

## HUMAN RIGHTS WATCH/MIDDLE EAST OVERVIEW

### HUMAN RIGHTS DEVELOPMENTS

IN THE MIDDLE EAST AND NORTH AFRICA, THE OVERWHELMING MAJORITY OF PEOPLE LIVED IN COUNTRIES WHERE BASIC RIGHTS WERE ROUTINELY VIOLATED WITH IMPUNITY AND WHERE OPEN CRITICISM OF THE AUTHORITIES KNEW SHARP LIMITS. THIS PICTURE CHANGED LITTLE DURING 1997, DESPITE A FEW HOPEFUL DEVELOPMENTS THAT INCLUDED THE IRANIAN PRESIDENTIAL ELECTION, THE REGION'S FIRST, EXCLUDING ISRAEL, IN WHICH THE OUTCOME WAS NOT KNOWN IN ADVANCE.

THE BATTLE AGAINST "TERRORISM" WAS INVOKED BY SEVERAL GOVERNMENTS OF THE REGION TO JUSTIFY CURBS ON RIGHTS. WITHOUT EXCEPTION, GOVERNMENTS THAT INVOKED THAT STRUGGLE, INCLUDING TUNISIA, ALGERIA, EGYPT, ISRAEL, AND BAHRAIN, WENT WELL BEYOND JUSTIFIABLE SECURITY MEASURES TO VIOLATE THE RIGHTS NOT ONLY OF SUSPECTED MILITANTS BUT ALSO OF PEACEFUL CRITICS AND OF THE POPULATION AS A WHOLE. ALL OF THESE GOVERNMENTS EXCEPT BAHRAIN HAVE RATIFIED THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND THE CONVENTION AGAINST TORTURE. YET ALL VIOLATED CORE RIGHTS THAT ARE CONSIDERED NONDEROGABLE EVEN IN TIMES OF NATIONAL EMERGENCY.

RELIGION PROVIDED ANOTHER MANTLE FOR THE VIOLATION OF RIGHTS. IN IRAN, AN OFFICIAL COUNCIL OF CLERICS AND JURISTS LIMITED THE POOL OF CANDIDATES ELIGIBLE TO RUN FOR PUBLIC OFFICE BY VETTING THEM FOR "PIETY." PURSUANT TO ITS INTERPRETATION OF ISLAMIC (SHARI'A) LAW, SAUDI ARABIA CONDUCTED TRIALS IN A MANNER THAT DEPRIVED DEFENDANTS OF THEIR DUE PROCESS RIGHTS, WHILE IN BOTH SAUDI ARABIA AND IRAN COURTS IMPOSED DEATH BY STONING AND OTHER FORMS OF SEVERE CORPORAL PUNISHMENT ON OFFENDERS. SHARI'A-BASED FAMILY AND PERSONAL STATUS LAW WERE USED IN IRAN, SAUDI ARABIA, ALGERIA, EGYPT, JORDAN, LEBANON, MOROCCO, AND SYRIA, AMONG OTHERS, TO DISCRIMINATE AGAINST WOMEN, NOTABLY IN THE MATTERS OF CHILD CUSTODY AND IN THE FREEDOM TO MARRY AND TO DIVORCE.

SEVERAL ARMED OPPOSITION GROUPS INVOKED RELIGION TO JUSTIFY THEIR OWN ABUSES OF

HUMAN RIGHTS, INCLUDING THE DELIBERATE AND INDISCRIMINATE KILLING OF CIVILIANS IN ALGERIA, EGYPT, AND ISRAEL. IN 1997, ARMED GROUPS IN ALGERIA TARGETED CIVILIANS ON A SCALE AND WITH A SAVAGERY THAT WAS UNPRECEDENTED IN THAT COUNTRY'S SIX YEARS OF CIVIL STRIFE. THEY SLAUGHTERED SCORES AND IN SOME INCIDENTS MORE THAN A HUNDRED UNARMED MEN, WOMEN AND CHILDREN IN NUMEROUS NIGHTTIME RAIDS CARRIED OUT ON VILLAGES NOT FAR FROM ALGIERS. THE ALGERIAN SECURITY FORCES, FOR REASONS THAT REMAINED UNCLEAR, OFTEN DID LITTLE TO INTERVENE, AND WERE THEMSELVES IMPLICATED IN TORTURE, "DISAPPEARANCES," AND SUMMARY EXECUTIONS

THE ALGERIAN TRAGEDY WAS HELD UP BY SOME GOVERNMENTS AS A REASON TO "GO SLOW" ON DEMOCRATIZATION. IN NEIGHBORING TUNISIA, GOING SLOW WAS A EUPHEMISM FOR GOING BACKWARDS, TOWARD INTOLERANCE OF ALL FORMS OF POLITICAL DISSENT. ACROSS THE REGION, THOSE IN POWER EMPLOYED COMMON METHODS TO SUPPRESS OR LIMIT OPPOSITION, WHETHER PEACEFUL OR VIOLENT:

DIRECT GOVERNMENT CONTROL OVER THE CONTENT OF TELEVISION AND RADIO BROADCASTS WAS THE NORM. LEBANON, WITH SCORES OF PRIVATELY OWNED BUT UNLICENSED STATIONS, WAS AN EXCEPTION, UNTIL THAT COUNTRY'S MEDIA DIVERSITY WAS DRAMATICALLY REDUCED WHEN THE CABINET BEGAN IN SEPTEMBER 1996 TO LICENSE THE AUDIOVISUAL MEDIA PURSUANT TO A 1994 BROADCASTING LAW. BY JULY 1997, THE NUMBER OF PRIVATE TELEVISION AND RADIO STATIONS IN LEBANON WAS REDUCED TO SIX AND FIFTEEN, RESPECTIVELY, AND UNLICENSED STATIONS WERE FORCED TO SUSPEND OPERATIONS. IN ADDITION, CONTENT BANS IMPOSED BY THE 1994 LAW CURTAILED FREE EXPRESSION ON THE AIRWAVES.

IN THE PALESTINIAN SELF-RULE AREAS, AN EFFORT TO BRING TO VIEWERS LIVE COVERAGE OF THE OUTSPOKEN PALESTINIAN LEGISLATIVE COUNCIL WAS SUPPRESSED, AT LEAST TEMPORARILY, BY THE PALESTINIAN AUTHORITY (PA). IN ALGERIA, WHERE ALL MEDIA FACED STRICT CENSORSHIP OF COVERAGE OF THE INTERNAL STRIFE, STATE TELEVISION AND RADIO GAVE SOME COVERAGE IN 1997 TO OPPOSITION POLITICIANS DURING THE PARLIAMENTARY ELECTION CAMPAIGN AND THE SESSIONS OF THE NEW NATIONAL ASSEMBLY. WHILE ALGERIANS SUPPLEMENTED THE LOCAL COVERAGE BY WATCHING FOREIGN TELEVISION VIA SATELLITE, IN TUNISIA AND SOME OTHER COUNTRIES THE PURCHASE AND USE OF SATELLITE DISHES WAS HEAVILY RESTRICTED, AND IN IRAQ THEY WERE

## BANNED OUTRIGHT.

Newspapers in most of the Gulf states, Iraq, Syria and Tunisia, whether governmental or private, could not print news or commentary on political affairs that displeased the authorities. The print media in Morocco, Kuwait, Algeria, Egypt, Lebanon, and Yemen fared better, although journalists and publications that crossed certain lines in their criticism of authorities or of government policy risked harsh punishment. In Iran, small independent magazines have proliferated since the early 1990s. However, journalists affiliated with them ran enormous risks that included imprisonment and court-sanctioned whippings. In 1997 independent publisher Ebrahim Zolizadeh was at least the third writer to die since November 1994 in suspicious circumstances that suggested government complicity.

The government of Jordan took a step backward in May by enacting, while parliament was in recess, draconian amendments to the 1993 press and publications law. These amendments considerably broadened existing content bans and specified extremely high capital requirements for newspapers, steep fines, and suspension and closure of publications for infractions of the content bans. The amendments greatly diminished press freedom and self-censorship increased. Six weeks before the parliamentary elections on November 4, authorities suspended thirteen weekly newspapers, some of which had developed reputations for independent, critical reporting.

Governments also moved to control the flow of information via the Internet. For this reason, few Tunisians enjoyed Internet access during 1997. The Bahraini authorities, who also closely monitored net access, arrested in March 1997 an engineer employed by the state telecommunications company, reportedly because of information he was transmitting abroad via the Internet. As of October, he remained in detention without charge. The police chief of Dubai, in the United Arab Emirates, stated in 1996 that the Ministry of Interior and the police had to license all subscribers before they could receive Internet services.

Countries including Bahrain, Iraq, Kuwait, Saudi Arabia, continued to allow no political parties or associations. In Kuwait, however, the sometimes-fractionous parliament housed different political tendencies.

Governments that allowed some space for opposition politics continued to outlaw certain political groups—often Islamist ones—and prosecute their suspected members. Egypt continued to target members of the country's leading political opposition movement, the Muslim Brotherhood. Since 1995, members of this officially banned but long tolerated group—including elected leaders of professional associations, ex-parliamentarians, and academics—were imprisoned following unfair military court trials for their peaceful political activity. The government of Algeria, which tolerated two legal Islamist parties despite a new law outlawing parties based on religion, continued to ban the Islamic Salvation Front, which was dissolved in 1992 after winning a plurality in the first round of parliamentary voting. Tunisia tolerated no party that genuinely challenged the positions of the ruling party, and held hundreds of men and women behind bars for membership or political activity in the once-tolerated Islamist Nahdha movement, along with a smaller number of nonviolent leftists. The Israeli military government in the West Bank continued to imprison or administratively detain Palestinians for affiliation with political groups that opposed the Israeli-PLO accords.

The plight of Palestinians living in the Gaza Strip and the West Bank, including Israeli-annexed East Jerusalem, worsened in many respects during 1997. The Palestinian Authority protested Israel's continued construction and expansion of settlements, in

violation of international law, in the occupied West Bank, including East Jerusalem, and its delays in redeploying troops from the territories. A series of bombings were carried out inside Israel and claimed by the Islamic Resistance Movement (Hamas), and Israel charged that the PA was not doing enough to combat anti-Israel violence. In an act of collective punishment against more than 1.5 million Palestinians, Israel imposed the tightest restrictions since the Gulf War on the movement of people and goods in the West Bank and Gaza Strip, with devastating consequences for the daily life and economy of Palestinians. The closure, imposed on the grounds that it helped to prevent further attacks inside Israel, blocked movement not only out of the West Bank and Gaza Strip, but internally as well: Israeli Defense Force checkpoints in the West Bank kept most of the area's

PALESTINIANS UNDER DE FACTO TOWN ARREST, PREVENTING MANY FROM REACHING THEIR WORKPLACE OR FIELDS, VISITING RELATIVES, OBTAINING MEDICAL ATTENTION, OR TRAVELING ABROAD, TO LIST BUT A FEW HARDSHIPS.

AS NOTED ABOVE, RELIGION WAS INVOKED TO JUSTIFY A WIDE RANGE OF ABUSES, FROM LEGAL DISCRIMINATION TO ACTS OF VIOLENCE. THE GOVERNMENT OF IRAN CONSIDERED BAHAI'ISM A HERETICAL SECT AND SINGLED OUT ITS MEMBERS, AS WELL AS EVANGELICAL CHRISTIANS, FOR HARSH PERSECUTION. IN SAUDI ARABIA, PUBLIC WORSHIP BY NON-MUSLIMS WAS PROHIBITED, AND AS IN BAHRAIN, THE SIZABLE SHI'A COMMUNITY CHARGED DISCRIMINATION IN THE FIELDS OF EDUCATION AND PUBLIC-SECTOR EMPLOYMENT, AS DID THE COPTIC CHRISTIAN MINORITY COMMUNITY IN EGYPT. THE SHI'A GOVERNMENT OF IRAN RESTRICTED THE GROWTH OF SUNNI MOSQUES AND SEMINARIES, AND HELD IN DETENTION SUNNI RELIGIOUS LEADERS, REPORTEDLY BECAUSE OF THEIR DEMANDS FOR PARITY FOR THE LARGE SUNNI MINORITY.

THE CHRISTIAN MINORITY IN EGYPT CONTINUED TO SUFFER FROM STATE-SPONSORED DISCRIMINATION AS WELL AS ACTS OF VIOLENCE BY ARMED MILITANTS IN WHICH COPTIC CHRISTIANS AND OTHER CIVILIANS LOST THEIR LIVES. TWO PARTICULARLY HEINOUS MASSACRES OCCURRED IN UPPER EGYPT, IN FEBRUARY AND MARCH, IN WHICH TWENTY-FOUR PEOPLE, TWENTY OF THEM COPTS, WERE KILLED. EGYPTIAN MUSLIMS WHO CONVERTED TO CHRISTIANITY WERE UNABLE TO OBTAIN LEGAL RECOGNITION OF THEIR NEW RELIGION; THE CHILDREN OF CONVERTS COULD NOT BE REGISTERED IN THE RELIGION OF THEIR PARENTS; AND THE MARRIAGES OF CHRISTIAN MEN TO MUSLIM WOMEN WERE NOT RECOGNIZED. CHURCH CONSTRUCTION AND REPAIR CONTINUED TO REQUIRE A PRESIDENTIAL DECREE, PURSUANT TO A 19TH CENTURY OTTOMAN LAW.

IN ALGERIA, THERE WAS RELIGIOUS PERSECUTION OF ANOTHER TYPE: ISLAMIST ARMED GROUPS WAGED A CAMPAIGN OF VIOLENCE AGAINST THEIR MUSLIM COMPATRIOTS WHO DEVIATED FROM THE MILITANTS' OWN VIEW OF THE RIGHTEOUS PATH, IN TERMS OF PERSONAL CONDUCT, APPEARANCE, OR INTERPRETATION OF RELIGION. SINCE 1993, MANY ALGERIANS FALLING INTO THESE CATEGORIES HAVE BEEN ASSASSINATED BY ARMED GROUPS, ALTHOUGH THE PRECISE REASONS FOR SPECIFIC KILLINGS AND AUTHORSHIP HAVE BEEN DIFFICULT TO ESTABLISH. THIS TYPE OF PERSECUTION, MOREOVER, WAS DISTINCT FROM THE LARGE-SCALE MASSACRES OF VILLAGERS IN 1997.

MOST GOVERNMENTS IN THE REGION PRACTICED TORTURE BUT EITHER FLATLY DENIED IT OR CONCEDED ONLY ISOLATED ABUSES.

ISRAEL ADMITTED TO PUTTING PALESTINIAN SUSPECTS FROM THE WEST BANK AND GAZA STRIP THROUGH VARIOUS FORMS OF PHYSICAL AND PSYCHOLOGICAL PRESSURE, BUT CLAIMED TO ENSURE THESE DID NOT REACH THE THRESHOLD OF TORTURE. DURING 1997, ISRAEL'S HIGHEST COURT CONTINUED TO REFRAIN FROM CHALLENGING THIS CLAIM, BY RULING AGAINST PALESTINIAN PETITIONERS WHEN THEY SOUGHT COURT ORDERS BARRING THE GENERAL SECURITY SERVICE FROM USING PHYSICAL FORCE AGAINST THEM. IN MAY, THE U.N. COMMITTEE AGAINST TORTURE REJECTED THE GOVERNMENT'S POSITION, CALLING ISRAEL'S INTERROGATION TECHNIQUES "TORTURE."

SEVERAL GOVERNMENTS OF THE MIDDLE EAST, INCLUDING THOSE OF IRAN, IRAQ, AND ISRAEL, WERE LINKED TO POLITICAL ASSASSINATIONS OR ATTEMPTED ASSASSINATIONS ON FOREIGN SOIL OVER THE LAST DECADE. WHILE NONE OF THESE GOVERNMENTS HAS FORMALLY ADMITTED TO THESE ACTS, THE EVIDENCE LINKING IRAN AND ISRAEL TO KILLINGS ON FOREIGN SOIL WAS DRAMATICALLY STRENGTHENED DURING 1997. IN APRIL, A GERMAN COURT, AFTER A LENGTHY INVESTIGATION AND TESTIMONY FROM FORMER IRANIAN AGENTS, RULED THAT "THE IRANIAN POLITICAL LEADERSHIP" WAS RESPONSIBLE FOR THE MURDER OF FOUR ACTIVISTS FROM KURDISH ARMED OPPOSITION GROUPS IN BERLIN IN 1992. IT WAS THE FIRST TIME A COURT HAD HELD IRAN'S LEADERS RESPONSIBLE FOR SOME OF A NUMBER OF KILLINGS OF IRANIANS THAT HAVE TAKEN PLACE ON EUROPEAN SOIL SINCE THE ISLAMIC REVOLUTION.

THE GOVERNMENT OF ISRAEL ALL BUT OFFICIALLY ADMITTED THAT ITS MOSSAD AGENCY HAD CARRIED OUT ON SEPTEMBER 25 A BOTCHED ATTEMPT IN JORDAN ON THE LIFE OF HAMAS OFFICIAL KHALED MESHAL. AFTER STRONG PRESSURE FROM KING HUSSEIN, ISRAEL PROVIDED AN ANTIDOTE TO THE FATAL TOXIN ITS AGENTS HAD ADMINISTERED TO MESHAL OUTSIDE THE HAMAS OFFICE IN AMMAN, AND HE RECOVERED. THE SUSPECTED PERPETRATORS WERE ALLOWED TO RETURN TO ISRAEL AS PART OF AN ISRAELI-JORDANIAN DEAL THAT INCLUDED ISRAEL'S RELEASE OF SHEIKH AHMAD YASSIN, HAMAS' SPIRITUAL LEADER, AND OTHER JORDANIAN AND PALESTINIAN PRISONERS. ISRAELI LEADERS DEFIANTLY REFUSED TO RULE OUT SUCH OPERATIONS IN THE FUTURE; A GOVERNMENT SPOKESMAN VOWED THAT ISRAEL'S "LONG ARM WILL REACH TERRORISTS WHEREVER THEY ARE." ISRAEL WAS REPORTEDLY RESPONSIBLE FOR A SERIES OF ASSASSINATIONS THAT INCLUDED ISLAMIC JIHAD LEADER FATHI SHIKAKI IN MALTA IN 1995.

AMIDST THIS GLOOMY PICTURE OF HUMAN RIGHTS IN THE REGION, SOME OF THE ELECTIONS THAT TOOK PLACE DURING 1997

provided a basis for cautious optimism. In Oman's Shura Council elections in October, women were permitted to vote and run as candidates nationwide for the first time. In Iran, Mohamed Khatami scored a surprise victory in May over the presidential candidate favored by the ruling religious establishment. The election was not free: an official body had pruned the would-be list of candidates down to four, all of whom came from within the religious establishment. But Khatami's campaign promises to institutionalize the rule of law inspired hope that Iranians would enjoy more freedom of expression and less intrusion in their private lives.

While Jordan's November parliamentary election was preceded by mounting restrictions on freedom of expression and assembly, Algeria's parliamentary elections in June presented a mixed picture. Constitutional and legal reforms put in place since late 1996, and measures taken during the campaign to promote pro-government candidates, ensured that the resulting national assembly would pose no serious challenge to the power of the executive. Nevertheless, for the first time since independence, a multiparty parliament was in place, one that included secular and Islamist critics of government policies. It remained to be seen whether the assembly, despite its limited powers, could contribute to more accountable government and to ending the horrific strife in the country.

The governments of Yemen and Qatar committed themselves to signing the international treaty banning landmines when it is opened for signatures in December 1997, and other governments in the region indicated their intention to follow suit. In the negotiations on establishing the International Criminal Court (ICC), Egypt played a positive role by supporting provisions that would empower the court to prosecute those accused of genocide, crimes against humanity, and serious war crimes.

There was also encouragement to be drawn from the persistence of independent human rights and women's rights organizations, in approximately half the countries of the region, in documenting and publicizing abuses and lobbying for reforms. In several countries that did not tolerate human rights organizations on the ground, such as Bahrain and Iran, information got out—and in—often aided by foreign broadcasts and the new information technologies.

