

MIDDLE EAST OVERVIEW

Human Rights Developments

A preoccupation with political violence and the spread of militant Islamist movements tended to obscure the underlying reasons for the sorry state of human rights in the Middle East and North Africa. A combination of forces—a thriving civil society, a vociferous press, an independent judiciary, relatively free elections, regional human rights bodies, and effective third-party engagement—were potential remedies around the world to abuses such as mass arrests, torture, and the suppression of associations and media. But throughout much of the Middle East and North Africa, these accountability-enhancing factors were either nonexistent or weak, largely due to government pressure. Authorities therefore encountered relatively few constraints on their abusive conduct.

It was therefore unsurprising that human rights activists from the region, when discussing the priorities of their work, stressed the need to preserve the shrinking space that is permitted to institutions and forces that expose and protest abuses.

Of course, in some countries, authorities allowed no such space at all. Syria, Iraq, Saudi Arabia, Bahrain, and Libya allowed no independent media or human rights organizations. In these countries, open criticism of the government put a person at immediate risk of imprisonment or worse.

In those countries that allowed a measure of freedom of association and expression, governments chipped away at the exercise of these rights. In Algeria, Tunisia, Jordan, Egypt, and the Palestinian self-rule areas, former members of parliament, professors, writers, cartoonists and human rights activists were detained or imprisoned for peaceful political criticism.

In Egypt, a new press law limited conditions under which new newspapers could be established and criminalized expression deemed insulting to the president, although journalists and others successfully fended off more draconian legislation. A controversial move by the Lebanese government in September required the country's scores of privately owned but unlicensed radio and television stations, unrivaled in the region, to stop political programming immediately and cease all operations by November 30. Of the four television stations licensed in September, one was owned by the prime minister, another by the interior minister's brother, and the third—not yet in existence—by the speaker of the parliament.

Laws on defamation were misused to impose harsh penalties for criticism of government officials or institutions, chilling the press in Morocco, Algeria, and Tunisia. Palestinian journalists and human rights activists wound up in Palestinian jails for “insulting” President Arafat or appearing to question his policies. In Jordan, Leith Shubeilat, a prominent independent Islamist, received a three-year sentence because his criticism of government economic policies and the peace process with Israel was held to have violated the dignity of King Hussein. But on November 8, he was released by royal decree.

Iranian journalists convicted of “publishing lies” or “defamatory” reporting on government policies were punished with lashes and prison sentences. Some of their outspoken compatriots risked even cruder punishments at the hands of well-organized zealots loyal to government factions, who shouted down, beat, or vandalized the property of dissidents. In Yemen, physical assaults on government critics by plainclothes thugs appeared to be one of the activities of the Political Security Organization, an agency that reported directly to the president.

Laws on associations and political parties were another means of hobbling independent

institutions in countries that officially permitted them. In Lebanon, the Ministry of Interior refused to acknowledge receipt of the written notice required from newly formed organizations, turning what should be a *pro forma* procedure into a means of imposing an aura of illegality on the groups and scaring off their potential members. In Egypt, the newly formed Wasat Party was denied permission to function, as were most political parties that sought legal authorization under the Political Parties Law of 1977. In Tunisia, a law remained on the books that denied organizations considered to be “of a general character” the right to choose their own members; fortunately, an administrative court in 1996 exempted the Tunisian Human Rights League from this law.

Independent judges were an endangered species, where they existed at all. The Yemeni authorities threatened to reassign one of the country’s foremost independent judges to a small village, and pressed for the Judges’ Association to be opened to membership by prosecutors as well, a move judges held would impair its independence. Elsewhere, the executive authority sought to bypass independent judges and the fair trial guarantees of ordinary courts by prosecuting dissidents and critics in alternative court systems. President Mubarak ordered the transfer of the case of thirteen prominent Muslim Brothers from a civilian court to a military court, which handed out prison terms to seven of the defendants, a one-year suspended sentence to another, and allowed no appeals of the verdicts. In the Palestinian autonomous areas and in Bahrain, state security courts dispensed hasty and unfair justice. Nor were Syria’s state security court disbanded during the thirty-fourth year of that country’s state of emergency. And Israel tried West Bank Palestinians in military courts that failed to provide due process guarantees.

Torture was ingrained in many countries of the region in part because judges extracted no price for its practice—a pattern that persisted because it was either encouraged or tolerated by governments. Torturers were rarely punished, and judges routinely accepted into evidence confessions without probing defendant allegations that the confessions had been extracted through torture. In Algeria and Tunisia, for example, defendants’ rights to request a medical examination during their interrogation—their best chance for proving torture—was routinely violated, with no adverse consequences for the prosecution. In both countries, as in Saudi Arabia and Bahrain, uncorroborated confessions by defendants or by other suspects under interrogation were frequently the sole basis for convictions.

Despite the pervasiveness of violations, Human Rights Watch knew of only isolated cases over the last several years — in Israel, the Palestinian self-rule areas, and Morocco — where members of the security forces were punished in a transparent fashion for violently abusing the rights of civilians. Not surprisingly, all three were places where pressure was exerted on the authorities by some combination of local rights organizations, a relatively open environment for the press, and international pressure. Several other governments claimed to have punished abusers, but their vague assertions, which lacked verifiable details, failed to dispel suspicion that these claims were mere public relations gestures.

Human rights protection in the Middle East was weakened also by the absence of regional bodies other than nongovernmental organizations committed to promoting human rights. The main regional political institution, the Arab League, decried Israeli behavior toward Palestinians while pronouncing not at all on the human rights performances of its member states. The region had no counterpart to the Inter-American Court of Human Rights or the European Court of Human Rights (although all North African nations except Morocco, as signatories of the African Charter on Human and Peoples Rights, participated in the relatively weak African Commission on Human and Peoples Rights). The Israeli-Palestine Liberation Organization peace process, despite the prospect for further Israeli

military redeployment and greater Palestinian self-rule, yielded few human rights improvements during 1996. Invoking security concerns heightened by a series of suicide bombings, Israeli authorities at the highest level authorized harsh interrogation methods that, in practice, often amounted to torture, and imposed closures on the West Bank and Gaza Strip that restricted the movement of Palestinians more tightly than at any time since the Gulf War, devastating the Palestinian economy and creating a humanitarian crisis. Under pressure from Israel to "fight terrorism," the Palestinian Authority carried out mass arbitrary arrests, holding suspects without charge for lengthy periods or referring them to the State Security Court, where the chance for a fair trial was nil.

The several elections that took place in the region illustrated the weakness of institutional restraints on coercive state behavior. Egyptian authorities, not content merely to ensure a landslide for the ruling National Democratic Party in the late 1995 parliamentary elections, also cracked down on those who supported opposition candidates or protested voting fraud. Security forces arrested over 1,300 supporters of Islamist candidates between the two rounds, and barred meetings between some opposition candidates and the public.

Algerians, hungry for an opportunity to participate in normal political life after four years of strife, voted in large numbers in the November 1995 multiparty presidential elections. But the terms of the elections were dictated by the unelected government, which censored and harassed those favoring a boycott of the vote.

The elections in the Palestinian self-rule areas in January were relatively successful, thanks in part to the mobilization of Palestinian civil society and the engagement of the international community. The resulting legislative council emerged as the premier forum for airing human rights complaints against an increasingly repressive Palestinian executive.

The Iranian authorities manipulated the parliamentary vote in March and April primarily through the power of the Council of Guardians, composed of senior clerical figures and religious jurists, to disqualify candidates on the basis of politically motivated criteria and to nullify voting returns.

In Kuwait's parliamentary election in October, only 107,000 "first-class" Kuwaiti male citizens out of a total Kuwaiti population of about 700,000 were eligible to vote.

Syria continued to invoke the state of war with Israel to justify its emergency law. The governments of Tunisia and Algeria, meanwhile, focused on the challenge from Islamist militants as the grounds for curtailing rights and limiting dissent.

In countries that actually suffered repeated acts of political violence during the year, these acts became the pretext for circumscribing a broad array of rights and for attempting to discredit human rights concerns. The Egyptian government informed a U.N. committee that its investigation of torture in Egypt could be seen as "encouraging terrorism." The Algerian authorities blocked issues of an opposition weekly devoted to human rights on the grounds that they constituted an apologia for terrorism. In response to deadly bombings, the Israeli and Saudi authorities carried out mass and arbitrary arrests, often severely mistreating those brought in for interrogation.

To be sure, militant movements posed vexing security dilemmas and were major perpetrators of abuses. Some Islamist movements embraced indiscriminate violence and a discourse of extreme intolerance. Their deadly campaigns targeted civilians as well as security forces. Statements they issued threatened various groups and individuals on the basis of their beliefs or their ethnic or social identities. Islamist groups in Algeria continued to assassinate journalists, intellectuals and ordinary citizens in what was the region's bloodiest ongoing conflict during 1996.

Such targeting by militants of unarmed civilians, as also occurred in Israel and Egypt,

violated basic norms of international humanitarian law. In Human Rights Watch's view, the prohibition of the intentional killing of civilians applies to all political violence, whether it is classified as internal strife or rises to the level of an armed internal conflict.

Although the region was spared full-fledged wars between states during 1996, Israel in April launched a major operation in Lebanon north of the zone it occupies in the south of the country, claiming as its justification Hizballah attacks on Israeli military and civilian targets. The intense seventeen-day conflict, which Israeli authorities named "Operation Grapes of Wrath," brought war to much of Lebanon, including Beirut, and to northern Israel. Israel, with its superior firepower and control of the skies, responded in a disproportionate fashion to Hizballah's mortar shells and Katyusha rockets, causing by far the most civilian casualties and damage to homes and civilian infrastructure. While it inflicted no Israeli civilian deaths during this conflict, Hizballah's indiscriminate fire toward towns in northern Israel violated humanitarian law, as did, on some occasions, its launching of artillery from or near civilian settlements.

In the deadliest single incident of this or any other conflict in the region during the year, Israeli artillery shells hit a UNIFIL compound on April 18 in the town of Qana that was sheltering hundreds of civilians, of whom 102 died. Israeli authorities claimed that they were unaware Lebanese civilians had sought refuge at the base, and that they were aiming not at the base but at a nearby Hizballah mortar site. Investigations by the U.N. and Amnesty International into the pattern of Israeli artillery strikes cast doubt on whether the hits on the base were the result of an accident. Israeli officials rejected their conclusion.

Like the conflict in south Lebanon, the dispute in the Western Sahara dates to the 1970s. Although the cease-fire between Morocco and the Western Saharan liberation movement known as the Polisario Front remained in effect, there was no progress toward holding the U.N.-conducted referendum that both parties have accepted. In that referendum, Sahrawis would choose between independence or integration into Morocco. The free and fair nature of the referendum had already been compromised by evidence of U.N. partiality and a lack of control over the voter registration process, as well as by Morocco's intimidation and unfair conduct designed to influence the voter registration process. In May, the U.N. Security Council extended the U.N. operation's mandate but formally suspended the voter registration process, which had been stalled since September 1995 and was already five years behind schedule. This impasse put on hold the fate of some 100,000 to 165,000 Sahrawi refugees living in harsh camp conditions in southwestern Algeria, as well political prisoners and at least 1,900 prisoners of war being held by both sides.

The bleakness of the human rights picture in Iraq deserves special mention. The Iraqi people had to contend not only with a government that liquidated its critics, but also with post-Gulf War trade sanctions imposed by the U.N. Security Council. Because the Security Council and President Saddam Hussein could not agree on the terms of Iraqi oil sales that would pay for importing humanitarian goods, thousands of Iraqi civilians died from preventable illnesses and malnutrition-related causes. Meanwhile, in the Kurdish region in northern Iraq, whose de facto autonomy had been protected by a Western military alliance, fighting between rival political groups hobbled the local government set up in the aftermath of the Gulf War, attracted Iraqi and Iranian military incursions, and led to scores of arbitrary killings and other grave abuses. As always, Kurdish civilians were the big losers.

One positive note in 1996 was the increasing visibility of the women's movement in Morocco, Tunisia, Egypt, the West Bank and Gaza Strip, Jordan, Kuwait and elsewhere. Fighting abuses that ranged from the practice of female genital mutilation in Egypt to the denial of suffrage in

Kuwait, women's rights activists struggled against prevalent interpretations of Islam that blatantly discriminated against women in many realms of life and contributed to a judicial laxness toward violence targeting women. While its successes were modest, the movement's perseverance in the face of government pressures and social hostility insured that it would be one element of civil society that was certain to make itself heard in the coming year.

Working closely with women's organizations in the region, the Women's Rights Project of Human Rights Watch conducted fieldwork in Morocco and Egypt during 1996. In Morocco, we looked at discriminatory aspects, in the text and in practice, of the code of personal status, which relegates women to the status of minors throughout their lives. In Egypt, we began an investigation into problems of discrimination under the law and into violence within the family, including spousal abuse and female genital mutilation.

The Right to Monitor

About half the governments in the Middle East and North Africa tolerate some domestic monitoring of human rights. Groups in Israel, the West Bank and Gaza Strip, Jordan, Egypt, Algeria and Morocco all published reports that contained strong criticism of their respective authorities; independent groups also functioned in Tunisia, Lebanon, Kuwait, and Yemen.

However, during 1996, human rights activists in Syria, Tunisia, and the Israeli- and Palestinian-controlled areas of the West Bank and Gaza Strip were either detained or were serving prison terms handed down in past years. Activists in the Committees for the Defense of Democratic Freedoms and Human Rights in Syria (CDF) were serving the longest terms—up to ten years.

International human rights monitors could do field work in several areas with relative freedom, including Morocco, Egypt, Israel, the West Bank and Gaza Strip, Lebanon, Jordan, Kuwait and Yemen. Algeria allowed a mission by Amnesty International, despite its past criticism of the government's record. Iran allowed its first-ever mission by Human Rights Watch. Syria declined Human Rights Watch's requests for a visit, at least through the month of October, in contrast to its assent to a seven-week-long mission in 1995. Tunisia refused some groups while allowing others, only to subvert their work through heavy-handed and intimidating police surveillance. Human rights missions to Iraq were out of the question due to the risks they would pose for Iraqis who shared critical information, unless the scope of the mission was limited to assessing the effects of the U.N.-imposed sanctions. Saudi Arabia did not deviate from its policy of allowing no access for international organizations. Bahrain ignored a request for a formal mission by Human Rights Watch, which sent a researcher informally to the country.

The International Community

Western governments largely wrote off the promotion of human rights in the Middle East and North Africa, as if the political sensitivity and volatility of the region made human rights concerns an unaffordable luxury. The objectives of preserving the Israeli-PLO peace process, protecting friendly governments of oil-rich nations from internal and external threats, and checking the spread of militant Islamism led Western governments to downplay the promotion of human rights in the region.

The U.N. was engaged in human rights work in a number of countries. Special rapporteurs were assigned to cover human rights in Iran, Iraq and the Israeli-occupied territories. There was also some bold specialized work, such as the Committee against Torture's report on Egypt. But none of the major U.N. operations in the field featured as a chief part of their mandate the monitoring of

rights conditions. (U.N. efforts to deploy human rights monitors inside Iraq were rejected by Baghdad.) UNIFIL in southern Lebanon carried out humanitarian work during Operation Grapes of Wrath, sheltering some 5,000 Lebanese civilians on its bases. It also organized convoys to evacuate residents who wished to flee the military conflict, and brought food, medicine, and other relief supplies to civilians unable or unwilling to leave their homes. UNIFIL vehicles and humanitarian aid convoys came under dangerously close Israeli fire during the conflict but its forces suffered no casualties.

On the other hand, the U.N. contributed to a humanitarian crisis and the continuing loss of life in Iraq through its six-year-old sanctions regime, as the Security Council and President Saddam Hussein again failed to settle on terms for Iraqi oil sales to generate the revenue that would enable the Iraqi government to purchase basic foodstuffs and medical goods desperately needed by the Iraqi people.

The European Union devoted its most significant effort in the region to projects in the Palestinian self-rule areas. It assisted in the well-run monitoring of the January elections, and pledged material assistance and training to the legislative council, which emerged as the leading forum for raising human rights concerns in the self-rule areas.

The E.U. institutions occasionally raised human rights concerns elsewhere in the region during 1996, but did not do so in a systematic way. While a welcome resolution was passed by the European Parliament on the deterioration of rights in Tunisia, Syria earned E.U. praise for its economic policies and silence about its rights record.

Although the association agreements that the E.U. initialed with Tunisia, Morocco, and Israel contained a human rights clause, it remained to be seen whether this would have a practical effect on the trade and aid relationships that the E.U. was entering into with these countries.

United States

In an October 1995 speech, Assistant Secretary of State Robert H. Pelletreau declared, "The development of democracy and human rights—for the two go together—has been and remains central to U.S. foreign policy." And the assessments contained in the State Department's *Country Reports on Human Rights Practices for 1995* were comprehensive and appropriately critical. But the gap remained huge between the frank *Country Reports* and actual U.S. practice in attempting to develop democracy and human rights.

The U.S. had considerable potential leverage in the region. Aid to Egypt and Israel accounted for nearly half of the \$12 billion that the U.S. spent on foreign assistance worldwide. The U.S. was the world's leading exporter of conventional arms to the Middle East and North Africa, which was the largest purchasing region in the developing world. For the most part, the U.S. declined to condition these aid and arms-trading relationships on improvements in human rights practices. In 1996, President Clinton and his cabinet secretaries largely avoided the subject of human rights in the Middle East, except in their frequent denunciations of terrorism. Assistant Secretary of State for Democracy, Human Rights and Labor John Shattuck had not been to the region since early 1994, although a trip was under discussion for late 1996. Chief responsibility for articulating policy concerning human rights developments was left to Assistant Secretary Pelletreau.

In his October 1995 speech, Secretary Pelletreau cautioned that U.S. support for democratic principles, and by implication human rights, "needs to be viewed in the context of other priorities," which he listed as securing peace between Israel and Arab states, maintaining Israeli security and well-being, assuring stability in and commercial access to Persian Gulf countries, supporting U.S.

business interests, and combating terrorism and the proliferation of weapons of mass destruction. Overall, it was not a good year for the U.S. administration in the Middle East. The Arab-Israeli peace negotiations stalled and at times appeared close to collapse; the Israeli-Lebanese border again erupted in war; militant opposition groups in Saudi Arabia launched deadly attacks against U.S. military targets; and both the Iraqi and Iranian military launched incursions into the foundering, Western-backed Kurdish autonomous enclave in the north of Iraq.

Under these circumstances, the U.S. spent much of its time putting out policy fires and little time promoting human rights. Apart from the *Country Reports* there was no public expression of concern for the human rights behavior of Syria or Egypt, both key players in the Arab-Israeli peace process. Senior U.S. officials voiced understanding for Israel's harsh response to Palestinian suicide bombings in February and March, although that response quickly amounted to harsh collective punishment for all Palestinians. In April, when heavy fighting erupted between Israeli and Hizballah forces in south Lebanon, U.S. officials repeatedly condemned Hizballah targeting of Israeli civilians but spoke not a word of public criticism of Israeli indiscriminate bombardment and disproportionate attacks that killed or injured hundreds of Lebanese civilians.

Keeping Israeli-Arab negotiations afloat also meant that Clinton administration attention to serious human rights abuses by the Palestinian Authority was confined to high-profile cases such as that of Dr. Eyad al-Sarraj, and was offset by high-level U.S. emphasis on the need for the PA make "combating terrorism" its highest priority, whatever the cost in human rights.

With regard to its allies in the Persian Gulf, the U.S. came close to covering up for human rights abuses during the year. Here, the *Country Reports* were revealing. The chapter on Saudi Arabia indulgently presented the government's brand of religiously cloaked repression as "rigorously conservative" while discrediting the opposition groups as "rigidly fundamentalist." In testimony to the House Committee on International Relations in September, Assistant Secretary Pelletreau acknowledged that "internal tensions exist in many GCC [Gulf Cooperation Council] states—notably Bahrain" but went on to say, "All the GCC states are able to work with internal opposition effectively," implicitly condoning by omission the repressive practices of many of the GCC governments, Saudi Arabia and Bahrain in particular.

