji Sourani, then-director of the Gaza Center for Rights and Law (GCRL), was detained overnight for questioning. A seminar organized by the GCRL to examine the state security courts was barred by the PA on the pretext that a requisite permit had not been obtained. No observers were permitted to attend trials of the state security courts in the self-rule areas.

Bassem Eid, a field-worker at the Israeli human rights organization B'Tselem, was attacked by name by Colonel Rujoub. Following the August 1995 release of B'Tselem's critical report on human rights violations by the PSS, Col. Rujoub, denounced the report and publicly accused Eid,

a Palestinian resident of Jerusalem, of being an agent of the Israeli police. Many rights groups protested this remark as a malicious and unsubstantiated allegation that could endanger Eid's personal safety. The PA gave assurances that human rights groups were free to work in the self-rule areas, but did not formally retract the accusation.

The ombudsman-like Palestinian Independent Commission for Human Rights enjoyed greater access and influence with the PA than did other Palestinian rights groups. Since Dr. Hanan Ashrawi stepped down as head of the commission, it may become clear whether the authorities' responsiveness to its interventions was due to their respect for the institution itself or to the immense personal prestige of Dr. Ashrawi.

The Work of Human Rights Watch/Middle East

Seeking to keep attention directed toward human rights during a transitional year, Human Rights Watch/Middle East published a report in February assessing human rights conditions in the self-rule areas. The report addressed both Palestinian and Israeli authorities, reminding the latter that their humanitarian obligations toward residents of the self-rule areas did not end abruptly with the transfer of partial powers to the Palestinians. The report emphasized restrictions on freedom of movement. It also documented abuses by the Palestinians, including beatings in detention, arbitrary arrests, and censorship, and stressed the need to strengthen the rule of law.

Prior to releasing the report, representatives of Human Rights Watch/Middle East met with Palestinian human rights organizations, Palestinian officials in the Gaza Strip and Israeli officials in Jerusalem to discuss our findings. We also met with a Hamas spokesman in Gaza to protest the targeting of Israeli civilians by Hamas militants. A follow-up mission to confer with Israeli and Palestinian human rights workers was conducted in August.

A global report on communal violence contained a chapter on Israeli judicial leniency toward acts of violence committed by Jewish settlers in the West Bank.

In written interventions and published articles, Human Rights Watch/Middle East took its concerns to the authorities and before international public opinion. For example, in response to revelations that Israelis soldiers had executed Egyptian prisoners of war in 1956 and 1967, we urged the Israeli government to investigate thoroughly and not to rule out criminal prosecutions. A letter to Chairman Arafat urged a retraction of Col. Rujoub's dangerous accusation that human rights field-worker Bassem Eid was an Israeli police agent.

KUWAIT

Human Rights Developments

While 1995 was marked by significant improvements in the human rights picture in Kuwait, there remained serious systematic abuses. There was no change in the government's policy to pressure the Bedoons, Kuwait's longtime native residents, to leave the country. Although a

limited franchise was granted to male naturalized citizens, early promises to give women the right to vote were not fulfilled, despite Kuwait's signing of the Convention on the Elimination of All Forms of Discrimination Against Women, which mandates gender equality. Although practical steps were taken to improve conditions for Asian maids, they remained without legal protection from abusive employers.

During 1995, the Kuwaiti government took several steps to improve human rights conditions in the country. It abolished the State Security Court, which in the past handed down death penalties and other harsh punishments in proceedings falling far short of international standards for fair trials, including the use of coerced confessions and denial of the right to legal counsel. Also during 1995, Kuwait signed the International Covenant on Civil and Political Rights, the International Covenant on Social, Economic and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. However, the signing of these instruments was not accompanied by any steps to permit local human rights groups, dissolved since 1993, to resume their activities legally.

Kuwait for the first time extended a limited franchise to "second-class" male citizens—Kuwaitis who were either naturalized or otherwise deemed ineligible for first class citizenship because they failed to prove that they or their ancestors settled in Kuwait before 1920. The parliament granted naturalized male citizens the right to vote after twenty years of their naturalization. In another significant step, male children of naturalized citizens born after their father's acquisition of Kuwaiti citizenship were also granted the right to vote. Women, whether of the first or second class, remained disenfranchised, as did male children born before their fathers were naturalized.

Iraqi threats against Kuwait were cited in 1995 by Kuwaiti officials as justifications for continued human rights abuses and delays in dealing with past violations. Those tensions and Iraq's refusal to provide information on hundreds of Kuwaitis who remain unaccounted for since their detention during the Iraqi occupation contributed to a hostile atmosphere for groups suspected as a whole of holding Iraqi sympathies, including the Bedoon and Palestinian communities. This led to renewed pressure on these populations to leave the country; they were denied freedom of movement, employment and education for their children.

There was no perceptible change in 1995 in the government's refusal to account for the hundreds of extrajudicial executions, disappearances and torture cases which took place during the post-liberation martial-law period (February through June 1991).

In July, the parliament dissolved the State Security Court, established in 1970 and mandated to try a variety of offenses broadly defined in the State Security Act of 1970. After the end of the war in February 1991 and until it was disbanded, the court tried scores of Iraqis, Palestinians, Bedoons and others charged with collaboration with the Iraqi occupying forces. Throughout its history, trials before this court were characterized by serious shortcomings, including the use of confessions obtained through torture, the denial of legal counsel of the defendants' own choosing and a limited right of appeal. Relying primarily on evidence provided by the notorious State

Security Investigations Apparatus, the court handed down scores of death penalties and other harsh punishments, disregarding defendants' claims of torture and ill-treatment.

During 1995, hundreds of foreign residents and Kuwaiti Bedoons were administratively detained without charge or trial in the Talha Deportation Prison and then given a choice between leaving the country voluntarily or remaining in the overcrowded makeshift detention facility indefinitely. Some had been held since the end of the war, including many who were stateless or refugees. The promise made by the prime minister in June 1993 to improve conditions and relocate Talha inmates, after some of its residents went on a hunger strike, went largely unfulfilled, despite urging from the National Assembly's human rights committee. Although already crowded in 1994, with an average population of 650, the number of detainees doubled during 1995 at the Talha facility, a former school converted into a detention center in 1991.

The Kuwaiti government continued to employ a range of actions to induce Iraqi and Palestinian residents and Bedoons to leave the country. Measures of intimidation included arbitrary arrest and detention, torture and ill-treatment of prisoners, unlawful searches, heavy fines, threats, public humiliation and the denial of employment. Having succeeded in reducing the nearly 400,000-strong Palestinian community to about 33,000, the Kuwaiti government has sought to achieve similar results with the Bedoon community. During the year, it escalated pressure on the Bedoons to secure citizenship elsewhere if they wanted to remain in Kuwait lawfully. Most Bedoons were long-term residents of Kuwait who were born in Kuwait and have lived there all their lives, but were not officially deemed to qualify for Kuwaiti citizenship. From a total population of over 300,000, only half remain in Kuwait. The rest, most of whom left during the Gulf conflict, were stranded in exile, mostly in Iraq, because Kuwait refuses to permit their reentry.

Accused as a group of aiding the Iraqi occupying forces, Bedoons were targeted for retribution, although many had in fact been killed by the Iraqi occupiers for acts of resistance. Since liberation, Bedoons have been prevented from sending their children to government schools and threatened with expulsion from the only country they have ever known. All those employed by the government were dismissed from their jobs. The military and the police, which before the invasion were largely composed of Bedoons, rehired only a small fraction of their prewar employees—depriving the community of its chief source of income. In 1995, Bedoons found outside the remaining Bedoon slums were detained and pressured to leave the country in exchange for the government dropping the charges of illegal residence. The government remained opposed to reopening the citizenship application process to give Bedoons an opportunity to make their claims.

Many of the Palestinians still in Kuwait were stateless refugees who came originally from the Gaza Strip, but were not allowed by Israel to return. Despite the agreements signed between Israel and the Palestinians granting them autonomous rule over Gaza and parts of the West Bank, Israel retained control over the borders, preventing most stateless Palestinians from returning.

During 1995 in Kuwait, many Gazans were harassed, threatened with imprisonment, denied employment and education, or subjected to fines for every day they stayed in Kuwait.

Another vulnerable group of foreign residents subjected to mistreatment was made up of nearly 200,000 Asian maids, mainly from the Philippines, Sri Lanka, India and Bangladesh. They were expressly excluded from the protection of labor legislation, and in practice also left at the mercy of their private employers with regard to violent abuse. Hundreds of abused Asian expatriates sought refuge in their respective embassies, charging their employers with rape, physical assault, unlawful confinement or withholding wages. Abuses by employers recorded in 1995 included cases of murder, rape and other sexual abuse, beatings, confinement and passport confiscation. While in 1995 the Kuwaiti government brought charges against some employers accused in the murder or wrongful death of their maids, most lesser abuses went unpunished. In a positive step, in September, Ahmed al-Kulaib, minister of social affairs and labor, conducted surprise inspections and threatened abusive employers and employment agencies with fines and other penalties. However, without a legal mandate to extend labor law to the maids, it was not clear how the ministry could penalize employers where criminal law could not be invoked.