## **The Right to Monitor**

Throughout the region, supporters of human rights struggled to create, maintain, or expand the space inside their countries for independent monitoring and reporting. In many countries, however, lack of access to the countries themselves or to information about the situations there complicated the tasks of both international and domestic human rights activists.

In several parts of the region, notably Egypt, Israel, Jordan, Palestinian self-rule areas, and Yemen, human rights remained a growth industry as local activists expanded existing organizations, launched new ones, and increasingly reached out to their counterparts elsewhere in the region and internationally. The dissemination of information was enhanced by new information technologies, with electronic mail and Internet sites enabling local organizations to provide timely reports of human rights developments and violations in a speedy manner that was unthinkable several years ago. In an important sense, the globalization of accurate information, the basis of the human rights craft and rights-related advocacy, made important inroads in the region in 1997, and held future promise as models for emerging NGOs.

Government policies, however, still regulated and for the most part restricted the extent to which human rights activists enjoyed internal operating space and access to information. At one extreme the complete lack of freedom of association in Saudi Arabia, Syria, and Iraq, for example, meant that no locally based organizations could monitor and report on human rights conditions. This, combined with these states' denial of access to international human rights organizations, kept the flow of information about abuses there to a trickle. Iran also did not allow human rights organizations to function, but did tolerate monitoring within certain bounds and did not impose controls so draconian as to prevent some courageous Iranians from documenting information abroad about human rights conditions.

At the other end of the spectrum, in Egypt, Israel, and areas under the Palestinian Authority, human rights communities thrived, and the work of locally based groups gained increasing international recognition and media coverage. The situation in Israel and Palestine was particularly acute during protracted periods of closure of the occupied territories that kept human rights workers from moving freely within and between the West Bank and Gaza Strip. In Egypt, groups had to find creative ways to circumvent the restrictive 1964 associations law, and still were forced to operate under constant monitoring by internal security forces operatives and an ever-present risk of possible closure by authorities.

The government of Tunisia conditionally released from prison one human rights activist, Khemaïs Chammari, but detained another, Khemaïs Ksila, on the day he launched a hunger strike to publicize the persecution he had suffered for pursuing human rights work. In Algeria, human rights lawyer Rachid Mesli was sentenced to three years in prison after an unfair trial on charges of aiding "terrorist" groups. During the trial the judge questioned him about his contact with Amnesty International's research team on Algeria. It was in Syria that human rights monitors paid the highest price; there five activists from the Committees for the Defense of Democratic Freedom and Human Rights in Syria continued to serve prison sentences of up to ten years.

## The Role of the International Community

Governments of the larger industrialized countries generally paid scant public attention to human rights issues in the Middle East. Their chief interests were access to oil, natural gas, and export markets; promoting Israeli-Arab accords; and combating, or at least containing, the violence committed by armed opposition groups. Western inaction on human rights was sometimes justified with reference to the violent and intolerant nature of some opposition groups; on other occasions, inaction was dressed up as deference toward Islamic sensibilities or cultural traditions—usually as defined by those holding power.

### United Nations

In September 1997, both Secretary-General Kofi Annan and High Commissioner for Human Rights Mary Robinson publicly challenged the Algerian government's insistence that the country's human rights problems were strictly an internal affair. The United Nations continued to maintain peacekeeping forces in the region, including southern Lebanon and the Syrian-Israeli demilitarized zone, and to aid Palestinian refugee communities through the U.N. Relief and Works Agency (UNRWA). In September, former US Secretary of State James Baker, as the special representative of the secretary-general, brokered an agreement between Morocco and the Polisario Front on a proposed code of conduct for a referendum over the future of the Western Sahara. In Iraq, the U.N. continued to monitor the status of nuclear, chemical and biological weapons development, and the distribution of food and other relief goods under the post-Gulf War sanctions regime. The humanitarian crisis in Iraq was not ended by the Security Council-authorized purchase by Iraq of humanitarian goods in 1997. Special rapporteurs continued to cover human rights developments in Iran, Iraq and the Israeli-occupied territories, but did not visit those countries in 1997.

### European Union

In April the foreign ministers of the European Union member states and the twelve Euro-Mediterranean partners, from Morocco to Turkey, held a second summit in Malta. However, unlike the Barcelona Declaration of 1995, the communique from the meeting was issued only several months later—reportedly on account of disagreements over language referring to human rights—and contained only passing reference to "the rule of law, democracy and human rights" as common objectives.

During 1997, many E.U. member state governments took up ratification of the Euro-Mediterranean Association Agreements that the E.U. had initialed earlier with Tunisia, Israel, and Morocco. During this process,

Parliamentarians and others raised the issue of human rights compliance—particularly with regard to Israel—which is specified in common Article 2 of the Association Agreements. Several governments indicated they would seek to have the European Commission set up a human rights monitoring mechanism as part of the implementation process. However, no European government demanded human rights improvements from the governments of Israel, Tunisia, or Morocco as a condition for its ratifying of the Association Agreement. During 1997 the E.U. signed an interim association agreement with the Palestinian Authority, and was scheduled to sign one with Jordan in late November. Negotiations continued on the terms of agreements with Egypt and Algeria. As E.U. and Syrian officials prepared to open negotiations on an agreement, the E.U. Council of Ministers continued to suppress a November 1995 report on human rights in Syria that the European Parliament had mandated as a condition for economic assistance.

## United States

The U.S. continued to play the largest role of any outside government in the Middle East in terms of trade, economic and military assistance, and arms sales. In its *Congressional Presentation for Foreign Operations for Fiscal Year 1998*, the Clinton administration identified U.S. interests in the Middle East as promoting a comprehensive Arab-Israeli peace settlement, containing threats to energy supplies and regional stability posed by Iran, Iraq and Libya, maintaining full and secure access to Persian Gulf energy resources, expanding trade and investment opportunities for the U.S. private sector, and encouraging democracy and sustainable development.

Israel and Egypt accounted for U.S.\$5.3 billion, or 91 percent, of the \$5.8 billion requested by the Clinton administration for foreign military and economic support assistance globally. U.S. arms accounted for just under \$24 billion worth of weapon deliveries to the countries of the Middle East in the 1993–1996 period, or 47 percent of the total, according to the U.S. Congressional Research Service. Saudi Arabia was the leading arms purchaser.

Despite the potential leverage this role provided, and despite high-level declarations of the centrality of human rights to U.S. policy, Washington did and said little publicly to promote human rights in the region. Israel, Egypt, Bahrain, and Saudi Arabia, all close U.S. allies, engaged in grave and systematic human rights abuses as matters of state policy, without any public indication from Washington that these violations had or would have consequences for relations.

The severity of abuses, as well-documented in the State Department's *Country Reports on Human Rights Practices for 1996*, was almost never reflected in the public responses of President Clinton, Secretary of State Albright, or other high officials to developments in the region. Assistant Secretary for Democracy, Human Rights and Labor John Shattuck and his top aides passed another year without visiting the Middle East or North Africa.

On her first trip to the region, in September, Secretary of State Madeline Albright called on Israel to ease its blockade of the PA-controlled areas, and to refrain from "land confiscations, home demolitions and confiscation of I.D.s." These recommendations, however welcome, were made explicitly as means to improving the climate for negotiations with the Palestinian Authority. Israeli abuses were never publicly characterized by Albright or any other senior official as violations of human rights or humanitarian law. During her stops in Egypt, Syria, Lebanon, Jordan and Saudi Arabia, and during her meetings with foreign ministers from the region at the U.N. General Assembly sessions, she made no public comments about human rights practices in any of these countries.

In July the State Department issued a congressionally-mandated report, *Religious Freedom: Focus on Christians*. The entries included all Middle East countries, in some cases elaborating on information contained in the *Country Reports* and noting U.S. government responses to instances of persecution or discrimination against Christians on the basis of religious belief.

U.S. foreign assistance in the region included funds for UNRWA and the Israel-Lebanon Monitoring Group. The U.S. also continued a military air patrol of northern Iraq, discouraging a major Iraqi military incursion into that mainly Kurdish-populated area.

The \$5 million U.S. Middle East Regional Democracy Fund supported the dispatch of election observers to Yemen

and Algeria. The U.S. also provided funds to the Palestinian Authority and the Palestinian nongovernmental sector to promote democracy and rule of law, but undermined these objectives by demanding a crackdown on suspected militants without demanding that the PA avoid the abusive methods that had accompanied such crackdowns in the past.

In his confirmation hearings, Assistant Secretary of State for Near Eastern Affairs Martin Indyk said "In cases where 'quiet' diplomatic efforts are unsuccessful in addressing human rights abuses" a more effective approach would be sought, "but the approach we take depends on the nature of our relationship with the country involved."

## The Work of Human Rights Watch

In 1997 Human Rights Watch placed a priority on exposing human rights abuses in the Gulf states; providing in-depth analyses of human rights conditions in Algeria, Iran, and Jordan on the eve of elections; exposing human rights abuses in Lebanon in a fashion that highlights the responsibility of the Lebanese, Israeli and Syrian authorities; and increasing our work with the European Union, in the context of the negotiation of Association Agreements with several Middle Eastern countries and growing European interest in the countries on its southern flank as well as Iran.

Iran and the Gulf states were largely closed to human rights monitoring. The authorities in Teheran did not approve our requests to return, following our first-ever authorized mission to Iran in early 1996, and permission to send fact-finding missions to Saudi Arabia and Bahrain was not granted.

Research and action continued, however, on countries that did not give access to human rights monitors. In May we issued a report before Iran's presidential elections that described the means by which the religious establishment used arbitrary criteria to disqualify candidates from outside its own ranks, as well as other impediments to free and fair polling. A second report, issued in September, exposed discrimination in law and practice against the country's religious and ethnic minorities. We gave priority to communicating our findings on Iran via scores of Farsi-language interviews with radio stations broadcasting to that country.

In April, following a German court verdict that implicated Teheran's top leadership in the 1992 assassinations of four Kurdish Iranian leaders of armed opposition groups in Berlin, Human Rights Watch called on the E.U. foreign ministers to condition the resumption of normal political and commercial relations with Iran on that government investigating extrajudicial executions and holding accountable any officials found to have been involved in them.

In July we published a report on Bahrain that highlighted measures against activists in the Shia community and in the broad-based movement seeking the restoration of the dissolved parliament and suspended rights. The report refuted the government's claim that it repressed only participants in "a campaign of disturbance orchestrated by foreign backed terrorist groups."

Repression and controls on the flow of information made Saudi Arabia one of the world's countries most closed to human rights monitoring. During 1997, we obtained information about a Syrian who was executed on charges of practicing witchcraft, but whose real "offense" appears to have been incurring the wrath of his wealthy and well-connected Saudi employer. After Saudi authorities ignored our inquiries on the case, we issued a report describing the flaws in the Saudi justice system that this case revealed.

Many of Lebanon's human rights problems were linked to the continuing foreign intervention in that country. Israel continued to occupy 950 square kilometers of southern Lebanon. We issued two reports during the year on abuses stemming from Israel's conflict with Lebanese guerrillas, based on two missions each to Lebanon and Israel. The first documented laws of war violations committed by Israeli military forces and Lebanese guerrillas in April 1996, causing civilian casualties on both sides of the border, although it was only in Lebanon where civilians were killed. On the first anniversary of the Israeli artillery shelling of the U.N. base at Qana, in which over one hundred Lebanese civilians perished, the Arabic-language daily newspaper *al-Hayat* (London) published a two-part Human Rights Watch report on the attack. A full report on the conflict followed in September that showed the attack

ON THE U.N. BASE WAS ONLY THE MOST CALAMITOUS IN A SERIES OF INCIDENTS IN WHICH ISRAEL'S MILITARY DID NOT TAKE PRECAUTIONS TO SPARE LEBANESE CIVILIANS FROM HARM DURING ATTACKS AND FIRED AT OR NEAR U.N. PEACEKEEPER VEHICLES AND BASES. THE REPORT ALSO CRITICIZED HIZBALLAH'S INDISCRIMINATE ATTACKS ON CIVILIANS IN NORTHERN ISRAEL AND ITS FIRING OF WEAPONS FROM POSITIONS NEAR THE CIVILIAN-FILLED U.N. BASE AT QANA.

IN SEPTEMBER WE REPORTED ON A FORGOTTEN ASPECT OF THE CONFLICT: ISRAEL CONTINUED TO HOLD TWENTY-ONE LEBANESE PRISONERS IN LONG-TERM DETENTION. TWO OF THE DETAINEES—SHEIKH AHMAD HIKMAT OBEID AND MUSTAFA AL-DIRANI—CONTINUED TO BE HELD IN UTTER SECRECY AND ISOLATION, IN UNDISCLOSED LOCATIONS, SINCE 1989 AND 1994 RESPECTIVELY. OTHERS AMONG THESE PRISONERS COMPLETED PRISON SENTENCES IN ISRAEL UP TO NINE YEARS AGO BUT ORDERS FOR THEIR DEPORTATION UPON RELEASE WERE SUSPENDED WITHOUT EXPLANATION AND THEIR LONG IMPRISONMENT UNDER ADMINISTRATIVE ORDERS HAS CONTINUED. OUR REPORT BUILT ON AND SUPPORTED THE WORK OF NONGOVERNMENTAL ORGANIZATIONS IN LEBANON, THE WEST BANK, AND ISRAEL THAT HAVE BEEN WORKING FOR YEARS ON BEHALF OF THESE PRISONERS.

WHILE SYRIA DID NOT FORMALLY OCCUPY ANY PART OF LEBANON, IT MAINTAINED AN ESTIMATED 30,000 TROOPS AS WELL AS INTELLIGENCE OPERATIVES ON THE GROUND. THE SYRIAN ROLE IN CARRYING OUT ARBITRARY ARRESTS, ABDUCTIONS, AND "DISAPPEARANCES" IN LEBANON WAS FIRST DOCUMENTED IN OUR 1990 REPORT. IN MAY 1997 WE PUBLISHED A REPORT SHOWING THAT LEBANESE AUTHORITIES ACQUIESCED AND SOMETIMES DIRECTLY COLLABORATED IN THIS PRACTICE. THE REPORT WAS DISSEMINATED IN ARABIC IN THE REGION, ENCOURAGING FAMILIES OF THE "DISAPPEARED" TO PROVIDE INFORMATION ABOUT THEIR RELATIVES TO INTERNATIONAL ORGANIZATIONS. NEITHER THE SYRIAN NOR THE LEBANESE GOVERNMENT COMMENTED OFFICIALLY ON ITS FINDINGS.

FOLLOWING THE GOVERNMENT'S DECISION IN SEPTEMBER 1996 TO LICENSE ONLY FOUR TELEVISION AND ELEVEN RADIO STATIONS, AND IMPOSE CONTENT RESTRICTIONS, WE DISPATCHED A FACT-FINDING MISSION TO LEBANON. IN A REPORT ISSUED IN APRIL, WE ARGUED THAT THE STATE'S LEGITIMATE INTEREST IN REGULATING AIRWAVES MUST NOT BECOME A PRETEXT FOR RESTRICTING THE POLITICAL CONTENT OF BROADCASTS AND LIMITING DISSENTING VIEWPOINTS.

WORKING WITH THE RAMALLAH-BASED CENTRE FOR INTERNATIONAL HUMAN RIGHTS ENFORCEMENT (CIHRE), WE CONCENTRATED ON PRESSING THE INTERNATIONAL COMMUNITY TO END ITS ACQUIESCENCE IN ISRAELI ABUSES. WE CAMPAIGNED IN SEVERAL EUROPEAN CAPITALS WHERE THE EUROPEAN UNION'S ASSOCIATION AGREEMENT WITH ISRAEL WAS UP FOR RATIFICATION. THESE EFFORTS HELPED TO PROVOKE DISCUSSION WITHIN PARLIAMENTS AND QUESTIONING DIRECTED AT GOVERNMENT MINISTERS, AS WELL AS ISRAELI RESPONSES TO THESE INITIATIVES. WE SUGGESTED TO PARLIAMENTARIANS WAYS TO GIVE SUBSTANCE TO THE HUMAN RIGHTS CLAUSE COMMON TO THE AGREEMENTS WITH ISRAEL, AND ALSO WITH THE GOVERNMENTS OF TUNISIA, MOROCCO, AND THE PALESTINIAN AUTHORITY.

IN APRIL, PRIOR TO THE EURO-MEDITERRANEAN MINISTERIAL CONFERENCE IN MALTA, HUMAN RIGHTS WATCH URGED THE FOREIGN MINISTERS OF THE ATTENDING GOVERNMENTS TO ADDRESS A NUMBER OF HUMAN RIGHTS ISSUES. THESE INCLUDED DISCRIMINATION AND XENOPHOBIC VIOLENCE DIRECTED AT MIGRANT WORKERS AND THEIR FAMILIES, AND THE NEED TO MAKE A PUBLIC AND UNCONDITIONAL COMMITMENT TO END THE PRACTICE OF TORTURE. AT A EUROPEAN PARLIAMENT HEARING DEVOTED TO HUMAN RIGHTS IN TUNISIA IN JUNE, WE OUTLINED A FRAMEWORK FOR THE ROLE THAT THE INTERNATIONAL COMMUNITY SHOULD PLAY IN PROMOTING HUMAN RIGHTS IN THAT COUNTRY.

WE JOINED WITH ISRAELI HUMAN RIGHTS ORGANIZATIONS TO CAMPAIGN TO BLOCK LEGISLATION THAT WOULD PREVENT PALESTINIAN VICTIMS OF ISRAELI HUMAN RIGHTS ABUSES FROM SEEKING COMPENSATION IN ISRAELI COURTS. THE GOVERNMENT ENDED UP SUBMITTING A TONED-DOWN BUT STILL OBJECTIONABLE VERSION OF THE BILL TO THE KNESSET, WHICH HAD NOT ACTED ON THE BILL AS THIS REPORT WENT TO PRESS.

IN OCTOBER, AS THE PALESTINIAN AUTHORITY RESUMED ROUNDING UP SUSPECTED ISLAMIST MILITANTS IN RESPONSE TO OUTSIDE PRESSURE, WE ISSUED THE FINDINGS OF RESEARCH INTO ABUSES UNDER THE PA. IN ADDITION TO CONDEMNING THE PATTERN OF ARBITRARY ARRESTS OF SUSPECTED MILITANTS AS WELL AS OTHER CRITICS BY THE PA, WE CRITICIZED FOREIGN POWERS, INCLUDING THE U.S., FOR DEMANDING A CRACKDOWN WITHOUT INSISTING THAT THE PA AVOID THE PATTERN OF ABUSE THAT ACCOMPANIED ITS PREVIOUS CRACKDOWNS. DURING THE YEAR WE ALSO ISSUED STATEMENTS CONDEMNING THE SUICIDE BOMBINGS INSIDE ISRAEL AND THE PUNITIVE CLOSURES THAT ISRAEL IMPOSED ON PALESTINIANS IN THEIR WAKE.

ALTHOUGH HUMAN RIGHTS WATCH DOES NOT MONITOR ELECTIONS PER SE, WE FREQUENTLY STRIVED TO DEMONSTRATE HOW



THEIR FAIRNESS CAN BE JUDGED ONLY AGAINST A FULL PICTURE OF PREVAILING HUMAN RIGHTS CONDITIONS. THIS WAS THE GOAL OF OUR REPORT ISSUED PRIOR TO IRAN'S PRESIDENTIAL ELECTION IN MAY (SEE ABOVE) AS WELL AS THE REPORT ISSUED BEFORE PARLIAMENTARY ELECTIONS THERE IN EARLY 1996. A MISSION TO ALGERIA IN MARCH AND APRIL YIELDED A REPORT PLACING THE JUNE PARLIAMENTARY ELECTIONS IN THE CONTEXT OF THE CIVIL STRIFE, CONTROLS ON FREE EXPRESSION AND ASSEMBLY, AND CONSTITUTIONAL AMENDMENTS THAT BARRED CERTAIN POLITICAL PARTIES. WE ALSO WORKED WITH HUMAN RIGHTS LAWYERS IN ALGIERS WHO COLLECTED HUNDREDS OF DOSSIERS ON "DISAPPEARED" PERSONS. IN OCTOBER, TOGETHER WITH THREE OTHER INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS, WE CALLED ON THE UNITED NATIONS TO CONDUCT AN INQUIRY INTO THE MASSACRES TAKING PLACE IN ALGERIA. IN OCTOBER, IN ADVANCE OF JORDAN'S PARLIAMENTARY ELECTIONS, WE ISSUED A REPORT DOCUMENTING THE EFFECT OF CURBS ON PRESS FREEDOM—THE SUBJECT OF A HUMAN RIGHTS WATCH REPORT IN JUNE—AND OTHER RESTRICTIONS ON FREEDOM OF EXPRESSION AND ASSEMBLY THAT COMPROMISED THE FAIRNESS OF THE ELECTORAL CONTEST.