In North Africa, a region of less strategic interest to the U.S. than to France, U.S. policy was more engaged. Human rights formed a regular component of statements by U.S. officials concerning Algeria, albeit with an emphasis on "democratic rights" such as press freedom and political participation, at the expense of torture and summary executions--abuses whose victims were primarily Islamists and their sympathizers. The U.S., through an active embassy staff, also showed concern for Tunisia's relentless persecution of opposition and human rights activists. But Secretary Pelletreau's unseemly praise, while visiting Tunisia, for President Ben Ali's attachment to human rights signaled to governments that the U.S. was ready to tone down human rights criticism in exchange for the pursuit of U.S.-backed policies in other realms, such as support of the Israeli-Arab peace talks.

The Work of Human Rights Watch/Middle East

The division devoted much of its resources to addressing humanitarian crises and working to preserve the fragile space in which civil society can function. We also increased the number of collaborative efforts with other nongovernmental organizations, our advocacy at the U.N., the number of our publications that were translated into Arabic, and our Farsi-language broadcast work. In the realm of armed conflict situations, we sent delegations to Lebanon and northern Israel

beginning in May to document violations of the laws of war during Israeli-Hizballah fighting. Together with the Arms Project of Human Rights Watch, we issued our first report on the subject, *Civilian Pawns*.

Humanitarian issues of another kind were covered in a study of Israel's closure of the West Bank and Gaza Strip. That report argued that as an occupying power, Israel was ultimately responsible for ensuring the welfare of the Palestinian population under its occupation and, by its indiscriminate and debilitating closure of the territories, was in breach of that solemn duty. Human Rights Watch staff met with Israeli officials to discuss the recommendations of both reports, and urged donor countries to give priority to addressing the closure of the territories in their démarches with Israel. Staff also met with Hizballah officials to stress that the targeting of civilians, whatever the supposed justification, was a violation of humanitarian law. Human Rights Watch wrote to Secretary of State Warren Christopher and Syrian President Hafez al-Asad, urging them to press both Israel and Hizballah to cease their violations of the laws of war. Articles on the conflict by Human Rights Watch staff appeared in the *Boston Globe*, the *Washington Post*, the Arabic daily *Al-Hayat* (London) and other media. We also raised our concern, in letters to Secretary Christopher and in a meeting with the State Department's Special Middle East Coordinator Dennis Ross, that the U.S. was ignoring human rights in its support for the peace process.

A mission in July examined abuses and intimidation tactics for which the Palestinian Authority was responsible in the West Bank and Gaza Strip. Human Rights Watch testified before a U.S. House of Representatives committee on that subject on July 23. We also urged donor countries to address the subject at an international donor meeting in Washington in September. In October, a mission probed allegations of the use of excessive force toward civilians during the fierce clashes that broke out between Israeli forces and Palestinians in late September.

Highlights of the year included our first-ever authorized mission to look at human rights in Iran. A report, issued before the first round of parliamentary elections, documented how authorities disqualified independent candidates or undermined their ability to compete. Throughout the year, in written interventions and press interviews, particularly Farsi-language radio broadcasts heard in Iran and elsewhere, we criticized repressive laws and the persecution of independent journalists and thinkers. In Human Rights Watch's annual awards ceremony for human rights monitors in November, we honored a courageous Iranian lawyer and rights activist, Shirin Ebadi.

Although Syrian authorities did not approve our request for a mission during the first ten months of 1996, we issued two reports based on our seven-week visit in 1995 and on follow-up research, and wrote four times to President Asad. A report on Syria's Tadmor prison, published in April, called on authorities to discontinue the practice of transferring civilians to this infamous military facility. We recommended that authorities provide detailed information to families about relatives who died or were executed at Tadmor over the last sixteen years. *Syria: The Silenced Kurds*, issued in October, detailed violations of the rights of the Kurdish minority, including denial of citizenship and arbitrary state actions against suspected Kurdish political activists. The report included a detailed response from the Syrian authorities.

The report on the Kurds publicized the existence of the *maktoumeen*, a subcategory of some 75,000 stateless Syrian-born Kurds. In October, a Human Rights Watch representative briefed the U.N. Committee on the Rights of the Child about stateless Syrian Kurdish children.

Work on the government of Lebanon's record included a mission in July and August and three letters to the Lebanese government. We condemned the curfew that was imposed on Beirut and all other large cities on February 29 that prevented citizens from participating in peaceful

demonstrations. In August, we protested tactics of the Interior Ministry that in recent years had prevented nongovernmental organizations from obtaining legal status pursuant to Lebanese law; the letter was reprinted in the Beirut daily *An-Nahar*. We wrote again in October about continuing “disappearances” of Lebanese civilians and Palestinian refugees in Lebanon who were detained by Syrian security forces and transferred to Syria. All of these letters went unanswered. On October 17, Human Rights Watch staff questioned Prime Minister Hariri at a public appearance in Washington about Lebanese complicity in the disappearances.

Our work on Egypt focused on the expanding role of the military justice system in civilian political life, restrictions on freedom of association, and the erosion of free expression and tolerance. We visited Egypt in November 1995, and wrote an open letter to President Mubarak about the repressive climate in which the upcoming parliamentary elections would be held. We also investigated the military court trial of eighty-one Muslim Brothers and attended the session at which the verdicts were announced. On November 25, 1995, we issued a press release in Cairo jointly with the Egyptian Organization of Human Rights (EOHR) that announced the availability of reports issued separately by both organizations concerning the trial. We returned to Egypt in July and issued a detailed press release in advance of the August military court ruling in the trial of another thirteen Muslim Brothers.

A mission to Tunisia in March studied the elaborate campaign of the authorities to monopolize all discussion about human rights conditions in the country, including the persecution of human rights monitors and interference with the work of domestic and international human rights organizations. Our subsequent interventions, which included open letters to President Ben Ali and interviews with the press, focused on the repressive measures taken against Tunisians who raised their voice about human rights.

In keeping with our policy of according top priority to defending human rights activists who face persecution, we intervened not only on behalf of Tunisians, but also on behalf of Algerian human rights lawyer Rachid Mesli when he was abducted by security forces, Palestinian human rights workers who were arrested by the Palestinian or by the Israeli authorities, and Syria's Nizar Nayouf, an imprisoned human rights activist held in solitary confinement in a military prison. We also defended political figures when they faced persecution because of the nonviolent expression of their views. A letter to Jordanian authorities in February criticized the prosecution of Leith Shubeilat (see above).

Human Rights Watch protested to British authorities their effort to deport outspoken Saudi dissident and asylum applicant Muhammad Mas'ari in response to pressure from Saudi authorities. We also wrote to the chairmen of three British defense firms that had lobbied their government to satisfy Saudi demands with regard to Mas'ari, drawing their attention to Saudi Arabia's dismal rights record and the unseemliness of their urging Britain's democratic government to take measures against a critic of the Saudi record.

Human Rights Watch conducted a research mission to Bahrain and interviewed Bahraini exiles elsewhere in the region. A long article about Bahrain by Human Rights Watch staff appeared in the July issue of *Le Monde Diplomatique*. An abridged English-language version appeared in *Middle East Report* and prompted a reply from Bahrain's ambassador to the U.S. We also briefed U.S., French, and British officials about the situation in Bahrain, and presented our concerns to the embassy of Bahrain in Washington.

Our collaborative efforts with other organizations in 1996 went beyond our frequent joint communiques with other U.S.-based human rights organizations. These included:

an August 1 letter co-signed by the Moroccan Organization for Human Rights and the Paris-based Reporters without Borders urging Syrian President Asad to release eight imprisoned journalists; a September 23 letter to President Ben Ali on the deteriorating human rights conditions in Tunisia, co-signed by Amnesty International and three other organizations; an October 1 letter co-signed by nine other groups urging the U.S. administration to address the human rights dimensions of the crisis in northern Iraq; and a joint declaration condemning the Egyptian court decision that declared Professor Nasr Abu Zeid an apostate for his writings on Islam and ordering his wife's divorce from him. We enlisted twenty-one human rights, women's rights, Arab-American and Muslim organizations to sign the declaration, which was translated into Arabic and widely circulated.

ALGERIA

Human Rights Developments

The year began with much hope for progress in ending Algeria's civil strife. The high turnout for the November 1995 presidential election, despite threats from Islamist armed groups against those who voted, appeared to give incumbent Liamine Zeroual a mandate to break the political deadlock. But the year since the election disappointed those who looked to the president to initiate a meaningful opening toward opposition parties. Zeroual announced a referendum on constitutional reform to be held in November 1996, and plans to hold legislative and municipal elections sometime in 1997. Despite formal consultations with Algeria's political parties, the government seemed to dictate the terms of these initiatives with minimal input from the parties.

The lull in political violence around the presidential elections proved short-lived. Murderous attacks by Islamist groups, government-organized "self-defense" militias, and the regular security forces brought the estimated death toll since 1992 to more than 50,000. Precise data was notoriously elusive on how many persons were killed, by whom and why they were targeted, owing to strict government censorship and the hazards of investigating the violence. In addition, responsibility for most killing went unclaimed, and the sources of warnings and claims could not always be authenticated.

The endemic violence dated to 1992, when the military-backed government canceled the all-but-certain victory of the Islamic Salvation Front (Front Islamique du Salut, FIS) in parliamentary elections, outlawed that party and declared a state of emergency that remained in effect in 1996. The decentralized armed resistance was composed of FIS loyalists and radical breakaway factions. Some Islamist groups targeted civilians in blatant violation of the most elemental humanitarian norms, assassinating relatives of security-force members as well as journalists, intellectuals, popular singers, and other figures whose personal politics or profession they deemed hostile to their Islamist enterprise. Car bombs and other explosive attacks took the lives of hundreds of civilians and caused tremendous damage to public and private property.

The regular security forces and militias also committed gross abuses, including extrajudicial executions, "disappearances" and torture. Persons arrested by the security forces were sometimes later found dead, their deaths attributed to armed clashes or attempted prison escapes.

The practice of administrative detention, permitted under 1992 emergency laws, was employed little if at all in 1996, and the camps housing administrative detainees since 1992 have been closed.

Despite this welcome development, large numbers of Algerians continued to be arrested and held without charge. Persons seized by armed plainclothesmen, acting without arrest warrants, have “disappeared” for two years or longer in secret, unacknowledged detentions. That the security forces were responsible for abductions was evident from eyewitness accounts of the arrests, the testimony of some who were seized and later released, and reported sightings of some of the “disappeared” by other prisoners at detention centers. But families and lawyers found it impossible to obtain any information from authorities about the status and location of those who had been seized in this manner.

Suspected Islamists were frequently subjected to torture during interrogation. Human Rights Watch received testimony from a twenty-seven-year-old engineer arrested in December 1995 who underwent many of the methods commonly employed: “An interrogation session began with blows to my private parts, and was followed by questions. Then blows at my head. The blood flowed from my nose. A torturer they called ‘Ten’ began with the ‘washrag’ method: a washrag soaked in cleaning fluids stuffed down the detainee’s mouth.... The interrogation lasted three days, that is thirty-six hours of ... blows, [beatings with] electric cables, the ‘washrag,’ deprivation of food and water...” There were also credible reports of electric shock being used on detainees.

Arrests and detention often violated procedures set forth in Algerian law. Suspected Islamists were held incommunicado beyond the legal limit of twelve days while their families were not informed of their whereabouts. Their right to a medical examination to document physical mistreatment was routinely ignored by investigating judges. Then, when defendants repudiated statements made under interrogation on the grounds of coercion, judges systematically refused to rule them inadmissible or to investigate the allegations, noting the absence of medical certificates that would corroborate torture allegations. Suspects were routinely convicted on the basis of confession evidence, and legal safeguards against torture did not function.

The arrest of human rights lawyer Rachid Mesli showed how the security forces flouted laws even when handling a well-known figure. On July 31, Mesli was arrested on a street in an Algiers suburb by four armed individuals who did not present a warrant or identify themselves. His family did not know if he had been arrested by police or abducted by one of the groups responsible for countless assassinations. It was not until one week later that his whereabouts were confirmed, when he was brought to court. He was charged with associating with armed groups and remanded to prison.

In another case, Abdelqader Hachani, a senior FIS leader held in pretrial detention since January 1992 on charges of inciting the army to rebel, demanded unsuccessfully to be brought to trial. Other FIS activists, such as lawyer Ali Zouita, also spent years in detention without being tried.

Authorities claimed that the security forces were held accountable for their behavior but provided no information about cases where agents responsible for rights violations have been disciplined. One human rights lawyer observed that prosecutors refrained from investigating abusive security-force members because the prosecutors, who have as a group been targeted by armed groups, depend on those forces for their personal protection.

Paramilitary “self-defense” groups, active in rural areas and trained and armed by the security forces, were also implicated in willful killings of unarmed civilians, extortion, and other lawless behavior.

Public liberties remained severely limited by state-of-emergency restrictions. Political meetings required prior authorization. Parties favoring a boycott of the 1995 presidential election were sometimes refused permission to hold gatherings. State-controlled television ignored their positions

and activities, and pro-boycott newspapers were sometimes confiscated.

The private press in Algeria engaged in lively debate on social and economic policy, but remained completely shackled in its coverage of security-related events and alleged security force abuses. Newspapers whose coverage departed from the official communiqués on security developments risked confiscation of their print run, legal harassment and imprisonment of editors and journalists. While coverage of atrocities attributed to the Islamists was permitted, newspapers were able to allude to security force abuses only indirectly, such as by publishing interviews with human rights activists.

On September 3, an appeals court upheld the three-year suspended sentence of Chawki Amari, cartoonist for the daily *La Tribune*, for a satirical cartoon that “profaned” the Algerian flag. He had spent one month in pre-trial detention. *La Tribune* was suspended for six months, and its publisher and editor were given one-year suspended sentences.

Government harassment came on top of an assassination campaign against journalists that had much of the press corps living and working in mortal fear. In the twelve months beginning in October 1995, sixteen Algerian journalists and press workers were murdered. In most instances, no one claimed responsibility for the attacks, although Islamist groups were suspected in a large portion of them. *Al-Ansar*, a newsletter published in Stockholm that presented itself as a mouthpiece of the Armed Islamic Group (Groupe Islamiste Armé, GIA), reported that group had claimed responsibility for a February 11 car bomb near the Maison de la Presse that killed three journalists from the daily *Soir de l'Algérie*.

The FIS remained banned, its two principal leaders serving sentences in an unknown location and unable to communicate with the outside world. Lawyers for one of them, Ali Belhaj, had no access to their client even though new charges were pending against him.

FIS figures in exile continued to make statements during 1996 repudiating violence directed against civilians, claiming that armed groups it said were outside FIS control, such as the GIA, were responsible for such attacks. In an interview published in the *Al-Hayat* (London) on August 8, Abdallah Anas, a FIS figure in exile, declared, “The FIS follows red lines and denounces anyone who crosses these lines. These lines include the blind violence that is expressed through the assassinations of women, children and foreigners and the bombing of public places.” It was not possible to ascertain if and to what extent the FIS, with its legal status revoked and its leaders in prison, attempted to use its remaining influence on the ground to curtail the deliberate and methodical attacks on civilians that have given Algeria’s Islamist groups such notoriety.

The Right to Monitor

Human rights monitoring is hampered by the high level of political violence and the climate of fear. Exposure and discussion of human rights abuses were impeded also by press censorship regarding “security” matters. Authorities confiscated three issues of *La Nation* in March when that opposition weekly tried to publish a series of articles on human rights in Algeria. The Ministry of Interior accused the paper of “publishing false and biased reports, bordering on justification for terrorism and criminal violence.”

Local organizations and lawyers whose clients include human rights victims encountered a wall of silence when inquiring with the authorities about specific cases of “disappearances,” torture and other abuses.

The semi-official Human Rights Monitoring Body (Observatoire National des Droits de l’Homme, ONDH) devoted most of its public efforts to condemning violations attributed to

“terrorists.” The ONDH’s token coverage of abuses attributed to the authorities seemed designed to create an impression of even-handedness but did not reflect the gravity of the government’s abusive record.

To Algeria’s credit, the government permitted Amnesty International, the main international group attempting to carry out on-site investigations in Algeria, to conduct a mission in 1996, despite its record of strong criticism of the government’s conduct. Prior approval was required, however, both for international human rights organizations and journalists to enter Algeria. That approval was often delayed and in some cases not granted.

The Role of the International Community

United Nations

U.N. Secretary-General Boutros Boutros-Ghali responded to a request from Algerian President Zeroual to dispatch observers for the November 1995 presidential election, as did the Arab League and the Organization of African Unity. The seven-person U.N. team was “intended to show support for the election process,” the secretary-general’s spokesperson told Human Rights Watch on November 10. This goal was laudable. But the price of the observers’ presence should have been appropriate statements of concern regarding government control over the election process, including harassment and censorship of those who favored a boycott of the vote. In fact, the monitoring team was too small to be anything but symbolic and it never made its findings public. Its mere presence, however uncritical and ineffective, helped the Algerian government to exaggerate its claims about the credibility of the election.

France

French policy remained largely supportive of the Algerian government during 1996, despite sporadic flare-ups in relations between Algiers and its former colonizer. President Jacques Chirac and the government of Prime Minister Alain Juppé were appropriately firm in condemning atrocities attributed to Islamists, including several that took the lives of French citizens, but remained circumspect on government repression.

France, Algeria’s largest trading partner and the Western country most concerned with developments in that country, has provided the equivalent of nearly US\$1.2 billion per year in assistance, mostly in the form of government-backed credits. France has also played a key role behind the scenes in lobbying international financial institutions to re-schedule Algeria’s \$32 billion external debt on terms sought by Algiers. France is concerned with the impact at home of Algerian instability, given its large population of North African origin; the influx since 1993 of Algerians fleeing that country’s repression, violence and economic decay; and a rash of bombing attacks in France in 1995 that were traced to the Algerian conflict.

Overall, French preoccupation with Algeria declined in 1996, due partly to the cessation of bombings in France and the receding prospect of an Islamist victory.

In October 1995, President Chirac had hinted at impatience with the sluggish pace toward political normalization in Algeria. For the first time he ventured that it would be “legitimate” for France to link its assistance levels to the pace of democratization in Algeria. But a month later, he praised the Algerian presidential election as having taken place “under the best democratic conditions.” Paris appeared to disengage somewhat in the ensuing months, as Zeroual failed to use the good will he had won through the elections to broaden political participation. In early August, Foreign Minister Hervé de Charette conducted the first French ministerial visit to Algeria in three years, a visit intended to give a boost to relations between the two countries.

Earlier in the year, France had announced plans to reduce the low-interest credits it provided Algeria. The stated reason was budget tightening; at no time did French officials suggest that the cuts indicated disapproval of the government's record on human rights or its reluctance to widen the field for political participation. There were in fact no visible signs that France was raising these issues with Algiers.

United States

U.S. policy remained one of qualified support for the government, while insisting that American influence was limited. The U.S. backed rescheduling of Algeria's external debt but provided no bilateral economic or military assistance. Washington held no illusions about the Algerian government's human rights record, as the State Department's *Country Reports on Human Rights Practices for 1995* made clear.

Principal Deputy Assistant Secretary of State David Welch cautioned in October 1995 congressional testimony that "purely military means" could not end Algeria's conflict. Apparently encouraged by the high turnout in the 1995 presidential elections, President Clinton in December indicated in a letter to President Zeroual that the U.S. was prepared to support him as he took steps to broaden and accelerate the process of reconciliation. Assistant Secretary of State Robert H. Pelletreau later termed the policy "positive conditionality."

Visiting Algiers on March 20, Pelletreau told the press that the process of reconciliation should include "all Algerians who reject violence and terrorism and accept the rule of law, be they secular or Islamist." The government should engage in "a vigorous pursuit of a policy of political inclusion," and this should include "pragmatic elements of the FIS," Pelletreau told the Council on Foreign Relations in New York on May 8.

U.S. officials subsequently raised human rights concerns in public on several occasions, focusing on restrictions on press freedom and freedom for political parties to function. These interventions, although welcome, were notable for the human rights concerns they did not mention, namely those whose principal victims were suspected Islamists and their family members—summary executions, torture, and "disappearances"—and continued impunity for abuses by the security forces. The chief U.S. concern was the establishment of a credible political process. Pelletreau told the Senate Foreign Relations Committee on April 12 that in order to judge whether the forthcoming legislative elections are "credible, open and democratic," the U.S. could "suggest the kinds of questions [Algeria] will need answers for: Will political parties be free to hold meetings and campaign? Will the Algerian press be free to print articles without intimidation by terrorists? Will the government continue to censure and seize newspapers?"