The Dasma Police Station, used to hold maids pending their deportation or the resolution of their claims, became extremely overcrowded during the first half of 1995, with a population of 300 maids. Kuwaiti law requires maids who complain about their employers to either stay with their employers until the conflict is resolved or be detained. Most of those complaining, who were not in their countries' embassy shelters, were detained until their cases were resolved: this sometimes took months, leading many maids to drop their complaints and accept repatriation. Responding to criticism of the crowded conditions at Dasma detention and deportation facility, and dismal conditions at embassy shelters, the Kuwaiti government agreed to repatriate the maids without the required consent of their employers and the return of their original residency permits which were regularly withheld by the employers. Between June and August, several hundred maids were repatriated. To facilitate their departure, most had to forfeit their claims to back wages and drop criminal charges against their employers.

In 1995, the Kuwaiti government reiterated its ban on political parties and took steps to enforce a 1985 moratorium on the formation of new private associations, including human rights groups. The government enforced its 1993 decision to close down over fifty unlicensed private organizations, including six human rights groups. The authorities prevented the unauthorized groups from holding public functions or advertising their activities.

The Right to Monitor

The right to monitor was dealt a severe blow with the closure in August 1993 of all human rights groups in Kuwait, including the Kuwaiti Association to Defend War Victims (KADWV) and the Kuwaiti Association for Human Rights (Kuwait's branch of the Cairo-based Arab Organization for Human Rights). Established immediately after the Gulf War, KADWV had been the most vocal local human rights group. The Kuwaiti government, which never formally recognized the

organization's legal existence, ordered KADWV and the other human rights and humanitarian groups to close down on the grounds that they had not been licensed.

Although the order was directed at all unlicensed organizations, government officials cited only human rights and humanitarian organizations and singled out KADWV for criticism. Groups that attempted to defy the ban in 1995 were threatened with the use of force if they held public meetings or conducted public activities. Newspapers were barred from publishing advertisements for the dissolved organizations, and licensed groups were ordered not to host activities by them. In 1995, the government evicted KADWV, the League of Families of POWs and the Missing, the Popular Committee for Solidarity with POWs and the Missing and Amnesty International's Kuwait group from the public building they had occupied since 1991. Nevertheless, KADWV continued to work privately, as have some of the other banned groups, albeit in a much reduced capacity.

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

In 1995, while the Parliamentary Committee for the Defense of Human Rights continued its activities under its limited mandate, there was little cooperation from the executive branch to facilitate its investigations. In June, the Committee's chair, Deputy Muhammed al-Marshad, resigned from the committee, reportedly in protest of the government's failure to cooperate.

While severely restricting the activities of local independent groups, the Kuwaiti government in 1995 began efforts to establish a semi-governmental human rights group and permitted outside human rights groups to visit Kuwait.

U.S. and European Policies

Since the end of the 1991 Gulf War, the U.S. has been the main force protecting Kuwait from renewed Iraqi attack and Kuwait's chief arms supplier. Under a 1991 military agreement, the U.S. maintained a substantial naval presence nearby and held frequent U.S.-Kuwaiti maneuvers. These exercises amount to a semi-permanent presence in light of their frequency, their duration and the large number of troops involved. The U.S. has pre-positioned a large amount of war materiel in Kuwait and integrated Kuwaiti facilities with those of the U.S. In one such exercise in March, code-named "Intrinsic Action 95-2," about 1,350 U.S. armored troops took part in a "rapid-reaction" joint effort with Kuwaiti forces. The exercise lasted for six weeks and used the U.S. weapons pre-positioned in Kuwait, according to Navy Lt. Cmdr. Scott Campbell, a Defense Department spokesman. In addition to pre-positioned materiel, the U.S. maintains two A-10 Thunderbolt ("tank-killer") squadrons in Kuwait since they were deployed there the previous October, in the wake of Iraq's threatening movement of armored divisions near the Kuwaiti border.

During March, Defense Secretary William Perry visited Kuwait to discuss joint defense cooperation in the face of reported Iraqi buildup. Defense officials said that these exercises were part of ongoing preparations by the United States and Kuwait to meet quickly any sudden military threat from Iraq or Iran.

In addition to military ties, commercial interests appeared to dominate the bilateral relationship, with U.S. companies accounting for nearly half of foreign investment in Kuwait, according to U.S. officials. Despite the extensive military, political and economic contacts between the two countries, no public criticism of human rights abuses in the country was voiced, with the exception of the cataloguing of human rights abuses in the State Department's Country Reports on Human Rights Practices.

France, Russia and the United Kingdom also signed military agreements with Kuwait undertaking to defend its independence and territorial integrity. In 1995, the three countries competed with the U.S. in providing the Kuwaiti military with advanced hardware and in securing a sizable share of Kuwait's government and private sector contracts, but failed to voice public concern over human rights abuses in Kuwait. France and the U.K., both of which were visited in May by the Emir of Kuwait, Shaikh Jaber al-Ahmed al-Sabah, were among Kuwait's top five trade partners and after the U.S. were the next two top suppliers of military equipment. In 1994, France exported 4.5 billion francs (\$461 million) in non-military goods to Kuwait. Its imports from Kuwait amounted to 959 million francs (\$93 million) and its military sales included advanced missile-carrying warships for the Kuwaiti navy. During the same year, Britain exported £312 million (\$490 million) in non-military goods to Kuwait. Its imports from Kuwait amounted to £239 million (\$375 million) and its recent military sales included 250 British armored cars. In addition, the Kuwaiti government was reportedly the largest single shareholder of the British Petroleum Company.

The Work of Human Rights Watch/Middle East

In 1995, Human Rights Watch/Middle East combined research with advocacy to improve the observance of human rights in Kuwait, publishing a report on the country while engaging in substantive discussions with Kuwaiti officials and following up previous published reports. While there was significant progress during the year on a number of issues, others remained to be resolved.

In July, Human Rights Watch published *The Bedoons of Kuwait: "Citizens Without Citizenship,"* a 105-page detailed study of the conditions under which Bedoons have been forced to live after they were effectively denationalized by the Kuwaiti government.

Also in July, the Kuwaiti government abolished the State Security Court, a tribunal that had been repeatedly criticized by Human Rights Watch/Middle East for failing to meet international standards for fair trials. We worked closely with Kuwaiti jurists who had campaigned for its abolition.

During 1995, Human Rights Watch/Middle East appealed, unsuccessfully, with Kuwaiti officials to rescind orders preventing local human rights and humanitarian groups from continuing their activities.

Human Rights Watch/Middle East continued its efforts, begun immediately after the liberation of Kuwait, to urge Kuwaiti and U.S. officials to take steps to improve conditions for Asian maids in Kuwait. In 1994, the Overseas Private Insurance Corporation had decided to withhold its approval of insurance for investment in Kuwait until the State Department conducted a high level dialogue with Kuwaiti officials on workers' rights and made future commitments contingent on positive steps taken by the Kuwaiti government. In August, Human Rights Watch/Middle East contributed a section on the mistreatment of Asian maids in Kuwait to the Human Rights Watch Global Report on Women's Human Rights. Without addressing the underlying issue of the legal vacuum in labor law, the Kuwaiti government took several steps to improve conditions for the maids, including the repatriation of several hundred maids stranded in embassy shelters and deportation detention facilities. In addition, Kuwaiti prosecutors demonstrated more vigor in 1995 in investigating serious abuses.

In the United States, there was a landmark ruling on the treatment of maids. On June 1, in a case on which we worked closely with the U.S. Justice Department, the U.S. Court of Appeals (first circuit) in *United States v. Alzanki* upheld a district court's conviction of Talal al-Zanki, a Kuwaiti citizen living in Boston, of holding a Sri Lankan maid he had hired in Kuwait in involuntary servitude in violation of the 13th amendment of the U.S. constitution and statutes. Al-Zanki was sentenced to one year and one day in prison, plus restitution. This was the first case of its kind to be decided on 13th amendment grounds since the 1988 *United States v. Kozminski* case. The al-Zanki case was widely discussed in Kuwait, with many calling for improvement of the treatment of maids to prevent a similar outcome.

In July, Human Rights Watch/Middle East wrote to the Iraqi government urging it to provide full accounting for nearly one thousand Kuwaitis and others who disappeared and were believed detained by Iraqi authorities during the occupation of Kuwait.

MOROCCO AND THE WESTERN SAHARA

Human Rights Developments

Despite significant improvements in its human rights record, Morocco's transition to a democratic state complying with international human rights standards was far from complete. In the late 1980s and early 1990s, the government took steps that significantly enhanced the rights of Moroccans and created a more open climate with respect to human rights. However, the momentum for progress appeared to have stalled in 1995, as government officials emphasized past progress rather than addressing continuing violations.

Procedural safeguards introduced in 1991 contributed to reduce the degree and number of abuses during incommunicado detention, but torture, ill-treatment and due process violations still occurred with disturbing frequency. There were at least two deaths in detention in 1995. Mohammed Ahmadi died in the police station of Nador, reportedly due to ill-treatment, and Hamza Dagdoug died the day after his arrest on January 18, 1995. According to the police, Dagdoug had committed suicide in the central police station of Tangiers, using a tie that had "inadvertently" been left in the toilets. Investigations that had been opened in at least half a dozen of the twenty-five deaths in detention since 1989 did not yield any results.