WE ISSUED A SERIES OF STATEMENTS ON THE ARREST OF ACTIVISTS WHO WERE PEACEFULLY PROTESTING IMPLEMENTATION OF NEW LAND TENANCY LAWS IN EGYPT AND VISITED THE COUNTRY TWICE. IN APRIL, WE TESTIFIED BEFORE THE U.S. HOUSE OF REPRESENTATIVES ON HUMAN RIGHTS IN EGYPT AND IN JUNE EXPRESSED ALARM OVER THE IMPACT OF AN EGYPTIAN COURT DECISION REJECTING A GOVERNMENT BAN ON FEMALE GENITAL MUTILATION.

AS ALWAYS, WE RESPONDED ON MANY OCCASIONS WHERE LOCAL LAWYERS, ACTIVISTS, JOURNALISTS AND OTHERS WERE BEING PRESSURED OR PERSECUTED BECAUSE OF THEIR EFFORTS TO EXPOSE HUMAN RIGHTS ABUSES. LETTERS WERE SENT TO GOVERNMENTS IN SUPPORT OF LAWYERS IN ALGERIA, LEBANON AND TUNISIA, ACTIVISTS AND JOURNALISTS IN EGYPT, JORDAN, SAUDI ARABIA, AND THE WEST BANK, TO NAME BUT A FEW.

*FOR A LISTING OF RELEVANT REPORTS AND MISSIONS, SEE PAGE 459 AT THE END OF THIS REPORT. PARTIAL LISTINGS ALSO FOLLOW EACH COUNTRY CHAPTER.*

## ALGERIA

### Human Rights Developments

THE YEAR WAS MARKED BY THE FIRST LEGISLATIVE AND LOCAL ELECTIONS SINCE THE LAST ROUND OF VOTING WAS CANCELLED IN 1992. ALGERIA HAD BEEN GOVERNED WITHOUT AN ELECTED PARLIAMENT SINCE ELECTIONS WERE HALTED IN JANUARY THAT YEAR TO PREVENT A VICTORY BY THE ISLAMIC SALVATION FRONT (FRONT ISLAMIQUE DU SALUT, FIS). SINCE THEN, POLITICAL STRIFE HAS BECOME ENDEMIC. 1997 APPEARED TO BE THE BLOODIEST YEAR YET AND, MORE THAN EVER, CIVILIANS BORE THE BRUNT OF THE VIOLENCE.

THE MAIN ADVERSARIES WERE ARMED ISLAMIST GROUPS ON THE ONE HAND AND, ON THE OTHER, THE SECURITY FORCES AND ARMED CIVILIAN GROUPS ALLIED WITH THEM. ASSAULTS ON CIVILIANS INCLUDED AN UNPRECEDENTED WAVE OF MASSACRES IN FARMING AND SEMI-RURAL COMMUNITIES, MOSTLY IN THE MITIDJA REGION SOUTHWEST OF THE CAPITAL. THE ASSAILANTS INDISCRIMINATELY KILLED AND MAIMED MEN, WOMEN, CHILDREN AND INFANTS IN THE COMMUNITIES THEY ATTACKED BY BEHEADING THEM, HACKING THEM TO DEATH OR MUTILATING THEM AND LEAVING THEM TO DIE. SOME WOMEN WERE ABDUCTED AND REPORTEDLY RAPED AND THEN KILLED.

OBSERVERS ATTRIBUTED THE ATTACKS TO MOTIVES THAT INCLUDED REPRISALS BY ARMED GROUPS AGAINST VILLAGERS WHO HAD RETREATED FROM THEIR ONE-TIME SUPPORT OF THE REBELS; FEUDS BETWEEN ARMED GROUPS; VENDETTAS BETWEEN COMPETING ARMED ISLAMIST GROUPS AND GOVERNMENT-BACKED "SELF-DEFENSE" MILITIAS; AND DISPUTES OVER LAND OWNERSHIP.

THE SHADOWY ARMED ISLAMIC GROUP (KNOWN BY THE ACRONYM GIA) WAS BLAMED FOR MUCH OF THE CARNAGE AND CLAIMED RESPONSIBILITY FOR SOME OF THE KILLINGS. FOR EXAMPLE, ON SEPTEMBER 26, AFTER ATTACKS ON THE ALGIERS SUBURBS OF RAIS AND BENTALHA ON AUGUST 29 AND SEPTEMBER 22 RESPECTIVELY THAT, ACCORDING TO PRESS REPORTS, LEFT MORE THAN 500 DEAD, THE GIA ISSUED A STATEMENT IN LONDON SAYING IT WAS BEHIND THE RECENT MASSACRES, ACCORDING TO THE AGENCE FRANCE-PRESSE.

MANY OF THE MASSACRES OCCURRED IN DISTRICTS THAT HAD VOTED OVERWHELMINGLY FOR THE FIS IN THE 1990 AND 1992

ELECTIONS. ACCORDING TO PRESS REPORTS, SEVERAL OF THE MASSACRES TARGETED VILLAGES WHOSE INHABITANTS HAD, SINCE 1993, REPORTEDLY GIVEN PROVISIONS AND MONEY TO THE ARMED GROUPS, BUT HAD SINCE WITHDRAWN THEIR SUPPORT AND IN SOME CASES HAD SOUGHT WEAPONS FROM THE AUTHORITIES TO DEFEND THEMSELVES.

THE SECURITY FORCES OFTEN REPORTEDLY DID NOT TRY TO HALT THE MASSACRES OR APPREHEND THE KILLERS, EVEN WHEN THE SLAUGHTER TOOK HOURS TO COMPLETE AND OCCURRED LESS THAN A MILE FROM THEIR BARRACKS AND INSTALLATIONS. ACCORDING TO SURVIVORS INTERVIEWED BY AMNESTY INTERNATIONAL, ARMED FORCES UNITS WITH ARMORED VEHICLES STATIONED JUST OUTSIDE BENTALHA DID NOT INTERVENE EVEN THOUGH IT WAS CLEAR THEY WERE AWARE OF THE SITUATION, AND EVEN STOPPED SOME VILLAGERS TRYING TO FLEE FROM DOING SO. THE ARMY ALSO DID NOT ALLOW NEIGHBORING LOCAL MILITIA TO ENTER BENTALHA IN RESPONSE TO THE ATTACK. AFTER MASSACRING OVER TWO HUNDRED PERSONS OVER THE COURSE OF SEVERAL HOURS, THE ATTACKERS FLED WITHOUT BEING STOPPED.

ALGERIAN NEWSPAPERS AND OTHERS EXPRESSED SKEPTICISM TOWARD THE SEMI-OFFICIAL EXPLANATIONS OF SECURITY FORCE INACTION, WHICH FOCUSED ON THE DANGERS TO SOLDIERS POSED BY LAND MINES AND AMBUSHES.

VARIOUS FACTORS IMPEDED IDENTIFICATION OF THE PERPETRATORS OF SPECIFIC ATROCITIES. THESE INCLUDED BOTH GOVERNMENT CENSORSHIP

OF SECURITY-RELATED INFORMATION (SEE BELOW) AND THE PHYSICAL RISKS OF CONDUCTING ON-SITE INVESTIGATIONS IN CONFLICT ZONES. IN ADDITION, CRIMINAL TRIALS SHED LITTLE LIGHT ON SPECIFIC INCIDENTS SINCE THEY TENDED TO FOCUS ONLY ON SUCH GENERAL CHARGES AS MEMBERSHIP IN "AN ARMED GROUP."

THE GOVERNMENT LARGELY DENIED THE EXISTENCE OF A HUMAN RIGHTS PROBLEM OTHER THAN THE "TERRORISM" IT ATTRIBUTED TO ARMED ISLAMIST GROUPS. HOWEVER, SECURITY FORCES WERE RESPONSIBLE DURING 1997 FOR SUMMARY EXECUTIONS AND "DISAPPEARANCES," MOST OF THEM CARRIED OUT AGAINST SUSPECTED ISLAMISTS AND THEIR SYMPATHIZERS. HUMAN RIGHTS WATCH IS UNAWARE OF A SINGLE INSTANCE IN WHICH SECURITY FORCE MEMBERS WERE PUNISHED FOR THEIR ROLE IN THESE GRAVE ABUSES.

POLICE COMMONLY DETAINED SUSPECTS WITHOUT IDENTIFYING THEMSELVES AND WITHOUT WARRANTS. PERSONS DETAINED ON SUSPICION OF LINKS TO "TERRORISM" AND "SUBVERSION" OFTEN REMAINED IN INCOMMUNICADO CUSTODY BEYOND THE TWELVE-DAY LIMIT STIPULATED BY THE PENAL CODE, AND WITHOUT THEIR FAMILIES BEING INFORMED OF THEIR WHEREABOUTS, AS REQUIRED BY LAW. DOZENS OF PERSONS ARRESTED IN 1997 REMAINED UNACCOUNTED FOR AS THIS REPORT WENT TO PRESS, ADDING TO THE HUNDREDS OF CASES OF "DISAPPEARANCES" REPORTED BY HUMAN RIGHTS LAWYERS SINCE 1993. WHEN CONFRONTED WITH INQUIRIES ON CASES OF "DISAPPEARANCES," AUTHORITIES HAVE EITHER NOT RESPONDED OR STATED THAT THE MISSING PERSON IS NOT IN THEIR CUSTODY, EVEN WHEN EYEWITNESSES TESTIFIED TO HAVING SEEN THE PERSON BEING TAKEN AWAY BY SECURITY FORCE MEMBERS.

GOVERNMENT-BACKED MILITIA WERE ALSO REPORTEDLY RESPONSIBLE FOR "ANTI-TERRORIST" OPERATIONS THAT WENT BEYOND SELF-DEFENSE AND THE LIMITS OF THE LAW, INCLUDING KILLINGS OF SUSPECTED ISLAMISTS OR THEIR FAMILIES IN REPRISAL FOR ACTS ATTRIBUTED TO ARMED GROUPS, ACCORDING TO AMNESTY INTERNATIONAL. THE GOVERNMENT ISSUED A DECREE IN MARCH INTENDED TO BRING THE MILITIA UNDER CLOSER SUPERVISION BY THE DEFENSE AND INTERIOR MINISTRIES BUT DID NOT REFER TO BASIC HUMAN RIGHTS STANDARDS.

ON JUNE 5, PARLIAMENTARY ELECTIONS TOOK PLACE UNDER THE EYES OF NATIONAL AND INTERNATIONAL OBSERVERS. THE ELECTIONS PRODUCED THE COUNTRY'S FIRST-EVER MULTIPARTY NATIONAL ASSEMBLY. PRO-GOVERNMENT PARTIES WON A SOLID MAJORITY. WHILE THE OUTLAWED FIS WAS BARRED FROM PARTICIPATING, TWO OTHER ISLAMIST PARTIES WON 27 PERCENT OF THE SEATS.

THE ELECTION STAKES WERE DETERMINED IN PART BY A REFERENDUM IN NOVEMBER 1996 UNDER UNFAIR CONDITIONS IN WHICH THE GOVERNMENT SECURED VOTER APPROVAL FOR AMENDMENTS TO THE CONSTITUTION THAT ENHANCED THE POWERS OF THE EXECUTIVE BRANCH AT THE EXPENSE OF THE NATIONAL ASSEMBLY. THE CONSTITUTIONAL AMENDMENTS, ALONG WITH NEW ELECTION AND PARTY LAWS PASSED IN MARCH 1997, RESTRICTED ALGERIANS' RIGHT TO FREEDOM OF ASSOCIATION BY BANNING PARTIES BASED ON RELIGION AND ETHNICITY.

IN LOCAL ELECTIONS ON OCTOBER 23, A PRO-GOVERNMENT PARTY WON MORE THAN HALF THE SEATS, TRIGGERING STREET MARCHES IN ALGIERS IN WHICH MORE THAN 15,000 SUPPORTERS OF THE OTHER MAJOR PARTIES PROTESTED ALLEGED FRAUD. THE INTERIOR MINISTRY BANNED FURTHER "UNAUTHORIZED PUBLIC DEMONSTRATIONS" AND POLICE IN SOME INSTANCES PREVENTED PROTESTORS FROM GATHERING.

FOLLOWING THE JUNE ELECTIONS, AUTHORITIES RELEASED FROM PRISON FIS CHIEF ABBASI MADANI, WHO WAS IN THE MIDDLE OF A TWELVE-YEAR SENTENCE FOR SUBVERSION, AND ANOTHER SENIOR FIS FIGURE, ABDELQADER HACHANI, WHO HAD BEEN HELD FOR OVER FIVE YEARS WITHOUT TRIAL. IN JULY HE WAS TRIED AND SENTENCED TO FIVE YEARS IN PRISON—TIME ALREADY SERVED—FOR INCITEMENT AGAINST STATE SECURITY. MEANWHILE, THE WHEREABOUTS OF DEPUTY FIS CHIEF ALI BELHADJ, WHO ALSO HAD BEEN IMPRISONED FOR SUBVERSION, REMAINED UNKNOWN SINCE HIS TRANSFER IN 1995 TO SECRET DETENTION.

FIS REPRESENTATIVES IN EXILE REPEATEDLY DISSOCIATED THEIR PARTY FROM THE MASSACRES AND OTHER DELIBERATE KILLING OF CIVILIANS. "THE FIS CONDEMNS ALL OF THESE TERRIBLE KILLINGS," SAID ABDELKRIM OULD ADDA, FIS EXECUTIVE COMMITTEE IN EXILE SPOKESMAN IN APRIL. "LET ME SAY IT VERY CLEARLY: THE FIS HAS NO LINKS WITH THE GIA. WE FIRMLY CONDEMN THESE BARBAROUS ACTS COMMITTED BY THESE TERRORIST GROUPS AGAINST THE CIVILIAN POPULATION." A UNILATERAL CEASE-FIRE DECLARED FOR OCTOBER 1 BY THE FIS'S ARMED WING, THE ISLAMIC SALVATION ARMY (AIS), WAS DENOUNCED BY THE GIA AND DID NOT STEM THE MASSACRES TAKING PLACE.

ALGERIA'S PRIVATE PRESS ENJOYED SOME FREEDOM TO CRITICIZE GOVERNMENT POLICIES. STATE-CONTROLLED TELEVISION OPENED UP A BIT DURING THE ELECTION CAMPAIGNS, PROVIDING AIR TIME FOR ALL PARTIES RUNNING PARLIAMENTARY CANDIDATES, AND LATER AIRED DEBATES IN THE NATIONAL ASSEMBLY. HOWEVER, AUTHORITIES CENSORED THE SPEECHES OF OPPOSITION CANDIDATES THAT REFERRED TO THE MILITARY-BACKED CANCELLATION OF THE JANUARY 1992 ELECTIONS AS A "COUP."

ALTHOUGH PRIVATE NEWSPAPERS REPORTED ON THE MASSACRES IN THE SECOND HALF OF 1997, WHAT THEY COULD SAY ABOUT THEM WAS LIMITED BY CENSORSHIP, RESTRICTION ON ACCESS TO MASSACRE SITES AND WITNESSES, AND THE ARMED SECURITY FORCES WHO ACCOMPANIED MOST ALGERIAN AND FOREIGN JOURNALISTS, WHETHER THEY WANTED THEM OR NOT. ANY REPORTING ON GOVERNMENTAL ABUSES CARRIED OUT IN CONNECTION WITH THE INTERNAL STRIFE WAS LIABLE TO BE DELETED. ALGERIAN TELEVISION OFFERED ONLY THE OFFICIAL LINE ON THE CONFLICT, GENERALLY PLAYING DOWN THE SCOPE OF VIOLENCE, IN AN APPARENT EFFORT TO BUTTRESS THE GOVERNMENT'S CASE THAT "TERRORISM" WAS ONLY RESIDUAL.

THE GOVERNMENT ALLOWED MANY FOREIGN JOURNALISTS IN AT THE TIME OF THE TWO ELECTION CAMPAIGNS, BUT THROUGHOUT THE YEAR DENIED VISAS TO CERTAIN REPORTERS WITHOUT EXPLANATION, INCLUDING THOSE OF THE FRENCH DAILY *LIBÉRATION*. ON SEPTEMBER 29, THE AUTHORITIES WITHDREW THE ACCREDITATION OF AN AGENCE FRANCE PRESSE (AFP) CORRESPONDENT, ONE OF THE FEW FOREIGN NEWS BUREAUS REMAINING IN THE COUNTRY. A FOREIGN MINISTRY OFFICIAL DID NOT PROVIDE A REASON EXCEPT TO SAY THAT AFP HAD BEEN "WARNED" ABOUT ITS COVERAGE OF THE UNREST, THE AGENCY REPORTED.

JOURNALISTS, INTELLECTUALS, ARTISTS AND POLITICAL FIGURES CONTINUED TO BE ASSASSINATED IN 1997, IN ATTACKS ATTRIBUTED BY THE AUTHORITIES TO ARMED GROUPS. THE BEST-KNOWN FIGURE TO BE SLAIN WAS ABDELHAQ BENHAMOUDA, LEADER OF THE COUNTRY'S MAIN LABOR SYNDICATE, THE GENERAL UNION OF ALGERIAN WORKERS. A GROUP CALLING ITSELF THE ISLAMIC FRONT FOR THE ARMED JIHAD CLAIMED RESPONSIBILITY FOR HIS KILLING IN JANUARY. AT LEAST THREE POLITICAL PARTY ACTIVISTS WERE KILLED IN THE DAYS LEADING UP TO THE JUNE 5, 1997 ELECTIONS, AND TEN PARTY OFFICIALS WERE KILLED AHEAD OF THE MUNICIPAL ELECTIONS.

HUMAN RIGHTS WATCH INVESTIGATED, WHILE IN ALGIERS IN APRIL, THE APPARENT EXECUTION IN CUSTODY OF RACHED MEDJAHED, THE ALLEGED MASTERMIND OF THE ASSASSINATION OF BENHAMOUDA. MEDJAHED WAS ARRESTED A FEW DAYS AFTER THE KILLING AND WAS SHOWN "CONFESSING" ON ALGERIAN NATIONAL TELEVISION. BUT WHEN HIS FAMILY REQUESTED PERMISSION FROM AN INVESTIGATING JUDGE TO VISIT HIM, THEY WERE TOLD HE HAD DIED. AUTHORITIES CLAIMED THAT HE HAD DIED FROM WOUNDS INCURRED DURING HIS ARREST, BUT THE INFORMATION COLLECTED BY HUMAN RIGHTS WATCH CAST DOUBT ON THIS CLAIM. MEDJAHED'S DEATH IN CUSTODY FUELED SUSPICION ABOUT WHO WAS BEHIND THE KILLING OF BENHAMOUDA.

## The Right to Monitor

TWO INDEPENDENT HUMAN RIGHTS ORGANIZATIONS FUNCTIONED OPENLY IN ALGERIA, ALTHOUGH NEITHER THE ALGERIAN HUMAN RIGHTS LEAGUE NOR THE ALGERIAN LEAGUE FOR THE DEFENSE OF HUMAN RIGHTS PRODUCED MUCH DOCUMENTATION OF ABUSES.