To these worthy criteria for "positive conditionality" the U.S. could have added demands for curtailing the sometimes deadly abuses that security forces commit with impunity against suspected Islamists and their relatives.

BAHRAIN

Human Rights Developments

The end of 1995 and beginning of 1996 saw a resumption of widespread street demonstrations and clashes with security forces, mainly over issues of political reform. Serious, extensive and recurrent human rights abuses continued in the form of arbitrary detention, abusive treatment of prisoners, and denial of due process rights. Virtually all of those detained in connection with the political unrest

belonged to Bahrain's majority Shi'a community. However, the Sunni ruling Al Khalifa family's broad denial of basic civil and political rights, such as freedom of speech and assembly, affected all Bahraini citizens.

Bahrain's current political crisis goes back to the second half of 1994, when demonstrations protesting high unemployment rates in Shi'a villages and neighborhoods intersected with a island-wide campaign for political reform, initially manifested in a series of petitions calling for restoration of the parliament that was disbanded by decree in 1975, freedom for political prisoners, and permission to return for hundreds of Bahrainis forcibly exiled or prevented from returning because of their political activities. Widespread street demonstrations erupted following the December 1994 arrest of Shaikh Ali Salman, a young preacher active in the unemployment and political reform campaigns. The government, without disclosing evidence or specifying any legal offense, summarily and forcibly exiled Salman and three other activist clerics in January 1995, in violation of international law and Bahrain's constitution.

On April 1, the government detained five prominent Shi'a community leaders, including Shaikh Abd al-Amir al-Jamri, the informal head of the main opposition grouping, the Bahrain Islamic Freedom Movement, and an elected member of the disbanded parliament. The five were held for between five and six months without charge and without access to legal counsel. Jailhouse negotiations between the government and Shaikh al-Jamri and his colleagues produced an "understanding" that led to the release of hundreds of detainees beginning in mid-August 1995, signaling a period of relative calm. On September 26, a day after his own release, Shaikh al-Jamri reiterated that "[t]he parliament comes at the top of our [list of] demands," but that "dialogue between the opposition and the government" was continuing around demands for the release of all detainees and permission to return for those exiled. The government, however, publicly denied the existence of any agreement.

By late October 1995, new petitions were announced and the atmosphere again grew tense. Clashes erupted again in December 1995 and January 1996, following the late November Supreme Court affirmation of a death sentence in the case of a security force member murdered in March 1995. Shaikh al-Jamri and seven other community leaders were arrested on January 22. A Ministry of Interior official, referring to demonstrations and attacks on property as well as the deaths of about two dozen citizens and three security personnel, told Reuters that "[t]here is proof, evidence and documents supported by pictures which prove the group's involvement in the incidents and would be submitted to the legal authorities." As of October 1996, the prisoners were still being held without access to counsel, none had been formally charged with any offense, and no evidence had been disclosed. Al-Jamri was allowed a brief family visit for the first time in September 1996; over the course of 1996 several of his close relatives were also picked up for lengthy periods of interrogation and detention without charge.

On February 7, 1996, Ahmad al-Shamlan, a defense lawyer and longtime leftist critic of the government, became one of the very few Sunni opposition activists to be detained. His arrest followed the distribution to Agence France-Presse of a statement of the Popular Petition Committee demanding the reinstatement of the elected parliament. The same week the government banned a seminar organized by the Uruba Club, an elite cultural association, entitled "Democracy and Shura," in which Shamlan was to participate. Through the state-dominated media the government accused al-Shamlan of being a conduit for foreign funds in support of the protests. But when he was finally brought before a State Security Court panel in mid-April, his charge sheet dealt with an article he had written one year earlier, faxes found in his office from the Bahrain Freedom Movement in London, a

record of a London phone call from Mansur al-Jamri inquiring about his jailed father and sister, and the statement of the Popular Petition Committee in his possession. The court, in an unusual move possibly related to al-Shamlan's high profile in the region and internationally, released him on bail and in May acquitted him of all charges.

An undetermined number of Bahrainis were detained in 1996 for authoring or possessing documents relating to the political demands of the opposition, and several journalists working for international agencies were called in for interrogation. Another figure associated with the Popular Petition Committee, Sa'id Abdallah Asbool, was detained without charge for one week in April 1996, during which time he was interrogated about contacts with a visiting BBC reporter. In May, a Bahraini taxi driver and an Omani resident married to a Bahraini, were detained and reportedly tortured under interrogation for accompanying a BBC television reporter. The Omani, Abd al-Jalil al-Usfur, was released after three months and deported; the Bahraini, Sayyid Hussain, is believed to be still in detention.

Numerous arrests and preemptive closings of mosques and other meeting places early in 1996 confined demonstrations and street protests to Shi'a towns and villages, which were heavily patrolled and frequently subject to nighttime raids by security forces. Large-scale street demonstrations for a time gave way to attacks, including some with small explosive and incendiary devices, against public installations, banks, luxury hotels, and shopping centers. There were also unclaimed arson attacks against restaurants and shops frequented by expatriate workers. In the most serious of these, in March, seven Bangladeshi workers were killed.

In early June, the government announced the discovery of a previously unknown organization it identified as Hizballah Bahrain-Military Wing, charging that the unrest of the previous eighteen months was part of an Iranian-inspired and financed plot to overthrow the government. The government's claim was received with skepticism, since no evidence was presented other than "confessions" obtained from detainees who had been held for weeks or months without access to lawyers.

The State Security Law, decreed in 1974 over the nearly unanimous objection of the elected National Assembly, allowed the Ministry of Interior to detain persons for up to three years without trial. At least 3,000 persons were arrested between December 1994 and October 1995, of whom about 800 were formally charged. According to Bahraini defense lawyers, the majority of these were tried before the State Security Court; some were charged under the penal code and tried in ordinary courts. Many of those not charged had been released by the end of 1995, but an unknown number continued to be held in detention. Large-scale and indiscriminate arrests resumed in January 1996. Human Rights Watch, on the basis of interviews with persons who had been detained and with defense lawyers, identified a pattern in which warrantless arrests were carried out in night raids on homes of suspects involving some ten to fifteen armed members of the security forces. Community leaders and middle-aged professionals suspected of involvement in the petition campaigns, as well as young men suspected of organizing or participating in demonstrations or attacks on property, were seized from their homes in this manner, typically between midnight and 4 a.m. Young men, and often members of their families, were often beaten and their homes ransacked.

Bahraini defense lawyers told Human Rights Watch that persons charged with offenses were typically brought before the State Security Court months and often as much as a year after their arrest. In these cases, the accused got to see a lawyer only on the day they first appeared in court, and uncorroborated confessions were often the sole basis for conviction. Defense lawyers and former detainees told Human Rights Watch that beatings and other forms of physical abuse were commonly

used to secure confessions and information. Defense lawyers also said that over the past year the confessions on which defendants were convicted became increasingly formulaic, using the same wording and phrasing.

There were no known instances of officials being held accountable for human rights abuses. In March 1996, the government decreed that offenses specified in fourteen additional articles of the penal code, such as arson, use of explosives or firearms, and physical or verbal attacks on public officials, would henceforth be considered offenses punishable under the State Security Law. Between March and October, 156 persons were sentenced to prison by the State Security Court. The number of those held without charge at any one time in 1996 was estimated at between 1,000 and 2,000.

Article 134 of the penal code, one of the articles currently under the jurisdiction of the State Security Court, targeted acts of speech by making it a punishable offense to “reveal news or statements or false hearsay on the internal situation of the state, thus weakening the financial confidence of the state or undermining its posture.” It further restricted freedom of assembly by making it a punishable offense to “attend without official permission a conference, meeting or public debate held outside, or participate in any form in its work, with the purpose of discussing the political, social and economic affairs of the State of Bahrain, such that it weakened the financial confidence of the state....”

The Right to Monitor

Bahrain had no locally-based human rights organizations. Two Bahraini groups based outside the country and made up of exiled and expatriate critics of the government—the Bahrain Human Rights Organization (BHRO) and the Committee for the Defense of Human Rights in Bahrain (CDHRB)—compiled information on detainees and other issues. The BHRO said its request to the Bahraini government for permission to operate inside the country was not answered.

The government of Bahrain denied repeated requests by Human Rights Watch and other international human rights organizations to conduct formal missions and to meet government officials in the country. A Human Rights Watch researcher did visit Bahrain informally in 1996, and found persons there eager to discuss human rights issues but at the same time extremely apprehensive about the consequences should their contact with Human Rights Watch become known. Responding to an article published by the researcher after the visit, Bahrain’s ambassador to Washington wrote on October 30 that the article was “full of misinformation and false accusations,” but did not identify these inaccuracies. He added that “terrorist actions are a direct threat to and violation of the basic human rights of the Bahraini people,” and that “the government of Bahrain...will use all means available to it within the law to protect its citizens.”

The Role of the International Community

The Arab World

The government of Bahrain enjoyed the unreserved public support of Arab governments of the Persian Gulf, particularly in the forum of the Gulf Cooperation Council. Saudi Arabia in particular indicated support for the government with regard to the internal unrest. Prince Nayif, the Saudi minister of interior, said in November 1995 that, “Saudi Arabia will not hesitate at any time in responding to any request from Bahrain...and the security of Saudi Arabia and Bahrain together will be for the service of the Bahraini people.” Prince Sultan, the Saudi minister of defense, told the BBC

in March that, "We are prepared to stand forcefully by Bahrain if the need arises."

In February, a delegation of eight Kuwaiti parliamentarians attempted to visit Bahrain to petition Amir Isa to negotiate with the opposition, but they were turned back at the airport.

Among Arab governments outside the Gulf, notably Jordan and Egypt, Bahrain also found considerable support. Jordan was widely reported to have seconded security personnel to the Bahraini government.

United States

Bahrain was the operational headquarters for the U.S. Navy's Fifth Fleet, and some 3,000 U.S. military personnel and dependents were stationed there. The U.S. maintained complete public solidarity with the government of Bahrain on the latter's dismal record, with the sole exception of the Bahrain entry in the State Department's *Country Reports on Human Rights Practices for 1995*. That entry was reasonably comprehensive and candid, although it understated the extent to which people have been detained for exercising the right of free speech as distinguished from participation in demonstrations and clashes with the authorities. It asserted misleadingly that Shaikh al-Jamri had been accused of "a wide variety of security-related crimes"; in fact such accusations consisted of unattributed statements in the government-controlled press and reflected a highly expansive definition of "security-related."

The State Department report also gratuitously denigrated the human rights monitoring of the BHRO and the CDHRB by grouping them with the Bahrain Freedom Movement and the Islamic Front for the Liberation of Bahrain, which made no claim to being human rights organizations, and by dismissing them all as "viewed by many local observers as espousing a political, rather than a purely human rights, agenda." The entry further mischaracterized them as "small numbers of emigres living in self-imposed exile," thus downplaying the government's use of forcible exile to punish political dissidence. Rather than assessing directly their allegations of abuse, the report attacked the BHRO and the CDHRB by innuendo as having "reportedly received funding from sources hostile to the Al Khalifa regime."

The U.S. consistently skipped opportunities to criticize Bahrain's abusive record. Defense Secretary William Perry made several visits to Bahrain during 1996 but, as of October, had made no public comment on the human rights situation. On January 25, Assistant Secretary of State Robert Pelletreau said that unrest in Bahrain "is brought about by a fairly high level of unemployment and some unrest in Bahrain's Shi'a community. It is urged on and promoted by Iran, across the Persian Gulf... [Bahrain's leaders] are dealing with it, in my view, in a responsible way that deserves our support." On May 7, Pelletreau, at the United States Information Agency Foreign Press Center, reiterated that Bahrain's difficulties "are sometimes fanned by flames from Iran.... We believe that the government is taking steps to address this situation and that the government deserves the support of its neighbors and other friends as it tries to deal with an ongoing difficult problem." In early March, during a visit of Crown Prince Shaikh Hamad bin Isa to Washington, State Department spokesperson Nicholas Burns stated that human rights did not arise in Secretary of State Christopher's meeting with the Crown Prince, but that "[t]he issue has come up numerous times in our relationship with Bahrain through Ambassador David Ransom and others."

The U.S. accounted for US\$700 million in arms deliveries to Bahrain in the 1988-1995 period, out of total deliveries of \$800 million. The State Department congressional presentation for fiscal year 1997 estimated U.S. military sales to Bahrain at \$160 million in fiscal year 1996 and \$330 million in 1997. These military supplies were mainly for the use of the Bahrain Defense Forces,

which was not acknowledged to have been involved in internal security operations. Expatriate residents of Bahrain told Human Rights Watch, however, that tear gas and other projectiles were fired from foreign-supplied helicopters into villages during clashes.

In late May 1996, Gen. John Shalikashvili, chairman of the Joint Chiefs of Staff, visited Bahrain, where he said, "We support Bahrain's efforts to ensure its stability, and we continue to accuse Iran as a threat to the stability of the region." Two weeks later, following the purported confessions of alleged Iranian-backed coup plotters (see above), Bahrain released portions of a letter from President Clinton to the Amir which stated, "the U.S. fully supports Your government and sovereignty and safety of Bahrain's territories," and praised his expansion of an appointed Consultative Council as reaffirming "your government's commitment to economic and social development and political reconciliation." In September, Secretary Perry returned to Bahrain to arrange for the basing of twenty-three additional U.S. Air Force F-16s for use in patrolling the southern Iraq "no-fly" zone. Former President George Bush also visited Bahrain in March, and publicly commended the authorities for their handling of the protests: "I salute the government of Bahrain for preserving order and for guaranteeing for every Bahraini citizen a secure environment."

EGYPT

Human Rights Developments

Human rights conditions continued to deteriorate in Egypt, the most populous country in the Arab world and recipient of the second largest annual U.S. aid package, after Israel. Restrictions on freedom of expression and association, and the use of military courts to prosecute nonviolent civilians, remained major issues in 1996. Security forces operated with impunity, and armed Islamist militants deliberately killed civilians, targeting in particular Egyptian Christians in southern villages and foreigners in Cairo. The emergency law, continuously in force since 1981, was scheduled to remain in effect until May 1997.

On November 23, 1995, the Supreme Military Court sentenced fifty-four prominent Muslim Brothers to prison terms ranging from three to five years with hard labor. They included former members of parliament, university professors, and others who had intended to run as independents in the November 29 parliamentary election. They had been charged with membership in a proscribed organization (the Muslim Brotherhood has been banned since 1954), but had not been shown either to have used or advocated violence. The proceedings did not meet international fair trial standards, including the right to appeal to a higher tribunal. The prosecution of these nonviolent Islamists was a blatant move by the state to disenfranchise members of the country's largest political opposition movement and thwart its participation in electoral politics.

The two-round election on November 29 and December 6, 1995, for 444 parliamentary seats, produced an overwhelming victory for President Hosni Mubarak's ruling National Democratic Party. But the results were clouded by violence, arbitrary arrests of supporters of opposition party and independent candidates, and massive irregularities at the polls, all of which were documented by Egyptian nongovernmental organizations (NGOs), which mounted an unprecedented election-monitoring effort. Twenty-six people lost their lives in the violence surrounding the first round of the voting, the Center for Human Rights Legal Aid (CHRLA) reported, including five in Kafr al-Sheikh when security forces used force to disperse citizens who protested vote rigging and other fraudulent

practices. In a letter published by the *Washington Post* on December 26, 1995, the Egyptian ambassador to the U.S., Ahmed Maher El Sayed, stated that "the elections were conducted freely" and that "no step backward has been taken." But Court of Cassation judges saw it differently; as of October 2, they had nullified the election results for seats in 200 constituencies in response to legal challenges from losing candidates, the Egyptian Organization for Human Rights (EOHR) reported. The unfair election process spurred the formation of the Wasat (Center) party, whose founding members were, in large part, younger members of the Muslim Brotherhood. One of the party's founders, Abu al-'Ala Madi, said in January that the party endorsed "action through the peaceful, democratic approach" and were "convinced of the need for involvement, pluralism, and dialogue." In January, Madi submitted the party's application for legal status to the Party Affairs Committee, the government-appointed body that licenses political parties. It was widely believed that Madi's prominence as a leading force behind the new party was the reason for his arrest in April and his imprisonment until August, when he was acquitted by a military court (see below). In May, the party's application for legal status was denied. The founders immediately filed an appeal, but told Human Rights Watch they did not expect the case to be heard before December 1996. Members of political groups were barred from engaging in political activity prior to obtaining a license; violators faced up to five years in prison if convicted, pursuant to December 1992 amendments to the 1977 Political Parties Law. The Party Affairs Committee had systematically denied licenses to new political groups since the law came into effect in 1977. "Since the law was issued in 1977, no single political party has been formed through the approval of the committee. Instead, a court decision has always been required to legitimize any political party," EOHR noted in a July 1993 report.

At the same time that peaceful Islamist activists were imprisoned or otherwise blocked from participation in politics, armed militants carried out deliberate and arbitrary killings of civilians. Egyptian Christians in southern Egypt, including children, bore the brunt of this violence. These killings were apparently carried out by members of the military wing of the Islamic Group but, as in similar killings in past years, there were no claims of responsibility following any of the incidents. On April 18, eighteen Greek tourists were killed outside a Cairo hotel by four gunmen. Two days later, the Islamic Group claimed responsibility, stating that Israeli tourists had been the intended targets "because they often stay in this hotel."

The state continued to execute suspected Islamist militants who were sentenced to death by military courts for "terrorism" offenses that included but were not limited to murder. Six men were executed on June 2, bringing the number of executions to fifty-four since the trials of civilians in military courts began in late 1992. In an apparent paradox, the government continued to prosecute Muslim Brothers in military courts for peaceful political association, while it tried some militant Islamists accused of violent offenses in the state security court, where civilian judges presided. The explanation that Egyptian lawyers have offered for this dual justice system is that authorities have resorted to military courts in cases where the evidence was too weak to withstand the scrutiny of civilian judges.

In April, thirteen more Muslim Brothers were arrested, including university professors, former members of parliament, elected officers of professional associations and university faculty clubs, and candidates for parliament in 1995. Some of them also were founders or supporters of the Wasat Party, such as Abu al-'Ala Madi. The proceedings began in the civilian judiciary, but on May 11 the case was transferred to the military court by presidential decree. The defendants were charged with "running, in violation of the law, an organization called the Muslim Brotherhood, the aim of which is to advocate undermining the constitution and the laws," and "recruiting new elements with the aim of

inciting the masses against the present government.” No evidence was presented during the trial that the defendants had engaged in violence or the planning of violence. On August 15, the court sentenced seven of the defendants to three years in prison, including Mahmoud ‘Ali Abu Riyyah and former member of parliament Hassan Judah (both in their seventies and in poor health), issued a one-year suspended sentence to ‘Abd al-Azim ‘Abd al-Majid al-Maghribi (a bedridden merchant also in his seventies), and acquitted five, including Abu al-‘Ala Madi and his Wasat party colleagues.

Prison conditions remained abysmal, particularly in newly opened high-security facilities where suspected Islamist militants were held in almost complete isolation from the outside world. EOHR documented the gross neglect, physical abuse and inadequate medical care suffered by 4,000 inmates at Fayyoun (opened in 1995), and by another 300 prisoners at Aqrab (opened in 1993), where a ban by the interior minister on visits by lawyers and family members had remained in effect since December 20, 1993, despite successive court rulings against such bans. Both prisons were controlled by State Security Investigation (SSI), the elite internal security arm of the Interior Ministry. On June 17, the commander of Aqrab, accompanied by thirty soldiers, carried out a search of the inmates’ cells. When it was discovered that medical student Gamal Osman had a watch and pocket radio, he and the nineteen other inmates in his section “were ordered out of their cells, stripped...of all their clothes, and were flogged [on] their backs, feet and buttocks,” EOHR reported in September. When a pen was found on Ali Naser in the search of another section of the prison the same day, he and his seventy-nine cellmates were similarly punished.