In addition, the forty-eight hour maximum normally permitted for incommunicado detention was illegally prolonged in many cases. The police at times falsified their records to indicate incorrect arrest dates, in order to give the impression that they were complying with this provision. The "procès verbal," or official statement taken by the police during incommunicado detention, was often coerced or fabricated, but often constituted the basis for a conviction. As in the past, most abuses, particularly ill-treatment and torture, tended to occur during incommunicado detention, when lawyers were absent. However, procedural violations also took place during the subsequent "preliminary interrogation," where lawyers were present, but were often not permitted to ask questions or include their observations or objections as part of the official record.

Human rights abuses occurred in a number of high-profile arrests and trials. For example, Khadija Benameur, a young labor union activist who was beaten and arrested during a peaceful factory strike in March 1995, was subsequently kept in pre-trial detention in excess of the permitted forty-eight hour period, denied the right to call witnesses at trial and refused a legally required medical examination, despite signs that she had been tortured. In another case, defendants charged with carrying out a series of armed attacks during 1993 and 1994 on behalf of militant Islamists were convicted in flawed proceedings on January 28, 1995. They were held in incommunicado detention for an illegally prolonged period, the investigating judge refused to order a medical examination to investigate signs of torture, and interrogations and confessions were made in Arabic, although several of the defendants had been raised in France and reportedly did not speak fluent Arabic.

Torture and ill-treatment continued in 1995, albeit with less frequency than before. Such abuses occurred not only in political or security cases, but also in ordinary criminal cases, and were most acute in rural areas. Inadequate investigations and the failure to prosecute law enforcement officials responsible for abuses during detention created little incentive for change. Moreover, law enforcement officials who had been accustomed to committing torture and ill-treatment with impunity for decades, received little, if any, training and education regarding international human rights standards or Moroccan law. Finally, Morocco did not take the required steps to make the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which it had ratified in June 1993, enter into the country's official laws. Nor did Morocco take the legislative and administrative steps required to meet its affirmative obligation to place domestic laws in compliance with the convention.

Prison conditions in Morocco remained poor, due to severe overcrowding, ill-treatment of prisoners and a lack of medical attention. When a rebellion broke out in Khenifra prison on January 29, 1995 to protest conditions, prison officials responded with firearms, wounding prisoners and causing a number to be hospitalized. Following the rebellion, the Moroccan Organization for Human Rights demanded, and was authorized, to conduct an unprecedented visit to the prison site. The group released a report concluding that the policy followed in the prison was one of punishment and repression, and that ill-treatment, malnutrition and inadequate medical treatment were rampant. Moreover, although the government reported that prison deaths in 1994 and 1995 were all attributable to natural causes, many were actually due to poor detention conditions, including four deaths in the span of a single week in the civil prison of Oukacha in March 1995. Several prisoners went on lengthy hunger strikes to protest their conditions.

On April 18, 1995, government spokesperson Driss Alawi announced that the government had decided to take steps to improve the prison situation. Human Rights Minister Mohammed Ziane accompanied journalists on visits to several civil prisons in April, May and October 1995. While the public acknowledgment of the gravity of prison conditions was an important step forward, the government failed to follow these statements with concrete actions. For example, by November the government had still not presented to parliament proposed modifications to the outdated prison code. The government had received draft amendments from the Consultative Council on Human Rights in March 1994.

The government did not address the issue of at least fifty prisoners who had been arrested on political charges but were arbitrarily excluded from a general amnesty in July 1994. Abdessalam Yacine, the leader of the outlawed Islamic group al 'Adl wa al-Ihsan, was held under house arrest for the fifth year. Yacine had been arrested pursuant to an extrajudicial, administrative order and no criminal charges were brought against him. The government also failed to resolve the issue of forced disappearances in Morocco. With the exception of a small stipend provided by the armed forces to twenty-eight former military officers who survived the notorious "Tazmamart" secret detention center, none of the over three hundred other victims of forced disappearances released in June 1991, or the families of victims who did not survive, received reparations for the suffering endured in up to two decades of secret detention. Hundreds of Moroccan and Western Saharan families continued to search for missing relatives, many of whom had "disappeared" into Moroccan custody over two decades ago. Moreover, the government made no efforts to provide details on these cases or investigate human rights abuses in the secret detention centers; as a result, those guilty of committing torture and "disappearance" were not held accountable for their crimes.

Many former prisoners and those who had been "disappeared" continued to be denied passports and national identity papers following their release, preventing them from exercising their right to freedom of movement. Abraham Serfaty, one of the most well-known of Morocco's former political prisoners, who was stripped of his Moroccan nationality following his release from prison in 1991, remained in exile in France. The supreme court did not act upon an appeal that

had been submitted by Serfaty's attorney in November 1991. The authorities repeatedly harassed Ahmed Marzak, who was released from Tazmamart in 1991 after more than eighteen years of secret detention, and confiscated his passport when he attempted to travel to France for medical attention in July 1995. Marzak was reportedly kidnaped by the police and taken to the outskirts of Rabat, where he was subjected to ill-treatment for thirty-six hours and interrogated, particularly about his relations with foreign nationals.

The Moroccan judiciary did not function independently and was susceptible to bribes and influence from high government officials. Judges also refused to order medical examinations, although the right to such examinations was provided in the Code of Penal Procedure, or to investigate allegations of torture, even when detainees showed visible signs substantiating their claims. Members of the judiciary were able to engage in illegal acts with impunity, as the judiciary was not generally subject to controls, supervision or penalties. The fact that judges were under qualified and the judiciary was insufficiently funded further undermined the judicial system. As it had done with respect to prison conditions, the government acknowledged these shortcomings. On April 18, 1995, government spokesperson Driss Alawi announced plans to carry out a structural reorganization of the Ministry of Justice in order to enhance the independence and credibility of the judiciary. On April 24, 1995, the king gave a speech addressing the serious problems facing the Moroccan judicial system and noted, in particular, the problem of low salaries and corruption. However, the government ultimately took no public steps to improve the judicial system.

Laws that discriminated against women remained on the books, including commercial and criminal laws and provisions of the Moudawana or Family Code regarding matrimonial tutelage, marital repudiation and physical and legal guardianship over children of divorced women. Cultural, economic and family pressures often prevented women from knowing their legal rights or seeking redress, even when their rights were protected by law. In the workplace, women complained about unequal salaries and their lack of representation in managerial positions, whether in the private or public sector. Domestic violence remained prevalent but went unaddressed by the government, which failed to adopt specific measures to protect women or ensure that violators were prosecuted to the full extent of the law. Police and judges failed to treat domestic violence as a serious problem, and showed a reluctance to assist women who had been physically assaulted in exercising their legal rights.

The press continued to test the new, open climate in Morocco and political discourse took place openly. However, the government still controlled the public media, including the Maghreb Arabe Presse news agency, which only reflected official positions. In addition, restrictive press laws remained on the books, such as overly-broad defamation laws, and Article 77 of the Press Code, which permitted the minister of the interior to order the seizure or suspension of a publication without a judicial decision. On January 6, 1995, for example, an issue of the weekly Maroc Hebdo, which had excerpted a speech given by a Moroccan prince at an American university, was seized pursuant to this law. In addition, three subjects remained "taboo" in Morocco: criticizing the king or Islam, or challenging Morocco's claim to sovereignty over the

Western Sahara—an issue of utmost sensitivity in Morocco (see the Western Sahara section). For example, Abdelkadir Chidoudi was sentenced to three years on June 30, 1995, and Ma'ghi Hicham, was sentenced to six months on July 28, 1995, both for having allegedly insulted the king.

Despite constitutional guarantees of the right to free assembly and association, the government frequently interfered with the activities of a range of legally-existing organizations, including labor unions and Berber organizations. Throughout the year, the authorities also banned public performances of the enormously popular singer and humorist Ahmed Snoussi ("Bziz"), who often parodied governmental figures and policies.

In addition to a number of pro-government political parties, several opposition parties continued to operate and were represented in parliament, including Istiqlal and the Socialist Union of Popular Forces (USFP). However, Le Parti Maghrébin, a new political party, was denied authorization in March/April 1995. In addition, a de facto ban on Islamist political parties continued. Islamist groups kept most of their activities underground, but a publicized Islamist conference on Chechnya was banned in February.

The Right to Monitor

Several independent or opposition-affiliated human rights organizations, including the Moroccan Organization for Human Rights (OMDH) and the Moroccan Association for Human Rights (AMDH), operated freely in Morocco and expressed open criticism of governmental policies and actions. These organizations did not experience interference with their activities but stated that efforts at dialogue with the government had been ineffective. The Consultative Council on Human Rights (CCDH), which was created by the king in May 1990 to provide counsel on matters related to human rights, did not make independent decisions, rarely met and was slow to act.

After nearly four years of denying permission to Human Rights Watch/Middle East to conduct a fact-finding mission to Morocco, Moroccan authorities agreed to this request in April 1994, and a Human Rights Watch/Middle East mission took place the following spring. We were able to meet freely with government officials, members of the political opposition, human rights groups and other citizens. Amnesty International began the process of organizing groups of local members throughout Morocco. However, in accordance with Amnesty International policy, these groups would not work on Moroccan cases.