DEFENSE LAWYERS PLAYED A KEY ROLE IN AIDING VICTIMS AND DISSEMINATING INFORMATION ABOUT THEIR PLIGHT. THEY SOMETIMES PAID A PRICE FOR THEIR ACTIVISM. THE OFFICE OF LAWYER MOHAMED TAHRI, WHOSE CLIENTS INCLUDE RELATIVES OF "DISAPPEARED" PERSONS, SUFFERED A SUSPICIOUS BURGLARY DURING THE WEEKEND OF JUNE 12-13, IN WHICH THE ONLY ITEMS MISSING WERE PERSONAL DOCUMENTS AND CORRESPONDENCE WITH CLIENTS. THE BREAK-IN OCCURRED ONLY DAYS AFTER TAHRI WAS FEATURED SPEAKING ABOUT HUMAN RIGHTS IN *LE MONDE* (PARIS) AND ON FRENCH TELEVISION. ON OCTOBER 20, TAHRI WAS ARRESTED AND HELD FOR SEVEN HOURS AFTER DEMONSTRATING IN ALGIERS WITH ABOUT FIFTY WOMEN SEEKING INFORMATION ABOUT MISSING RELATIVES.

RACHID MESLI, AN ALGIERS LAWYER WHO HAD BEEN OPENLY HELPFUL TO AMNESTY INTERNATIONAL DURING AND SINCE ITS 1996 MISSION TO ALGERIA, WAS SENTENCED AFTER AN UNFAIR TRIAL TO THREE YEARS IN PRISON, ON CHARGES OF "ENCOURAGING" AND "PROVIDING APOLOGETICS" FOR "TERRORISM." DURING HIS INITIAL INTERROGATION AND TRIAL, THE JUDGE QUESTIONED MESLI ABOUT HIS CONTACTS WITH AMNESTY INTERNATIONAL.

THE HUMAN RIGHTS MONITORING BODY (OBSERVATOIRE NATIONAL DES DROITS DE L'HOMME, ONDH), WHICH REPORTS TO THE PRESIDENT'S OFFICE, CONTINUED TO SERVE AS A CONDUIT BETWEEN THE GOVERNMENT AND PERSONS LODGING COMPLAINTS OF HUMAN RIGHTS ABUSES. WHILE IT MADE SOME GENERAL CRITICISM OF GOVERNMENT ABUSES, IN ITS ANNUAL REPORT FOR 1996 AND ELSEWHERE, THE ONDH PUBLICLY DEFENDED THE GOVERNMENT'S RECORD AGAINST CRITICISM FROM INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS. THE ONDH'S PRESIDENT IMMEDIATELY REJECTED A JOINT CALL BY INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS ON OCTOBER 15 FOR AN INTERNATIONAL INQUIRY INTO THE HUMAN RIGHTS SITUATION IN ALGERIA, SAYING IT SHOWED "A DELIBERATE WILLINGNESS TO SPREAD MISUNDERSTANDING ABOUT THOSE RESPONSIBLE FOR THE LATEST MASSACRES OF CIVILIANS IN ALGERIA," ACCORDING TO ALGERIAN RADIO.

SEVERAL INTERNATIONAL ORGANIZATIONS WERE GRANTED PERMISSION DURING 1997 TO INVESTIGATE ABUSES IN ALGERIA. HOWEVER, APPLICATIONS TO VISIT FROM AMNESTY INTERNATIONAL, AN ORGANIZATION THAT HAS PERSISTENTLY DOCUMENTED ABUSES IN ALGERIA, WERE REFUSED. THE HUMAN RIGHTS WATCH DELEGATION WAS ASSISTED BY THE ONDH AND RECEIVED BY THE MINISTERS OF INTERIOR AND JUSTICE. HOWEVER, THE DELEGATION WAS ACCOMPANIED BY GOVERNMENT SECURITY PERSONNEL DURING HALF THE VISIT, DESPITE THE ORGANIZATION'S STRONG PROTESTS. ALTHOUGH IMPOSED OSTENSIBLY FOR THE DELEGATION'S PROTECTION, THIS UNWANTED ESCORT SEVERELY HAMPERED THE DELEGATION'S ABILITY TO MEET FREELY WITH ALGERIANS.

## The Role of the International Community

### United Nations

FOLLOWING A SERIES OF MASSACRES U.N. SECRETARY-GENERAL KOFI ANNAN ISSUED A PUBLIC APPEAL ON AUGUST 30 FOR AN "URGENT SOLUTION" TO THE BLOODSHED. "AS THE KILLING GOES ON," HE SAID, "IT IS EXTREMELY DIFFICULT FOR ALL OF US TO PRETEND THAT IT IS NOT HAPPENING, THAT WE DO NOT KNOW ABOUT IT AND THAT WE SHOULD LEAVE THE ALGERIAN POPULATION TO THEIR LOT."

ANNAN'S COMMENTS WERE ECHOED ON SEPTEMBER 30 BY THE NEW U.N. HUMAN RIGHTS COMMISSIONER, MARY ROBINSON. AFTER MEETING WITH ALGERIAN FOREIGN MINISTER AHMED ATTAF THAT DAY, SHE COMMENTED, "WHEN THERE ARE SERIOUS VIOLATIONS OF CIVILIANS' RIGHTS, AND WHEN A SITUATION IS AS BAD AS IN ALGERIA, I DO NOT CONSIDER THAT—AND I CANNOT CONSIDER THAT—to BE INTERNAL." FOLLOWING A MEETING LATE OCTOBER WITH MOHAMED-SALAH DEMBRI, ALGERIA'S REPRESENTATIVE TO THE U.N. IN GENEVA, ROBINSON SAID THEY HAD "DISCUSSED ALGERIA'S COOPERATION" WITH U.N. HUMAN RIGHTS MECHANISMS, WHICH INCLUDE THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES AND VARIOUS RAPORTEURS. ALGERIAN AUTHORITIES PUBLICLY REJECTED ANY OUTSIDE INTERVENTION IN THE CRISIS, HOWEVER.

EARLIER IN THE YEAR, THE U.N. SECRETARY-GENERAL HAD PLAYED A MORE CONSIDERED ROLE THAN HIS PREDECESSOR WHEN ASKED BY PRESIDENT ZEROUAL TO SEND U.N. ELECTION OBSERVERS. FOR THE PRESIDENTIAL ELECTIONS OF 1995, THEN-SECRETARY-GENERAL BOUTROS BOUTROS-GHALI HAD SENT A TEAM OF OBSERVERS WHO HAD THEN MADE NO PUBLIC STATEMENTS ON VOTING CONDITIONS, THEREBY GIVING THE GOVERNMENT THE RIGHT TO BOAST OF THE INTERNATIONAL PRESENCE WITHOUT HAVING TO FACE PUBLIC REPORTING. IN 1997, ANNAN DID NOT SEND OBSERVERS BUT DEPLOYED A TEAM OF FOUR OFFICIALS WHO ONLY COORDINATED

THE EFFORTS OF OBSERVERS FROM SOME TWENTY COUNTRIES WHO COULD SPEAK FREELY OF THEIR FINDINGS. THUS THE SECRETARY-GENERAL PROVIDED A GESTURE OF SUPPORT FOR THE HOLDING OF ELECTIONS WHILE MAKING IT DIFFICULT FOR THAT GESTURE TO BE EXPLOITED.

ON AUGUST 13, THE U.N. COMMISSION ON HUMAN RIGHTS' SUBCOMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES DEFEATED BY SECRET BALLOT A DRAFT RESOLUTION THAT ALGERIAN AUTHORITIES HAD LOBBIED AGAINST.

WHILE CRITICAL OF "ARMED GROUPS OF RELIGIOUS EXTREMISTS, WHO...ARE TERRORIZING CIVILIAN POPULATION," THE DRAFT HAD ALSO EXPRESSED CONCERN AT REPORTS "INDICATING THAT, GOING BEYOND THE REQUIREMENTS OF THE FIGHT AGAINST TERRORISM, VIOLATIONS OF HUMAN RIGHTS ARE BEING COMMITTED MORE AND MORE FREQUENTLY BY CERTAIN SECTORS OF THE SECURITY FORCES."

IN A STATEMENT ISSUED ON SEPTEMBER 18, THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) URGED GOVERNMENTS TO REFRAIN FROM THE "HASTY DEPORTATION OF REJECTED ALGERIAN ASYLUM SEEKERS IN THE MIDDLE OF AN UPSURGE OF VIOLENCE IN ALGERIA." UNHCR DEFINED THOSE AT RISK AS COMING FROM BOTH SIDES OF THE CONFLICT: "ALGERIANS WHO HAVE CLOSE LINKS WITH THE GOVERNMENT" AS WELL AS "MEMBERS OR PERCEIVED MEMBERS OF ISLAMIC GROUPS."

## European Union

THE EUROPEAN PARLIAMENT PASSED A RESOLUTION ON DECEMBER 12, 1996, CRITICIZING THE CONSTITUTIONAL REFERENDUM HELD IN NOVEMBER FOR "CONCENTRAT[ING] POWER IN THE HANDS OF THE PRESIDENT" AND THUS BEING "LIKELY TO MAKE IT MORE DIFFICULT TO ESTABLISH DEMOCRATIC AND CULTURAL PLURALISM." THE RESOLUTION URGED THE EUROPEAN COMMISSION "TO TAKE INTO ACCOUNT DEVELOPMENTS WITH REGARD TO DEMOCRATIZATION AND RESPECT FOR HUMAN RIGHTS" IN UPCOMING TALKS REGARDING A EURO-MEDITERRANEAN ASSOCIATION AGREEMENT. ARTICLE 2 OF THE TRADE AGREEMENT STRESSES "RESPECT FOR HUMAN RIGHTS AND DEMOCRATIC PRINCIPLES... CONSTITUTE AN ESSENTIAL ELEMENT." NEGOTIATIONS COMMENCED IN MARCH, AND AT THE TIME OF WRITING HAD NOT CONCLUDED.

MANUEL MARIN, VICE PRESIDENT OF THE EUROPEAN COMMISSION, URGED ADOPTION OF THE ASSOCIATION AGREEMENT AS A MEANS TO DEMOCRATIC REFORM. FOLLOWING ALGERIA'S PARLIAMENTARY ELECTIONS, MARIN ON JUNE 24 URGED THE FOREIGN AFFAIRS COMMITTEE OF THE EUROPEAN PARLIAMENT TO TAKE A "PRAGMATIC" AND "REALISTIC" ATTITUDE REGARDING ALGERIA IN ORDER TO ENCOURAGE IT TO COMPLETE ITS "DEMOCRATIC TRANSITION."

ON SEPTEMBER 18, THE EUROPEAN PARLIAMENT PASSED A RESOLUTION URGING THE ALGERIAN GOVERNMENT TO "DEEPEN THE DIALOGUE WITH ALL THE POLITICAL FORCES AND DEMOCRATIC ELEMENTS...WHO REJECT THE USE OF VIOLENCE...AND ALLOW THE RULE OF LAW AND RESPECT FOR HUMAN RIGHTS, INCLUDING THE FREEDOM OF THE PRESS AND THE RIGHT TO DEMONSTRATE, TO BE REESTABLISHED." THE RESOLUTION ALSO CALLED ON EUROPEAN UNION MEMBER STATES "NOT TO REPATRIATE ALGERIAN NATIONALS RESIDING IN THEIR TERRITORY WHOSE SAFETY WOULD BE ENDANGERED IF THEY ARE FORCED TO RETURN TO ALGERIA."

E.U. FOREIGN MINISTERS MET ON OCTOBER 26, AT A TIME OF MOUNTING CALLS FOR INTERNATIONAL INVOLVEMENT IN THE CRISIS IN ALGERIA. BUT THE MINISTERS LIMITED THEMSELVES TO A GENERAL CONDEMNATION OF THE VIOLENCE, WITH SOME EXPLAINING THAT WITHOUT THE ALGERIAN AUTHORITIES' CONSENT THEY COULD PLAY NO ROLE IN ENDING THE COUNTRY'S CRISIS.

## France

FRANCE, ALGERIA'S FORMER RULER AND LARGEST TRADING PARTNER, REMAINED QUIETLY SUPPORTIVE OF THE GOVERNMENT WHILE INSISTING THAT ALGERIANS ALONE COULD SOLVE THE COUNTRY'S PROBLEMS. IT EXTENDED ANNUAL ASSISTANCE WORTH NEARLY U.S.\$1.2 BILLION, MOSTLY IN THE FORM OF GOVERNMENT-BACKED CREDITS TO PURCHASE FRENCH GOODS. ABOUT A THIRD OF THE SUM WAS NOT RENEWED IN 1997 DUE TO ADMINISTRATIVE PROBLEMS. VIEWED GENERALLY AS THE WESTERN STATE WITH THE GREATEST INTEREST IN DEVELOPMENTS IN ALGERIA, FRANCE ACTIVELY LOBBIED INTERNATIONAL FINANCIAL INSTITUTIONS IN 1995 TO PROVIDE DEBT REFINANCING TO ALGERIA ON FAVORABLE TERMS, AND SOUGHT TO SET THE COURSE OF WESTERN POLICY TOWARD ALGERIA.

FRENCH AUTHORITIES TENDED TO CONDEMN ATROCITIES ATTRIBUTED TO ARMED ISLAMIST GROUPS WHILE REMAINING CIRCUMSPECT ON GOVERNMENT REPRESSION. INDICATIONS OF A SHIFT IN APPROACH CAME IN THE FALL, AFTER THE ELECTION OF A

Socialist-led government and an unchecked streak of massacres that shocked French opinion. Prime Minister Lionel Jospin suggested, on September 29, that the violence did not have a single address: "We can see there is a terrible reign of terror...but it is extremely difficult to make out what is happening." He referred not only to "a fanatical and violent opposition" but also to "a state which is in a way imposing its will with violence and force."

In high-level consultations in September and October with the U.S. and European governments, France reportedly argued against international initiatives on Algeria as long as Algiers opposed them. Foreign Minister Hubert Vedrine told the Paris weekly *L'Express* in October that France can show its willingness to "support any form of action undertaken by the international community if it were accepted or requested by all the parties, starting with the authorities." Premier Jospin indicated that France should respond at home by opening its doors toward Algerians seeking safety. "I am in favor of ... relaxing the visa policy for all who fear for their lives in Algeria," he said on September 29.

The National Consultative Council on Human Rights, an advisory commission attached to the prime minister's office, adopted a resolution in October urging that the question of human rights in Algeria be placed on the agenda of the U.N. Commission on Human Rights, and that U.N. missions should be dispatched as soon as possible to investigate torture, summary executions and arbitrary detentions.

## United States

U.S. government influence on Algeria remained limited. The U.S. provided no direct economic or military assistance other than an annual U.S.\$75,000 military training program. Cognizant of human rights concerns, Washington maintained a policy of rejecting licenses sought by U.S. companies for the sale to Algeria of equipment that could be used by the security forces in an offensive capacity. However, U.S. engagement in Algeria appeared to increase during the year, as U.S. private investment in Algeria's energy sector soared to nearly \$2 billion. The U.S. Export-Import Bank (Eximbank) resumed activity in Algeria in 1996 after a two-year halt. It set a ceiling of \$150 million for new projects and financially backed U.S. corporations selling to Sonatrach, Algeria's state-run oil and gas company. As of September 30, Eximbank's exposure in Algeria totaled \$2.1 billion.

With the holding of parliamentary elections, the U.S. seemed to regard the government-led political process as worthy of encouragement, despite its limitations. The U.S. stopped calling publicly for a national political dialogue that included "pragmatic elements of the FIS," the banned Islamist party that the government had excluded from the elections. In gestures of support for the vote, the U.S. financed thirteen election observers and openly encouraged other countries to send teams. On June 9, four days after the polling, State Department spokesman Nicholas Burns described the election as a "positive" move but acknowledged, "I would not use the words free and fair to describe the Algerian elections, simply because the international monitors ... did not use these words...we do think it's positive, however, that people voted in great numbers; and it's positive that the government was able to open up television and radio to political debate." He urged the Algerian government to take into account the "issues raised by international observers and political parties" about flaws in the election process.

On September 10, at a time of almost daily reports of massacres, outgoing U.S. Ambassador Ronald Neumann said after a farewell audience with President Zeroual that the U.S. backed "military measures, consistent with the rule of law, to protect civilians" and "the policy spelled out by President Zeroual of economic and political reforms, freedom of the press, and development of the rule of law. We encourage national reconciliation and the inclusion in the political process of all who reject violence."

In light of the U.S. support for the parliamentary elections, the lack of U.S. comment on the government's shocking failure to intervene to protect the population from a steady succession of massacres, some observers interpreted the ambassador's statement as a signal of a new pro-government tilt in U.S. policy. Denying this,

officials told the press that the ambassador's comments were merely an attempt "to give a gentle push to the army to do its job."

Neumann told a U.S. Senate Foreign Relations Subcommittee on October 1 that human rights problems remained an impediment to better relations. In his prepared remarks, Neumann praised the convening of a multiparty parliament but cautioned that the election was "only a modest, first step towards representative institutions." He added that while the unity of the military was important to Algeria's stability, "we must continue to be cautious in our dealings as doubts linger about the military's respect for the rule of law and their willingness to allow parliament to develop real power." He continued, "Sometimes security forces themselves have been guilty of excesses....There are also credible reports of torture...and the Algerian government refuses to allow observers to inspect prisons."

The Clinton administration's nominee to replace Neumann, Cameron Hume, said at his Senate confirmation hearing on October 28 that Washington could not intervene directly in what "all Algerians feel is an internal conflict." But he noted the U.S. actively promoted press freedom for Algerian journalists, through diplomatic demarches and bringing Algerian journalists to the U.S. He added that the U.S. supported the work of nongovernmental organizations, including international human rights groups.

The U.S. condemned "terrorism" in Algeria on numerous occasions during the year and maintained the Armed Islamic Group on its official list of terrorist organizations worldwide.

## **Relevant Human Rights Watch Report:**

*ALGERIA—ELECTIONS IN THE SHADOW OF VIOLENCE AND REPRESSION, 6/97*

## **BAHRAIN**

### **Human Rights Developments**

The human rights situation in Bahrain showed no improvement in 1997 and in some respects worsened. Street protests and clashes between security forces and demonstrators calling for political reform, which had first erupted in December 1994, continued throughout the year, intensifying in June 1997. Shaikh Abd al-Amir al-Jamri and seven other Shi'a community leaders, arrested in January 1996, remained in detention without charge. The government continued to prosecute persons on security-related charges in the State Security Court, where procedures did not meet basic fair trial standards and whose verdicts were not subject to appeal. The exercise of the freedoms of assembly and political association remained effectively outlawed under the terms of the penal code and the law of societies and clubs.

The year saw further arrests and harassment of individuals for writing or possessing written materials which the government considered hostile. On June 14, 1997, six young men in detention for the previous fourteen months were found guilty by a State Security Court on charges of possessing leaflets that according to the Interior Ministry contained "false news and unfounded statements." They were sentenced to time already served plus fines of 200 Bahraini dinars (BD; approximately U.S.\$530). In March 1997, Sayyid Jalal Alawi Sharaf, an engineer employed by the state telecommunications company, was arrested in a dawn raid on his home, and his home computer equipment was confiscated, reportedly on the grounds that he was transmitting information abroad via the Internet. He remained in detention without charge or trial as of early October. In February, Ali Hasan Yusif was dismissed from his job with the Ministry of Information and subsequently arrested and detained without charge for several months in connection with a volume of poems he had published, some of which referred in very general terms to conditions of censorship and oppression. Yasir al-Sayigh was detained for months without charge and beaten after a coworker had thrown a leaflet in his office wastebasket.