There continued to be no transparency in official investigations of suspicious deaths in SSI custody and, as a result, SSI torturers enjoyed impunity. The case of Islamist defense lawyer Abdel Harith Madani, who died in SSI custody in April 1994 presumably under torture, was all but forgotten. The head of the human rights unit in the Egyptian Foreign Ministry told Amnesty International (AI) delegates in November 1995 that the investigation of Madani’s death was continuing, although AI noted that it was unable to obtain from the ministry “details as to the methods and procedures” used to investigate deaths in custody.

The government’s extreme sensitivity about deaths in custody extended to cases involving the police. This was evidenced by the banning of a story in the July 14-20 issue of the weekly *Middle East Times* (Cairo) about a Cairo woman who learned on June 18 that her husband had been hospitalized after being tortured at a police station in Manshiyet Nasr. She reportedly visited him at ‘Ain Shams hospital the next day, before he died from what doctors said was a brain hemorrhage. The article cited details of four other cases in the same week in which suspects had been brutalized at the same police station and suffered injuries. All four victims had filed complaints, but reportedly the police obstructed prosecutors’ investigations. A few weeks after this story was banned, Ahmed Higazi, a suspected Islamist militant, died in custody at SSI headquarters in Cairo.

In a decision that generated international condemnation, the Court of Cassation on August 5 upheld the June 1995 ruling of the Cairo Court of Appeals that declared Cairo University professor Dr. Nasr Abu Zeid an apostate and, on this basis, ordered that he be separated from his Muslim wife, university professor Dr. Ibtihal Yunis. EOHR noted that the ruling was “the first of its kind in the modern history of Egypt’s judiciary, where a man and his wife are separated against their will because of the religious views and interpretations expressed by one of them.” One of the reasons that the decision generated apprehension in Egypt was because of the dangerous precedent that it set: Egypt’s highest appeals court had affirmed the legal power of a civil court judge to declare a Muslim intellectual an apostate solely on the basis of his scholarly writings. Sheikh Yousef al-Badri, who took a lead in initiating the legal action against Abu Zeid in 1993, expressed satisfaction with the

August 5 decision: "No one will even dare to think about harming Islam again...we have stopped an enemy of Islam from poking fun at our religion."

In yet another legal twist in this complex case, the Court of Urgent Cases in Giza ruled on September 25 in favor of a motion submitted by Dr. Abu Zeid's lawyers to suspend implementation of the appeal court's June 1995 order that the couple separate. Islamist lawyers responded with pledges to appeal the stay. The Giza court's decision left untouched the ruling that Dr. Abu Zeid was an apostate. Lawyers for the couple were preparing further legal challenges as this report went to press. Another freedom of expression battle raged in 1996 as pro-government and opposition journalists united in efforts for the repeal of Law No. 93 of 1995, which mandated preventive detention and imprisonment for vaguely worded 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." Scores of journalists had been investigated and prosecuted under this law, particularly for defamation and slander. The much awaited replacement law, drafted in 1996, aroused additional criticism; it mandated prison terms of up to five years for "inciting hatred of the regime" and one year for publication of material that "insulted the president of the republic." On June 15, President Mubarak bowed to the mounting pressure and by decree removed the penalties specified in Law No. 93 from the penal code. The new press law, approved by parliament on June 18, accommodated many of the journalists' concerns but limited conditions under which new newspapers could be established and criminalized expression deemed insulting to the president.

The Right to Monitor

The Egyptian human rights movement was one of the most dynamic and sophisticated in the Arab world. Despite the increasing international recognition of Egyptian human rights organizations, the government continued to treat them with hostility and has denied official legal status to EOHR, the oldest independent rights groups in Egypt. In an interview with the *Middle East Times* on May 27, President Mubarak stated that rights groups "interfere in the internal affairs of the country....They are just defending terrorists and criminals. Do they defend the interests of the innocent man on the street who has been injured by violence?" Interior Minister Hassan el-Alfi, in an interview in *Akhbar al-Yom* (Cairo) on June 15, claimed that the groups "are used by many agencies to influence societies and peoples. They all work for political purposes which are no secret to anyone."

Indeed, SSI officers from Mr. el-Alfi's ministry harassed Egyptian human rights activists throughout the year and directly interfered with their organizations' work. In July, six SSI officers arrived after midnight at the home of one human rights worker and questioned him about a complaint that his group had sent to the minister of interior. Another activist was summoned to SSI's Cairo headquarters earlier in the year and questioned for two hours by a senior officer about his organization's publications.

At least one long-established organization was forced to negotiate with SSI for permission to hold human rights training courses, and throughout 1996 it was prohibited from holding seminars and workshops in major Egyptian cities. Some of the local NGOs invited to training sessions were summoned by SSI and instructed not to attend. At one of these events, participants from fifty local NGOs were expected. The night before, according to the organization's director, "the place was surrounded by SSI guards, and an SSI officer told me at midnight, 'No way. We'll even prevent you by force.' He told the hotel manager to remove our posters."

SSI officers also singled out prominent Egyptians and pressured them to remain publicly silent

about issues such as the Wasat Party and the clampdown on the Muslim Brotherhood. One was threatened by an officer who criticized an article that he had written in an Egyptian newspaper. In another incident, the person involved told us that he received a “friendly visit” from a high-ranking officer, who wanted to know what he had said in meetings with international human rights organizations and journalists. Fear prevented these people from publicly disclosing and protesting this intimidation, and inhibited others from coming forward with accounts of direct and indirect pressure.

The Role of the International Community

United Nations

The annual report of the U.N. Committee against Torture, issued in July, included a summary of the results of the committee’s confidential procedure on Egypt, a three-year inquiry that concluded in November 1994 and involved extensive contact between the committee and Egyptian officials. The committee’s conclusion, which was adopted by consensus in May, was that “torture is systematically practiced by the security forces in Egypt, in particular by [SSI], since in spite of the denials of the Government, the allegations of torture submitted by reliable non-governmental organizations consistently indicate that reported cases of torture are seen to be habitual, widespread and deliberate in at least a considerable part of the country.” The committee also found that “judicial remedies are often a slow process leading to the impunity of the perpetrators of torture,” and noted “with concern that no investigation has ever been made and no legal action been brought against members of [SSI] since the entry into force of the Convention [against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment] for Egypt in June 1987.” The committee noted that the Egyptian government “did not avail itself of the opportunity it had been offered to clarify the situation” by accepting a visit to Egypt by the committee members participating in the inquiry.

The committee reported the attempt by Egyptian authorities to prevent the public release of its findings, and quoted from an extraordinary letter it had received from the government, which stated that disclosure of the findings “might be interpreted as signifying support for terrorist groups and would encourage the latter to proceed with their terrorist schemes and to defend their criminal members who engage in acts of terrorism by resorting to false accusations of torture. In other words, it might ultimately be interpreted as signifying that the Committee is indirectly encouraging terrorist groups not only in Egypt but worldwide.”

United States

Egypt remained a key U.S. regional military ally and a reliable partner in the U.S.-led Arab-Israeli peace process. U.S. aid to Egypt included \$1.3 billion from the Foreign Military Financing Program and \$815 million in Economic Support Funds. As in past years, there was no evidence that the Clinton administration used the significant leverage that this aid provided to insist that the government take specific steps to improve its human rights performance. Instead, U.S. senior officials signaled in public remarks that Egypt’s position as an ally was secure, reinforcing the long-standing impression that public criticism of Egypt’s human rights record remained off-limits, with the sole exception of the accurate and damning assessments in the yearly State Department’s *Country Reports on Human Rights Practices*.

The U.S.-Egyptian Partnership for Economic Growth and Development, an initiative launched in 1994 by Vice President Al Gore to support privatization of Egypt’s economy, has as one of its goals the building of “mutually beneficial economic and commercial ties between the two countries.” In a

statement on June 12 to the International Relations Committee of the U.S. House of Representatives, Secretary Pelletreau lauded President Mubarak's "personal commitment to accelerate economic reform and liberalization," but was silent on political reform.

At a joint press conference with President Mubarak in Washington on July 30, President Clinton reaffirmed "the close partnership between the United States and Egypt." Secretary Pelletreau told the House Committee on International Relations on September 25 that during Mr. Mubarak's visit there was discussion of "the need for Egypt to maintain momentum in its creation of a business environment favorable to investment, including the implementation of policies to spur privatization, liberalize trade, develop a unified commercial code, create a dispute settlement process, and protect intellectual property rights." Regrettably, Secretary Pelletreau did not list human rights as a factor that also enhance the investment environment, nor was he able to report that torture and other abuses in Egypt had been on the agenda of the July discussions.

IRAN

Human Rights Developments

As international debate focused on how to influence Iran's foreign policy, with the U.S. adopting stronger sanctions and Europe pursuing a policy of "critical dialogue," human rights developments were influenced mainly by domestic concerns. Personal freedoms suffered, public executions increased, and advocates of reform within the framework of the Islamic revolution found a less tolerant climate in which to express their views.

The government announced the discovery of "spy rings" on several occasions. In January three "U.S. spies" and two "Iraqi spies" were charged with espionage in Kermanshah. Later in January six "U.S. and Israeli spies" were charged in Tehran. In February the government announced the arrest of six members of a "Qatari spy ring." In April, Information Minister Ali Fallahian announced the arrest of twenty-nine "Turkish spies" in western Azerbaijan province. In June, thirty-three members of an "enormous espionage organization," centered in Tehran and Orumieh and composed mainly of public employees, were arrested. The proceedings against these suspects, all of whom could face the death penalty, took place mostly in secret and failed to comply with international standards for a fair trial. The outcome of the proceedings was unknown as this report went to press.

The authorities took harsher measures against convicted criminals in 1996. After an absence of several years, public executions resumed with the hanging of two convicted murderers in the Tehran suburb of Narmak in January. They had each been given seventy-four lashes prior to being taken to the gallows. Reports of the execution of large numbers of convicted drug traffickers also resumed in the Iranian press after several years' absence.

On May 15 five young men whom the government claimed had been convicted of rape and murder were executed in Tabriz and their bodies driven through the streets hanging from construction cranes. These public executions brought to an end street protests that had occurred in Tabriz on an almost-daily basis following the removal of a popular candidate from the ballot for parliamentary elections (see below).

The first round of the election for the 270-member parliament, or *Majles*, took place on March 8. Arbitrary bans on candidates and political parties, and restrictions on freedom of expression and assembly for opposition candidates, greatly restricted the rights of citizens to participate in selecting their representatives. The government-appointed Council of Guardians vetoed some 44 percent of

the 5,121 declared candidates. The twelve-person council, composed of senior clerical figures and religious jurists, tightly controlled access to the electoral process by assessing such matters as candidates' "practical adherence to Islam" and support for the principle of "rule by the pre-eminent religious jurist (*velayat-e faqih*)."

The constitution provides for the Majles to be elected directly by the people and for the Council of Guardians to play a supervisory role in the process. Many argued that in excluding candidates in a summary and arbitrary manner the council overstepped its constitutional powers. Its decisions to exclude candidates and to annul voting results in some cities were the most troubling aspects of the parliamentary elections and violated the right to political participation, which is upheld in international human rights treaties to which Iran is a State Party.

Fifteen supporters of the Freedom Movement, a banned but tolerated political party, presented themselves as candidates. Only four made it through preliminary vetting, three of whom were excluded before polling day. By that time the party had announced its intention to withdraw from the election, complaining that government restrictions made it impossible to communicate with the public. Other tolerated opposition parties, like the Iran Nation Party and the National Front, boycotted the elections.

The government's tolerance or support for violent religious zealots known as Partisans of the Party of God (Ansar-e Hezbollah) undermined the meaningful participation of parties from outside the closed circle of the clerical leadership in the elections. Hezbollah-led mobs disrupted their attempts to hold press conferences, political rallies, and other public gatherings.

After the voting, the Council of Guardians summarily annulled the results in eight cities, including Iran's third largest, Isfahan. On April 6 the council accused some candidates of using antirevolutionary slogans, making illusory promises and vote-buying. It neither identified those candidates nor substantiated its claims. In other cities where first-round results were annulled, no reason was provided, suggesting that the Council of Guardians was unhappy with the election results, not the process.

On April 19 the election committee in Tabriz, a body reporting to the Council of Guardians, removed Muhammad Ali Chehregani's name from the ballot. His campaign had highlighted issues of cultural discrimination against the Azari minority. This summary measure prompted as many as 40,000 people to demonstrate in Tabriz. Security forces broke up the protest and detained more than 600 people, according to local press reports.

The government also stepped up attacks on the press. Newspapers that published critical commentary risked suspension and prosecution. In November 1995 the government lifted the ban on *Tous*, a Mashad daily supportive of radical clerics critical of President Rafsanjani. But editor Mohammed Sadegh Javadi-Hesseri was subsequently arrested and sentenced to six months imprisonment and twenty lashes for "defamatory" reporting on government policies. In January the press court sentenced Abolghassem Golbaf, publisher of the monthly *Gouzarish*, to three months in prison in a case brought by Agriculture Minister Issa Kalantari, in violation of the procedures for prosecutions before the press court. Neither of these sentences had been carried out as of November 1996.

On January 27 a Tehran press court convicted *Gardoun* editor Abbas Maroufi of "publishing lies." For this offense he received a sentence of six months in prison and thirty lashes. There were many violations of fair trial procedures in the prosecution, including the introduction of new charges during the proceedings without new evidence and without giving defense lawyers time to prepare. Maroufi left the country without serving his sentence but has repeatedly stated his willingness to return if he will be permitted to continue to publish his magazine.

Minister of Culture and Islamic Guidance Mostafa Mir Salam wrote in the Tehran daily *Keyhan* on February 8, "the press does not understand its limits" and acts "without wisdom and common sense."

More than 190 journalists wrote an open letter to President Rafsanjani to protest the minister's remarks and to criticize arbitrary attacks on press freedom. On March 14, *Bahman*, the Tehran newspaper that published this open letter, received a suspension order from the Press Advisory Board for its critical reporting. That ban was overturned by an appeals court in September.

In February the Ministry of Culture and Islamic Guidance announced that it would impose pre-publication censorship on all books, a unprecedented measure in Iran's modern history. Previous policy had left publishers with the obligation to abide by guidelines and subject to penalties if they violated them. The new policies prompted deputy minister Ahmad Masjed Jamei to resign, saying he would "not accept responsibility for them."

In July agents from the Intelligence Ministry raided the home of a German cultural attaché as he hosted a group of Iranian writers. The six writers in attendance, together with their spouses, were detained overnight. In September security agents raided the home of prominent writer Farhad Koushan, where a group of thirteen writers were holding an informal weekly gathering. The writers were released in the early morning hours after being warned to halt such meetings.

Hezbollahi-led mobs loyal to factions or individuals within the leadership (see above) harassed government critics of all kinds, burning property, beating individuals and disrupting gatherings with impunity. On May 12, a Hezbollahi mob prevented philosopher Abdol Karim Soroush from delivering a lecture at Amir Kabir Technical University. In an open letter to President Rafsanjani sparked by this incident Soroush noted that he had turned down all previous invitations to speak, and canceled his university classes "in the interests of the country," but had not gained anything from this approach. He added, "I have gradually lost my professional and personal security as the brazen have become more impudent." Hezbollahi militants attacked two Tehran cinemas showing the film *Indian Gift*, which they thought to be corrupt even though it had been approved by government censors. They assaulted audiences and vandalized the cinemas.

Hezbollahi mobs demonstrated in the streets of Tehran against women bicyclists in April, criticizing also President Rafsanjani's daughter Faezeh Hashemi, a leading vote-winner in the parliamentary elections, who had supported women's right to ride in public. The authorities ceded to Hezbollahi demands, limiting women to riding on segregated paths out of sight of men.

Restrictions on personal liberty had a harsh impact on women. In November 1995, the Basiji, the anti-vice branch of the security forces, announced that it had detained 86,000 suspects in the previous twelve-month period. Most of them were thought to have been women detained for violating the dress code, which required covering the hair and wearing a flowing somber-colored body garment. The new penal code, which went into effect on July 9, substituted fines and prison terms for the penalty of lashes for violators of the dress code. One positive development for women was the reform of the divorce law in November 1995, enabling women to obtain a divorce even if their husbands did not consent.

A contraction of basic liberties was apparent in the treatment of religious minorities. For the first time since 1992, death sentences were imposed on followers of the persecuted Bahai faith. On January 2, a revolutionary court in Yazd sentenced Zabihullah Mahrami to death for apostasy. Mahrami had announced his conversion to Islam during the early days of the revolution in the hope of avoiding trouble for his family, but after arranging for his daughter to marry a Bahai in late 1995, the authorities conducted hearings to examine Mahrami's religious beliefs. Finding him an unrepentant Bahai believer, the court sentenced him to death. Kayvan Khalajabadi and Bahman

Mithaqi, imprisoned since 1989 for taking part in Bahai activities, had their death sentences confirmed by the Supreme Court. All three remained in prison as this report went to press.

Members of Protestant Christian churches also continued to suffer persecution for their beliefs. Only two Protestant churches that conducted services in Farsi, the Assembly of God churches in Tehran and Rasht, remained open. The murder of three leading Protestant clergy in 1994 had a devastating impact on the Protestant community. In November 1995, church sources reported the detention of Reverend Harmik Torosian, an Assembly of God pastor in Shiraz.

Religious persecution was not confined to non-Muslims. Followers of Shi'a Muslim clerics who had expressed opposition to the interpretation of Islam promoted by the government remained in detention in Qom, the center of Shi'a learning. For example, at least eighteen followers of Grand Ayatollah Mohammad Shirazi had remained in detention without charge since November 1995.

"Anti-vice" raids by the security forces on private homes continued. One such operation in June, in a wealthy Tehran neighborhood, resulted in the fatal fall of a young man from an eighteenth-story window. Accounts differed as to whether he was pushed by the police or slipped while trying to escape.

The new penal code, reflecting a harsher approach to law enforcement, gave prominence to corporal punishments like lashing and amputations of fingers, hands, and toes. Although the previous code provided for such punishments, they were rarely imposed. The new code simplified procedures for imposing corporal punishments, prescribed them for a wider variety of crimes, and reduced judges' discretion to impose alternative sentences. Six repeat offenders convicted of theft had the fingers of their right hands amputated soon after the implementation in July of the new code, in prison and in the presence of other convicted thieves.

Many Iranian asylum-seekers in Turkey were summarily returned to Iran by Turkish authorities without their claim for political asylum being assessed by Turkish authorities or the United Nations High Commissioner for Refugees. This long-established practice took place without any mechanisms in place for monitoring the fate of the asylum-seekers who had been forced to return to Iran. There were also cases of individual refugees whose claims had been recognized by the UNHCR, and who in a few cases had even been accepted for resettlement in third countries, being subjected by Turkey to refoulement to Iran. No information was available of the treatment of those returned by Iranian authorities.

The Right to Monitor

For the first time since 1991, the government agreed to permit the U.N. special representative on the human rights situation in Iran, Maurice Copithorne, to visit the country. His visit in February was preceded by visits by two rapporteurs of the U.N. Commission on Human Rights. The special rapporteur on religious intolerance visited in December 1995, and the special rapporteur on freedom of expression in January 1996. Also in January, the government for the first time permitted a fact-finding mission by Human Rights Watch, albeit under near constant undisguised surveillance. Authorities did not authorize visits by other international human rights groups.

This partial openness to international monitoring was a welcome change from the obstructive attitude of recent years. However, the extension of invitations to international monitors was not matched by any relaxation of the prohibition of independent domestic monitoring. Iranians who made critical comments about the human rights situation risked harassment by the authorities or attack by Hezbollahi mobs. Under the new penal code, the crime of espionage was defined so broadly as to criminalize the passing of almost any type of information about country conditions to foreigners,

potentially criminalizing the transmission of human rights information to international bodies, and in violation of international law guaranteeing the right to receive and impart information. U.N. Special Representative Copithorne remarked in his report to the commission that “even the concept of human rights is not well understood” by the Iranian government.

Human Rights Watch honored Tehran lawyer Shirin Ebadi as a human rights monitor in 1996, in recognition of her work for human rights and legal reform in Iran.