The Role of the International Community

The apparent lack of political will on the part of the Moroccan government to pursue further meaningful improvements in its human rights practices coincided with a reduction or elimination of pressure from Western countries with respect to continuing human rights violations. As neighboring Algeria fell deeper into instability and violence, the West grew more protective of Morocco, despite its continuing record of human rights abuses, citing the importance of the Moroccan regime as a buffer against the spread of Islamic militancy. For the United States,

Morocco's cooperative role in the Palestinian-Israeli peace process served as an additional justification for refraining from criticism. The State Department's Country Report on Human Rights Practices for 1994 on Morocco was quite critical and documented human rights violations extensively but, with one exception, the U.S. government did not use this information to exert public pressure on King Hassan. The U.S. Ambassador to Morocco did intervene following the arrest and harsh sentences handed down to eight peaceful demonstrators in the Western Sahara, which may have been a factor in the king's subsequent decision to commute the defendants long prison sentences to one year. United States military sales to Morocco for 1995 were estimated at US\$36.2 million and commercial military sales were estimated at US\$5.9 million. In addition, the United States provided military education and training (IMET) to Morocco and was expected to transfer over \$58 million in used military equipment, at little or no charge. The United States also continued to provide over \$50 million in annual economic assistance, and agreed to create a US\$250 million investment fund guaranteed by the Overseas Private Investment Corporation (OPIC).

France was Morocco's largest trade partner during 1995, engaging in both commercial and military sales, and the two governments enjoyed very good relations. The French government was silent regarding recent human rights violations in Morocco. Commercial interests also dominated the relationship between Morocco and the European Union (E.U.). In April, for example, the E.U. made two loans for infrastructure investments, totaling ECU 135 million. The E.U. did call for stepping up the dialogue on human rights with countries with which it had economic cooperation agreements, such as Morocco, and placed human rights, which are always part of E.U. policy, on the agenda for the November Barcelona conference, aimed at creating a Euro-Mediterranean partnership. In July, Moroccan Prime Minister Abdellatif Filali criticized the E.U.'s preparatory document for the conference, saying that it overemphasized political relations, while only superficially discussing economic cooperation, partnership and social problems.

The Work of Human Rights Watch/Middle East

Human Rights Watch/Middle East sought to draw the attention of the international community to the serious abuses that continued during 1995, despite improvements in Morocco's human rights record. Human Rights Watch/Middle East followed several trials in Morocco and monitored due process violations that took place before and during trial. Human Rights Watch/Middle East worked closely with other independent and nongovernmental organizations to assess progress on cases of disappearances. Human Rights Watch/Middle East conducted a fact-finding mission to Morocco in the summer of 1995 and released a report and detailed recommendations based on its findings.

THE WESTERN SAHARA

Human Rights Developments

Little progress was made towards holding a scheduled referendum in the Western Sahara, intended to resolve the twenty year conflict between Morocco and the Popular Front for the Liberation of Saguia el Hamra and Rio de Oro (the Polisario Front, the Western Saharan liberation movement.) The referendum, which is to be conducted by the United Nations Mission for the Referendum in the Western Sahara (MINURSO), will ask Sahrawis (Western Saharans) to choose between independence or integration into Morocco. In addition to extremely slow progress in the process to identify those eligible to vote, which had started almost three years behind schedule in August 1994, the fairness of the referendum was threatened. While both parties routinely created obstacles, Morocco, which was the stronger of the two parties both militarily and diplomatically and physically controlled most of the Western Sahara, regularly engaged in actions that compromised the fairness of the process. At the same time, the U.N. mission failed to fulfill its obligation to ensure the fairness of the upcoming referendum.

Citing slow progress in the voter identification process, the U.N. secretary-general repeatedly recommended the postponement of a transitional period, during which the U.N. was to have had powers including the responsibility for monitoring law and order in the territory, as well as the right to ensure that laws or measures that could obstruct a free and fair referendum were suspended. This delayed indefinitely the U.N. mission's assumption of powers essential to its effective supervision of the voter identification process.

Moroccan security forces routinely prevented Sahrawis seeking to submit voter applications from entering U.N. headquarters and the identification center in the Western Saharan capital of Laayoune. Applicants going through the identification process in the Moroccan-controlled Western Sahara were not permitted to come to the identification center on their own; rather, they were gathered in a central location and brought to the identification center in Moroccan vans. The U.N. did not formally investigate reports that Morocco had intimidated applicants who had come forward to be identified in the Moroccan-controlled Western Sahara, such as allegations that registration receipts had sometimes been illegally confiscated by Moroccan authorities.

Western Saharan (Sahrawi) tribal leaders involved in the identification process reported that Morocco had pressured Sahrawi tribal leaders living in the Moroccan-controlled Western Sahara on how they should rule in individual cases. This reportedly occurred through intimidation, either in advance or by Moroccan observers present in the identification room, who often signaled to tribal leaders. In addition, members of the MINURSO identification commission reported that they had come under pressure from certain senior U.N. staff members to make decisions on voter eligibility that favored Morocco and were contrary to the accepted procedures. In order to be eligible to vote in the referendum, applicants had to prove that they met one of five criteria agreed to by the parties, including membership in a Sahrawi tribe, or proving that their father was a Sahrawi born in the territory. A large number of the applicants submitted by Morocco had no documents proving links to the Western Sahara, were not familiar with the tribal structure of the region and had clearly memorized answers to the factual and biographical questions posed by the Commission. Many of these applicants were among the 40,000 people Morocco had transferred to the Western Sahara in 1991, in violation of the terms of the

Settlement Plan, stating that they were Sahrawis who wanted to vote in the referendum. For the fourth year, this population lived under twenty-four hour guard in tent cities in the Western Sahara, and received food and other benefits from the Moroccan government. Access to the tent cities was tightly restricted by Moroccan police and secret service agents. Despite indications that individuals with questionable ties to the Western Sahara were being presented for identification, there was little opportunity to scrutinize the U.N.'s procedures or guidelines for making the final decisions on eligibility. Although the general criteria for eligibility were known, the U.N.'s final decisions were made behind closed doors, and no decisions were announced on the over 50,000 applicants who had already been identified by the U.N.

On January 25, 1995, Ambassador Frank Ruddy, former deputy chairman of the MINURSO identification commission, testified before the United States Congress, alleging MINURSO mismanagement and obstructionist actions by Morocco. In response to Ruddy's allegations, the U.N. under-secretary-general for internal oversight services conducted an investigation and issued a report on April 5, 1995 (the "internal oversight services report"), confirming some of Ruddy's allegations, but failing to find evidence of mismanagement. In a September 8, 1995, report to the Security Council, the secretary-general stated that progress in the identification process had been "disappointing," but recommended the extension of MINURSO's mandate to January 31, 1996. The Security Council did so, but noted the secretary-general's intention to present the Security Council with alternative options before the expiration of the mandate, including a possible withdrawal of MINURSO if conditions necessary for the start of the transitional period were not in place.

Morocco continued to engage in human rights abuses in the Moroccan-controlled Western Sahara. On May 11, 1995, eight young men were arrested in Laayoune following a peaceful, pro-independence demonstration, and sentenced to fifteen to twenty years imprisonment by a military court in Morocco. Citing this incident and other "violations of the peace process," Polisario temporarily suspended its participation in the identification process on June 23, 1995. On July 9, 1995, the king commuted the eight Sahrawis' sentences to one year.

Hundreds of Sahrawis who had been victims of forced disappearances but were released in June 1991 still had not received any compensation from the Moroccan government by the end of 1995. Moreover, hundreds of cases of Sahrawis who reportedly disappeared up to two decades ago remained unresolved and the government made no effort to investigate or hold accountable those responsible for disappearances.

In 1995, up to 165,000 Sahrawis lived in desert camps in southwestern Algeria. They had taken refuge in these camps twenty years earlier, when armed conflict had broken out between Morocco and the Polisario Front. The refugees received humanitarian assistance from international relief organizations, U.N. agencies and the European Community. Polisario administered these camps and appeared to provide assistance to Sahrawi refugees on a timely and equitable basis.

Although living conditions in the desert were difficult and the location of the Polisario camps was remote and desolate, there was no evidence of food shortages, epidemics or other major health problems. Although most refugees expressed openly their unhappiness with the difficulties of living in the camps, there was no evidence that the Polisario was keeping refugees there forcibly. Rather, most of the difficulties and restrictions faced by the refugees were a result of their remote situation and the harsh climate in the desert, the economic and political difficulties of the region and the realities of being a stateless refugee population. Some refugees have returned to the Moroccan-controlled Western Sahara, and some Sahrawis have left the Moroccan-controlled Western Sahara since the original exodus, to join Polisario and live in the camps.

On May 8, 1989, prior to the signing of the U.N. Settlement Plan, Polisario released 200 elderly, ill and disabled Moroccan combatants captured and held during the war—in some cases for more than two decades. For the sixth straight year, Morocco denied these released prisoners, who were camped near the border, the right to return to Morocco; eight of them had died by 1995. Over 2,300 other Moroccan prisoners of war and up to 300 Polisario prisoners of war were still being held in Morocco and in Algeria. The ICRC has visited both sets of prisoners regularly since May 1993, with some interruptions. Human Rights Watch/Middle East visited two Polisario prisoner camps, where it found detention conditions to be extremely harsh, particularly due to the desolate desert location, intense heat, and the constant threat of sudden sandstorms. Some prisoners complained about their physical treatment at the hands of prison guards, while others emphasized that this had improved in the past five or six years. All the prisoners complained about insufficient food and medication, as well as about compulsory, unpaid labor, which was required for long hours, in a harsh climate.