THE GOVERNMENT ALSO MOVED TO PREVENT INFORMATION ABOUT THE SITUATION IN THE COUNTRY FROM REACHING THE OUTSIDE WORLD THROUGH THE MEDIA. IN LATE SEPTEMBER 1996, ABBAS SALMAN, A BAHRAINI REPORTER WORKING FOR REUTERS FOR NEARLY TWENTY YEARS, WAS DETAINED FOR MORE THAN TWENTY-FOUR HOURS AND INTERROGATED ABOUT A STORY HE HAD FILED BEFORE BEING RELEASED WITHOUT CHARGE. IN EARLY 1997, THE GOVERNMENT ISSUED A REGULATION RESTRICTING BAHRAINI JOURNALISTS EMPLOYED BY LOCAL MEDIA FROM ALSO WORKING FOR THE INTERNATIONAL PRESS. THE GOVERNMENT WAS THUS ABLE TO FORCE ISMAT MOUSSAWI, A REPORTER WITH AL-AYYAM, A DAILY CLOSE TO THE GOVERNMENT, TO CEASE HER WORK AS THE BBC ARABIC SERVICE STRINGER, THUS EFFECTIVELY STIFLING AN IMPORTANT SOURCE OF UNCENSORED NEWS FOR MANY BAHRAINIS.

IN JUNE 1997 THE GOVERNMENT CLOSED THE OFFICE AND EXPELLED THE CORRESPONDENT OF THE GERMAN PRESS AGENCY (DPA), THE LAST WESTERN NEWS AGENCY WITH A BUREAU IN BAHRAIN. THE CORRESPONDENT, UTE MEINEL, TOLD HUMAN RIGHTS WATCH THAT HER EXPULSION FOLLOWED HER EYEWITNESS ACCOUNTS OF THREE DAYS OF INTENSE CLASHES IN THE TOWN OF SANABIS IN JUNE, AND DISPATCHES REGARDING SEVERAL UNRELATED CASES OF BAHRAINIS WHO HAD DIED AFTER BEING BEATEN BY SECURITY FORCES. ON THE NIGHT OF JUNE 24, SHE WAS SUMMONED BY A SENIOR INTERIOR MINISTRY OFFICIAL AND INTERROGATED ABOUT A RECENT DISPATCH. THE NEXT DAY SHE WAS SHOWN A CHARGE SHEET ACCUSING HER OF "SPREADING LIES, HARMING THE WELFARE OF THE STATE, INSULTING THE RULING FAMILY." TWO DAYS LATER, THE INTERIOR MINISTRY OFFICIAL TOLD HER THAT SHE WOULD HAVE TO LEAVE BAHRAIN IMMEDIATELY.

IN JULY 1997, TEN LEADERS OF THE PEOPLE'S PETITION COMMITTEE PREPARED A LETTER TO THE AMIR, SHAIKH ISA BIN SALMAN, REQUESTING A MEETING TO DISCUSS POLITICAL REFORM ISSUES RAISED IN A 1994 PETITION WHICH THE ORGANIZERS CLAIMED HAD BEEN SIGNED BY 21,751 BAHRAINIS. THESE ISSUES INCLUDED RESTORING THE PARTIALLY-ELECTED NATIONAL ASSEMBLY, WHICH WAS DISBANDED BY DECREE IN 1975, FREEING POLITICAL PRISONERS, AND ALLOWING THE RETURN OF PERSONS FORCIBLY EXILED BY THE GOVERNMENT. AN OFFICIAL IN THE PRIME MINISTER'S OFFICE TELEPHONED SEVERAL COMMITTEE MEMBERS TO WARN THEM AGAINST DELIVERING THE LETTER. ON JULY 29 A HIGH INTERIOR MINISTRY OFFICIAL SUMMONED TWO OF THEM, AHMAD AL-SHAMLAN, A DEFENSE LAWYER AND VETERAN OPPOSITION ACTIVIST, AND IBRAHIM KAMAL EDDIN, A BUSINESSMAN, AND WARNED THEM TO CEASE THEIR EFFORTS. WHEN THE MEN DECLINED, THE OFFICIAL TOLD AL-SHAMLAN, WHO SUFFERS FROM A HEART AILMENT, TO "THINK OF YOUR HEALTH." THE NEXT DAY THE OFFICIAL PHONED AL-SHAMLAN TO SAY THAT HE WOULD NOT BE ALLOWED TO LEAVE FOR EUROPE THAT EVENING AS PLANNED FOR MEDICAL TESTS AND A VACATION. SEVERAL HOURS LATER AL-SHAMLAN SUFFERED A SERIOUS STROKE FROM WHICH HE HAD NOT RECOVERED AS OF OCTOBER 1997.

THE GOVERNMENT PROVIDES VIRTUALLY NO INFORMATION REGARDING NUMBERS OF PERSONS ARRESTED, TRIED, CONVICTED, ACQUITTED OR RELEASED IN POLITICAL OR SECURITY-RELATED CASES. THE EXCEPTION CONCERNED THE HIGH-PROFILE MARCH 1997 SECURITY COURT TRIALS OF FIFTY-NINE BAHRAINIS WHOM THE GOVERNMENT CHARGED IN JUNE 1996 WITH PLANNING AND CARRYING OUT ACTS OF SABOTAGE ON BEHALF OF "HIZBALLAH BAHRAIN-MILITARY WING." THIRTY-SIX OF THE DEFENDANTS WERE CONVICTED AND SENTENCED TO PRISON TERMS RANGING FROM THREE TO FIFTEEN YEARS PLUS LARGE FINES, AND TWENTY-THREE WERE ACQUITTED. BASED ON INFORMATION MADE AVAILABLE BY BAHRAINI DEFENSE LAWYERS, HUMAN RIGHTS WATCH ESTIMATES THAT AT LEAST 600 PERSONS WERE TAKEN INTO CUSTODY FOR POLITICAL OR SECURITY-RELATED OFFENSES OVER THE PAST YEAR, AND AT LEAST SEVENTY-ONE WERE CONVICTED BY STATE SECURITY COURTS. BAHRAINI LAWYERS TOLD HUMAN RIGHTS WATCH THAT THE NUMBER OF PERSONS IN PROLONGED DETENTION WITHOUT TRIAL WAS AROUND 1,500 IN LATE SEPTEMBER 1997—APPROXIMATELY THE SAME NUMBER AS WERE BEING HELD A YEAR EARLIER—AND THAT BEATINGS AND OTHER FORMS OF PHYSICAL ABUSE WERE COMMONLY USED TO SECURE CONFESSIONS AND INFORMATION.

IN LATE OCTOBER 1996, THE GOVERNMENT SIGNED AN AGREEMENT WITH THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC), ALLOWING THAT ORGANIZATION ACCESS TO PERSONS HELD FOR SECURITY-RELATED OFFENSES. THERE WERE REPORTS THAT THE ICRC HAD VISITED OVER ONE THOUSAND DETAINEES IN MORE THAN TWENTY DETENTION CENTERS. IN KEEPING WITH ICRC POLICY, ITS FINDINGS WERE COMMUNICATED DIRECTLY TO THE GOVERNMENT AND NOT ANNOUNCED PUBLICLY.

DURING THE YEAR, THREE PERSONS DIED IN DETENTION OR VERY SHORTLY AFTER BEING RELEASED FROM DETENTION, PROMPTING ALLEGATIONS OF MEDICAL NEGLECT AND MISTREATMENT. SHAIKH ALI AL-NACHAS, A BLIND CLERIC ABOUT FIFTY YEARS OLD, HAD BEEN IMPRISONED WITHOUT CHARGE OR TRIAL FROM JANUARY 1996 UNTIL FEBRUARY 1997, REPORTEDLY ON GROUNDS THAT HIS SERMONS WERE "POLITICAL." SHORTLY AFTER HIS RELEASE HE WAS REARRESTED ON SIMILAR GROUNDS, AND DIED IN CUSTODY ON JUNE 29.



THE DEATH OF AL-NACHAS FOLLOWED THE DEATHS IN LATE MAY AND EARLY JUNE OF TWO YOUNG MEN, REPORTEDLY AFTER BEATINGS AT THE HANDS OF SECURITY FORCES. BASHIR ABDALLAH AHMAD FADHIL DIED FOLLOWING AN ASSAULT BY SECURITY FORCES IN THE VILLAGE OF DAH ON MAY 19. ACCORDING TO THE BAHRAIN FREEDOM MOVEMENT, AN OPPOSITION ORGANIZATION, FADHIL WAS AMONG SOME THIRTY PERSONS BEATEN AND ARRESTED THEN, AND TWO DAYS LATER HIS BODY WAS RETURNED TO HIS FAMILY FOR BURIAL. THE GOVERNMENT CLAIMED HE DIED OF "NATURAL CAUSES" ASSOCIATED WITH HIS HAVING BEEN A DRUG ADDICT. AN INDEPENDENT JOURNALIST TOLD HUMAN RIGHTS WATCH THAT FADHIL'S HISTORY OF ADDICTION MAY HAVE CONTRIBUTED TO HIS DEATH, BUT THAT WITNESSES SAW HIM BEING BEATEN SEVERELY BY SECURITY FORCES. ON JUNE 6, ABD AL-ZAHRA IBRAHIM ABDALLAH, TWENTY-SEVEN, DIED AFTER HIS ARREST FIVE DAYS EARLIER DURING CLASHES WITH SECURITY FORCES IN THE VILLAGE OF SANABIS. THE GOVERNMENT CLAIMED THAT ABDALLAH HAD BEEN RELEASED FROM CUSTODY ON JUNE 3 AND "LATER DIED IN A HOSPITAL FROM A BLOOD DISEASE." ACCORDING TO THE BAHRAIN FREEDOM MOVEMENT, ABDALLAH WAS BEATEN AT THE TIME OF HIS ARREST AND TRANSFERRED TO SALMANIYYA HOSPITAL, WHERE HE DIED.

THE UNREST HAS BEEN MARKED BY INCREASED VIOLENCE AGAINST PERSONS AND PROPERTY. INDEPENDENT JOURNALISTS CONFIRMED TO HUMAN RIGHTS WATCH THAT SECURITY FORCES, IN SUPPRESSING GATHERINGS DEEMED ILLEGAL, INCREASINGLY RESORTED TO SMASHING AUTOMOBILES AND OTHER PROPERTY, INCLUDING SHI'A ASSEMBLY HALLS (*ma'tams*) AND MOSQUES. PROTESTERS SABOTAGED POWER GENERATORS AND ATTACKED OTHER PUBLIC PROPERTY AS WELL AS INDIVIDUAL SHOPS. THERE WERE ARSON ATTACKS ON STORES AND RESIDENCES THAT KILLED SIX SOUTH ASIAN WORKERS OVER THE PAST YEAR. NO GROUP OR INDIVIDUALS CLAIMED RESPONSIBILITY FOR ANY OF THESE ATTACKS. THREE MEN WHO WERE SENTENCED TO DIE IN 1996 FOR THEIR ALLEGED ROLE IN A FIREBOMB ATTACK THAT KILLED SEVEN FOREIGN NATIONALS REMAINED IN PRISON AS OF OCTOBER 1997.

THE GOVERNMENT ROUTINELY ATTRIBUTED ATTACKS AND THE UNREST GENERALLY TO IRANIAN-BACKED "TERRORISTS," A TERM IT APPLIED TO THE OPPOSITION WITHOUT DISTINCTION, INCLUDING SUCH GROUPS AS THE LONDON-BASED BAHRAIN FREEDOM MOVEMENT, WHICH ASSERTED THAT IT IS COMMITTED TO A STRATEGY OF NONVIOLENT CIVIL RESISTANCE. ON JULY 9 SHAIKH ISA QASIM, A PROMINENT OPPOSITION LEADER NOW LIVING IN IRAN, CONDEMNED "ALL THE FIRES AND SABOTAGE THAT DESTROY PROPERTIES AND THAT CAUSE DEATH."

## The Right to Monitor

NO LOCAL HUMAN RIGHTS ORGANIZATIONS WERE PERMITTED TO OPERATE IN BAHRAIN, AND THE GOVERNMENT CONTINUED TO DENY REQUESTS FROM INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS TO CONDUCT OFFICIAL VISITS. OVER THE PAST YEAR, THE GOVERNMENT INCREASED PRESSURE ON BAHRAINI DEFENSE LAWYERS TO REFRAIN FROM PROVIDING INFORMATION ABOUT ARRESTS AND SECURITY COURT TRIALS TO THE PRESS, AND THREATENED SOME LAWYERS WITH DISBARMENT IF THEY CONTINUED TO DO SO. CLOSE GOVERNMENT MONITORING OF TELEPHONE, FAX AND INTERNET LINKS MADE MOST BAHRAINIS AFRAID TO DISCUSS THE SITUATION WITH HUMAN RIGHTS WATCH.

THE BAHRAIN HUMAN RIGHTS ORGANIZATION (BHRO) AND THE COMMITTEE FOR THE DEFENSE OF HUMAN RIGHTS IN BAHRAIN (CDHRB), OPERATING ABROAD, COMPILED INFORMATION ON DETAINEES AND OTHER ISSUES. IN RESPONDING TO QUESTIONS FROM HUMAN RIGHTS WATCH IN MARCH 1997, BAHRAIN'S AMBASSADOR IN WASHINGTON, DR. MUHAMMAD ABDUL-GHAFFAR, CHARGED THAT "THE BHRO IS NOT A BONA FIDE HUMAN RIGHTS ORGANIZATION" AND THAT ITS DIRECTOR, ABDUL-HADI ABDALLAH AL-KHAWAJA, "IS A TRAINED TERRORIST AND A FUGITIVE FROM THE 1981 FAILED ARMED COUP." HE PROVIDED NO EVIDENCE FOR THESE ALLEGATIONS, AND IN A LETTER TO HUMAN RIGHTS WATCH AL-KHAWAJA NOTED THAT HE HAD FLOWN BACK TO BAHRAIN IN FEBRUARY 1994 IN AN EFFORT TO RETURN HOME—HARDLY THE STEP OF A FUGITIVE FROM AN ARMED COUP ATTEMPT. AT THAT TIME, ACCORDING TO A LETTER AL-KHAWAJA SUBMITTED IMMEDIATELY AFTERWARDS TO THE U.N. HUMAN RIGHTS CENTER, THE AUTHORITIES INTERROGATED HIM AT THE AIRPORT FOR ELEVEN DAYS ABOUT HIS HUMAN RIGHTS ACTIVITIES AND FINALLY DENIED HIM ENTRY, BUT AT NO POINT MENTIONED THE AMBASSADOR'S SUBSEQUENT ALLEGATIONS ABOUT THE ATTEMPTED COUP.

FOLLOWING THE JULY PUBLICATION OF HUMAN RIGHTS WATCH'S REPORT *ROUTINE ABUSE, ROUTINE DENIAL: CIVIL RIGHTS AND THE POLITICAL CRISIS IN BAHRAIN*, AMBASSADOR ABDUL-GHAFFAR WROTE TO HUMAN RIGHTS WATCH THAT "THE MAJORITY OF THE INFORMATION UPON WHICH THE REPORT HAS BEEN BASED IS NEITHER CREDIBLE NOR ACCURATE" BUT PROVIDED NO SPECIFICS. THE AMBASSADOR CONTINUED, "THERE IS NO DETERIORATION OF THE HUMAN RIGHTS SITUATION IN BAHRAIN AND THE GOVERNMENT HAS, THROUGH ITS LEGITIMATE POLICE FORCES AND THE RULE OF LAW, DEALT WITH THE SITUATION IN AN ENTIRELY FAIR, SENSITIVE AND

PROPER MANNER BALANCING THE REQUIREMENTS OF PUBLIC ORDER AND INDIVIDUAL RIGHTS.”

## The Role of the International Community

### United Nations

THE 49TH SESSION OF THE UNITED NATIONS SUBCOMMISSION ON HUMAN RIGHTS, MEETING IN GENEVA IN AUGUST, PASSED A RESOLUTION EXPRESSING “DEEP CONCERN ABOUT THE ALLEGED GROSS AND SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS” IN BAHRAIN AND URGING THE GOVERNMENT “TO COMPLY WITH INTERNATIONAL HUMAN RIGHTS STANDARDS AND TO RATIFY THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS AND THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.” THE RESOLUTION ALSO REQUESTED THE COMMISSION ON HUMAN RIGHTS TO CONSIDER BAHRAIN’S HUMAN RIGHTS SITUATION AT ITS NEXT SESSION. BAHRAIN, IN AN UNSUCCESSFUL EFFORT TO PERSUADE SOME OF THE SUBCOMMISSION EXPERTS TO VOTE AGAINST THE RESOLUTION, OFFERED TO RATIFY THE CONVENTION AGAINST TORTURE AND TO DONATE \$100,000 TO ONE OF THE WORKING GROUPS OF THE SUBCOMMISSION.

BAHRAIN WAS ALSO CITED FOR REPORTED HUMAN RIGHTS VIOLATIONS IN THE REPORTS OF THE SPECIAL RAPPORTEUR ON THE INDEPENDENCE OF JUDGES AND LAWYERS (FEBRUARY 1997) AND THE SPECIAL RAPPORTEUR ON TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (JANUARY 1997).

### The Arab World

BAHRAIN’S GOVERNMENT CONTINUED TO ENJOY THE SUPPORT OF MOST ARAB GOVERNMENTS FOR ITS POLICIES, AND A NUMBER OF THE GULF COOPERATION COUNCIL STATES PROVIDED FINANCIAL AID. NO ARAB GOVERNMENT EXCEPT QATAR (SEE BELOW) PUBLICLY CRITICIZED ANY ASPECT OF BAHRAIN’S HUMAN RIGHTS RECORD. ALGERIAN PRESIDENT LIAMINE ZEROUAL VISITED BAHRAIN IN MID-OCTOBER 1996, WHERE HE WAS QUOTED AS SAYING, “THERE WILL BE COORDINATION BETWEEN BAHRAIN AND ALGERIA TO WIPE OUT TERRORISM IN THE ARAB WORLD.” IN MARCH 1997, KUWAITI STATE SECURITY OFFICIALS DETAINED THIRTEEN BAHRAINI NATIONALS FOR “GATHERING DONATIONS WITHOUT PERMISSION AND DISTRIBUTING ILLEGAL LITERATURE,” ACCORDING TO THE KUWAITI DAILY *AL-WATAN*, AND FOUR REMAINED IN DETENTION IN EARLY OCTOBER 1997. IN MAY 1997, THE SPECIAL OPERATIONS COMMANDER OF THE JORDANIAN ARMED FORCES VISITED BAHRAIN, AND THE NEXT MONTH THE DIRECTOR OF JORDAN’S GENERAL INTELLIGENCE DEPARTMENT LED A DELEGATION TO BAHRAIN TO DISCUSS “ISSUES OF COMMON CONCERN,” ACCORDING TO THE OFFICIAL BAHRAINI NEWS AGENCY.

IN DECEMBER 1996, BAHRAIN ANNOUNCED IT WOULD TRY TWO QATARI NATIONALS ON CHARGES OF ESPIONAGE IN CONNECTION WITH A LONG-RUNNING DISPUTE BETWEEN QATAR AND BAHRAIN OVER OWNERSHIP OF THE UNINHABITED HAWAR ISLANDS. QATAR CHARGED THAT ITS TWO NATIONALS HAD BEEN TORTURED, WHICH BAHRAIN DENIED. THE TWO WERE CONVICTED BY THE STATE SECURITY COURT ON DECEMBER 25, 1996, BUT WERE PROMPTLY PARDONED BY THE AMIR.

### European Union

IN SEPTEMBER 1997 THE EUROPEAN PARLIAMENT PASSED A RESOLUTION ON HUMAN RIGHTS ABUSES IN BAHRAIN, CALLING ON THE GOVERNMENT TO RELEASE POLITICAL PRISONERS, TO OPEN NEGOTIATIONS WITH THE OPPOSITION WITH A VIEW TO SCHEDULING DEMOCRATIC ELECTIONS, AND TO ALLOW MONITORING OF HUMAN RIGHTS CONDITIONS BY INTERNATIONAL AND LOCAL ORGANIZATIONS. THE RESOLUTION ALSO REQUESTED THAT THE FIFTEEN MEMBER STATES “REFRAIN FROM SUPPLYING ARMS OR SECURITY SUPPORT” TO BAHRAIN AND “TAKE INITIATIVES IN ORDER TO OBTAIN SIMILAR RESTRAINT AT THE INTERNATIONAL LEVEL UNTIL DEMOCRATIC CONDITIONS HAVE BEEN RESTORED.”