The Role of the International Community

United Nations

In April the U.N. Commission on Human Rights passed a resolution strongly condemning Iran for wide-ranging violations and renewing the mandate of the special representative on the human rights situation in Iran. Finding no satisfactory Iranian response, some European countries dropped their effort to offer a more conciliatory resolution in return for an explicit pledge by Iran not to take any action to carry out the death sentence decreed against British author Salman Rushdie in 1989. In August the Subcommission on the Prevention of Discrimination and Protection of Minorities also passed a resolution condemning the government’s involvement in the killing of dissidents in exile.

European Union

European governments and the European Parliament voiced frustration with the failure of their “critical dialogue” policy toward Iran to modify Iranian policy. Although human rights violations inside Iran were explicitly included in the European policy, they were rarely highlighted among the issues on the agenda.

In February the European Parliament adopted a resolution urging Tehran to give assurances it would not carry out the *fatwa* sentencing Salman Rushdie to death, and urged the E.U. to increase pressure on the Iranian authorities to issue such a declaration. In July, the European Parliament again raised the Rushdie case and urged the European Council of Ministers to review its “critical dialogue” policy if the Iranian government refused to make sufficient concessions in this regard.

At a meeting of European foreign ministers in March, Germany’s Klaus Kinkel, a leading defender of the policy, told the press that “we are close to the red line.” He said that the E.U. would continue to seek to moderate Iran’s behavior through dialogue, “but not at any price.” Dutch Foreign Minister Hans Van Mierlo was even more outspoken, while at the same time rejecting U.S. efforts to stiffen sanctions against Tehran. In August, Danish foreign minister Niels Helveg Petersen announced his government’s withdrawal from the “critical dialogue,” explaining, “I cannot point to one single improvement as a result of critical dialogue.”

United States

The U.S. has no diplomatic relations with Iran and asserts that it is a pariah state. Iranian leaders, meanwhile, habitually refer to the United States as “the Great Satan”, or as the leader of “global arrogance.” In 1996, human rights conditions inside Iran played only a minor role in the competition between the Democratic administration and the Republican-controlled Congress to show who was toughest on that country’s government. Alleged support for international terrorism led the list of reasons behind moves to punish Tehran, including adoption of a law imposing sanctions on non-U.S. companies that invest in that country.

U.S. pressure on governments, the private sector and multilateral bodies certainly hindered Tehran in its efforts to attract foreign capital and investment. However, the impact of the sanctions policy on human rights was difficult to gauge.

Assistant Secretary of State Robert H. Pelletreau, speaking on May 14 in Tampa, Florida, said, "We have deep objections to several of Iran's policies, including its support for terrorism, pursuit of weapons of mass destruction, support for Hamas and other violent groups seeking to derail the [Arab-Israeli] peace process, subversion of other governments, and a human rights record which is deservedly condemned by the international community."

U.S. officials, in public statements on Iran, occasionally mentioned human rights conditions but rarely highlighted them. The Iran chapter in the State Department's *Country Reports on Human Rights Practices for 1995*, while generally accurate, spoke in broad generalities and presented few revelations, reflecting the lack of engagement on human rights conditions in U.S. policy.

IRAQ

Human Rights Development

The Iraqi government continued to engage in a broad range of gross abuses that systematically deprived its citizens of their most basic human rights. As the U.N. sanctions regime entered its seventh year, Iraqi civilians continued to suffer and die from malnutrition and illness in what had become a public health crisis. In northern Iraq, which remained for most of 1996 outside Baghdad's direct control, the major Kurdish political parties and Iraqi forces engaged in violations of human rights law.

Human Rights Developments in Government-Controlled Iraq

The government sustained a climate of fear and repression through a broad array of human rights violations. Throughout 1996, persons involved in or suspected of opposition to the government, especially those who held positions of responsibility within the government and military, were targets of arbitrary arrest, "disappearance," torture, and extrajudicial execution. Several waves of arrests and executions involving dozens of military officers were reported in May, June, and July following what the government claimed were foiled or failed coup attempts. By the beginning of 1996, the U.N. Working Group on Enforced or Involuntary Disappearances had over 16,100 unresolved cases of Iraqi "disappearances," more than for any other U.N. member state. There were continued reports of executions of detainees, though such incidents were hard to verify. For example, the Tehran-based Supreme Council for the Islamic Revolution in Iraq (SCIRI), an Iraqi Shi'a opposition organization, reported that in mid-March the government executed 500 detainees held in Abu Ghraib prison located west of Baghdad for their alleged involvement in the March 1991 uprising against the Iraqi government. The government reportedly prevented relatives of those executed from holding public mourning ceremonies for their dead.

Fierce repression in the southern marshes continued as the government employed artillery and armored divisions in several attacks against villages there throughout the year. The government targeted this area in part because it was a base for small armed resistance groups and a refuge for army deserters. According to SCIRI, the government shelled villages indiscriminately and arbitrarily arrested hundreds of persons there.

Iraqi courts imposed penalties of amputation, branding, and death against persons convicted of theft, corruption, currency speculation, and military desertion. The Permanent Mission of Iraq to the U.N. stated in an August 23 letter sent to Human Rights Watch that the government had repealed decrees imposing amputation and branding as penalties for the offense of military desertion. Human Rights Watch was unable to verify this claim or to determine whether such forms of punishment had in fact

ceased, but noted that the penalties still applied to other categories of offenders.

The continued imposition of harsh U.N. sanctions contributed to a massive public health crisis marked by malnutrition and increasing levels of infant mortality. In response to Iraq's invasion of Kuwait in 1990, the Security Council, cognizant of the dependence of Iraq's economy on oil exports, passed resolutions blocking all Iraqi exports and freezing Iraqi assets abroad. It thereby severely constrained Iraq's ability to pay for imports of food, medical supplies, and other basic goods. These resolutions also prohibited all imports except essential humanitarian items.

Resolution 687 (1991) conditioned the lifting of this embargo on a determination by the Security Council that the Iraqi government had complied with demands made in that resolution, including the destruction of its chemical, biological, and nuclear weapons programs and the payment of reparations to Kuwait. The Security Council to date had not made such a determination.

In response to Iraq's worsening public health crisis, the Security Council passed resolutions authorizing a one-time sale of US\$1.6 billion worth of oil provided that Iraq agreed to U.N. supervision of the distribution of supplies and the deduction of some 40 percent of the proceeds for U.N. expenses and war reparations. President Saddam Hussein rejected these conditions as infringements on Iraq's sovereignty, thereby putting this principle ahead of ensuring the most basic material needs of his people.

Resolution 986 (1995) offered basically the same conditions for permitting the annual sale of up to \$4 billion worth of oil sales to enable Iraq to purchase humanitarian supplies. On May 20, 1996, the two sides signed a Memorandum of Understanding (MOU) on the terms of this resolution. However, at the time of this writing, implementation was stalled by disagreements over the oil pricing formula and the number and freedom of movement of U.N. personnel observing the distribution of goods. The combined impact on the basic welfare of the civilian population of the sanctions and of the air attacks of the 1991 Gulf War was catastrophic. Chronic food shortages and skyrocketing food prices kept the population on a "semi-starvation diet," according to the World Health Organization, leading to increased incidence of diseases such as marasmus and kwashiorkor. A 1995 report by the U.N. Food and Agriculture Organization (FAO) indicated that child mortality—defined as the rate of death among children under sixty months of age—had quintupled since 1990. Based on these results, two of the FAO report's authors estimated over 500,000 sanctions-related child fatalities between 1990 and 1995. According to a joint FAO-World Food Programme assessment mission conducted in 1995, four million Iraqis, most of them children and pregnant or nursing women, were at serious risk of malnutrition. Drinking-water and water-treatment systems, significantly damaged during the Gulf War, continued to operate at limited capacity due to the inability to import spare parts. Shortages of basic and specialized medical supplies led to sharp increases in infectious, parasitic, and water-borne diseases, according to a 1996 report by the independent, New York-based Center for Economic and Social Rights. Since September 1990, the Iraqi government maintained a food rationing system in areas under its control, which met only an estimated one-third of caloric needs in 1996.

The U.S. mission to the U.N. contested the link between sanctions and the health and nutrition crisis, accusing Baghdad of allocating scarce resources to such projects as the construction of palaces. Human Rights Watch could not ascertain the resources at the government's disposal and the portion of those resources allocated to alleviating the humanitarian crisis.

Human Rights Watch believed that the United Nations was bound by customary norms of international humanitarian law. Thus, its economic sanctions—the coercive means employed in pursuit of the objectives of resolution 687—must conform to these legal requirements.

Article 54 of Protocol I to the 1949 Geneva Conventions prohibits the use of starvation of civilians

as a method of warfare. International law permits belligerents some latitude in prescribing conditions to ensure that shipments of food and medicine are not diverted from civilian to military uses by their adversaries. However, humanitarian deliveries cannot be blocked for motives other than preventing diversion, such as to punish a civilian population in retaliation for its government's actions.

While resolution 687 did not prohibit the import of basic necessities, it blocked Iraq's ability to generate the foreign exchange it needed to purchase adequate amounts of them and thereby contributed to the malnutrition and health-care crisis described above. Furthermore, while various U.N. agencies maintained relief operations in Iraq, these did not resolve the civilian population's food deficit.

Further Article 54 concerns arose when implementation of the oil-for-food deal was delayed in late August and early September despite significant progress by the Security Council and Iraq toward reaching an agreement on how supplies would be distributed and on mechanisms for preventing Iraqi diversion. Edward Gnehm of the U.S. mission to the U.N. stated on September 3 that the conditions for the implementation of the MOU no longer existed, voicing concern for the safety of U.N. personnel responsible for distribution of the relief supplies. But the ability of U.N. agencies such as the World Food Programme to distribute goods to civilians largely without interruption during the fighting in the north raised suspicion that the U.S. motive for delaying the MOU was to punish the Iraqis for the military incursion into the north.

Since then, U.S. concerns for observer safety apparently receded, but the issues of the number of observers, their freedom of movement, and the oil pricing formula remained in contention. At the time of this writing, with resolution 986 enacted, a MOU signed, and a detailed distribution plan accepted, the enormity of the suffering in Iraq underscored the responsibility of the Security Council and Iraq to resolve these issues and commence as rapidly as possible the oil sales that would permit adequate humanitarian relief to reach the Iraqi people.

Iraqi Kurdistan

Iraqi Kurdistan remained for most of the year under the control of the two main political parties, the Kurdistan Democratic Party (KDP), headed by Masoud Barzani, and the Patriotic Union of Kurdistan (PUK), led by Jalal Talabani, in their respective zones of influence. The Kurdish administration, established in 1991 after the Iraqi military's withdrawal from parts of Iraqi Kurdistan (see below), was increasingly hobbled by KDP-PUK rivalry. Both parties operated separate military forces, secret police forces, and detention centers. The PUK and the KDP committed a wide array of abuses, including the detention of suspected political opponents; torture and ill-treatment of detainees; and the failure to investigate—or even to acknowledge—such abuses adequately. In addition, the PUK and KDP were responsible for the extrajudicial execution of dissident political activists.

On January 11, PUK troops reportedly ambushed a motorcade of leaders of the Labor Party for the Independence of Kurdistan, a small pro-independence Kurdish party, near Arbil. Twenty persons died in this attack, including Muhammad Amin al-Hallaq, a well-known activist. On June 16, thirty inhabitants of the village of Kelkin died in a KDP attack on villages inhabited by members of the Sourchi tribe, according to the Iraqi Kurdish Tribes Society, a London-based organization affiliated with the Sourchis. The society stated that the KDP killed tribal chief Hussein Agha after capturing him alive. The KDP disputed these casualty figures as too high and stated that the fighting had erupted after a member of the Sourchi tribe suspected of spying for the PUK had resisted KDP efforts to arrest him.

In late August, Iraqi ground forces and artillery units intervened on behalf of the KDP after KDP-PUK fighting broke out earlier that month, and in the process helped the KDP recapture Arbil, the

regional capital. Although the Iraqi army left Arbil by September 2, Iraqi secret police continued to operate there. This renewed presence was of particular concern to members of many Iraqi opposition groups who had flocked to Iraqi Kurdistan in order to carry out their political activities outside of Baghdad's zone of influence. According to the Iraqi National Congress (INC), an umbrella organization for a number of Iraqi opposition parties, advancing Iraqi forces summarily executed ninety-six captured INC military personnel in Qushtapa, south of Arbil, on September 1 and later executed nineteen INC officers at its military headquarters in Arbil. After the capture of Arbil, there were reports of arrests, detentions, and executions of opponents of the Iraqi government and of the KDP. The Iraqi National Turkoman Party released the names of thirty-six of its members it said had been detained by the Iraqi secret police; it also reported that several of these detainees had been executed on September 3. The Islamic Action Organization said that Iraqi forces detained and later executed forty of its members. Various opposition groups reported that members detained by the Iraqi army and secret police were transported to Mosul and Kirkuk, cities that remained under Baghdad's control.

The PUK-KDP fighting and the intervention of the Iraqi army caused a significant displacement of civilians. According to the United Nations High Commissioner for Refugees, 50,000 refugees were camped on the Iranian side of the Iran-Iraq border by mid-September; Iranian officials estimated another 100,000 to 150,000 persons were internally displaced on the Iraqi side. Fighting near the Seiran-Band refugee camp between the KDP-Iraqi forces and PUK-Iranian forces on September 18 led to the deaths of up to fourteen refugees and the wounding of forty-seven others. These events aggravated Iraqi Kurdistan's chronic humanitarian crisis. According to the U.N. Inter-Agency Humanitarian Programme, approximately 650,000 persons, or around one-sixth of the population, were dependent on some form of humanitarian assistance. The local population faced not only the U.N. sanctions regime, but also an embargo from government-controlled Iraq during most of the year.

The Right to Monitor

Given the tight controls on free expression and the pervasive presence of Iraqi secret police, no independent human rights organizations functioned in government-controlled Iraq. The government repeatedly refused to grant a visa to Max van der Stoep, the U.N. special rapporteur on Iraq. Monitoring human rights conditions through contact with persons inside Iraq posed significant dangers to correspondents there. Iraq continued to reject the recommendation of the U.N. Commission on Human Rights to allow for the stationing of human rights monitors on its territory. The state-controlled Iraqi press did not report on human rights violations. While the government often granted visas to foreign journalists wishing to cover the effects of the sanctions, the climate of fear and the presence of government-appointed minders prevented reporters from gathering much information on other human rights issues.

Prior to the KDP takeover in August, human rights groups in Iraqi Kurdistan operated openly, though not without risk of detention or other harassment by the KDP, PUK, or Iraq. After the Iraqi intervention and the increased presence of Iraqi secret police in the area, those human rights monitors who did not flee adopted a lower profile, although, in contrast to the situation in government-controlled Iraq, they were able to function to some extent.

The Role of the International Community

United Nations

The Security Council continued to implement a series of resolutions aimed, among other things, at disabling Iraq's capacity for the manufacture, deployment, and use of certain weapons of mass destruction. (On the humanitarian effect of the U.N. sanctions, see above.) The U.N. Special Commission (UNSCOM) charged with the on-site inspection and destruction of Iraq's biological, chemical, and missile capacities oversaw in May and June the destruction of the al-Hakam plant near Baghdad, which U.N. officials stated could produce biological weapons. The Commission on Human Rights had since 1991 provided for a special rapporteur on Iraq. Chief among the commission's recommendations was the stationing of human rights monitors in Iraq, a call that went unheeded. The U.N. Inter-Agency Humanitarian Programme, in coordination with the Iraqi government, maintained a relief effort to mitigate the impact of the sanctions on the Iraqi people. The operation was coordinated by the U.N. Department of Humanitarian Affairs and is implemented by U.N. agencies and some sixty international nongovernmental organizations (NGOs). This program provided over \$1.2 billion in humanitarian relief in the five years ending in April 1996.

The United States

In 1991, in the aftermath of Baghdad's harsh suppression of rebellions in southern and northern Iraq, the U.S., in conjunction with the U.K. and France, established a "safe haven" in northern Iraqi Kurdistan and "no-fly" zones in the north and south of Iraq, claiming authority from Security Council Resolution 688. These resulted in the withdrawal of the Iraqi army from much of Iraqi Kurdistan, which led to an improvement in the human rights situation there. The "no-fly" zones shielded the de facto Kurdish self-rule region and inhabitants of the south from Iraqi air strikes, though they did not prevent ground attacks in the north by neighboring Iran and Turkey or Turkish air attacks against suspected Turkish Kurdish rebel bases in northern Iraq.

Statements by U.S. officials emphasized that human rights were not among U.S. strategic interests in the region. In a television interview on September 17, Secretary of Defense William Perry explained that while the U.S. maintained a "humanitarian interest" in the Kurds of northern Iraq, its "vital interests" lay in the Arabian Gulf's oil fields. Similarly, Assistant Secretary of State Robert H. Pelletreau told the House Committee on International Relations on September 25 that U.S. efforts were focused on minimizing Iraq's threat to the U.S.'s regional allies through a strategy of containment, and that a "strong U.N. sanctions regime" was a part of this strategy.

The U.S. response to tensions in northern Iraq in mid-1996 reflected this priority. After the Iraqi army's actions in Iraqi Kurdistan in August and September, the U.S. response on the ground was to launch missiles against military installations in southern Iraq and to expand the southern "no-fly" zone. This move, while perhaps reassuring to U.S. allies in the Gulf, was of little direct benefit to the population at immediate risk from the military operation in the north of the country. To its credit, the U.S. agreed in September to evacuate and provide asylum to Iraqis employed by the Office of Foreign Disaster Assistance and other U.S. government agencies in northern Iraq, and later did the same for members of CIA-supported opposition groups active there. But, by early November, Washington had not agreed to evacuate or protect persons working for U.S. or other NGOs.

The U.S. continued to criticize publicly Iraq's human rights record. However, it did not give a high priority in its efforts at the U.N. to the stationing of human rights monitors there.

THE ISRAELI-OCCUPIED WEST BANK

AND GAZA STRIP

Human Rights Developments

This chapter covers only developments in the West Bank and Gaza Strip. The conflict in southern Lebanon and northern Israel is discussed in the Middle East overview section.

As suicide bombings, a change of government in Israel and political disagreements stalled implementation of the Oslo peace accords, human rights were again subordinated to political objectives in the West Bank and Gaza Strip.

Between February 25 and March 4, a series of four suicide bombings in Israel caused fifty-eight deaths, most of them of civilians. Responsibility for the attacks was claimed by the militant Islamic Resistance Movement (Hamas) and Islamic Jihad. The government responded by imposing the strictest “closure”—the sealing of the West Bank and Gaza Strip—in the history of the occupation. Since late March 1993, the West Bank and Gaza had been under a general closure that prevented Palestinians without Israeli-issued permits from traveling into Israel or Israeli-occupied East Jerusalem, including for transit between the occupied territories. The army regularly tightened this closure by restricting the movement even of those Palestinians with valid permits. In an unprecedented step following the four suicide bombings, the Israeli army also blocked internal movement in the West Bank for ten days, effectively placing Palestinian residents under town arrest. A humanitarian crisis ensued as Israel virtually halted the entry of food, medical, and relief supplies into the West Bank and Gaza. Personnel, patients, and ambulances were prevented from reaching health-care facilities, leading to at least nine probably avoidable deaths during the first ten days of the closure. The army also placed entire villages and camps under twenty-four hour curfew, arrested relatives of bombing suspects, including minors, and sealed and demolished the homes of nine bombing suspects, leaving innocent family members homeless. These measures appeared to be aimed at punishing the Palestinian population more than at preventing specific acts of violence. In their scale and indiscriminate nature, these measures amounted to collective punishment, which is proscribed under international law.

This intensified closure was gradually eased in April and May, but the general closure of the West Bank and Gaza, in place since late March 1993, continued. In addition to its adverse impact on health care, the general closure prevented regular access to schools and universities for hundreds of Palestinian students who were denied permits, often arbitrarily. By mid-September, no Gaza students had received permits to transit Israel in order to attend West Bank universities.

Onerous restrictions on the movement of goods, which Israel said were necessary for security reasons, further impoverished Palestinians. Israel also further reduced the number of Palestinians permitted to work inside Israel, although Israel had suppressed the local economy throughout the occupation, rendering Palestinians heavily dependent upon jobs inside Israel. These restrictions made it difficult or impossible for Palestinians to meet their basic needs, and violated Israel's obligation under the laws of occupation to ensure the basic welfare of the population.