The Right to Monitor

Opportunities for independent outsiders to observe and analyze the U.N. identification process in the Moroccan-controlled Western Sahara were strictly limited. Although no authorization was officially required for entering the Moroccan-controlled Western Sahara, local officials in fact required authorization from Rabat. Journalists and representatives of nongovernmental organizations were permitted to spend no more than thirty minutes in the MINURSO identification center in Laayoune, a period that was too brief to permit meaningful observation of a complex process. MINURSO staff members, including military observers, were subjected to constant surveillance. Until U.N. officials intervened, Moroccan security forces prevented Human Rights Watch/Middle East from entering the U.N. headquarters, stating that entry had to be cleared with local Moroccan authorities first. Moroccan authorities also detained the Human Rights Watch/Middle East representative at the entry to one of the "tent cities" in Laayoune and then held her at a police station. Moroccan authorities' harassment of Human Rights Watch/Middle East, as well as their strict surveillance of its activities, impeded the organization's ability to conduct a thorough investigation of human rights abuses in the Moroccan-controlled Western Sahara. The obstruction of the work of independent observers sent the signal that the U.N. mission was acquiescing to Moroccan interference in the referendum process and that the process was not being carried out in a transparent manner.

In Polisario refugee camps in Algeria, Human Rights Watch/Middle East was encouraged by members of Polisario to move about freely in the camps and speak to whomever it chose, but the remoteness of the camps, the unfriendly desert terrain and the absence of private transportation ultimately made Human Rights Watch/Middle East dependent upon Polisario for moving about. Although Polisario had agreed to provide access to all of the locations where Moroccan prisoners of war were being held in Algeria, Human Rights Watch/Middle East was only permitted to visit two such locations.

The Role of the International Community

U.N. Policy

The U.N.'s investigation into the allegations raised by Frank Ruddy provided an opportunity to expose shortcomings in the MINURSO operation and make constructive recommendations aimed at ensuring the credibility and fairness of the referendum process. Instead, the internal oversight services report had a defensive tone, and failed to provide a strong critique of the process or useful recommendations. Despite long-standing allegations of misconduct and unfairness associated with the MINURSO operation, the Security Council did not raise these concerns in any of its resolutions, or initiate any investigation until June 1995, when it sent a fact-finding delegation to the region to "assess progress and identify problems." The delegation issued a report that focused primarily on the slow pace of identification, and only alluded to issues related to the fairness of the referendum.

The U.S. and Argentine missions to the U.N. took the lead in pressing the Moroccan government to permit the 184 remaining prisoners of war released by Polisario to return to Morocco, in accordance with the internationally-guaranteed right to enter one's own country. However, by November, the Moroccan government had not responded to this initiative.

U.S. Policy

United States policy with regard to the Western Sahara was guided by the fact that this region was not a foreign policy priority, and that one party to the conflict—Morocco—is a close ally. The United States did not probe into the fairness and transparency of the referendum. However, citing mismanagement and the lack of progress in operations such as MINURSO, Republican Party legislators took the lead in calling for cuts in U.S. funding for U.N. peacekeeping operations. Due, in part, to pressure from Congress, the U.S. mission to the United Nations raised objections to continued funding for MINURSO, creating uncertainty prior to the September 22 Security Council vote as to whether the MINURSO mandate would be extended. However, like the Security Council, the U.S. mission focused on the lack of progress in voter identification and the issue of financial resources, but failed to call on the Moroccan government to stop undermining the fairness of the referendum process.

The Work of Human Rights Watch/Middle East

Human Rights Watch/Middle East conducted a fact-finding mission to southwestern Algeria and the Moroccan-controlled Western Sahara in August 1995, and released a report on its findings. Although Human Rights Watch takes no position on the issue of self-determination, we sought to draw attention to the fact that the free and fair nature of the referendum process had been significantly compromised, and that the identification process was not being carried out in a transparent manner. Prior to the Security Council's September vote on extension of MINURSO's mandate, Human Rights Watch/Middle East wrote a letter to all members of the Security Council, urging them to reexamine and modify the mandate of MINURSO in order to ensure a free, transparent and fair referendum. The letter also called on the Security Council to send a strong signal to the Moroccan government that it must stop obstructing and compromising the fairness of the referendum process. We also provided interviews to the press, and information to other nongovernmental organizations interested in visiting the refugee camps in southwestern Algeria or in observing the U.N. operation in Algeria and in the Moroccan-controlled Western Sahara.

SAUDI ARABIA

Human Rights Developments

In 1995 Saudi Arabia experienced further deterioration in human rights observance. There was a four-fold increase in the number of executions, mostly of foreign suspected drug traffickers. One Islamist opposition activist was also beheaded, the first activist to be put to death since the rise of Islamist opposition during the Gulf War. Arbitrary arrest, detention without trial and ill-treatment of prisoners remained the norm during the year, especially for those accused of political offenses. Several hundred Islamist opponents were arbitrarily detained without trial. The ban on free speech, assembly and association was strictly enforced; violators were jailed, deported, banned from travel or dismissed from their government positions. Restrictions on the employment and movement of women were strictly observed, and harassment of non-Muslims and Muslims who do not follow the kingdom's strict religious code continued unabated.

The government's crackdown on peaceful dissent by Islamist groups, begun in 1993, continued during the year. Most detainees were held without trial. Those who were put on trial were tried before secret tribunals without the benefit of legal counsel. On August 11, 1995, the government of Saudi Arabia beheaded Abdalla al-Hudhaif, a supporter of the Committee for the Defense of Legitimate Rights (CDLR), a banned Saudi opposition group established in May 1993 by Islamist jurists and professors. He was convicted in a secret trial in which nine other Islamists were given lengthy prison sentences. The execution marked the first time an Islamist activist was executed in Saudi Arabia since the rise of Islamist opposition during the Gulf War. Al-Hudhaif, a thirty-three-year-old businessman and father of six, was accused of throwing acid on an

intelligence officer, possession of firearms, and "fomenting dissension" by supporting the London-based CDLR and distributing its leaflets. This attack was the only incident of violence that the government attributed to the Islamist opposition since the beginning of its public activity, which has been otherwise restricted to peaceful means, including public rallies, speeches and the distribution of leaflets and audio cassettes.

The Saudi government, in announcing the verdicts of the secret tribunal, accused its opponents of rebellion and heresy—capital offenses in Saudi Arabia. The judicial proceedings were marred throughout by violations of due process of law, including the use of coerced confessions, denial of legal counsel and blatant interference by government officials. For example, at first, the tribunal sentenced al-Hudhaif to twenty years in prison, but the Ministry of Interior protested the lightness of sentence and demanded a retrial. The judiciary complied, and in the second review, al-Hudhaif was sentenced to death.

The defendant was informed of the first sentence in May 1995, but the decision to put him to death—which was reportedly made in early July and ratified by King Fahd on July 10—was kept secret until August 12, a day after the execution. The beheading was carried out in secret, an exception to the rule of public executions. The authorities reportedly rejected al-Hudhaif's family's requests to hand over his body to conduct religious burial services. Instead, he was buried by the government, fueling speculation that he had been tortured before he was killed. The government justified this unprecedentedly harsh sentence by citing the need to combat dissension and maintain the security and stability of the state. It cited other offenses that the condemned man had allegedly committed, including the possession of weapons and his support for CDLR and the distribution of its publications, which were usually highly critical of Saudi leaders.

In a reference to the CDLR, the government's statement and the court judgment referred repeatedly to the defendant's "support for the so-called Committee for the Defense of Rights, a group that has declared disobedience to the rulers and recanted the pledge of loyalty to the ruler of the nation" and his "distribution of its publications and sheltering those who did." It also referred to his "disrespect and disobedience to the ruler of the community and to the nation's religious scholars, who have condemned this group as an illegitimate entity, warned of its dangers and called for fighting it."

Nine other Islamists, including two university professors and a lecturer, were given lengthy prison sentences by the same tribunal, which cited their support for CDLR among the grounds for the conviction. Two of the convicted were accused of conspiracy to attack the intelligence officer although they had already been in detention for weeks when the attack took place. Other than the defendants' apparent support for CDLR, the government presented no evidence that the attack was authorized by CDLR, which was not known to advocate the use of violence.

The campaign against the nonviolent Islamist opposition continued during 1995. Several hundred religious opponents of the government were arrested. In almost all cases, the arrests and

accompanying searches were conducted without warrants and suspects were held without charge or trial. None of the detainees were allowed visits by legal counsel.

Most of the detainees were suspected supporters of the two jailed opposition leaders, Shaikh Salman al-Audah and Shaikh Safar al-Hawali, both university professors and religious leaders who had been banned from speaking in public, dismissed from their academic posts in September 1993, and were detained since September 1994. Those detained also included founders and supporters of CDLR.