THE UNITED KINGDOM’S POLICY TOWARD BAHRAIN WAS GENERALLY UNCRITICAL WITH REGARD TO HUMAN RIGHTS, ALTHOUGH THE ELECTION OF A LABOUR GOVERNMENT IN MARCH DID LEAD TO SOME CRITICAL PUBLIC REMARKS. DEREK FATCHETT, THE NEW MINISTER OF STATE RESPONSIBLE FOR THE MIDDLE EAST, RESPONDING TO QUESTIONS ON BAHRAIN IN A PARLIAMENTARY DEBATE ON JUNE 3, STATED THAT HE HAD RAISED HUMAN RIGHTS CONCERNS IN A RECENT MEETING WITH THE BAHRAINI AMBASSADOR AND URGED THE AMBASSADOR TO INVITE “AMNESTY INTERNATIONAL OR ANY SIMILAR ORGANIZATION TO BE INVOLVED IN MONITORING THE

situation closely." Fatchett also characterized the Bahraini opposition based in London as "moderate people with a moderate set of demands."

## United States

Bahrain serves as headquarters for the U.S. Fifth Fleet, comprising some fifteen warships and approximately 1,500 on-shore U.S. military personnel and dependents. During the year the U.S. Air Force also deployed some twenty fighter aircraft and, for a time, several B-1 bombers in Bahrain as well, and U.S. and Bahraini forces conducted joint exercises.

The State Department congressional presentation for Fiscal Year 1998 estimated that U.S. military sales would total U.S.\$201.2 million, and that fiscal year 1997 sales were \$79.8 million. In July the Department of Defense notified Congress of the intent to sell Bahrain twenty F-16 fighter jets at an estimated cost of \$303 million. Under the Excess Defense Articles program, which allows for free or reduced-price transfers of "excess" U.S. weapons inventory, the U.S. provided Bahrain with Hawk anti-aircraft missiles, howitzers, and a former U.S. Navy frigate. The Clinton administration also requested \$175,000 in International Military Education and Training (IMET) funds for training Bahraini armed forces in fiscal 1998.

Several high-level U.S. military officials visited Bahrain in the course of the year. In June Defense Secretary William Cohen delivered a letter from President Clinton to Shaikh Isa, the amir, inviting him to visit Washington later in the year. Secretary Cohen did not comment publicly on Bahrain's internal security policies, confining his remarks to Bahrain's military cooperation with the U.S. in the Persian Gulf.

State Department officials avoided public comment on the human rights record of this close ally. In September, Secretary of State Madeleine Albright, commenting during her visit to Saudi Arabia on the recent election of Muhammad Khatami as president of Iran, said that the U.S. would continue to support "the UAE and Bahrain against Iranian intimidation," but made no mention of human rights in either country. The emphasis on security without regard for human rights was reaffirmed by President Clinton's nominee as ambassador to Bahrain, Johnny Young, who in his Senate confirmation hearings in September stated, "The United States supports fully the government of Bahrain's efforts to maintain order and stability in the face of periodic outbreaks of violence." Other than a pro forma qualification that "this objective must be pursued in a manner consistent with international standards of human rights," Young avoided mention of the severely repressive situation inside the country.

The Bahrain chapter in the Department of State's *Country Reports on Human Rights Practices in 1996* was comprehensive, but continued to understate the government's hostility to human rights monitoring and made a point of denigrating gratuitously the human rights work of the BHRO and the CDHRB, commenting that they "reportedly receive funds from sources hostile to the government" and "are viewed by many local observers as espousing a political, rather than a purely human rights, agenda."

## Relevant Human Rights Watch Report:

*Routine Abuse, Routine Denial: Civil Rights and the Political Crisis in Bahrain*, 6/97

## EGYPT

### Human Rights Developments

Conflict continued in Egypt between institutions of civil society and the government; security forces and suspected Islamist militants; and Islamist activists and proponents of intellectual freedom and a secular state.

FACING A NEW POLITICAL CHALLENGE FROM THE COUNTRYSIDE IN 1997, THE GOVERNMENT CLAMPED DOWN WELL IN ADVANCE OF THE OCTOBER IMPLEMENTATION OF SWEEPING CHANGES IN THE RENT AND TENURE SYSTEM REGULATING AGRICULTURAL LAND, PURSUANT TO A REFORM LAW PASSED IN 1992 AND DUE TO TAKE EFFECT AFTER A FIVE-YEAR GRACE PERIOD. CITIZENS UNINVOLVED IN POLITICS SUFFERED TORTURE AND ILL-TREATMENT AT POLICE STATIONS AROUND THE COUNTRY, ABUSES TO WHICH CRIMINAL SUSPECTS AND SOMETIMES THEIR MALE AND FEMALE RELATIVES FELL VICTIM. ON THE POSITIVE SIDE, EGYPT'S INDEPENDENT HUMAN RIGHTS COMMUNITY CONTINUED TO FLOURISH AND NEW ORGANIZATIONS WERE LAUNCHED, DESPITE THE RESTRICTIVE AND MUCH-CRITICIZED 1964 LAW THAT REGULATES THE FORMATION AND ACTIVITIES OF NONGOVERNMENTAL ORGANIZATIONS (NGOs). WOMEN'S RIGHTS GROUPS ACTIVELY CAMPAIGNED AGAINST GENDER-BASED DISCRIMINATION AND FEMALE GENITAL MUTILATION, A WIDESPREAD PRACTICE IN EGYPT (SEE WOMEN'S RIGHTS PROJECT).

IN FEBRUARY, THE STATE OF EMERGENCY WAS EXTENDED UNTIL MAY 31, 2000. EMERGENCY LAW, IN EFFECT FOR ALMOST THIRTY YEARS EXCEPT FOR AN EIGHTEEN-MONTH HIATUS DURING THE RULE OF ANWAR SADAT, PERMITS ARREST AND DETENTION ON THE BASIS OF SUSPICION OR BECAUSE INDIVIDUALS ARE CONSIDERED A DANGER TO SECURITY AND PUBLIC ORDER; THESE POWERS CONTINUED TO BE WIDELY ABUSED. EMERGENCY LAW ALSO PROVIDES THE LEGAL BASIS FOR TRIALS OF CIVILIANS IN MILITARY COURTS AND EXCEPTIONAL STATE SECURITY COURTS, WHOSE VERDICTS CANNOT BE APPEALED TO HIGHER TRIBUNALS AS REQUIRED BY INTERNATIONAL LAW, AND ALLOWS THE RETRIAL OF DEFENDANTS PREVIOUSLY ACQUITTED BY SECURITY COURTS.

THE STATE MAINTAINED ITS STRATEGY OF UNDERMINING POLITICALLY THE LONG-BANNED BUT ALSO LONG-TOLERATED MUSLIM BROTHERHOOD, THE MOST WELL-ENTRENCHED POLITICAL GROUP IN THE COUNTRY. PROMINENT MEMBERS WERE SERVING PRISON SENTENCES OF THREE TO FIVE YEARS FOLLOWING MILITARY COURT TRIALS IN 1995 AND 1996 IN WHICH THEY WERE PROSECUTED FOR PEACEFUL POLITICAL ACTIVITIES. THESE INCLUDED ELECTED LEADERS OF PROFESSIONAL ASSOCIATIONS AND FORMER MEMBERS OF PARLIAMENT SUCH AS PHYSICIAN EISSAM AL-ERIAN AND UNIVERSITY PROFESSOR MUHAMED AL-SAYED HABIB. OTHER MUSLIM BROTHERS DETAINED IN 1997 FOR PEACEFUL POLITICAL ACTIVITIES INCLUDED THIRTY-FOUR MEN, TEACHERS AND ENGINEERS AMONG THEM, WHO WERE ARRESTED ON AUGUST 9 FOR ALLEGEDLY PLANNING TO RECRUIT NEW MEMBERS AT ALEXANDRIA UNIVERSITY. A PROSECUTOR ORDERED THEIR DETENTION PENDING INVESTIGATION FOR POSSESSION OF ANTI-GOVERNMENT LEAFLETS AND MEMBERSHIP IN A "BANNED ORGANIZATION" WHOSE GOAL IS TO SEIZE POWER, ACCORDING TO LEGAL SOURCES CITED BY AGENCE FRANCE-PRESSE.

THE INTERIOR MINISTRY CLAIMED REPEATEDLY IN 1997 THAT IT HAD VANQUISHED EGYPT'S ARMED ISLAMISTS, WHO ARE AFFILIATED WITH JIHAD, THE ISLAMIC GROUP, AND OTHER SMALL, CLANDESTINE ORGANIZATIONS. INTERIOR MINISTER GEN. HASSAN AL-ALFI, IN AN INTERVIEW WITH THE WEEKLY *ROSE AL-YUSEF* (CAIRO) PUBLISHED ON APRIL 21, SAID THAT POLITICAL VIOLENCE HAD BEEN "REDUCED TO LIMITED RANDOM INCIDENTS." VIOLENT INCIDENTS IN 1997 INCLUDED A SERIES OF ATTACKS IN UPPER EGYPT IN FEBRUARY AND MARCH IN WHICH TWENTY-TWO VILLAGERS WERE KILLED BY SUSPECTED MILITANTS WHO WENT UNAPPREHENDED. CHRISTIANS CLEARLY APPEARED TO BE THE INTENDED TARGETS, ONE OF THE PATTERNS THAT HAS MARKED THE BLOODSHED OF THE 1990S.

IN ONE SUCH INCIDENT ON FEBRUARY 12, FOUR MASKED GUNMEN ENTERED ST. GEORGE CHURCH IN FIKRIYAH VILLAGE NEAR ABU QURQAAS IN MINYA PROVINCE, WHERE A WEEKLY YOUTH MEETING WAS IN PROGRESS. ACCORDING TO THE CAIRO-BASED EGYPTIAN ORGANIZATION FOR HUMAN RIGHTS (EOHR), WHICH INTERVIEWED EYEWITNESSES, THREE OF THE GUNMEN "CLOSED THE DOOR AND FIRED FOR SOME SIXTY TO NINETY SECONDS AT A GROUP OF YOUNG PEOPLE SITTING ON THE LEFT HAND SIDE OF THE HALL." EIGHT WERE KILLED AND FIVE WOUNDED; THEY RANGED IN AGE FROM THIRTEEN TO TWENTY-SIX YEARS OLD, AND MOST WERE STUDENTS. THE ASSAILANTS FLED INTO NEARBY FIELDS, KILLING A FARMER EN ROUTE. ON FEBRUARY 14, THE BODIES OF THREE COPTS—a SIXTY-YEAR-OLD FISHERMAN, HIS SON, AND A POLICE OFFICER—WERE FOUND IN A FIELD NEAR ABU QURQAAS.

AN UNNAMED ISLAMIC GROUP OFFICIAL, QUOTED IN THE ARABIC DAILY *AL-HAYAT* (LONDON) ON FEBRUARY 17, CLAIMED RESPONSIBILITY FOR BOTH ATTACKS. REFERRING TO THE THREE MEN WHO WERE FOUND DEAD, HE SAID: "THE [GROUP] WAS CONVINCED THEY WERE COLLABORATING WITH THE POLICE." REGARDING THE SLAUGHTER IN THE CHURCH, HE NOTED THAT "OUR POLICY IS NOT TO KILL CHRISTIANS WHEREVER THEY ARE, NOR TO ATTACK PLACES OF WORSHIP, UNLESS PLOTS ARE BEING HATCHED THERE AGAINST ISLAM."

IN A MARCH 27 REPORT, EOHR EXPRESSED ALARM ABOUT UNCONFIRMED REPORTS THAT IN UPPER EGYPT "SECURITY FORCES HAVE TRAINED POPULAR MILITIAS IN THE USE OF WEAPONS AND ASSIGNED THEM TO GUARD SOME PUBLIC BUILDINGS, SET UP

AMBUSHES AND SEARCH SUSPECTS." EOHR WARNED THAT A CYCLE OF VIOLENCE COULD BE SET IN MOTION IF THE INTERIOR MINISTRY USED ARMED CIVILIANS AS SUBSTITUTES FOR OR SUPPLEMENTS TO POLICE AND SECURITY FORCES. IT STRESSED THAT THE STATE WAS RESPONSIBLE FOR PROTECTING CITIZENS, AND THAT THE RULE OF LAW WAS BEST UPHELD IF TRAINED LAW ENFORCEMENT OFFICIALS WERE "SUBJECT TO SUPERVISION AND ACCOUNTABILITY."

ARMED MILITANTS, MANY OF THEM WANTED BY AUTHORITIES, WERE SHOT DEAD IN SECURITY FORCE OPERATIONS, ALTHOUGH FEW DETAILS WERE AVAILABLE ABOUT THE CIRCUMSTANCES OF THESE KILLINGS. BETWEEN JUNE AND AUGUST, FOR EXAMPLE, AT LEAST TWENTY-THREE SUSPECTED MILITANTS, SOME REPORTEDLY SENIOR LEADERS IN THE ISLAMIC GROUP'S ARMED WING, WERE KILLED, ACCORDING TO INFORMATION PROVIDED TO THE PRESS BY UNNAMED EGYPTIAN SECURITY SOURCES. THIS INCLUDED A REPORT IN THE SEMI-OFFICIAL DAILY *AL-AHRAM* (CAIRO) ON AUGUST 17 THAT THIRTEEN ISLAMIC GROUP MILITANTS HAD BEEN KILLED IN A MAJOR OPERATION IN THE MINYA REGION.

IN JULY, IMPRISONED FOUNDING MEMBERS OF JIHAD AND THE ISLAMIC GROUP APPEALED "TO ALL OUR BROTHERS TO HALT MILITARY OPERATIONS INSIDE AND OUTSIDE THE COUNTRY." THE HIGHLY PUBLICIZED SIGNED STATEMENT WAS READ AT THE JULY 5 OPENING SESSION OF A MILITARY COURT TRIAL OF OVER NINETY CIVILIANS, INCLUDING FIVE WOMEN. THE GOVERNMENT WAS REPORTEDLY UNRESPONSIVE TO THIS CALL FOR A UNILATERAL CEASE-FIRE, AND IT WAS NOT HEEDED BY SOME CADRES ON THE GROUND, AS VIOLENCE INTENSIFIED. SUSPECTED MILITANTS MOUNTED SEVERAL ATTACKS IN UPPER EGYPT, KILLING POLICEMEN AND IN SOME CIRCUMSTANCES CIVILIANS. FOR EXAMPLE, ON OCTOBER 13, GUNMEN, SOME WEARING POLICE UNIFORMS, KILLED NINE POLICEMEN AND TWO CIVILIANS IN TWO SEPARATE BUT SIMULTANEOUS OPERATIONS NEAR ABU QURQAS AND MALLAWI. THE VICTIMS WERE FORCED OUT OF CARS AT ROADBLOCKS AND EXECUTED, SOME OF THEM AFTER BEING BOUND AT THEIR HANDS AND FEET. THE ISLAMIC GROUP LATER CLAIMED RESPONSIBILITY FOR THESE ATTACKS.

MILITARY AND STATE SECURITY COURTS HANDED DOWN DEATH SENTENCES AGAINST ALLEGED MILITANTS CONVICTED OF ACTS OF VIOLENCE, BRINGING TO EIGHTY-TWO THE NUMBER OF DEATH SENTENCES ISSUED BY MILITARY COURTS SINCE PRESIDENT MUBARAK BEGAN REFERRING CIVILIANS TO THESE COURTS IN 1992; OF THESE, FIFTY-EIGHT HAD BEEN CARRIED OUT AS OF OCTOBER 22, ACCORDING TO AMNESTY INTERNATIONAL. CRIMINAL COURTS ALSO SENTENCED MEN AND WOMEN TO DEATH IN 1997 FOR NONPOLITICAL OFFENSES.

THOUSANDS OF SUSPECTED ISLAMIST MILITANTS, AS WELL AS SOME OF THEIR DEFENSE LAWYERS AND SUSPECTED SUPPORTERS, REMAINED DETAINED—WITHOUT CHARGE OR AWAITING TRIAL—UNDER GROSSLY SUBSTANDARD CONDITIONS WHICH CAUSED OR CONTRIBUTED TO A NUMBER OF DEATHS. IN A FEBRUARY REPORT, EOHR DOCUMENTED WHOLLY INADEQUATE MEDICAL CARE, INCLUDING THE CASES OF TWENTY-FIVE PRISONERS WHO DIED BETWEEN 1994 AND 1996, THE MAJORITY OF THEM IN WADI AL-GEDID, LIMAN TORA, FAYOUM, AND WADI AL-NATROUN PRISONS, AND THIRTY-TWO CASES OF SERIOUSLY ILL INMATES WHOSE POOR HEALTH, EOHR SAID, MERITED RELEASE OR TRANSFER TO SPECIALIZED MEDICAL FACILITIES. AMONG THEM WERE MEN IN THEIR TWENTIES AND THIRTIES WHOSE OFFICIAL CAUSES OF DEATH HAD BEEN NOTED AS TUBERCULOSIS, HEART OR CIRCULATORY FAILURE, AND PNEUMONIA. PRISONERS IN NEED OF URGENT MEDICAL ATTENTION INCLUDED MEN SUFFERING FROM CANCER, PARTIAL PARALYSIS, CARDIAC PROBLEMS, TUBERCULOSIS, DETACHED RETINAS, AND ASTHMA.

SHORTLY AFTER THE EOHR REPORT'S RELEASE, TWO MORE POLITICAL DETAINEES DIED IN PRISON APPARENTLY DUE TO INADEQUATE MEDICAL ATTENTION. ONE OF THEM, BEKHEIT ABDEL RAHMAN SALIM, A THIRTY-EIGHT-YEAR-OLD TEACHER WHO WAS PARTIALLY PARALYZED AND HAD SEVERE BED SORES ON HIS BUTTOCKS, WAS SEEN BY AN EOHR REPRESENTATIVE IN TORA ISTIQBAL PRISON ON MARCH 12, SO WEAK "THAT HE WAS UNABLE TO SPEAK AND FAINTED DURING THE VISIT." HE WAS TRANSFERRED SHORTLY THEREAFTER TO LIMAN TORA PRISON HOSPITAL AND THEN TO A REGULAR CELL IN FAYOUM PRISON, WHERE HE DIED ON MARCH 26.

EGYPTIAN RIGHTS GROUPS INCREASED THE FOCUS IN 1997 ON THE ROUTINE NATURE OF TORTURE AND ILL-TREATMENT IN POLICE STATIONS. IN A MARCH REPORT, EOHR STATED THAT TORTURE WAS "WIDESPREAD," AND WAS USED ON SUSPECTS TO COERCE CONFESSIONS AND ON THEIR RELATIVES TO OBTAIN INFORMATION OR FORCE SUSPECTS TO SURRENDER TO AUTHORITIES. IN ONE CASE, EIGHTY-FIVE-YEAR-OLD AHMED ABDEL HALIM AL-ZEINI WAS HELD FOR ONE WEEK IN MEIT GHAMR STATION IN DAKAHLIYA, IN LOWER EGYPT, FOR A MINOR OFFENSE, KICKED IN THE GENITALS BY AN OFFICER, AND DIED IN EARLY JUNE 1996 FROM WHAT A JUNE 3 FORENSIC MEDICAL REPORT SAID WAS INJURY TO THE TESTICLES THAT LED TO CARDIAC ARREST. EOHR'S REPORT PROFILED THE CASES OF FIFTY-SEVEN CITIZENS WHO WERE TORTURED IN POLICE CUSTODY BETWEEN DECEMBER 1993 AND SEPTEMBER 1996,

twelve of whom died. It said the most common abuse was cuffing victims' hands behind the back and suspending them "in a slaughtered animal position," which "is usually accompanied by beatings, punching or electric shocks."