Binyamin Netanyahu, the leader of the Likud party, was elected prime minister on May 29. During the ensuing months, the peace process came to a virtual halt and tension between the Palestinian Authority and Israel mounted. Partial redeployment from Hebron, the last major Palestinian city under direct Israeli military control, was delayed further as the Israeli government insisted on modifications to the original agreement. Israel continued to confiscate land in the occupied territories to expand settlements and build bypass roads for settlers. In addition, it demolished dozens of

Palestinian homes, as well as a center that provided services to the handicapped in East Jerusalem, on the grounds that they had been built without difficult-to-obtain permits. In August, the cabinet formally lifted a moratorium on the construction and expansion of Israeli settlements in the occupied territories.

Against this background, Prime Minister Netanyahu decided, on September 25, to open a new entrance to a controversial ancient tunnel for use by tourists near Muslim and Jewish holy shrines in Jerusalem. This decision triggered protests throughout the West Bank and Gaza and violent clashes soon erupted, involving, in some cases, Palestinian police and armed civilians exchanging fire with Israeli soldiers. In other cases, such as an incident that took place in Jerusalem's Al-Aqsa Mosque compound on September 27, Israeli soldiers fired rubber bullets and live ammunition at Palestinians armed with stones and bottles. In three days, over 1,300 Palestinians were injured, and at least sixty-two Palestinians and fifteen Israeli soldiers died. Once again, the Israeli army placed residents of the West Bank under town arrest and imposed a total closure, impeding access to medical supplies, medical treatment, and food.

During the first eight months of the year, prior to the September 1996 clashes, six Palestinian civilians had been killed by Israeli security forces.

Following the 1995 "Oslo II" Agreement, Israel released about 1,000 Palestinian prisoners but, in areas that remained under its control, continued cracking down on suspected Islamists and opponents of the peace accords, arresting an estimated 1,400 more Palestinians on security-related grounds. These roundups began in late December 1995, just prior to Israeli redeployment from major West Bank cities and population centers, and intensified following the suicide bombings in February and March.

On September 18, according to official Israeli figures, 2,335 Palestinians were serving sentences in Israel for security-related offenses, and an additional 677 were undergoing interrogation or awaiting trial. Another 294 Palestinians were being held in administrative detention, without charge or trial. Ahmed Qatamesh, the longest-held administrative detainee at the time, had completed his fourth year in detention without charge. In addition, 148 residents of other Arab countries, nearly two dozen of whom had already completed their sentences, remained in Israeli detention.

Throughout the year, the Israeli General Security Service (GSS) continued to subject Palestinian detainees to torture and ill-treatment during interrogation. The government renewed, at regular intervals, the authorization to use harsher methods of interrogation in "exceptional" cases. These methods were not made public but, according to extensive documentation by human rights groups, they included violent shaking, which had caused at least one death in 1995, abusive body positioning, beating, hooding, and sleep deprivation. In January, the Labor government introduced legislation which, while purportedly outlawing the use of torture, authorized the use of "pressure" against suspects. This legislation was expected to codify the government-appointed Landau Commission's approval, in 1987, of the use of "moderate physical pressure" which, in practice, amounted to sanctioning torture and ill-treatment.

Prior to redeployment from parts of the occupied territories in 1994 and 1995, Israel transferred thousands of prisoners and detainees to facilities inside Israel. This violated Article 76 of the Fourth Geneva Convention, which requires that protected persons be held in the territories under occupation. The detention of Palestinians inside Israel impeded regular access to them by West Bank and Gaza lawyers, especially during closures. This policy also prevented regular family visits during closures, in violation of Article 116 of the Fourth Geneva Convention.

In July, the daily *Yediot Ahronot* (Tel Aviv) published an interview with Ehud Yatom, a former

senior official in the GSS, in which he admitted to murdering two Palestinian bus hijackers in 1984 by crushing their heads with a large stone. GSS foul play had always been suspected in the case, since a newspaper had run photos of the Palestinians being taken alive from the bus, but details of an official inquiry were never made public. Despite Yatom's reported confession to these extrajudicial executions, the government initiated no action against Yatom or other senior officials who had been at the scene. Yatom later denied having committed the murders, reportedly after being reprimanded by the GSS for holding an unauthorized interview with the press.

The Palestinian Authority (PA)

The human rights situation in the areas of the West Bank and Gaza Strip that were under Palestinian self-rule deteriorated steadily during the year. Intolerant of internal opposition to its policies and under intense pressure from Israel and the United States to "combat terrorism," the PA conducted mass and often arbitrary arrests of suspected militants and opponents of the peace process. In the aftermath of the February-March suicide bombings, an estimated 1,000 to 1,500 people were rounded up, often arbitrarily, and several hundred remained in detention by October. Most of those detained were never charged with a criminal offense or put on trial.

Torture and ill-treatment by security forces occurred regularly during interrogation and led to at least one death: twenty-six-year-old Mahmoud Jumayal, who died in Nablus on July 30 as a result of severe beating and burning. Detainees who did not undergo interrogation, however, were not generally ill-treated.

The number of security agencies grew to at least eleven, but their respective duties seemed ill-defined or overlapping. Competition among the agencies, which appeared accountable to no one but Palestinian Authority President Yasir Arafat, encouraged abusive conduct. The police and security forces also lacked training and were implicated in dozens of beatings and unlawful shootings, including at least six "accidental killings." Many of the security agencies operated their own detention facilities, some of them in secret locations; thus, family members, lawyers, and human rights activists could not obtain prompt and reliable information about the whereabouts of detainees. Security forces routinely beat and dispersed demonstrators demanding the release from Palestinian custody of uncharged detainees. On March 29, Palestinian security forces raided the campus of an-Najah University in Nablus, where students were protesting the large-scale arrests by both the PA and Israel. Security forces fired their weapons in the air, beat students with clubs, and used tear gas, injuring twelve students. During a massive demonstration in Tulkarm on August 2, following the death in detention of Mahmoud Jumayal, the police opened fire on demonstrators, killing one and injuring several others.

On January 20, an estimated 75 percent of eligible voters turned out to elect a president and an eighty-eight member legislative council. Local and international monitors characterized the rather rushed elections as generally free and fair, but identified violations. During the electoral campaign, both Israeli and Palestinian authorities sought to silence opponents of the elections and the peace accords through arrests, intimidation, and detention of some candidates and their supporters. The PA also denied candidates equal access to the media it controlled. In East Jerusalem, Israeli forces prevented candidates from campaigning in the city, and later created an intimidating atmosphere by filming voters and impeding some residents and Palestinian election observers from reaching polling sites.

The Palestinian legislative council, whose inaugural session was held on March 7, emerged as the primary forum for independent debate within Palestinian society, on issues such as human rights and

accountability. The council passed several resolutions calling for the release of detainees held without charge, raised concerns about the use of torture, and challenged President Arafat's attempts to impose his will on the council. These exchanges were rarely reported in the Palestinian press, however, and the PA only occasionally responded to the council's demands or questions.

Although there was no formal censorship, Palestinian newspapers practiced self-censorship and rarely printed anything that could be construed as critical of the PA—particularly of President Arafat or his security policies. The PA had sent a clear warning against criticism when its forces detained *Al-Quds* (Jerusalem) editor Maher Alami, who had refused PA orders to publish an article on the front page of the Christmas day 1995 issue about President Arafat's meeting with the Greek Orthodox Patriarch. Numerous journalists were detained, usually briefly, and at times beaten. For example, in April Associated Press photographer Khaled Zghari was beaten until he lost consciousness after photographing a demonstration demanding the release of Hamas prisoners in the West Bank.

The Palestinian State Security Courts, established in February 1995, continued to exercise jurisdiction over both security and criminal matters. By October 1996, the courts had sentenced over fifty people in trials that violated basic due process guarantees. Trials were held at night and often lasted only minutes, and defendants did not have the right to legal counsel of their choice or the right of appeal.

The Right to Monitor

Although Palestinian groups monitoring human rights in the West Bank and Gaza came under pressure from the PA, none was closed or prevented from carrying out its activities. While authorities usually refused official visits by human rights organizations to detention facilities and detainees, they often permitted visits by lawyers and human rights activists in their individual capacity. On September 1, the International Committee of the Red Cross (ICRC) and the PA signed an agreement granting the ICRC regular access to all detention facilities and detainees in the self-rule areas. A similar agreement signed in 1994 had not been implemented.

The PA continued its past practice of targeting specific activists for harassment and short-term arrests, creating a climate of intimidation and fear. Dr. Eyad Sarraj, commissioner-general of the quasi-official Palestinian Independent Commission for Citizens Rights, was detained twice in 1996, after having been arrested and released in December 1995. He was arrested for eight days in May, after criticizing the PA's human rights practices in a *New York Times* interview. He was rearrested on June 10 and detained for seventeen days on trumped-up charges of drug possession. During his detention, Sarraj was denied access to his lawyer and subjected to physical ill-treatment on one occasion.

Mohammed Dahman, director of the Addameer Prisoner Support Association, was arrested on August 12 and detained for fifteen days. He was brought before the State Security Court and charged with publishing false information after issuing a press release raising questions about the death of a Palestinian detainee.

In Israel, the ongoing closure prevented West Bank and Gaza lawyers and rights groups from reaching prisons inside Israel. The closure also prevented Palestinian journalists, even those accredited by Israel, from entering Israel and East Jerusalem. For several weeks following the closure imposed in February, Israeli authorities barred not only Palestinians but also most non-Israeli and Israeli civilians from entering and leaving the Gaza Strip, preventing local and international relief and human rights groups from assessing the crisis and providing assistance. Immediately

following the closure imposed after the violent clashes of September, most non-Israeli and Israeli civilians, including journalists but not settlers, were again barred from entering the West Bank and Gaza.

On February 4, 1996, Israel imposed a six-month administrative detention order on Sha'wan Jabarin, fieldwork coordinator at the Ramallah-based human rights organization Al-Haq. Jabarin had been administratively detained on five previous occasions, and had already spent almost thirty months in detention without charge or trial. His administrative detention order was renewed for another six months on July 27. Riyadh Za'auiq, who worked for Defence for Children International in Hebron, was placed under administrative detention for six months on June 17. On August 19, Israeli authorities detained Bashar Tarabieh, a consultant for Human Rights Watch, while he was on vacation in his native Golan Heights. Tarabieh spent a week under interrogation in an Israeli jail, where he was subjected to hooding, painful shackling in a chair and sleep deprivation. He was released without charge. Al-Haq researcher Riziq Shuqair was shot and injured by Israeli soldiers while conducting field work during the September clashes in Ramallah.

The Role of the International Community

The United Nations continued to monitor human rights through its Special Rapporteur on the Occupied Arab Territories Including Palestine.

The European Union

European governments provided economic assistance both to Israel and the PA, through the European Union (E.U.), the World Bank-administered multilateral aid program, and bilateral agreements. The E.U. was the largest single donor to the PA, with US\$404 million in assistance between 1993 and 1996 and a commitment to provide an additional \$63 million annually until 1998.

On October 1, the European Council of Ministers authorized the European Commission to negotiate an interim agreement on trade and cooperation with the PA. Both the E.U., through a U.S.\$11.25 million program in 1996 for the promotion of human rights, democracy and civil society, and individual European governments actively funded and provided training to the Palestinian police and were involved in institution-building projects. The E.U. sent 300 election observers to the West Bank and Gaza for the January election and coordinated the international election observation operation. Despite this leverage, however, European countries appeared fearful of disrupting the peace process and did not act determinedly to stem abuses, particularly when committed by the Palestinian security forces who they helped fund and train. European governments and the E.U. did privately condemn human rights violations by the PA throughout the year, but generally shied away from public pronouncements. Norway, among others, publicly condemned abuses in high-profile cases such as the arrest of Sarraj and the death of Jumayal (see above).

With regard to Israeli violations, European governments signaled the harm inflicted on the Palestinian population by the Israeli closure and raised this issue at the Washington follow-up meeting to the Sharm al-Sheikh conference.

Following the September clashes, the E.U. General Affairs Council issued a strong declaration urging both sides to "avoid resorting to disproportionate force," and reaffirmed the applicability of the Fourth Geneva Convention to East Jerusalem and other occupied territories. When asked by the European Parliament if the council was considering the possibility of suspending an E.U.-Israel Association Agreement, which is explicitly conditioned on respect for human rights, the council

responded that its declaration was “quite explicit about what we [the E.U.] expect from Israel.” As an immediate step, the European Parliament suspended \$6.8 million in direct financial assistance to Israel, charging that its actions were jeopardizing the peace process.

United States

The United States, despite its stated goal of promoting human rights and respect for the rule of law in the Middle East, and the detailed documentation of both Israeli and PA abuses in the State Department’s *Country Reports on Human Rights Practices for 1995*, largely ignored human rights protection in its public dealings with Israel and the PA.

Israel remained the largest recipient of U.S. bilateral assistance, with over \$3 billion in economic and military assistance, \$50 million in counterterrorism assistance and nearly \$2 billion in available loan guarantees in 1996. Yet, except for the section on Israel in the *Country Reports on Human Rights*, the U.S. maintained a public silence in the face of violations. On March 5, in response to a question about whether the United States had given Israel a blank check in responding to the four deadly suicide bombings, Secretary of State Warren Christopher said, “They’re going to be taking firm action. Those will be the decisions of Israel.” This statement, like many others by U.S. officials, ignored clear evidence that Israel had repeatedly carried out arbitrary arrests and tortured suspects.

The Clinton administration appeared concerned that any public criticism of then-Prime Minister Shimon Peres might jeopardize his chances of winning the upcoming Israeli elections. The U.S. did not publicly criticize the strict closure imposed in February, in spite of its tragic humanitarian consequences. However, the U.S. did, according to State Department officials, privately encourage Israel to implement specific measures aimed at mitigating the impact of the closure—particularly by facilitating the entry of food, medicines, and building materials into Gaza.

Both Israel and the U.S. repeatedly urged President Arafat and the PA to do more to prevent “terrorism.” It was only after the PA engaged in repeated waves of often arbitrary arrests and torture of detainees that both governments praised President Arafat for showing determination in the fight against “terrorism.” The implicit message sent by the U.S. in 1996—to both Israel and the PA—was that abuses carried out in the name of security were justifiable and would not be publicly criticized. In spite of continuing evidence of extensive due process violations in the State Security Courts, no U.S. official retracted Vice-President Al Gore’s praise of these courts in 1995. But following the repeated arrests of human rights activist Dr. Eyad Sarraj, for example, the U.S. consul general in Jerusalem met twice with President Arafat to convey U.S. concerns and urge Sarraj’s release, and an officer from the U.S. embassy in Tel Aviv met with Sarraj in prison.

During the violent clashes over the Jerusalem tunnel in September, the U.S. abruptly withdrew support, for a mildly-worded U.N. Security Council resolution calling for “the immediate cessation and reversal of all acts which have resulted in the aggravation of the situation” and “for the safety and protection of Palestinian civilians.” The resolution was passed by fourteen votes to zero, with the U.S. abstaining.

The U.S., a major participant in the international donor effort in the West Bank and Gaza, had obligated \$225 million in assistance managed by the U.S. Agency for International Development between September 1993 and September 1996, more than half of which had been disbursed by the end of fiscal year 1996. Many of these programs were aimed at democratization, institution-

building, and ensuring free elections. The U.S. also provided the PA about \$13 million in police and medical assistance.

At the international level, the March 12 “anti-terrorism” summit convened in Sharm al-Sheikh, Egypt represented a lost opportunity: the statement issued at the end of the conference focused on preventing “terrorism” without reference to the human rights standards that have been so frequently trampled in pursuing that goal.

SAUDI ARABIA

Human Rights Developments

The Saudi government, an absolute monarchy, continued to violate a broad array of internationally recognized civil and political rights. It allowed no criticism, political parties, or other potential challenges to its rule. The government employed arbitrary arrest and incommunicado detention, torture, and corporal and capital punishment to suppress and intimidate opposition.

Women faced institutionalized discrimination affecting their freedom of movement and association and their right to equality in employment and education. Labor laws banned the right to organize or bargain collectively. Many foreign workers, especially domestic workers, worked under oppressive conditions as the government and the courts provided little protection from exploitative employers. Throughout 1996, the conduct of criminal trials fell far short of international norms. Saudi law did not guarantee detainees the right to counsel, made no provision for notifying families of arrests, and imposed no maximum time limit on the duration of pre-trial detention. Article 4 of the Basic Law of 1992 waived the few protections offered detainees for persons being held in connection with “crimes involving national security,” a category so broadly defined as potentially to extend to nonviolent opposition to the government. Article 20 of Imprisonment and Detention Law No. 31 of 1978 established flogging, indefinite solitary confinement, and deprivation of family visits and of correspondence as means of disciplining pre-trial detainees. There were reports that judges often accepted uncorroborated forced confessions as the sole basis for conviction.

The trial and execution of four persons held responsible for the November 13, 1995 bombing of the Saudi Arabian National Guard training center in Riyadh highlighted some of the deficiencies of the criminal justice system. That blast killed six persons, including five U.S. military personnel, and wounded sixty. On April 22, Saudi television broadcast the “confessions” of four Saudis—Abd al-Aziz Naser al-Mi`tham, Riyadh Suleiman Ishaq al-Hajri, Muslih Ali A`idah al-Shamrani, and Khalid Ahmad Ibrahim al-Sa`id—arrested in connection with the bombing. According to Amnesty International, the four had reportedly been arrested two months before the announcement and subjected to torture. Their confessions were almost identical, and all implicated Dr. Muhammad al-Mas`ari of the Committee for the Defense of Legitimate Rights (CDLR), a London-based opposition group whose sharp denunciations of the Saudi government are regularly faxed to recipients in many countries including Saudi Arabia. The government executed the four, supposedly after a trial, on May 31.

Those doubting the authenticity of the confessions tended to view the implication of al-Mas`ari in the Riyadh attack as one of a series of Saudi government efforts to discredit and suppress him and the CDLR. These efforts included an attempt to pressure the U.K. to deport him (see below). According to the CDLR, on August 25 and 28 Saudi authorities arrested five of al-Mas`ari's close relatives living in Saudi Arabia, and had not released them by early October.

Shaikh Safar bin Abd al-Rahman al-Hawali and Shaikh Salman bin Fahd al-Audah, two prominent

Sunni clerics arrested in 1994, remained in detention without charge or trial. The American Islamic Group, a California-based nongovernmental organization, stated that repeated efforts by various groups to obtain official information about the basis for the clerics' detention were fruitless. According to the CDLR, Shaikh al-Audah led a hunger strike in April to protest his continued detention and the deterioration of conditions in al-Hayer prison, where he was being held.

The June 25 bombing at the King Abdul Aziz base at al-Khobar, which killed nineteen U.S. military personnel and injured 386, was followed by a campaign of arrest and detention of suspected opposition activists. Hundreds of warrantless arrests were carried out in al-Qatif, Sayhat, Turaif, al-Jarudy, Um al-Hamam, and al-Awamiya by the Directorate of General Investigations (*al-Mabahith al-Amma*, or simply *al-Mabahith*), the secret police of the Ministry of Interior. By early October, the campaign had not ended, with up to 2,000 persons remaining in detention, according to Saudis who monitor human rights developments in Saudi Arabia.

The government has long discriminated against the Shi'a community, which comprised about ten percent of Saudi Arabia's population and resided primarily in the Eastern Province. Shi'a faced unequal access to social services and government jobs, especially in the national security sector. The government rarely permitted the private construction of Shi'a mosques or community centers, and even sought to prohibit Shi'a religious instruction in private homes.

In March 1996 Saudi authorities initiated a campaign of arrests and detentions in the Shi'a community. By early September, twenty-three Shi'a clerics and religious scholars were in custody, according to the Alliance of Clergymen of Hijaz (*Tajammu' Ulema' al-Hijaz*), a clandestine opposition group. The government also seized many persons' passports at airports and border crossing points without legal justification, arbitrarily limiting their freedom to travel.