Although no formal charges were filed against most of the detainees, government statements cited their public speaking in defiance of previous bans and "fomenting dissension and civil strife." Salman al-Audah's book Kissinger's Promise was cited in an official statement as evidence of subversion, as were audiocassettes and handbills distributed clandestinely, in defiance of government prohibitions. An August 12, 1995, official statement branded the Islamist opponents as heretics, referring to the CDLR as a group that has "strayed beyond the pale of Islam by sowing the seeds of dissension when they declared their disobedience to the ruler of the nation to whom they had pledged loyalty and expressed their utter disregard for the Ulema, whom they accused of failing to perform their duty." The government had already secured an opinion from the Council of Senior Scholars denouncing the CDLR as a heresy. If convicted as heretics, many of the detained Islamist opponents could face severe punishments, including the death penalty.

There was a marked increase during 1995 of reports 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 beaten with bamboo sticks and plastic-covered truncheons. Ill-treatment included prolonged incommunicado detention, sleep deprivation for long periods, threats of violence and execution, and insults. Visits by family members or lawyers were often denied for long periods.

There was a four-fold increase in the number of executions during 1995 over the previous year. During the first nine months, 182 people were executed, compared to fifty-three in all of 1994. Most were beheaded in public. Most were foreigners who were suspected of smuggling drugs, including mild sedatives, sleeping pills and stimulants, into the country. The summary proceedings which resulted in these harsh sentences fell far short of international standards for fair trials. Most of the defendants were not represented by lawyers at the trials or assisted in preparing their defense. In 1995, there was also a marked increase in the application of judicially-ordered corporal punishment, including flogging for a variety of crimes and amputations for theft.

Under the Imprisonment and Detention Law No. 31 of 1978 and its 1982 bylaws, issued by the minister of interior, detainees may be held indefinitely without trial or judicial review. Although families were often able to find out informally if one of their members had been detained, rarely was there formal notification. This practice applied equally to foreigners, many of whom had no

family in Saudi Arabia to notice that they were missing. Saudi authorities did not notify foreign missions of the arrest of their nationals and declined to sign international or bilateral consular agreements mandating such notification or allowing immediate access by foreign consulates.

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

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

Human rights abuses were facilitated by the absence of an independent judiciary and the lack of scrutiny by an elected representative body or a free press. The royal family's concentration of power and the absence of a free press or parliament left government officials and members of the royal family immune to criticism and free to abuse their positions. In 1994, there were several reports of unpunished abuses by members of the royal family, including murder and beatings of Saudi citizens and foreign residents.

Not surprisingly, the newly appointed Consultative Council failed to address human rights concerns. 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's own bylaws, the Council's members retain their positions in the executive branch while serving their terms in the Consultative Council. By virtue of its mandate, composition and bylaws, the Council did not appear likely to provide a forum for significant political discussion or act as a check on human rights abuses. Although all of the Council's meetings—after the inaugural session—were held in secret, Human Rights Watch/Middle East learned that the Council did not make any independent decisions regarding civil rights or other controversial issues. Few officials were instructed by King Fahd to brief the council in private sessions, and no members were known to have seriously questioned government policy in these sessions.

As a result of the government's crackdown, opposition activity went nearly completely underground or into exile. Mosque sermons, books, leaflets and audiocassettes, which in the past openly criticized corruption and favoritism and called for more political participation, were muted during 1995, as the government enforced its strict ban on public speaking, assembly, and association. In addition to arresting hundreds of Islamists, the government dismissed many from

their teaching jobs and banned many others from travel. It also introduced measures to tighten its control over the flow of information in and out of the country. In several statements issued by the Ministry of Interior, the government warned citizens and residents against publicly criticizing the state's "internal, foreign, financial, media or other policies," or "communicating with anyone outside the country, or any activist inside the country, by telephone or fax." The ban included religious sermons, university lectures and the distribution or ownership of "hostile" writings or audiocassettes.

The Saudi government owns and operates all radio and television stations in the kingdom, and it keeps the privately owned local press on a very short leash, preventing criticism of government policies. Foreign publications, including daily newspapers and weekly magazines, were barred from the country in 1994 for publishing such views. The government exercises considerable influence over major regional and international news organizations. Royal family members and their close associates owned key news organizations, including United Press International; al-Hayat, a major daily in the Middle East; and MBC, a London-based satellite television network. The Ministry of Information signed an agreement with Radio Monte Carlo's Middle East Division, a major source of news in the kingdom, to highlight positive elements of government policy. MBC in turn acquired the Arab Network of America (ANA), previously a private radio and television cable network with services in most U.S. metropolitan areas. After it changed owners, ANA canceled programs that aired views critical of Saudi policies. During 1995, there were reports that the British Broadcasting Corporation Arabic Television, a joint venture between the BBC and a company owned by a member of the Saudi royal family, canceled programs unfavorable to the Saudi government.

Although the Saudi government banned the importation and the use of satellite dishes in 1994, it has not moved to confiscate those already in use in the kingdom. In March 1994, a royal decree banned television satellite dishes, imposing a fine equivalent to US\$26,667 for possessing and \$133,333 for importing the equipment. In June, in an apparent response to satellite-transmitted criticism of the government, the Ministry of Interior gave those who already owned dishes a month to re-export or otherwise dispose of them before imposing the fines.

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. Saudi associations of any kind wishing to report on human rights violations in the kingdom had to work either clandestinely inside the country, at the risk of arrests, or operate outside the kingdom. In 1995, the ability to monitor human rights abuses in Saudi Arabia was handicapped by the continued shutdown of opposition groups reporting abuses and the arrests of opposition activists attempting to monitor violations.

However, new opposition groups established in 1994 outside the kingdom provided a steady stream of news and commentary on violations of the rights of dissidents and government opponents. The mainstream Islamist opposition group, CDLR, resumed its activities from

London, publishing regular reports on arrests of Islamist activists. Another Islamist group, the Advice and Reformation Committee, was established in London, led by Usama bin Ladin, a Saudi businessman who was accused of supporting radical groups in the region and stripped of his Saudi citizenship in 1994.

The Reform Movement, the main Shi'a opposition group, refrained from conducting any public activities in 1995 outside Saudi Arabia, in exchange for government promises to improve conditions for the Shi'a minority. Before they were suspended, the movement's activities had included the publication of a magazine in Arabic and another in English, and the distribution of human rights information by groups affiliated with the movement. During the year, the Holy Shrines Center, run by a smaller Shi'a opposition group, continued to issue occasional reports on violations of the rights of the Shi'a minority.

No human rights organizations were permitted to visit Saudi Arabia in 1995. Saudi government offices consistently failed to respond to Human Rights Watch/Middle East's inquiries and requests for information. However, in October, Prince Bandar ibn Sultan, the Saudi Ambassador to the United States, reversed a long standing policy and extended a conditional invitation to Human Rights Watch/Middle East to visit Saudi Arabia.

U.S. and European Policies

By virtue of an important strategic relationship with Saudi Arabia spanning over fifty years, the United States was uniquely well-placed to help curb human rights abuses in Saudi Arabia. Although the Clinton election campaign had cited Saudi Arabia as a target for human rights attention, the Clinton administration largely failed to criticize publicly Saudi violations, and occasionally praised the kingdom's rulers. Subordinating human rights principles to strategic and commercial interests, the increased level of military and commercial activity during the year was not accompanied by public candor in assessing the human rights record of Saudi Arabia. During the year, high level meetings regularly took place between the two governments, but U.S. officials refrained from publicly expressing any concern over human rights violations.

The defense of Saudi Arabia was a key goal of U.S. foreign policy that the Clinton administration emphasized from the beginning of its term and repeated several times during 1995. This commitment was demonstrated during the year through the assignment of a large number of U.S. military advisers with the Saudi military, delivery of sophisticated U.S.-made weapons to Saudi Arabia, holding of military exercises by U.S. forces in the Gulf, regular high level visits by military officials of both countries, and the overall upgrading of the permanent U.S. military presence in the Gulf—renamed the Fifth Fleet. Secretary of Defense William Perry visited Saudi Arabia in March and Prince Sultan ibn Abdel Aziz, minister of defense and second deputy prime minister, visited the United States in late October and met with senior administration officials, including President Clinton and Vice President Gore.

In March, after his visit to Riyadh, Defense Secretary William Perry said that he had received guarantees from Saudi Arabia for U.S. military access to its ports and airfields after he had shared with Saudi officials spy photo evidence of Iraq's new military infrastructure. "We agreed that continued United States access to Saudi bases and ports is the key to quick, forceful response to aggression," Secretary Perry said, adding that Iraq had been using what limited revenues it had to rebuild the military infrastructure destroyed during the 1991 Gulf War. Secretary Perry said that the two nations, which enjoyed "good relations for over fifty years," shared the belief that the six states of the Gulf Cooperation Council (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates) should improve their military readiness in the face of potential threats from Iraq and Iran. "Saudi Arabia is an island of stability in a sea of trouble," Secretary Perry said, adding that Washington and Riyadh were committed to working together to maintain stability for the region. The Secretary said that he had received expressions of support for basing supplies for a U.S. armored division in the Gulf region. Supplies for three brigades would support an entire U.S. armored division—about 15,000 soldiers. Equipment for one brigade had already been stored in Kuwait, while another agreement was being negotiated to store a second brigade in Qatar. Secretary Perry said that no formal agreement was reached on storing the equipment in Saudi Arabia, but that he was confident the issue would be worked out in time.