These findings were reinforced by a report of the Nadim Center for the Management and Rehabilitation of Victims of Violence, another Cairo-based NGO. Nadim maintained, too, that torture by police was a nationwide phenomenon, and described various methods of torture that had been used on its clients including: beating with sticks and whips; kicking with boots; electric shocks; and suspension from one or both arms. Nadim noted that in all cases victims had been threatened, insulted and humiliated, and in some cases, particularly those involving women, victims had been stripped, exposed to "verbal and tactile sexual insults," and threatened with rape.

Passions ran high in the countryside as grass-roots organizing proliferated in advance of the implementation in October of the agricultural reform law (Law No. 96 of 1992) that lifted rent controls and protections against eviction put place during the Nasser era in the 1950s. Protests, some of them violent, erupted nationwide. The independent, Cairo-based Land Center for Human Rights (LCHR) documented how security forces intervened to prevent conferences and meetings that had become increasingly popular mechanisms during the year for bringing together farmers to discuss concerns about the law. On May 14, for example, violence broke out when security forces forcibly dispersed participants at a peaceful conference in Nazlit al-Ashter village in Giza, near Cairo. On June 25, security forces prevented farmers in Saft al-Arafa village, south of Cairo, from holding a meeting, and twenty were arrested after the village farming cooperative was burned down. LCHR reported that 176 conferences had been held on the land law since the beginning of the year through August 20; forty-three had been cancelled, and thirty-one people arrested. Authorities also arrested farmers after peaceful protest marches were dispersed. In one incident on August 4, sixty-three farmers were arrested in the Salihya area of Ismailiya after police broke up their march. Farmers interviewed by Human Rights Watch in July said that security forces had also arrested local activists in advance of planned protest demonstrations and forced farmers to remove black flags that flew in symbolic opposition to the law.

Authorities also targeted supporters of the farmers. For example, four activists were arrested on June 17, including journalist Hamdin Sabbahi, a prominent Nasserite. Prosecutors accused them of "promoting ideas intended to incite a social class to use violence against other classes," "acquiring printed materials prepared for distribution" to further those ideas, and related charges. They were detained until September 25. As of October 5, at least five other activists remained in detention, according to ECHR, along with some 192 of the 922 farmers arrested during the year, according to LCHR. As of September 29, fifteen had been killed and 239 injured in rural unrest related to the land law since the beginning of the year.

Freedom of expression, including press freedom, faced challenges during the year from several quarters. Scholars at al-Azhar, the state-funded university which has served as an authoritative center of Sunni Islamic scholarship for 1,000 years, continued to take actions that fueled a climate of intimidation and physical danger for Egyptian intellectuals. For example, Dr. Hassan Hanafi, a professor of philosophy at Cairo University, was singled out as an apostate in an April 29 statement issued by Dr. Yehia Ismail, secretary general of the Azhar Scholars Front (ASF). He called for Dr. Hanafi's expulsion from the university, and claimed that his work in Islamic studies "scorned, mocked and derided every feature of the nation's religion." The independent, Cairo-based Center for Human Rights Legal Aid (CHRLA), condemning initiatives of this sort in a press release it issued the next day, stated that "such allegations, coming from respected institutions such as al-Azhar, will be like a license for armed Islamic organizations to kill, especially in the current atmosphere where fanatical religious intolerance is rampant."

A 1992 court sentence of one-year imprisonment for writer Ala' Hamed, because his novel *The Bed* was judged immoral pursuant to vaguely worded penal code provisions, was upheld on appeal on May 25. The court also supported the lower court's order that the book be confiscated. Public prosecutors filed the original complaint against Hamed in 1991, charging that his book showed "disrespect for religious clerics," and advocated "immorality" and "sexual freedom." CHRLA, while acknowledging that the exercise of free expression should not conflict with

THE PROTECTION OF PUBLIC MORALS, POINTED OUT THAT THE PENAL CODE PROVISIONS USED TO PROSECUTE HAMED WERE "IMPRECISE," AND SERVED TO INTIMIDATE WRITERS AND "CREATE AN ATMOSPHERE IN WHICH THE EXERCISE OF FREEDOM OF OPINION AND EXPRESSION BECOMES A RISKY ADVENTURE FRAUGHT WITH DANGER [OF IMPRISONMENT.]"

THE GOVERNMENT MOVED A STEP CLOSER TO ITS GOAL OF CONTROLLING THE CONTENT OF SERMONS DELIVERED IN EGYPT'S TENS OF THOUSANDS OF PRIVATE MOSQUES. IN DECEMBER 1996, WITH THE AMENDMENT OF LAW. NO. 272 OF 1959, PARLIAMENT REQUIRED MOSQUE PREACHERS TO OBTAIN PERMITS FROM THE MINISTRY OF AWQAF (RELIGIOUS ENDOWMENTS) OR FACE FINES AND POSSIBLE ONE-MONTH JAIL TERMS. UNDER THE LAW, FOUR-MEMBER COMMITTEES (TWO REPRESENTATIVES FROM THE MINISTRY AND TWO FROM AL-AZHAR) IN EACH PROVINCE WERE ASSIGNED THE TASK OF VETTING APPLICATIONS. "PREACHERS WHO HAVE PERSONAL AMBITIONS OR SEEK POPULARITY SHOULD NOT HAVE A PLACE IN THE PROPAGATION OF ISLAM," SAID AWQAF MINISTER HAMDİ ZARZUĞ AFTER THE MEASURE WAS PASSED. THE MINISTER REPORTED IN JUNE 1997 THAT 15,000 PERMITS HAD BEEN ISSUED.

OUTRIGHT CENSORSHIP BY AUTHORITIES AND CRIMINAL PROSECUTION OF JOURNALISTS COMPROMISED PRESS FREEDOM FOR EGYPTIAN AND FOREIGN NEWSPAPERS ALIKE. FOR EXAMPLE, IN AUGUST THE INTERIOR MINISTER CHARGED THAT THE OPPOSITION BIWEEKLY *AL-SHA'B* (CAIRO) WAS "THE ORGAN OF THE MUSLEM BROTHERHOOD AND THE TERRORISTS," ADDING THAT "EVERYTHING THAT IS PRINTED IN THIS NEWSPAPER IS A LIE." HIS COMPLAINT LED TO THE INITIATION OF LEGAL PROCEEDINGS THAT MONTH AGAINST EDITOR-IN-CHIEF MAGDİ HUSSEİN AND FIVE OTHER JOURNALISTS FOR A SERIES OF ALLEGEDLY LIBELOUS ARTICLES ABOUT CORRUPTION AND ABUSE OF POWER BY THE MINISTER AND HIS ASSOCIATES. THE PROSECUTOR GENERAL SUBSEQUENTLY BANNED EGYPTIAN AND FOREIGN MEDIA FROM ANY REPORTING ABOUT THE LAWSUIT, AND LATER ORDERED THAT *AL-SHA'B* SUSPEND PUBLICATION OF ITS NEXT THREE ISSUES BECAUSE IT HAD DEFIED HIS BAN. THE TRIAL AGAINST THE *SHA'B* SIX BEGAN ON OCTOBER 15, AND THE NEXT SESSION WAS SET FOR NOVEMBER 10: THE JOURNALISTS FACED UP TO THREE YEARS IN PRISON IF CONVICTED.

AUTHORITIES ALSO PREVENTED THE PRINTING IN CAIRO OF 5,000 COPIES OF THE SEPTEMBER 17 ISSUE OF *AL-HAYAT* BECAUSE A FRONT-PAGE ARTICLE ABOUT THE HALAİB TRIANGLE, THE LONG-DISPUTED BORDER AREA BETWEEN EGYPT AND SUDAN, WAS DEEMED BIASED. ON SEPTEMBER 14, TWO PUBLISHERS AND THREE EDITORS WITH THE WEEKLY *AL-JADİDA* MAGAZINE AND ITS PARENT—THE LONDON-BASED, SAUDI-OWNED *AL-SHARQ AL-AWSAT* DAILY—WERE CONVICTED OF LIBELING PRESIDENT MUBARAK'S SONS ALA' AND GAMAL FOR AN ARTICLE THAT WAS NEVER PUBLISHED BUT HAD BEEN ADVERTISED ON MAY 27 IN *AL-SHARQ AL-AWSAT*, CONCERNING THE SONS' ALLEGED CORRUPT BUSINESS PRACTICES. THE FIVE, TRIED IN ABSENTIA, WERE FINED, AND SENTENCED TO ONE-YEAR PRISON TERMS. THE EGYPTIAN WHO WROTE THE UNPUBLISHED ARTICLE, SAYYED ABDEL ATİ, WAS FINED AND SENTENCED TO SIX MONTHS IN PRISON.

## The Right to Monitor

THE NUMBER OF EGYPTIAN HUMAN RIGHTS ORGANIZATIONS CONTINUED TO EXPAND AND GAIN INCREASING INTERNATIONAL EXPOSURE AND RECOGNITION, BUT THE GOVERNMENT REMAINED HOSTILE TO THEIR WIDE-RANGING WORK AND MEMBERS OF LEADING ORGANIZATIONS TOLD HUMAN RIGHTS WATCH THAT INTERNAL SECURITY AGENTS CONTINUED TO MONITOR CLOSELY THEIR ACTIVITIES.

EOHR, WHICH WAS FOUNDED IN 1985, CONTINUED ITS LEGAL BATTLE TO HAVE OVERTURNED THE DECISION OF THE MINISTRY OF SOCIAL AFFAIRS DENYING IT REGISTRATION UNDER THE ASSOCIATIONS LAW (LAW. NO. 32 OF 1964) ON THE GROUNDS THAT THERE WAS ANOTHER GROUP CARRYING OUT SIMILAR WORK. EOHR MAINTAINED THAT LAW NO. 32 WAS AN UNCONSTITUTIONAL INFRINGEMENT ON FREEDOM OF ASSOCIATION AND, ALONG WITH OTHER EGYPTIAN NGOs, HAS LONG ADVOCATED ITS REPEAL. IN THE PAST, THE LAW HAS BEEN INVOKED TO DISSOLVE NGOs AND SEIZE THEIR ASSETS. THE LAW CONSTITUTES UNWARRANTED INTERFERENCE WITH FREE ASSOCIATION BY PREVENTING OPENLY FUNCTIONING NGOs FROM SECURING LEGAL STATUS AND UNREASONABLY FORCING THESE GROUPS TO OPERATE UNDER THE CONSTANT THREAT OF CLOSURE.

A HUMAN RIGHTS WATCH RESEARCHER WAS REFUSED ENTRY INTO EGYPT ON THE NIGHT OF JUNE 19, DESPITE THE FACT THAT HUMAN RIGHTS WATCH HAD NOTIFIED THE EGYPTIAN GOVERNMENT WELL IN ADVANCE OF HIS VISIT. HE WAS DETAINED FOR TEN HOURS AT CAIRO INTERNATIONAL AIRPORT, REFUSED PERMISSION TO MAKE ANY PHONE CALLS, AND FORCIBLY PLACED ON THE NEXT RETURN FLIGHT ON JUNE 20. SOME HUMAN RIGHTS WATCH PUBLICATIONS WERE CONFISCATED FROM HIS LUGGAGE. HE WAS SUBSEQUENTLY ALLOWED TO RETURN TO EGYPT AND CONDUCT HIS RESEARCH, ALTHOUGH HIS MOVEMENTS AND CONTACTS WERE

OPENLY MONITORED BY SSI OFFICERS IN PLAINCLOTHES.

## The Role of the International Community

### European Union

NEGOTIATIONS CONTINUED BETWEEN THE EUROPEAN COMMISSION AND THE EGYPTIAN GOVERNMENT OVER THE TEXT OF AN EURO-MEDITERRANEAN ASSOCIATION AGREEMENT, SIMILAR TO THOSE ALREADY CONCLUDED WITH ISRAEL, TUNISIA AND MOROCCO. ARTICLE 2 OF EACH AGREEMENT STATES THAT "RESPECT FOR HUMAN RIGHTS AND DEMOCRATIC PRINCIPLES...CONSTITUTE AN ESSENTIAL ELEMENT" OF THE AGREEMENT. EGYPT REPORTEDLY OBJECTED TO HAVING TO ACCEPT AN ACCOMPANYING JOINT DECLARATION, IDENTICAL TO ONE ACCOMPANYING THE MOROCCO AGREEMENT BUT NOT THOSE WITH ISRAEL AND TUNISIA, WHICH SPECIFIES THAT BREACHES OF THE "HUMAN RIGHTS" AND "DEMOCRATIC PRINCIPLES" CONDITIONALITY COULD TRIGGER SUSPENSION OF THE AGREEMENT.

### United States

EGYPT CONTINUED TO ENJOY A STRONG BILATERAL RELATIONSHIP WITH THE U.S. IN AREAS OF TRADE, AID AND MILITARY COOPERATION. AS IN PAST YEARS, THE CLINTON ADMINISTRATION ALSO RELIED ON EGYPTIAN OFFICIALS AS INTERMEDIARIES IN ONGOING NEGOTIATIONS BETWEEN THE ISRAELI GOVERNMENT AND THE PALESTINIAN AUTHORITY. EGYPT'S ANNUAL \$2.1 BILLION PACKAGE OF U.S. AID, SECOND ONLY TO ISRAEL'S, INCLUDED \$1.3 BILLION IN FOREIGN MILITARY FINANCING AND \$815 MILLION IN ECONOMIC SUPPORT FUNDS. EGYPT WAS ALSO A MAJOR MARKET FOR U.S. PRODUCTS, IMPORTING SOME \$3 BILLION ANNUALLY.

SECRETARY OF STATE MADELEINE ALBRIGHT ARTICULATED THE BASIS FOR THE LONG-STANDING BILATERAL TIES AT A JOINT PRESS CONFERENCE FOLLOWING HER SEPTEMBER 13 MEETING IN ALEXANDRIA, EGYPT, WITH PRESIDENT MUBARAK. SHE SAID THAT THE U.S.-EGYPTIAN RELATIONSHIP "HAS GROWN IN IMPORTANCE AND SCOPE EVERY YEAR," PRAISED EGYPT AS "A VITAL FORCE FOR MODERATION IN A REGION WHERE VIOLENT EXTREMISTS HAVE INFLICTED ENORMOUS SUFFERING," AND ADDED THAT "THE UNITED STATES CONSIDERS EGYPT A VALUABLE PARTNER IN THE QUEST FOR PEACE AND STABILITY, ESPECIALLY IN THE MIDDLE EAST AND GULF." CITING BILATERAL EFFORTS "TO BRING THE PEACE PROCESS BACK TO LIFE," SHE SAID: "THE UNITED STATES CANNOT FORGET THAT WITHOUT EGYPT THERE WOULD HAVE BEEN NO PEACE PROCESS; WITHOUT EGYPT THERE WOULD HAVE BEEN NO CAMP DAVID ACCORD, NO MADRID CONFERENCE, NO OSLO PROCESS, AND NO HANDSHAKE ON THE WHITE HOUSE LAWN." THE SECRETARY OMITTED MENTION OF HUMAN RIGHTS WHEN IDENTIFYING COMMON INTERESTS OF THE TWO COUNTRIES—WHICH SHE IDENTIFIED AS "A JOINT COMMITMENT TO PEACE, SECURITY AND DEVELOPMENT," AND "A RAPIDLY INCREASING EXCHANGE OF BUSINESS PEOPLE, STUDENTS AND TOURISTS TRAVELING BACK AND FORTH BETWEEN OUR TWO NATIONS"—AND DID NOT MAKE REFERENCES TO HUMAN RIGHTS ELSEWHERE IN THE TEXT.

THE STATE DEPARTMENT, IN ITS 1997 REPORT "UNITED STATES POLICIES IN SUPPORT OF RELIGIOUS FREEDOM: FOCUS ON CHRISTIANS," STATED THAT THE U.S. EMBASSY IN CAIRO "MAINTAINS A CONTINUOUS DIALOGUE WITH THE GOVERNMENT OF EGYPT ON ALL HUMAN RIGHTS ISSUES." MORE SPECIFIC INFORMATION ABOUT THE NATURE AND SUBSTANCE OF THIS DIALOGUE WAS NOT PUBLICLY DISCLOSED. THE U.S. EMBASSY IN CAIRO TOLD HUMAN RIGHTS WATCH IN SEPTEMBER THAT THE ONLY HIGH-LEVEL DEMARCHES DURING THE YEAR FOCUSED ON FEMALE GENITAL MUTILATION AND RELIGIOUS PERSECUTION.

## IRAN

### Human Rights Developments

THE UPSET VICTORY OF MOHAMMAD KHATAMI, A PRESIDENTIAL CANDIDATE DISFAVORED BY MUCH OF THE CLERICAL ESTABLISHMENT, CHANGED THE NATURE OF THE HUMAN RIGHTS DEBATE IN AND ABOUT IRAN. IN MAY ELECTIONS, IRANIAN VOTERS GAVE KHATAMI MORE THAN TWENTY MILLION VOTES COMPARED TO THE SEVEN MILLION FOR MAJLES SPEAKER ALI AKBAR NAJAFI NOURI. HUMAN RIGHTS DISCOURSE THEN TURNED ON A NEW QUESTION: WOULD THE NEW PRESIDENT HAVE THE POWER AND THE WILL TO FULFILL CAMPAIGN



PROMISES TO GUARANTEE THE RIGHTS OF CITIZENS AND INSTITUTIONALIZE THE RULE OF LAW?

THE VIOLATIONS OF HUMAN RIGHTS THAT CONTINUED IN THE MONTHS LEADING UP TO KHATAMI'S INAUGURATION ON AUGUST 3 UNDERLINED THE CHALLENGE FACING HIM IN THIS REALM. EXECUTIONS AFTER UNFAIR TRIALS PROLIFERATED, PROTESTERS WERE ARBITRARY DETAINED, AND RELIGIOUS MINORITIES, GOVERNMENT CRITICS, AND INDEPENDENT THINKERS WERE TARGETED FOR PERSECUTION. THE AUTHORITIES CARRIED OUT MASS ARRESTS IN RESPONSE TO POPULAR UNREST OVER ECONOMIC PROBLEMS IN DIFFERENT PARTS OF THE COUNTRY. ELEMENTS WITHIN THE GOVERNMENT CONTINUED TO TOLERATE OR ENCOURAGE THE ACTIVITIES OF VIOLENT RELIGIOUS ZEALOTS KNOWN AS PARTISANS OF THE PARTY OF GOD (ANSAR-E HEZBOLLAH OR HEZBOLLAHI), WHO CONTINUED TO ASSAULT AND INTIMIDATE WRITERS AND INTELLECTUALS, DISRUPT GATHERINGS CRITICAL OF GOVERNMENT POLICIES AND CARRY OUT VIOLENT RAIDS ON THE OFFICES OF MAGAZINES AND NEWSPAPERS WITH WHICH THEY DISAGREED.

THE CHALLENGES FACING KHATAMI WERE COMPOUNDED BY COMPETITION AMONG CENTERS OF POLITICAL POWER WITHIN THE GOVERNMENT. WHILE THE PRESIDENCY IS ACCORDED CONSIDERABLE POWER UNDER THE CONSTITUTION, HE IS SUBORDINATE TO LEADER OF THE ISLAMIC REPUBLIC AYATOLLAH KHAMENE'I. IN ADDITION, KHATAMI'S PREDECESSOR AS PRESIDENT, HOJATOLESLAM RAFSANJANI, DID NOT WITHDRAW FROM THE POLITICAL SCENE. HE WAS APPOINTED HEAD OF THE COUNCIL FOR THE DETERMINATION OF EMERGENCIES, A BODY WITH LOOSELY DEFINED POWER TO DETERMINE POLICY "IN THE BEST INTERESTS OF SOCIETY." ORIGINALLY CREATED IN 1989 BY AYATOLLAH KHOMEINI TO OVERRIDE LEGISLATIVE GRIDLOCK BETWEEN THE PARLIAMENT AND THE COUNCIL OF GUARDIANS, THE COUNCIL FOR THE DETERMINATION OF EMERGENCIES EXPANDED ITS POWERS TO TAKE UNILATERAL ACTION ON A NUMBER OF OCCASIONS. IN ADDITION TO THE COMPETITION BETWEEN THESE THREE CENTERS OF EXECUTIVE POWER, THE PARLIAMENT (MAJLES) AND THE COUNCIL OF GUARDIANS ALSO EXERCISED POWERS UNDER THE CONSTITUTION.