In early October, an estimated 200 Shi'a political prisoners remained in detention, according to independent Saudi sources monitoring human rights developments in Saudi Arabia. One case that gave particular cause for concern was that of eighteen-year-old Muhammad al-Zein al-Wa'il of the Awali district of Madina. According to the London-based Al-Haramain Islamic Information Center, al-Wa'il was arrested by Saudi forces in July and subsequently held incommunicado. During a prior arrest in 1995, the Mabahith had accused him of insulting the Prophet and his companions, an accusation sometimes leveled against Shi'a and which carries the death penalty. During his prior detention, he suffered physical and psychological abuse to such an extent that he required hospitalization after his release, according to the Center.

Non-Saudi detainees were also mistreated and denied due process. Human Rights Watch/Middle East interviewed an American engineer detained in July in the course of a business trip to Saudi Arabia. Saudi authorities arrested him at the airport upon his arrival and detained him in prisons in three different Saudi cities for a total of thirty-eight days. According to the engineer, who requested anonymity, his interrogators said that they had no charges against him but merely wanted information he allegedly had obtained about Saudi opposition groups when he was living in Saudi Arabia. He stated that during most of his detention he was held in solitary confinement and received insufficient food and medication. At one point his interrogators threatened to beat him. For thirty days they refused him any contact with his family, a lawyer, or the U.S. embassy. Saudi authorities only confirmed his detention to the U.S. consulate in Dammam seven days after his arrest.

The government owned all domestic radio and television stations and allowed the domestic privately-owned print media no margin to criticize. The government controlled senior staffing decisions at publications as well as their editorial content. Topics such as corruption, arms deals, and the country's financial difficulties were off-limits. Private satellite dishes were outlawed, but were

unofficially tolerated.

The Right to Monitor

Saudi controls on freedom of expression and harsh suppression of dissent meant that no human rights organizations could operate in Saudi territory. Mail or telephone contact with persons in Saudi Arabia that touched on criticism of the government posed significant dangers to Saudi correspondents. No international human rights organization has in recent years been authorized to conduct a mission to Saudi Arabia. In October 1995, Saudi Ambassador to the U.S. Prince Bandar ibn Sultan extended an informal invitation to Human Rights Watch to visit Saudi Arabia. Follow-up phone calls subsequently made by Human Rights Watch to determine the modalities of the visit went unanswered.

The Saudi government's pressure on opposition organizations, as well as groups involved in human rights reporting, extended beyond its borders. Fearing Saudi efforts to have them deported and reprisals against relatives in Saudi Arabia, some individuals involved in London-based human rights and opposition groups chose to operate anonymously.

Foreign journalists required visas to enter Saudi Arabia and were often refused access.

The Role of the International Community

United Kingdom

In January, the Home Office announced that the U.K. had decided to refuse without substantive consideration the application of Dr. Muhammad al-Mas`ari (see above) for political asylum. It sought instead to deport him to Dominica, which had agreed to take him.

This move came as a result of pressure from British defense contractors who were alarmed by Saudi threats, made both in public and private, that Saudi Arabia would cut lucrative defense contracts with British firms if al-Mas`ari were allowed to continue his opposition activities in the U.K. The *Times* (London) quoted Ann Widdecombe of the Home Office as saying, "British interests as a whole do require his removal. We have got enormous export considerations." Britain sold over US \$2.2 billion worth of goods to Saudi Arabia in 1995.

The deportation effort was blocked by the Immigration Appellate Board, which on March 5 ordered the Home Office to reconsider al-Mas`ari's asylum claim on the merits, ruling that the government had tried to "circumvent for diplomatic and trade reasons" its obligations under the U.N. Convention Relating to the Status of Refugees. The government subsequently abandoned this effort and granted al-Mas`ari the right to remain in the U.K. for four additional years. Subsequently, Defense Secretary Michael Portillo said in an interview with the Arab press that London was searching for another country that would take al-Mas`ari.

United States

Saudi Arabia is the base for approximately 5,000 U.S. soldiers and is also a leading customer for U.S. arms and other exports. As in the past, the U.S. subordinated human rights concerns to maintaining the political and trade status quo. Besides the State Department's *Country Reports on Human Rights Practices for 1995*, the U.S. rarely if ever raised publicly Saudi Arabia's human rights record. Instead, U.S. policy emphasized the defense of the Saudi government against regional and internal opponents.

The *Country Reports* chapter reflected this emphasis. While it contained a detailed and relatively

comprehensive overview of human rights violations in Saudi Arabia, it was marred by attempts to discredit the opposition while bolstering the government's legitimacy. For example, it stated, without substantiation, that the government "enforces adherence to the precepts of a rigorously conservative form of Islam—a position that enjoys near-consensus support among Saudi citizens." And while the official brand of intolerant Islam was "rigorously conservative" opposition groups facing government repression were characterized as "rigidly fundamentalist."

On April 22, after the announcement of the confessions of persons detained in connection with the Riyadh bombing case (see above), U.S. Ambassador Raymond Mabus stated that he was "extremely gratified that the government of Saudi Arabia has arrested four people responsible for the bombing," *The New York Times* reported. The ambassador thus implied that the detainees were guilty before this had been proven at trial.

The U.S. government participated in the investigations into the al-Khobar bombing by sending sixty agents of the Federal Bureau of Investigation (FBI) to assist the Saudis. While FBI Director Louis Freeh on many occasions publicly criticized the Saudis for not allowing the FBI access to the suspects, he did not publicly voice any concern over Saudi Arabia's mistreatment of detainees and its failure to adhere to due-process standards in criminal investigations.

SYRIA

Human Rights Developments

Syrian citizens remained under the tight control of a powerful state system in which opposition political parties and independent nongovernmental organizations were not permitted, the elected parliament functioned as a rubber stamp, and daily newspapers and other media served as government mouthpieces. Peaceful dissent was criminalized; political detainees and prisoners suffered harsh treatment, including extraordinarily long imprisonment for nonviolent offenses. In Syria, the rule of law was supplanted by the continuing state of emergency, in force since 1963, which granted broad, unchecked powers to the vast, multilayered security apparatus.

President Hafez al-Asad, who in November 1996 celebrated twenty-six years in power, ruled unchallenged. By keeping a watchful eye on suspected domestic critics, punishing severely those who dared to speak out, and limiting the access of journalists and international human rights organizations to the country, the government made information-gathering and timely reporting about the human rights situation extremely difficult.

In a welcome development, a large number of political prisoners—reportedly up to 1,200—were released beginning in late November 1995 in a presidential amnesty, most of them held since the 1980s because of suspected links to the Muslim Brotherhood. This left some 2,700 political prisoners in Syria, the Paris-based Committees for the Defense of Democratic Freedoms and Human Rights in Syria (CDF) calculated. Among the remaining prisoners were those suspected of affiliation with the nonviolent, secular political opposition, many of them held since the 1980s and early 1990s and serving ten- and fifteen-year prison terms handed down by the state security court on charges based on the exercise of their rights of freedom of association and expression. Their trials, flouting fair trial standards, took place between 1992 and 1994.

Some of these prisoners were denied proper medical care, and others were transferred to military prisons. Forty-three-year-old poet and journalist Faraj Bayraqar, who has been imprisoned since

1987 and was sentenced to fifteen years by the state security court in 1993, suffered from injuries sustained during torture and reportedly could not walk unassisted. Thirty-four-year-old writer and human rights activist Nizar Nayouf remained in Mezze military prison in Damascus, where he was, since 1993, reportedly held in solitary confinement. Another twenty-one prisoners—all alleged to be members of two unauthorized leftist political groups—were transferred to the infamous Tadmor military prison because they refused to sign statements of support for the government and repudiating their past political activities as conditions for release. Some of these men had also been in custody since the early 1980s; all of them were tried by the state security court in 1994 for vaguely formulated offenses, such as “opposing the goals of the revolution,” and sentenced to terms ranging from eight to fifteen years.

There were reports of continued arbitrary arrests in 1996. Forty Kurds were arrested in Aleppo and ‘Ain Arab during *Nayrouz* (“new day,” in Kurdish), the traditional Kurdish celebration of spring. In May, following a series of unclaimed and as-yet-unexplained explosions in Damascus and other cities, security forces reportedly rounded up scores of citizens, including some 400 from the Turkoman minority and smaller numbers of Kurds in Damascus, Aleppo, and areas in the north. Suspected members of unauthorized political groups continued to be detained without charge, interrogated and mistreated by security forces. One Syrian activist who was detained in 1996 in the Palestine Branch of Military Intelligence in Damascus told us that he was first given a pen and paper and asked to write his life story before he was questioned by a high-ranking officer. Then he was blindfolded and handcuffed, and beaten every ten minutes on an hourly basis until the following day as interrogators sought to elicit a confession that he was a member of an illegal political party. “If you die, we have ten doctors to say that you died of natural causes,” his interrogator allegedly told him.

The government also maintained its policy of keeping political opponents behind bars for many years without trial or beyond the expiration of their sentences, despite advanced age or the onset of life-threatening illnesses. Journalist Rida Haddad died in a Damascus hospital on June 17, eight months after his release from prison. He had been arrested in October 1980, held without charge for fourteen years, and then sentenced by the state security court in 1994 to fifteen years, including time already served. Haddad suffered from leukemia but was not released until October 1995, after serving his full prison term.

The persistence of this pattern of treatment raised grave concern about the fate of other long-term prisoners who had become seriously ill. One of them was Mustafa Tawfiq Fallah, a fifty-nine-year-old Syrian army officer who was sentenced to fifteen years in prison in 1971 but continued to be held illegally in Mezze prison long beyond the expiry of this term. It was reported in 1996 that Fallah was suffering from heart and kidney disease, among other ailments. As of this writing, we were aware of no response from Syrian authorities to calls for Fallah’s release. In June, CDF named thirteen prisoners whose medical condition it described as critical, including lawyer and opposition political activist Riad al-Turk (detained without charge since 1980); lawyer and human rights activist Aktham Nouaisseh (sentenced to nine years by the state security court in 1992); and Faraj Bayraqdar, the poet mentioned above. The others were: Abbas Abbas, Nu‘man Abdo, Safwan Akkash, Wahij Ghanem, Mustafa Hussein, Muhammed Kheir Khalaf, Issa Mahmoud, Ahmad Hassan Mansour, Nizar Mradni, and Munif Mulhem.

Human Rights Watch in 1995 documented the demand that political prisoners sign loyalty oaths to the government, abandon political activity, and collaborate with security forces, as conditions for release. This practice not only continued in 1996, but a group of twenty-nine long-term prisoners

were reportedly punished by transfer in January 1996 from Adra civilian prison to Tadmor military prison for refusing these demands. As of this writing, the prisoners reportedly had no contact with the outside world because family visits were not permitted. They were all arrested between 1981 and 1990 and were not tried by the security court until 1994; they were serving prison terms of up to fifteen years for alleged membership in three unauthorized political groups (the Party for Communist Action, the Communist Party-Political Bureau, and the pro-Iraqi Ba'th Party). Two of the prisoners, Safwan 'Akkash (arrested in 1983, serving a fifteen-year sentence) and 'Ammar Rizk (arrested in 1990, serving a twelve-year sentence), reportedly have serious health problems.

In 1996, Syrian security forces in Lebanon detained Lebanese citizens and Palestinian refugees, who then "disappeared." Some of these abductions began with short-term detention, interrogation and torture at Syrian intelligence headquarters at the Beau Rivage Hotel in Beirut, followed by transfer to Syria and imprisonment there without charge or due process. In one 1996 case, after a high-ranking Syrian officer called at the home of a Lebanese citizen and took him away, family members made inquiries at the local office of Syrian security. "First they said that they didn't have him, then they said that he was being questioned for a few days and would be released. After some days, they said that he was moved to Anjar [a Syrian detention facility inside Lebanon, near the Lebanese-Syrian border] and probably was in Damascus," a relative said. The family later was able to confirm this.

Using influence, bribery, or a combination of both, families sometimes learned where their relatives were detained in Syria and visits were permitted. One Lebanese, who was taken in 1994 and as of this writing continued to be held in a Military Intelligence facility in Damascus, saw his wife every two weeks. In other cases, families searched for "disappeared" relatives at Lebanese prisons and detention facilities, only to be informed that the person was not in custody and "probably" was in Syria. Inaction by Lebanese authorities in such cases only exacerbated the fear felt by victims' families, who insisted that names and other identifying details remain confidential. Lebanese lawyers identified Col. Rustom Ghazali as the officer in charge of Syrian intelligence in Beirut, and Gen. Ghazi Kan'an as the head of Syrian intelligence in Lebanon.

The Kurdish minority of some eight to ten million people continued to suffer from state-sponsored discrimination, and those Syrian-born Kurds classified by the interior ministry as "foreigners" (*ajanib*, in Arabic) or "unregistered" (*maktoumeen*) were officially rendered stateless. Authorities maintained various bans on the use of the Kurdish language, establishment of Kurdish private schools, and the publication and circulation of books and other materials written in Kurdish. Suspected Kurdish political activists were dismissed from their jobs at state-owned companies and from educational institutions where they were studying, and were prevented from traveling abroad by blocks upon the renewal of their passports.

In the continuing legacy of a controversial 1962 census in Hasakeh governorate in the northeast that stripped many Syrian-born Kurds of their citizenship, over 142,000 men, women and children—by the government's own count—remained arbitrarily denied of a nationality, in violation of international law. They were not permitted to vote or own property, hold public-sector jobs, or be issued passports.

The Right to Monitor

Syrians were not permitted to criticize any aspect of President Asad's rule or to monitor openly the human rights situation, much less publish and distribute information about abuses. Fear of arrest severely hampered the collection of information and its dissemination to the outside world. The state's clampdown in 1991-1992 on activists associated with CDF, the nascent human rights

movement inside Syria, continued to have its intended chilling effect. Suspected CDF leaders and activists were prosecuted in the state security court in 1992 in an unfair trial and sentenced to prison terms of up to ten years. Their imprisonment continued to be a grim reminder of the consequences for Syrians who dared to criticize the state.

In a troubling change of the policy that prevailed in 1994 and 1995, Syrian authorities did not consent to visits to Syria in 1996 by international human rights organizations that sought to carry out field research. The government continued to delay its response to a Human Rights Watch request, pending since July 1995, for another investigative mission.

The Role of the International Community

United Nations

In July, Human Rights Watch provided detailed information to the U.N. Human Rights Committee about the stateless Kurds in Syria. On the basis of this submission, the chairman of the committee met with Syrian representatives in Geneva, and asked that their overdue report on the country's compliance with the treaty be submitted as soon as possible and that it put special emphasis on the situation of the Kurdish population in Syria.

European Union

European Union countries account for over 55 percent of Syria's annual exports, giving the E.U. substantial influence as a key trading partner; additional clout is provided by a five-year aid package worth US\$178 million. Despite these potential levers to press for human rights improvements, the E.U. has long shown little political will to press for substantive improvements in Syria's dismal human rights situation. It continued its policy of public silence in 1996, sparing President Asad the constructive criticism that the government merited.

The joint press release issued on June 11 after the second meeting of the European Union-Syria Cooperation Council at the ministerial level omitted mention of human rights. Instead, the joint statement lavished praise on Syria, cited the improvement and expansion of its "political ties" with the European Union, and noted the common interest in "security, stability and prosperity throughout the Mediterranean." It added that "both sides were pleased to note that since 1994 the resumption of financial assistance had enabled cooperation to enter a very active phase." Emphasizing reforms geared toward economic modernization, the statement continued, "The E.U. is prepared to support Syria in this course of action and to help it to create a favorable climate for the modernization and development of its economy."

United States

For the seventeenth consecutive year, Syria was precluded from receiving U.S. aid because it was included on the State Department list of countries that sponsor terrorism, along with Cuba, Iran, Iraq, Libya, North Korea, and Sudan. State Department spokesman Nicholas Burns tempered the news of Syria's continuing stigmatization by inclusion on this list, which was disclosed in February, with these conciliatory words: "We have a much more regular set of contacts with the Syrian government [compared to the other states on the list]. We may not like everything the Syrian government does...but we do have a dialogue with the Syrian government which is a mature dialogue." And, as in past years, frequent high-level diplomatic contacts between the two countries continued, including face-to-face meetings in Damascus between Secretary of State Warren Christopher and President Asad in April, as the secretary attempted to broker a cease-fire in the fierce fighting between Israel and Hizballah.

Assistant Secretary of State Robert H. Pelletreau made clear in an address on August 21 that U.S.

interests in the Middle East include “first and foremost, achieving a just, comprehensive, secure and durable Arab-Israeli peace.” He added that Syria was central to this process: “We have long felt that peace between Israel and Syria is essential for closing the circle of peace and producing a comprehensive settlement. We are committed to working toward this goal.” The administration indeed continued its efforts to facilitate Syrian-Israeli negotiations. But, as in previous years, the administration’s exclusive focus on the peace process left its spokespersons publicly silent about Syria’s rights record.

To the best of our knowledge, the only public criticism by the Clinton Administration during the year of Syria’s human rights performance appeared in the State Department’s *Country Reports on Human Rights Practices for 1995*. The assessment of Syria noted accurately that President Asad rules with “virtually absolute authority,” security forces operate “outside the legal system,” torture in detention is “widespread” and state security court trials “fundamentally unfair,” freedom of peaceful assembly and association “does not exist,” and freedom of speech and press is restricted “significantly.” Secretary Pelletreau repeatedly stressed in 1996 that one of the U.S. policy goals in the region is promotion of “more open political and economic systems and respect for human rights and the rule of law.” Despite the damning assessment of Syria in *Country Reports*, we could find no evidence of how the administration pursued its professed policy of promoting human rights in its bilateral relationship with Syria.

TUNISIA

Human Rights Developments

Tunisia remained a tightly controlled state where police surveillance, repressive legislation and trumped-up charges against opposition politicians and rights activists contributed to a climate of fear that stifled nearly all public criticism of President Zine Abidine Ben Ali. The government devoted enormous efforts to presenting its human rights record in a favorable manner that bore no relation to reality.

The harshest repression was reserved for suspected Islamists and their families. Authorities, exploiting domestic and international concern over a spillover of the conflict from Algeria, had since 1990 prosecuted and jailed thousands of suspected members and sympathizers of the banned Renaissance (Nahdha) party on charges relating to nonviolent expression and association. The arrests continued in 1996 despite an absence of political violence in Tunisia since the early 1990s. Intolerance of dissent extended to nonviolent leftist groups as well, whose members continued to be arrested during 1996.

Interrogation under torture was reported by some detainees. For example, three students who were arrested on suspicion of belonging to unauthorized leftist groups in November 1995 and who were held beyond the ten-day legal limit for incommunicado detention said they were beaten and suspended in contorted positions, dunked in tubs of water and subjected to food and sleep deprivation. Eight leftist suspects were subjected to much the same methods during their interrogation in August, according to lawyers who saw marks of abuse on them when they were brought to court.

Human rights lawyer Nejib Hosni, who has been imprisoned since June 1994, was transferred to a cell inside the Ministry of Interior in November 1995 to be questioned about new charges. Hosni told his lawyers that there he was subjected to repeated beatings, electric shocks to his feet, food deprivation, and confinement in a tiny cell with no bed. Demands for an inquiry into the allegations

from his lawyers, human rights organizations, and the Tunisian Bar Association produced no response.

Hosni was given an eight-year sentence in January 1996 on a charge that he forged a signature on a contract in 1989. The government insisted that the case involved nothing more than a common criminal offense that the court had judged fairly and independently. The New York-based Lawyers Committee for Human Rights, which closely examined the dossier, argued persuasively in a 1996 report that Hosni's prosecution and stiff sentence were motivated by his outspoken denunciation, both in Tunisian courtrooms and to international observers, of human rights abuses. Hosni was due to stand trial in late 1996 on new charges of weapons possession, charges that observers also characterized as dubious.

Hundreds of Islamists and smaller numbers of leftists were serving jail terms for such offenses as distributing or possessing illegal tracts, belonging to unauthorized political parties, attending unauthorized meetings, or insulting state institutions or officials. Many more were in prison for providing or soliciting financial assistance for the families of Islamist prisoners.