The bilateral military arrangements included the sale of sophisticated weapons, with Saudi Arabia accounting for over one fourth of total U.S. military sales. In September, Saudi Arabia received the first group of seventy-two F-15S fighter bombers contracted for immediately after the Gulf War.

In addition to military hardware, Saudi Arabia was a major source of large commercial contracts with U.S. companies. After intensive lobbying by senior administration officials, including President Clinton, Saudi Arabia awarded the Boeing Company and the McDonnell-Douglas Corporation with a \$6 billion dollar contract and gave American Telephone and Telegraph a \$4 billion dollar contract to expand the kingdom's telephone network. U.S. firms in general increased their investments in Saudi Arabia, making the U.S. by far the largest single foreign investor in the kingdom.

In September, Raymond Mabus, U.S. ambassador to Saudi Arabia, participated in a tour of major U.S. cities aimed at encouraging U.S. businesses to invest in the region, especially in the countries that were considered to be promoting the peace process. In his speeches Mabus praised the Saudi government's support for the peace process and reassured U.S. businesses that although Saudi Arabia lives among some "bad neighbors," referring to Iran and Iraq, the internal situation in the country was "very stable," emphasizing that Saudi Arabia plays a major role in supporting the U.S. in an area of vital interest to the U.S.

Occasional references to the need for promoting human rights in the Middle East in general were never followed by statements of concern about serious human rights violations in Saudi Arabia or the lack of political participation in the kingdom, where no elections of any kind were held and no public independent expression was permitted. With the exception of the annual recitation

of human rights abuses in the kingdom in the U.S. Department of State's Country Reports on Human Rights Practices for 1994, U.S. officials refrained from commenting on human rights, even when Saudi Arabia beheaded Abdalla al-Hudhaif in August—the first opposition activist to be executed—and when the rate of execution in the country for nonviolent drug offenses quadrupled during the year.

The policies of major European powers toward human rights in Saudi Arabia paralleled those of the U.S. in subordinating human rights to military and commercial ties. Both the United Kingdom and France assiduously cultivated the Saudi government for additional military and commercial contracts. In October, Charles Million, France's minister of defense, visited Saudi Arabia to promote French-Saudi military cooperation, including France's proposal to sell large numbers of France's advanced battle tanks. Million's visit was to be followed later in the year by visits by ministers of interior and foreign affairs, in preparation for a visit by French President Jacques Chirac scheduled for early 1996. France has been a major source of weaponry for the Saudi Arabian navy, which since 1980 has purchased French-made warships, missiles, and naval attack helicopters. In November 1994, France and Saudi Arabia signed a US\$3.8 billion contract for military equipment and training. Despite the many occasions in which Saudi and French officials met during 1995, French officials refrained from publicly voicing concerns over human rights abuses.

In an apparent effort to safeguard its close military and economic ties with Saudi Arabia, the British government was also silent on human rights abuses. In addition, during 1995, the British government took measures to prevent Saudi citizens from expressing their opposition to their government from London. The British authorities expelled Ahmed al-Zahrani, a former Saudi diplomat who defected and sought asylum in the U.K. after his book on Saudi policy was criticized by the Saudi ministry of interior. The British government also attempted to deport Dr. Muhammed al-Mas'ari, another Saudi dissident and spokesman of the CDLR, but was thwarted by British courts.

The Work of Human Rights Watch/Middle East

In 1995, despite the Saudi government's failure to approve Human Rights Watch/Middle East's request for an official mission to the kingdom, we continued our monitoring of human rights conditions and advocacy on behalf of victims of abuse in Saudi Arabia.

In July and August, a Human Rights Watch/Middle East representative investigated the repressive measures taken by the Saudi government against its political opponents since 1993. A report on the results of the investigation was pending.

In August, Human Rights Watch/Middle East issued a statement protesting the execution of the first Saudi Islamist opponent since the rise of Islamist opposition during the Gulf War. It also condemned the secret trial that resulted in harsh sentences for nine other Islamists.

In October, the Saudi ambassador to the United States reversed a longstanding policy and extended a conditional invitation for Human Rights Watch/Middle East to visit Saudi Arabia.

SYRIA

Human Rights Developments

Syria remained a tightly controlled society, with little space for its seventeen million citizens to exercise the full range of civil and political rights. A state of emergency, in force since 1963, still provides a convenient legal mantle for suspending basic constitutional freedoms. Open political activity was a privilege enjoyed only by the ruling Ba'th Party and the six smaller parties allied with it in the National Progressive Front. Unauthorized opposition groups—their ranks decimated by arrests throughout the 1980s—continued to operate clandestinely, their capacity to organize, disseminate information, and otherwise make their views known severely limited.

The country's legal system lacks procedures by which a group can obtain status as a party, and criminalizes peaceful political dissent. Since 1992, criminal statutes have been used to prosecute before a court of exception—the state security court—hundreds of known or suspected members of unauthorized political groups for vaguely formulated offenses such as "opposing any of the goals of the Revolution" and membership in organizations "created to change the economic or social structure of the state or the fundamental fabric of society."

Extremely slow-paced, unfair trials of those accused of membership in unauthorized political groups continued in Damascus before the three judge state security court, whose verdicts cannot be appealed to a higher tribunal. Many of the defendants had been imprisoned without charge since the 1980s. In trial sessions observed by Human Rights Watch/Middle East in April, judges ignored defendants' complaints about coerced confessions and torture under interrogation; there was limited or no access to competent lawyers prior to and during trials; and key stages of some proceedings—such as presentation of evidence by the prosecutor—took place outside the public courtroom, with the defendants not present. Fifteen-year sentences handed down by the court could keep some political and human rights activists imprisoned until the year 2002.

For the fifteenth year, authorities maintained their relentless punishment of a leading opposition figure, sixty-five-year-old lawyer Riad al-Turk, the head of the Communist Party-Political Bureau. He was arrested in October 1980 and remained detained without charge in an isolation cell in the basement of the Military Interrogation Branch in Damascus. In May, Human Rights Watch/Middle East received information that al-Turk's health had seriously deteriorated and his life was in danger. In a letter to President Hafez al-Asad, we urged his release on humanitarian grounds, and took the position that detention without charge for nearly fifteen years represented a blatant contradiction of Syria's stated commitment to the rule of law.

Releases in 1994 and 1995 reduced the already small group of Syria's longest serving known political prisoners to three. In January 1995, authorities freed Fawzi Rida, Abdel Hamid Muqdad, and former minister Muhamed 'Id Ashshawi, all of them detained without charge since 1970. The remaining three continued to be held despite the completion of their prison sentences over ten years ago. Jalal al-Din Mirhij and Mustafa Tawfiq Fallah, both of whom were reported in poor health in Mezze military prison, were arrested in 1970 and sentenced by the security court in 1971 to fifteen-year prison terms. Khalil Brayez, a former Syrian army officer and author of two books critical of Syrian military operations during the 1967 war with Israel, was abducted from Lebanon in 1970 and sentenced to fifteen years imprisonment in 1972. He too was held in Mezze prison. The continued detention of these men appears to be wholly arbitrary and they should be released. Interior Minister Muhammed Harba did not allow Human Rights Watch/Middle East to visit al-Turk, Fallah and Brayez when we requested access in April.

An estimated 500 to 600 political prisoners were freed in March and April, the largest number since the dramatic releases of several thousand long-term detainees in late 1991. While this was a welcome action, a prisoner's punishment did not end with his release. Former prisoners continued to be harassed and intimidated by the security apparatus. They have been summoned for questioning, threatened, asked to serve as informers, and warned to keep silent, explaining the reluctance of many to provide information to human rights investigators. Some prisoners were pressured to "give up politics" prior to release and to sign written loyalty oaths as a condition for release. Those convicted of offenses by the security court have been penalized with an accessory ten-year deprivation of civil rights following the completion of their prison sentences. They were barred by law from work in the state sector, even if they formerly held government jobs. They cannot vote, run for office, or serve in councils of syndicates or sects.

Some of the prisoners released in 1995 had been held incommunicado at Tadmor military prison since the early 1980s, in abysmally harsh conditions in the desert 200 kilometers northeast of Damascus. Many prisoners did not survive the deprivations at Tadmor. The body of one of them, Ahmad Khoula, was delivered to his family in Aleppo on October 28, 1994. Khoula, a teacher of Arabic, was thirty-one years old when he was arrested by security forces in Aleppo on June 5, 1980. It was not known if Khoula was alive or dead until 1991, when released prisoners brought news that he was in Tadmor. They said that he walked with a limp because one of his legs, fractured when he was tortured under interrogation in 1980, had never been properly treated. Authorities did not explain the circumstances of Khoula's death and provided no information about why he had been detained for over fourteen years.

We received reports during the year about incommunicado detention, but in some cases families were too afraid to release names and other details. In January, a man in his twenties from a village near Jableh was arrested upon arrival at Damascus airport. Waiting family members were given his luggage, and he was held incommunicado for over two months, then released without charge. He was reportedly arrested because he had written his family from Cyprus, where he had been employed, describing the contents of newspaper articles about Syria published there. A Jordanian citizen who entered Syria in 1993, to obtain information about the whereabouts of his

older brother who was arrested in Damascus in 1985 and held incommunicado, was himself taken into custody by security forces at the border. For the next month, family members made inquiries at various security agencies in Damascus, only to be told repeatedly that there were no records of his detention. In a meeting with the family in March 1995, we confirmed that the man was still "disappeared" as of that date.

In early 1995, there were incidents of violence against lawyers in Latakia. On February 14, two prominent lawyers, Dr. Burhan Zreg and Muhamed Radoun, were beaten in Sheikh Dhaher police station in the city center when visiting on behalf of a client who had been repeatedly harassed after he refused to pay one of the officers a large bribe. When the lawyers arrived, they were punched, kicked, and severely beaten by a dozen policemen, including officers, then dragged into the detention area and locked up for two hours. They were freed when members of the lawyers syndicate council arrived at the police station and facilitated their release. Following the attack, some 150 lawyers sent letters of protest to the national lawyers syndicate in Damascus. They were concerned and fearful because this was not an isolated case. In January, fifty-five-year-old lawyer Adam Aloush from Latakia had been beaten in the state security office, where he was visiting on behalf of a client. Colleagues said that his injuries kept him out of work for a month but that he remained silent. "He did not dare to complain. They threatened him," one lawyer told us. A March 1 order, signed by Interior Minister Harba and sent to the lawyers syndicate and all police stations, reminded the police to be "well mannered when dealing with people," but emphasized that lawyers were not permitted to interfere in police affairs. The government did not ease its unrelenting grip on civil society, and the country remained bereft of independent institutions. Syrian daily newspapers and electronic media were state controlled, books were subjected to pre-publication censorship, and academic freedom was limited. Operatives from security agencies scrutinized the activities of private associations registered with the Ministry of Social Affairs and Labor. They attended meetings and sometimes demanded information about the political affiliations of members.

There were arbitrary restrictions on freedom of movement of suspected dissidents and former political prisoners. According to lawyers, there was one blacklist for those prohibited from obtaining passports, and another for persons barred from travel abroad without permission of one or more security services. There was no semblance of due process when the right to travel was curtailed: the Interior Ministry did not provide reasons for the rejection of passport applications and exit permits.

Syria's Kurdish minority continued to suffer acute discrimination under the law. The consequences of a special census conducted in 1962 in northeastern Hassakeh governorate, which has the largest concentration of Kurds in Syria, remained a major issue. The village-by-village census arbitrarily stripped over 100,000 Kurds of their Syrian citizenship, reclassifying them as "foreigners," in violation of international law. Kurds with this status, who have been issued special red identity cards, were unable to obtain passports, were barred from employment in the state sector, and could not own property or businesses. This mass denationalization has affected an increasing number of Kurds over the years because the legal

status of parents was passed on to their Syrian-born children, who have been deprived by the state of their right to a nationality.

As of March 1995, there were 334,870 officially registered Palestinian refugees in Syria, with some 28 percent residing in ten refugee camps administered by the United Nations Relief and Works Agency. Information-gathering about human rights conditions in this community was exceedingly difficult. There were no independent Palestinian nongovernmental organizations in Syria, and the Damascus-based, anti-Arafat Palestinian political factions does not criticize the practices of their host President Asad. The refugee camps were reportedly under the surveillance of plainclothes forces from Military Intelligence, Political Security, and a joint body composed of representatives of both branches.

The Right to Monitor

The Syrian government does not recognize the right of its citizens to carry out independent monitoring and reporting of human rights abuses. When an emerging human rights movement became too vocal in late 1991, the state moved quickly and harshly to crush it. Suspected members and supporters of the Committees for the Defense of Democratic Freedoms and Human Rights in Syria (CDF) were arrested by security forces. In March 1992, fourteen were sentenced to prison terms ranging from three to ten years, following a trial before the state security court that did not meet international fair trial standards. Other than monthly visits with immediate family members, these activists have had no contact with the outside world. Two of them, forty-four-year-old lawyer Aktham Naissa (sentenced to nine years imprisonment) and thirty-three-year-old writer Nizar Nayouf (sentenced to ten years), were said to be suffering from medical problems that have not being adequately treated. The government did not allow visiting Human Rights Watch/Middle East representatives to meet with the men.

Although Syrian rights activists languished in prison, the government allowed international human rights organizations to carry out research. Human Rights Watch/Middle East was notified in January that a long-standing request to conduct a fact-finding mission had been granted. During the mission, which began in March, no restrictions were placed on the freedom of movement of our investigators and there was no overt surveillance of their activities.

Authorities were, however, unresponsive on issues such as access to prisons and political prisoners which were still deemed sensitive. In October 1994, a Human Rights Watch/Middle East representative had discussions in Damascus with senior government officials, including the interior minister, about visiting places of detention and meeting with prisoners, including Syrian rights activists. The request was not turned down at that time. On March 29, while the mission was in progress, Justice Minister Hussein Hasoun informed us that we would be allowed to visit any civilian prison in the country that was under the supervision of his ministry. All facilities where political prisoners were being held, however, were closed to us as they were under military or security apparatus control: they included Tadmor, Sednaya, and Mezze prisons, the Damascus detention center of the Military Interrogation Branch of Military Intelligence, and the section of Adra prison controlled by Political Security. We responded on April 1, with a letter to Interior

Minister Harba requesting a meeting to discuss access to these facilities and political prisoners. The letter was not answered.

The Role of the International Community

Diplomatic efforts to secure the long-sought Israeli-Syrian peace deal once again eclipsed any sustained focus on the Asad government's human rights performance. Overwhelming public silence marked the approach of both the U.S. and European Union toward specific aspects of Syria's human rights record. There appeared to be an unspoken agreement to keep specific human rights concerns off-limits while peace-process negotiations continued. We were aware of no vigorous bilateral or multilateral efforts in 1995 to press Syrian authorities for measurable human rights improvements. The government's decision to welcome visits by international organizations and allow them access to security court trials and senior officials, while a positive step, was no substitute for substantive reforms to ensure civil and political rights.

The European Union

On June 15, the European Parliament passed a strongly worded resolution, citing "continued violations of human rights" in Syria. The resolution deplored the fact that the European Commission had not yet submitted to the parliament a report on human rights in Syria and the results of the November 1994 meeting between the Syrian foreign minister and European Union (E.U.) foreign ministers. In July, Human Rights Watch/Middle East urged the European Council of Ministers and the European Commission to present the progress report on human rights in Syria to the European Parliament, in accordance with the commitment made by the commission during the December 1993 debate on the Fourth Protocol on financial and technical cooperation with Syria. The approval of this protocol released a five-year E.U. aid package of over \$178 million to the Asad government.

The United States

The improved bilateral relationship between the U.S. and Syrian governments—and continuing high-level diplomatic contacts between the two states—presented an important opportunity for a more assertive and vocal U.S. role in addressing ongoing rights violations. Yet, aside from the strong language in the State Department's Country Reports on Human Rights Practices for 1994, there were no public statements from Clinton administration officials during the year about human rights in Syria, except in the most general, inscrutable terms. "We have a number of serious differences with Syria on a variety of issues. We continue—frequently and at the highest levels—to make our position on issues such as human rights ... clear to the Syrian government," was the written answer of Assistant Secretary of State Robert H. Pelletreau to a question for the record submitted by Representative Lee Hamilton of the House of Representatives International Relations Committee on August 2.

U.S. diplomats, however, did have a positive reaction to our July recommendation to all embassies in Damascus that representatives attend security court trials. As of this writing, Human Rights Watch/Middle East understands that the U.S. embassy in Damascus was actively

considering how to implement this recommendation in coordination with other interested governments.

The United Nations

Human Rights Watch/Middle East understood that gross violations of human rights in Syria were under examination through the confidential Resolution 1503 procedure of the U.N. Economic and Social Council.

The Work of Human Rights Watch/Middle East

Our work during the year combined extensive field research in Syria with continuing contact with Syrian government officials and advocacy efforts urging greater activism on behalf of human rights by the U.S. and European Union. In November 1994, we circulated a briefing paper in advance of the November 28 meeting in Brussels between European Union foreign ministers and Syrian Foreign Minister Farouq al-Shar'a. It expressed concern about the absence of human rights as an official agenda item for the meeting. We had learned that human rights would only be raised in a "discreet manner" following the meeting, during bilateral talks between the Syrian foreign minister and the European Union President, then German Foreign Minister Klaus Kinkel, and European Commission President Jacques Delors. We sent the briefing document to Kinkel and Delors, and urged that the issues it raised be seriously discussed during the bilateral talks.

Human Rights Watch/Middle East conducted a fact-finding mission in Syria from March 23 to May 8. In July, we published *Syria: The Price of Dissent*, a fifty-four-page report on security court trials, torture, and the continuing pressures on political prisoners after release. The report, based on information collected during the mission and observation of security court proceedings, included the Syrian government's response to a detailed written summary of the major findings which we provided prior to publication.

Our representatives returned to Syria from July 19-25, following the publication of the report. Despite repeated contacts prior to and during this visit with the Syrian Foreign Ministry in Damascus and the Syrian embassy in Washington, D.C., there was no response to our request to meet with government officials to discuss the report.

On July 12, we wrote to the Syrian Ministry of Foreign Affairs and expressed our desire to return to Syria later in 1995 to undertake additional research. As of this writing, we were waiting for an affirmative response from the government.