In 1996, even prominent members of the legal opposition were imprisoned for their criticism of the government. Mohamed Mouada, president of the Movement of Social Democrats (Mouvement de Démocrates Socialistes, MDS), was convicted in February on trumped-up charges of treason, as a "Libyan agent," and sentenced to eleven years in prison. He had been arrested October 9, 1995, the very day that he went public with a critical letter addressed to President Ben Ali complaining about the lack of genuine pluralism, citing as an example the May 1995 municipal elections that gave the ruling Democratic Constitutional Rally 4,084 of 4,090 seats.

Mouada's MDS colleague Khemais Chammari was jailed for his efforts to defend Mouada. Chammari, a parliamentarian and well-known human rights activist, received a five-year sentence in July for faxing abroad documents from the evidentiary file in the case against Mouada, a charge that Chammari steadfastly denied.

Tunisia's governmental and private press were almost indistinguishable in their delivery of the official line. No direct criticism of the government appeared in any legal publication or on radio or television. Newspapers, both official and private, launched smear campaigns on cue against critics of Tunisia's human rights record, while blacking out the critics' words that prompted the backlash. Foreign publications were permitted to circulate only when they contained no negative coverage. The court system was widely viewed by human rights observers as subject to political pressure. Defendants who alleged mistreatment while under interrogation were only rarely granted their right to a medical examination, and trial judges routinely gave no weight to claims that confessions had been tainted by torture or ill-treatment. But to the government's credit, some international observers were allowed at controversial trials.

Authorities insisted that human rights abuses were rare and that offenders were punished. According to an official booklet issued in July, since 1988 there have been five convictions of law-enforcement officers for use of violence against prisoners to obtain a confession, and 127 convictions for the use of violence against citizens without due cause by law enforcement officers. Such claims could only be met with some skepticism, since the government, citing confidentiality rights, never divulged verifiable details about such cases.

Punishment of political prisoners did not end with completion of a prison term. Many were dismissed from their jobs, had passports confiscated, and were compelled to report to the police one or more times daily. The police also commonly harassed the families of Islamist prisoners. Human Rights Watch received reports in 1996 of policemen suggesting to wives of Islamists that harassment

would end if they divorced their imprisoned husbands, and questioning them about their sources of money when their children wore new clothing.

Law No. 75-40 of May 14, 1975 permitted passports to be confiscated “for reasons of public order and security, or if Tunisia’s reputation might be harmed.” In 1996, many human rights activists, persons with links to opposition movements, and ex-prisoners were denied the right to travel; official justification was provided only rarely.

Article 305 of the code of criminal procedure permits prosecution of Tunisians for violations of Tunisian law for acts committed abroad that fall within the broad definition of “terrorism” found in article 52b of the criminal code. Political activities that were perfectly legal in the countries in which they took place put Tunisians at risk of arrest and prosecution the moment they set foot again in Tunisia. For example, student Hafez Ben Gharbia served more than one year in prison for participating in an “unauthorized” meeting and demonstration in Germany in 1988, before authorities released him in 1996, following sustained international pressure.

The Right to Monitor

The government of Tunisia devoted remarkable energy to cultivating an image of respect for human rights while doing its utmost to bar independent monitoring of its record. It boasted of the presence of independent human rights organizations inside Tunisia while routinely posting plainclothes police outside their offices in order to intimidate members and potential clients.

The independent Tunisian Human Rights League (Ligue Tunisienne des Droits de l’Homme, LTDH) was able to do a modest amount of monitoring, although its critical communiqués were ignored by the Tunisian media and virtually all of the LTDH’s efforts to communicate and meet with officials were ignored.

Tunisians suspected of criticizing the government’s human rights record while abroad risked confiscation of their passports or worse. On October 7, Salah Zeghidi, a vice president of the LTDH, was arrested upon his return to the country, after participating in a public forum in Paris on human rights in Tunisia. He was interrogated about his contacts and activities abroad and released one day later. Moncef Marzouki, a former president of the LTDH who had faced continuous harassment for his outspokenness on human rights, was detained upon his return to the country in April and interrogated for several hours about who he met in Paris. His passport was also confiscated, less than two months after it had been returned to him following a previous period during which he was prevented from traveling.

Representatives of international human rights organizations were either barred from Tunisia or were allowed in and then followed by plainclothes police in a usually successful effort to deter Tunisians from speaking to them. The president of the Paris-based International Federation of Human Rights (Fédération Internationale des Droits de l’Homme, FIDH) was turned back at the airport in May on his arrival to conduct a mission. The Tunisia researcher for Amnesty International remained barred from the country, although that organization was permitted to send trial observers in 1996.

Human rights activists risked severe harassment. In addition to the Hosni and Chammari cases (see above), Frej Fenniche, the executive director of the Tunis-based Arab Institute of Human Rights, was arrested at Tunis airport on May 10 and interrogated for four days about human rights documents found in his luggage. During a hearing on the charges against Fenniche of “defaming state institutions” and “disseminating false information,” authorities subpoenaed the president of the LTDH, Taoufik Bouderbala, for questioning about telephone conversations, which the police had wiretapped, between him and the president of the FIDH.

Rights activists were victims of suspicious crimes. Automobiles belonging to three members of the LTDH were vandalized or stolen in December 1995, an odd coincidence in a country where such crimes are uncommon. The following month, a visiting human rights researcher on assignment for the Ford Foundation had his computer and notes stolen from his hotel room at the end of his visit, while US\$1,500 in cash lay untouched nearby.

The government of Tunisia tried to make more credible its attempt to monopolize the human rights discourse by cultivating a host of government-organized “nongovernmental” organizations (“GONGOs”). These entities, with plausible-sounding names like Young Lawyers without Borders, appeared to have had few if any substantive programs on the ground in Tunisia, but could be relied upon to issue indignant joint communiqués in response to criticism of Tunisia from human rights organizations abroad.

The Role of the International Community

European Union

In July 1995 Tunisia became the first southern Mediterranean country to sign an association agreement with the European Union, whose member nations accounted for three-quarters of Tunisia’s foreign trade. The accord stipulated that relations should be founded on “reciprocity, partnership, and co-development in respect for democratic principles and human rights.” Acting in that spirit, a delegation from the European Parliament visiting Tunisia in October 1995 sought a meeting with jailed MDS president Mohamed Mouada. Authorities refused their request. In May 1996, the European Parliament for the first time adopted a resolution critical of the “deterioration” of the human rights situation in Tunisia. The long-overdue resolution, which provoked a sharp response from Tunisia’s parliament, called on the European Council and Commission to urge the Tunisian authorities to “alter their policy toward the democratic opposition and honour their international human rights commitments.” In June the Tunisian parliament ratified the E.U. association agreement.

France

France, Tunisia’s chief trading partner, enjoyed good relations with its former protectorate, which it saw as an island of stability in the region. President Jacques Chirac nonetheless appeared to step back somewhat during 1996 from the warm embrace he gave President Ben Ali during a state visit to Tunis the previous October. At that time he saluted Ben Ali as “the man who personified the new Tunisia...leading his country ever further down the road of modernization, social peace and democratic progress.” The French president held no meetings with opposition or human rights figures during his visit, as his predecessor, François Mitterand, had done. He further delighted his hosts by voicing no human rights concerns publicly during this visit, and by announcing that bilateral aid to Tunisia would jump to 1.1 billion francs (\$220 million) in 1996 from 594 million francs in 1995.

But Chirac was reportedly embarrassed when, three days after his departure, the police arrested MDS president Mouada (see above). He commented that France would follow the case “with attention” and hoped that justice would be “transparent.” But senior French officials abstained from publicly criticizing human rights abuses throughout the year, except to say, upon the conviction of Mouada in February, that they had “taken note” of the judgment, a bland comment that nonetheless elicited an indignant response from Tunis.

A planned state visit to Paris by Ben Ali in September was canceled at the last minute, reportedly by the Tunisians. This spurred press speculation that the Tunisian president feared human rights

criticism in France, and that the French government was frustrated with the lack of measures taken by Tunis before the planned visit to resolve some of the high-profile rights cases. But French authorities again abstained from commenting publicly on human rights and, in a publicized phone conversation with Ben Ali, Chirac proposed that the visit take place in 1997.

United States

The U.S. no longer provided Tunisia bilateral economic or military aid, but there was close military cooperation and Tunisia received \$816,000 to train officers in the U.S. In 1996 Tunisia became eligible to receive grants of excess U.S. defense articles.

The State Department's *Country Reports on Human Rights Practices for 1995* showed familiarity with rights conditions. However, it noted misleadingly that the number of human rights complaints declined during 1995, as if the number of complaints filed truly reflected the number of abuses committed in a country where authorities intimidated those who complain.

According to Tunisian human rights activists, the U.S. embassy in Tunis stood out among Western embassies for its monitoring of rights developments; staff met regularly with human rights monitors, observed political trials, and raised cases with Tunisian officials. According to the State Department, human rights concerns were also raised during 1996 at the ministerial level.

Although engaged on the subject, the U.S. did not wish human rights concerns to interfere with good relations, since Washington and other Western states appreciated Tunisia's support for the Arab-Israeli peace accords, its liberalizing and relatively healthy economy, and its apparent political stability and success in stemming Islamist radicalism, especially considering its proximity to Algeria and Libya.

In the past, U.S. officials urged, in their infrequent public comments on Tunisia, greater respect for human rights and pluralism. Regrettably, the most significant public statement on the issue during the past year signaled that U.S. praise on human rights could be a payoff for following the "correct" policies in other spheres. In his comments after meeting with President Ben Ali in Tunis on December 14, 1995, Assistant Secretary of State Robert H. Pelletreau said, "We appreciate Tunisia's strong support for the Peace Process, its support for the agreement in Bosnia, and its policies of economic liberalization, political enlargement and respect for human rights and the rule of law at home."

YEMEN

Human Rights Developments

The government of President Ali Abdallah Salih, which prevailed in Yemen's 1994 civil war, further constricted civil and political rights in that country. In 1996 Yemen's human rights profile compared unfavorably with the relative tolerance that had characterized the four years following the May 1990 unification of the Yemen Arab Republic (North Yemen) and the People's Democratic Republic of Yemen (South Yemen) and that ended with the civil war. In addition, the tribal-Islamist alliance embodied in the Reform (Islah) Party headed by Shaikh Abdallah al-Ahmar, the speaker of the Parliament, represented a coercive force somewhat autonomous from that of the state and the ruling General People's Congress party, further contributing to constraints on the exercise of basic civil liberties and human rights.

At the same time, government control over Yemeni society remained less encompassing than in many other states in the region. Perhaps most significantly, human rights activists and political

critics of the government were able to look to the courts as a frail but nonetheless useful defender of their constitutional rights to publish and to speak out.

The Political Security Organization (PSO), an agency that reported directly to President Salih and operated without any written authorization, was responsible for the harassment, beating, and detention without charge or trial of a number of government critics, and contributed to an atmosphere of intimidation. The PSO's plainclothes agents also infiltrated and harassed the independent press, syndicates, and civic associations, in some cases forcing those organizations to cease their activities. Persons seeking to work for any government institution, such as Sana'a University, required clearance from the PSO.

The most serious instance of punishment outside any framework of law was the abduction in December 1995 of Abu Bakr al-Saqqaf, a sixty-one-year-old professor of philosophy at the University of Sana'a and columnist in *Al-Ayyam*, an independent newspaper published in Aden. Al-Saqqaf, who had been named minister of education by the secessionist government in 1994, had been abducted and beaten previously, in January 1995, but continued to write articles criticizing the government's policies toward the southern part of the country. According to al-Saqqaf, unidentified men seized him near his home and threw him into a car without license plates. He said they demanded that he stop writing articles critical of the government as they beat him with sticks and an electric baton, fracturing his skull, breaking several teeth, and inflicting bruises on his torso. Al-Saqqaf and others charged that his assailants belonged to the PSO. The Ministry of Interior denied this and claimed to be investigating the second abduction, but no findings or arrests had been announced as this report went to press. Al-Saqqaf also faced harassment in the form of dismissal from his university post, but was reinstated by a court order.

Human Rights Watch received reports of similar attacks in the course of 1996. On July 11, Arafat Jamali Madabish, a reporter covering parliamentary affairs for the Socialist Party-affiliated newspaper *Al-Thawri* (Aden), was assaulted inside the parliament by guards and subsequently detained for several days without charge before being released. On August 19, Abd al-Ilah al-Marwani, a lawyer active in civil liberties cases, was attacked outside a court in Ibb, reportedly by persons known to be connected to the PSO. According to a letter from the Lawyers' Union to President Salih, al-Marwani had been "attacked [physically] several times" in connection with his representation in court of opposition newspapers.

Other forms of harassment of government critics were frequent. In December 1995, security officials at Sana'a airport interrogated and confiscated the papers of Dr. Muhammad Abd al-Malik al-Mutawakkil, a political science professor at Sana'a University and vice-president of the independent Yemeni Organization for the Defense of Liberties and Human Rights (YODLHR), and Hisham Basharahil, editor of the independent daily *Al-Ayyam* (Aden), on their return from academic conferences abroad. In February 1996, the government arbitrarily withheld the salary of Dr. Abdu al-Sharif, professor of political science at the University of Sana'a, following a lecture he delivered at Georgetown University, in Washington, DC, on human rights and democracy in Yemen. Yemeni officials threatened Dr. Sharif and Dr. Muhammad Zabara with arrest and physical harm upon their return to Yemen because the *Yemen Human Rights Report* newsletter, which they co-edit, had directly referred to President Salih's responsibility for human rights violations.

Opposition parties and independent organizations and publications critical of government policies were generally given legal status but faced routine harassment. Trade unions, professional associations, and other independent organizations were often the target of government efforts to manipulate their governing boards by packing meetings and replacing government critics with

supporters. The government closed down the opposition weekly *Al-Shura* from mid-1995 through mid-1996, ostensibly because leadership of the party to which it is affiliated—the Union of Yemeni Popular Forces—was being contested by a government-backed former member.

Sana'a was the site of a January 1996 UNESCO-sponsored seminar on press freedom, which adopted a "Declaration on Promoting Independent and Pluralistic Arab Media." Unfortunately, the principles of the declaration were repeatedly breached in 1996 by legal and extralegal attacks on independent media and publications affiliated with legal opposition parties in Yemen. Fuad Bamatraf, the director of radio broadcasting in the southern port city of Mukalla, was arrested while covering clashes between demonstrators and security forces in mid-June (see below). Authorities also blocked distribution of the opposition newspaper *Al-Tagammu* (Aden) in connection with the same events, and the government-owned 14th October Printing Press subsequently refused for more than a month, for no stated reason, to honor its contract to print *Al-Tagammu*, forcing the paper to suspend publication. In August Salem al-Hilali, a cartoonist for *Al-Tagammu*, was banned from publishing his cartoons and PSO officers prevented an exhibition of his cartoons in Aden.

Al-Ayyam, an independent Aden-based weekly critical of the government, was also the target of harassment and intimidation. On September 28, plainclothes security officers entered its offices to seize journalist Abd al-Rahman Khubara, who also reports for Radio Kuwait. Khubara's colleagues intervened, saying he could not be taken without a warrant. The officers left without Khubara but lay in wait outside, forcing him to remain in the office with colleagues overnight for fear of arrest. *Al-Ayyam* published a front-page account of the incident the next day, following which the PSO desisted. Khubara had been detained and interrogated by PSO officers for four days in 1995. On September 30, Muhammad al-Saqqaf, a physician and writer, appeared voluntarily for interrogation at the office of the attorney general in Sana'a and was charged with "publishing false information with malicious intent"—a violation of Yemen's press law—because of articles he had published critical of government preparations for parliamentary elections scheduled for April 1997. A trial date had not been set at the time of writing.

The *Yemen Times* (Sana'a), an English-language paper often critical of the government, charged in its July 1 issue that the PSO was effectively in control of the central post office, opening incoming mail and dumping copies of the *Times* that were addressed to international subscribers. On July 7, President Salih accused the *Yemen Times* and *Al-Ayyam* of "dubious practices." "I am directing an early warning to them because I know that the minister of information is hesitant to take legal measures against the papers," the president stated, according to *Al-Sharq Al-Awsat*, a London-based Arabic daily, "but I shall take the appropriate measures at the appropriate time."

Clashes between crowds and security forces erupted in Mukalla in June 1996 in an episode that reflected widespread perception of discrimination by the northern-based government against southerners. The disturbances were set off by a state prosecutor's remark, during a court hearing on a lawsuit filed by two southern women against the police for wrongful arrest and sexual molestation, to the effect that all southern women were "whores." Over the course of several days of rioting, police fired on unarmed demonstrators, injuring seventeen. Although the court later ruled in favor of the two women and against the arresting officers, the incident illustrated the problems arising from the replacement of virtually all local security forces and government officials by northerners after the 1994 civil war.

The Mukalla case also highlighted the fact that the courts, alone among institutions of government, on occasion challenged abuses and attempts to restrict civil and political rights. Much of the credit rested with one judge in particular, Abd al-Malik al-Gindari, in the west Sana'a court, who ruled, for

example, that Professor Abu Bakr al-Saqqaf should be reinstated, that the weekly *Al-Shura* could be closed only by a court order, thus allowing the weekly to reappear, and that the government could not shut down the independent Hadarim Welfare Association merely because it had received material support not routed through the ruling General People's Congress party. The government threatened to reassign Judge al-Gindari to a small village, and also pressed for the Judges' Association to open its membership to prosecutors as well, a move judges argued would seriously impair its independence. Prison conditions varied widely, and generally did not meet international standards. There continued to be an undetermined number of prisons not established or regulated by law that were associated with the PSO and with different ministries and high officials, including, reportedly, Speaker of Parliament Sheikh al-Ahmar. Many, possibly thousands of prisoners remained in detention for common crimes after many years without documentation regarding their trials or sentences. This reflected both a lack of resources devoted to the court and prison systems and a lack of political will to remedy the situation.

There were few reported cases of severe physical abuse of political detainees. There was, however, at least one case in 1996 of a suspicious death in detention. Ahmad Sa'id Bakhubira, thirty-five, was arrested in mid-June for allegedly being in contact with the National Opposition Front. PSO officials refused to cooperate with efforts of his father to locate him, and seventeen days later his body was discovered in a Mukalla hospital morgue. According to the YODLHR, Bakhubira's father has filed a complaint against the PSO and refused to accept a payment offer of 50,000 riyals (about U.S.\$400). The case received wide press coverage in Yemen.

One of Yemen's most egregious and long-standing cases of wrongful incarceration remained unresolved in 1996. Mansur Rajah, an activist with the leftist National Democratic Front, had been arrested in July 1983 and charged with the murder of a man in his village in Ta'iz province. He was interrogated, reportedly under torture, for nine months, in order to compel him to release the names of other NDF activists. He was convicted of murder and sentenced to death in March 1984, a sentence that had been upheld on appeal but had not yet been ratified by the Presidential Council. Yemeni human rights activists considered him to have been framed; in any event his trial in March 1984 was patently unfair, and Amnesty International has long regarded him as a prisoner of conscience.

The Right to Monitor

There were two main organizations based in Yemen working on human rights issues. The Yemeni Organization for Human Rights (YOHR) describes itself as a 30,000-member nongovernmental monitoring organization. It was headed by Hamud al-Hitar, a judge who was a strong proponent of the rule of law and judicial autonomy. In the period since the civil war, the YOHR protested illegal detentions, press closures and physical attacks on intellectuals. However, apparently in response to government pressure, the YOHR lowered its profile considerably in 1996.

The Yemeni Organization for the Defense of Liberties and Human Rights was set up in February 1992. In its first annual report, in 1994, the YODLHR recorded civilian deaths and injuries in the civil war as well as detailed information on security officers accused of rights violations, cases of illegal detentions, and the names of civil servants illegally dismissed. Although President Salih had ordered it to cease functioning, and the Ministry of Social Affairs denied it a license, the YODLHR operated legally in 1996 on the basis of a fifteen-year license from the Ministry of Cultural Affairs. The organization had to close its Sana'a office for lack of funds, but maintained an office in Aden and, after dispatching lawyers in response to clashes in Mukalla (see above),

established a branch there as well.

There was a parliamentary human rights committee. Although headed by Yahya Mansur Abu Usba, a member of the opposition Yemeni Socialist Party, the group was rendered ineffective by its large GPC/Islah majority.

Amnesty International conducted an official mission to Yemen in 1996. There was an ICRC representative resident in Yemen, and the ICRC had access to prisons.