THE COUNCIL OF GUARDIANS, AN APPOINTED BODY RESPONSIBLE FOR UPHOLDING ISLAMIC PRINCIPLES IN GOVERNMENT POLICY, VETTED CANDIDATES WISHING TO RUN IN THE PRESIDENTIAL ELECTIONS. IN ALL, OF THE 238 CANDIDATES WHO SOUGHT TO RUN, THE COUNCIL APPROVED ONLY FOUR, ALL FROM THE COUNTRY'S CLERICAL LEADERSHIP. THE COUNCIL IS CHARGED, UNDER THE CONSTITUTION, WITH ASSESSING SUCH FACTORS AS A CANDIDATE'S WISDOM AND PIETY. IT IS NOT REQUIRED TO GIVE REASONS FOR EXCLUDING CANDIDATES, AND THOSE REJECTED HAVE NO RIGHT OF APPEAL.

THE CONSTITUTION REQUIRES THAT THE PRESIDENT BE A SHI'A MUSLIM, THEREBY EXCLUDING THE APPROXIMATELY 20 PERCENT OF THE POPULATION WHO ARE SUNNI MUSLIMS OR MEMBERS OF OTHER RELIGIOUS MINORITIES. WOMEN ARE ALSO INELIGIBLE TO RUN FOR PRESIDENT.

KHATAMI'S ELECTION CAMPAIGN WAS ITSELF DISRUPTED BY SOMETIMES VIOLENT MOBS OF RELIGIOUS CONSERVATIVES WHO CREATED DISTURBANCES AT RALLIES, SHOUTING DOWN SPEAKERS AND BEATING THOSE IN ATTENDANCE. MOREOVER, THERE WERE REPORTS THAT HUNDREDS OF ELECTION WORKERS WERE DETAINED BY ELEMENTS WITHIN THE SECURITY FORCES OPPOSED TO HIS PLATFORM.

THE GOVERNMENT REPEATEDLY SHOWED ITS INTOLERANCE OF PUBLIC GATHERINGS CRITICAL OF ITS POLICIES. FOLLOWING THE DEATH IN DISPUTED CIRCUMSTANCES ON DECEMBER 2, 1996 OF A PROMINENT SUNNI CLERIC, MOLLAH MOHAMMED RABI'I, IN KERMANSHAH, THE MAJOR CITY IN THE PROVINCE OF KURDESTAN, SECURITY FORCES BROKE UP HIS FUNERAL PROCESSION, SPARKING THREE DAYS OF VIOLENT CLASHES BETWEEN SUNNIS AND THE SECURITY FORCES. A POLICE COLONEL WAS KILLED IN THESE CLASHES. ACCOUNTS OF THE NUMBER OF CIVILIANS KILLED RANGE FROM AN OFFICIAL COUNT OF FOUR TO A CLAIM BY A KURDISH OPPOSITION GROUP OF SCORES OF CIVILIAN DEATHS. THE DEMONSTRATORS BLAMED THE GOVERNMENT FOR MOLLAH RABI'I'S DEATH.

EVEN WHOLLY PEACEFUL MEMORIAL CEREMONIES TO MARK THE ANNIVERSARY OF THE DEATH OF THE FIRST PRIME MINISTER OF THE ISLAMIC REPUBLIC, MEHDI BAZARGAN, WERE BANNED OR DISRUPTED. ON JANUARY 31 A HEZBOLLAHI-LED GROUP RELEASED AMMONIUM CHLORIDE GAS IN A HALL IN TEHRAN WHERE BAZARGAN'S SUPPORTERS HAD GATHERED. ATTEMPTS TO HOLD SIMILAR GATHERINGS IN HAMADAN, QAZVIN AND ZANJAN WERE BLOCKED BY SECURITY POLICE. JAVAD GHANBARI, ONE OF THE ORGANIZERS OF THE ZANJAN MEMORIAL CEREMONY, WROTE AN OPEN LETTER TO THE IRANIAN AUTHORITIES PROTESTING HIS DETENTION AND ILL-TREATMENT BY THE SECURITY FORCES, WHO HE SAID SHOT AT HIM WHEN ARRESTING HIM.

ON FEBRUARY 16, RIOT POLICE BROKE UP A PROTEST BY STRIKING REFINERY WORKERS OUTSIDE THE OIL MINISTRY IN TEHRAN. THE WORKERS WERE PROTESTING WHAT THEY SAID WAS THE GOVERNMENT'S FAILURE TO MAKE GOOD ON PROMISES TO PROVIDE PAY RAISES, FOOD COUPONS AND HOUSING LOANS FOR WORKERS. DETAINEES HELD AFTER SUCH INCIDENTS COULD BE HELD INDEFINITELY WITH NO ACCESS TO LAWYERS OR FAMILY. WHILE MOST WERE RELEASED QUICKLY, SOME WERE HELD FOR LONGER PERIODS AND

FACED ACCUSATIONS OF POLITICAL OFFENSES CARRYING HEAVY PENALTIES. IT WAS REPORTED BY OPPOSITION SOURCES INSIDE AND OUTSIDE IRAN THAT FOUR PARTICIPANTS IN THE FEBRUARY OIL WORKERS DEMONSTRATION WERE EXECUTED. AUTHORITIES DID NOT RELEASE THE NAMES OF THOSE ARRESTED OR DETAILS OF TRIALS AND SENTENCES.

ON AUGUST 14 CLASHES BETWEEN DEMONSTRATORS AND POLICE WERE REPORTED IN NEYRIZ, EAST OF SHIRAZ. ACCORDING TO EYEWITNESS REPORTS THE CLASHES ERUPTED WHEN POLICE BROKE UP A PEACEFUL DEMONSTRATION OVER ADMINISTRATIVE REDISTRICTING AND ARRESTED MORE THAN NINETY DEMONSTRATORS. DOZENS OF THE PROTESTERS SUFFERED INJURIES.

THE GOVERNMENT CONTINUED TO MAKE PROMINENT ANNOUNCEMENTS OF THE DISCOVERY OF PLOTS AND ESPIONAGE ACTIVITIES DIRECTED AGAINST IT, THUS SEEKING TO DISCREDIT POLITICAL CRITICISM AS HOSTILE FOREIGN INTERFERENCE. ON JANUARY 16 THE SECURITY FORCES ANNOUNCED THE ARREST OF SIX "SPIES" IN WEST AZARBAIJAN PROVINCE. ON MARCH 3 FIFTY PEOPLE WERE ARRESTED IN ORUMIEH IN WESTERN AZARBAIJAN AND ACCUSED OF ESPIONAGE. ON AUGUST 9, MOHAMMAD ASSADI, A SEVENTY-YEAR-OLD LAWYER ACCUSED OF INVOLVEMENT IN A 1980 COUP PLOT, WAS EXECUTED AS A SPY. EVIDENCE CITED IN HIS TRIAL INCLUDED HIS HAVING TRAVELED TO ISRAEL BEFORE THE 1979 REVOLUTION, WHEN THE TWO COUNTRIES HAD DIPLOMATIC RELATIONS. HE HAD BEEN IN PRISON FOR FOUR YEARS. HIS EXECUTION JUST DAYS AFTER PRESIDENT KHATAMI'S INAUGURATION WAS SEEN BY MANY AS AN ASSERTION OF INDEPENDENCE BY THE CLERIC-DOMINATED JUDICIAL BRANCH AND A CHALLENGE TO THE NEW PRESIDENT'S VOWS TO PROTECT RIGHTS. IN SEPTEMBER SIYAVASH BAYANI, A FORMER ARMY COLONEL WHO SERVED IN THE IRAN-IRAQ WAR, WAS EXECUTED AS AN AMERICAN SPY. HE HAD RETURNED TO IRAN IN 1995 AFTER LIVING FOR SEVERAL YEARS IN THE UNITED STATES.

ALL ESPIONAGE CASES ARE TRIED BEFORE REVOLUTIONARY COURTS, IN WHICH PROCEDURES FALL FAR SHORT OF INTERNATIONAL STANDARDS FOR A FAIR TRIAL. DEFENDANTS ARE DENIED ACCESS TO LEGAL COUNSEL AND MAY BE HELD INDEFINITELY INCOMMUNICADO IN PRE-TRIAL DETENTION. POLITICAL OFFENDERS AND ACCUSED DRUG TRAFFICKERS ARE ALSO TRIED BEFORE REVOLUTIONARY COURTS. SCORES OF PERSONS CONVICTED FOR DRUG TRAFFICKING WERE EXECUTED IN 1997, MANY IN PUBLIC.

GRAND AYATOLLAH HOSSEIN ALI MONTAZERI, THE FORMER DESIGNATED SUCCESSOR TO AYATOLLAH KHOMEINI AS LEADER OF THE ISLAMIC REPUBLIC, AND SEVERAL OTHER SENIOR SHI'ITE CLERICAL LEADERS IN QOM AND MASHHAD, WERE CONSTRAINED FROM EXPRESSING THEIR VIEWS OPENLY AND SUBJECTED TO RESTRICTIONS ON THEIR MOVEMENTS AND ACCESS TO THE OUTSIDE WORLD. SCORE OF FOLLOWERS OF CLERICAL LEADERS CRITICAL OF THE GOVERNMENT REMAINED IN PRISON, ALTHOUGH THE LEGAL BASIS FOR THEIR DETENTION WAS NOT CLEAR.

ON MARCH 14 THE PARLIAMENT APPROVED A TEN-YEAR EXTENSION OF THE LAW OF HODOUD AND QISSAS, ORIGINALLY APPROVED FOR A FIVE-YEAR TRIAL PERIOD. THE LAW PROVIDED FOR CORPORAL PUNISHMENTS SUCH AS LASHING AND AMPUTATION AS WELL AS PARTICULARLY CRUEL METHODS OF EXECUTION LIKE STONING. IN AUGUST, THE IRANIAN PRESS REPORTED THAT ZOLEYKHAN KADKHODA, A TWENTY-YEAR-OLD WOMAN, SURVIVED AN ATTEMPT TO STONE HER TO DEATH AFTER SHE WAS CONVICTED OF ADULTERY IN BOUKAN. SHE WAS BURIED IN A DITCH FROM THE WAIST DOWN AND PELTED WITH STONES, BUT REVIVED AFTER BEING CARRIED UNCONSCIOUS TO THE MORGUE. JUDICIAL AUTHORITIES WERE DECIDING WHETHER TO REIMPOSE THE PENALTY ON HER, ACCORDING TO THE PRESS REPORTS.

THE BANNING OF NEWSPAPERS AND MAGAZINES CRITICAL OF THE GOVERNMENT AND THE PROSECUTION OF INDEPENDENT WRITERS CONTINUED. IN JANUARY, KARAMOLLAH TAVAHODI, A KURDISH WRITER IN MASHHAD, WAS ARRESTED AND SENTENCED TO ONE YEAR IN PRISON BECAUSE OF OFFICIAL OBJECTIONS TO THE CONTENT OF VOLUME FIVE OF HIS *HISTORICAL MOVEMENT OF KURDS IN KHORASAN*.

ON FEBRUARY 12, THE 15 KHORDAD FOUNDATION, AN ORGANIZATION WITH CLOSE TIES TO THE CLERICAL LEADERSHIP, ANNOUNCED AN INCREASE TO U.S.\$2.5 MILLION IN THE REWARD FOR THE MURDER OF THE BRITISH NOVELIST SALMAN RUSHDIE. THERE WAS NO OFFICIAL REPUDIATION OF THIS ANNOUNCEMENT, ALTHOUGH PRESIDENT RAFSANJANI DID STRESS THAT THE FOUNDATION WAS "NONGOVERNMENTAL," AND THAT GOVERNMENT POLICY REMAINED "UNCHANGED." THE GOVERNMENT DID NOT CONDEMN THE THREATS TO MR. RUSHDIE'S LIFE STEMMING FROM THE PRONOUNCEMENT BY AYATOLLAH KHOMEINI THAT HE SHOULD BE KILLED FOR INSULTING ISLAM IN HIS NOVEL *THE SATANIC VERSES*.

FARAJ SARKOUHI, THE EDITOR OF *ADINEH* MAGAZINE, WAS ARRESTED IN FEBRUARY ON CHARGES OF ATTEMPTING TO LEAVE THE COUNTRY ILLEGALLY. HE WAS HELD FOR MONTHS WITHOUT ACCESS TO FAMILY MEMBERS OR HIS LAWYER. CONTROVERSY SURROUNDED

HIS WHEREABOUTS DURING THE SIX WEEKS PRECEDING DECEMBER 13, 1996, WHEN SARKOUHI WAS PRESENTED AT AN UNUSUAL PRESS CONFERENCE AT TEHRAN'S MEHRABAD AIRPORT IN AN APPARENT ATTEMPT BY THE AUTHORITIES TO REFUTE ACCUSATIONS THAT THEY HAD BEEN HOLDING HIM DURING THIS PERIOD. AT THE PRESS CONFERENCE, SARKOUHI DECLARED THAT HE HAD BEEN IN GERMANY DURING THIS SIX-WEEK PERIOD. THIS VERSION OF EVENTS WAS UNDERMINED BY THE PUBLICATION ABROAD OF A LETTER SMUGGLED OUT OF IRAN IN WHICH SARKOUHI CLAIMED THAT HE WAS THE VICTIM OF AN ELABORATE PLOT ORCHESTRATED BY THE AUTHORITIES, WHO HAD HELD HIM IN DETENTION DURING THE PERIOD IN QUESTION. IN THE LETTER, HE CLAIMED THAT THROUGHOUT THIS PERIOD HE HAD BEEN SUBJECTED TO INTERROGATION AND TORTURE. IN JUNE, 1997 AUTHORITIES ANNOUNCED THAT SARKOUHI WAS ON TRIAL FOR ESPIONAGE, AN OFFENSE THAT CARRIED THE DEATH PENALTY. THEY SEEMED AT THE TIME TO BE SEEKING TO USE SARKOUHI AS A BARGAINING CHIP WITH GERMANY FOLLOWING THE MAY VERDICT OF A BERLIN COURT IMPLICATING THE IRANIAN GOVERNMENT IN THE KILLING OF FOUR OF ITS POLITICAL OPPONENTS IN BERLIN IN 1992. THE GERMAN AUTHORITIES APPEARED TO CORROBORATE SARKOUHI'S VERSION OF EVENTS BY STATING THAT HE HAD NOT ENTERED THE COUNTRY IN LATE 1996 AND THAT THE GERMAN ENTRY VISA STAMPED IN HIS PASSPORT APPEARED TO BE FORGED. IN SEPTEMBER, AFTER THE CASE HAD ATTRACTED CONCERN INTERNATIONALLY, IT WAS REPORTED THAT SARKOUHI HAD BEEN SENTENCED TO ONE YEAR OF IMPRISONMENT FOR CIRCULATING HARMFUL PROPAGANDA, A CHARGE THAT HAD NOT BEEN MENTIONED PRIOR TO HIS TRIAL. ALTHOUGH THE SENTENCE WAS UNEXPECTEDLY LIGHT IN VIEW OF THE ORIGINAL ESPIONAGE CHARGE, THE FACT REMAINS THAT SARKOUHI WAS THE VICTIM OF ARBITRARY DETENTION AND UNFAIR TRIAL SIMPLY FOR EXERCISING HIS RIGHT TO PEACEFUL EXPRESSION. HE WAS DENIED ACCESS TO HIS LAWYER, AND HIS TRIAL TOOK PLACE IN SECRET, IN VIOLATION OF INTERNATIONAL STANDARDS.

CASES IN ADDITION TO THAT OF SARKOUHI CAST A LONG SHADOW OVER THE FREEDOM OF EDITORS AND WRITERS THROUGHOUT THE YEAR. IN JANUARY, PROFESSOR AHMAD TAFAZZOLI OF TEHRAN UNIVERSITY WAS FOUND DEAD IN PUNAK, A SUBURB NORTHWEST OF TEHRAN. HE WAS KNOWN TO HAVE CONTACTS WITH MANY IRANIAN ACADEMICS WORKING ABROAD, AND MANY OF HIS COLLEAGUES BELIEVED THAT THE AUTHORITIES WERE BEHIND HIS DEATH. WHILE THE PRECISE CIRCUMSTANCES REMAINED UNCLEAR, TAFAZZOLI'S DEATH CREATED A CLIMATE OF FEAR AT THE UNIVERSITY AND DISCOURAGED CRITICISM OF THE GOVERNMENT.

IN FEBRUARY, EBRAHIM ZALZADEH, PUBLISHER OF THE INDEPENDENT MAGAZINE *MAVAR*, "DISAPPEARED." HIS BODY WAS DISCOVERED IN THE TEHRAN MORGUE ON MARCH 29. MEMBERS OF HIS FAMILY ACCUSED THE AUTHORITIES OF RESPONSIBILITY FOR HIS DEATH. ZALZADEH WAS ONE OF EIGHT WRITERS AND PUBLISHERS WHO HAD OFFERED TO SHARE IN THE PUNISHMENT OF ABBAS MAROUFI, EDITOR OF *GARDOUN* MAGAZINE, WHO WAS SENTENCED TO RECEIVE TWENTY-FIVE LASHES IN FEBRUARY 1996 FOR WRITING AN ARTICLE CRITICAL OF THE GOVERNMENT.

IN APRIL, MOHAMMAD SADEGH JAVADI-HESSAR, THE EDITOR OF *TOLS* MAGAZINE, WAS CONVICTED OF "CAUSING PUBLIC CONFUSION." HE WAS BANNED FROM JOURNALISM FOR TEN YEARS AND FINED THE EQUIVALENT OF U.S. \$1,000 FOR AN ARTICLE CRITICAL OF HIGHER EDUCATION POLICY.

THE PROGRAM PRESENTED BY PRESIDENT KHATAMI PROMISED A BRIGHTER FUTURE FOR FREEDOM OF EXPRESSION. ATA'OLLAH MOHAJERANI, HIS NOMINEE FOR THE KEY POST OF MINISTER OF CULTURE AND ISLAMIC GUIDANCE, TOLD THE IRANIAN PARLIAMENT PRIOR TO HIS CONFIRMATION, "I AM IN FAVOR OF CULTURAL TOLERANCE....WE MUST CREATE A CLIMATE IN THE ISLAMIC REPUBLIC IN WHICH INDIVIDUALS WILL BE ABLE TO EXPRESS THEIR VIEWS ON VARIOUS ISSUES." HE ALSO CONDEMNED THE ACTIVITIES OF THE ANSAR-E HEZBOLLAH, STATING, "WE MUST ULTIMATELY DECIDE WHETHER WE ARE GOING TO LIVE UNDER A SYSTEM OF LAW AND ORDER OR NOT."

HOWEVER, IN AN INDICATION THAT WRITERS' PROBLEMS CONTINUED AFTER KHATAMI'S ELECTION, HEZBOLLAHI MILITANTS RANSACKED THE OFFICES OF *IRAN-E FARDA* MAGAZINE IN AUGUST. ALTHOUGH NO ACTION WAS TAKEN AGAINST THE PERPETRATORS, THE MINISTRY OF ISLAMIC GUIDANCE ISSUED AN UNPRECEDENTED CONDEMNATION OF THE ATTACK, STATING, "THIS KIND OF ACTION WILL LEAD TO ANARCHY....ALL PROTESTS AGAINST THE CONTENTS OF A PUBLICATION MUST BE DONE THROUGH LEGAL CHANNELS AND IN A RATIONAL MANNER." IN SEPTEMBER, THE EDITOR OF *IRAN NEWS*, AN ENGLISH-LANGUAGE DAILY, MORTEZA FIROUZI WAS ARRESTED, FOLLOWING PUBLICATION OF ARTICLES ADVOCATING THE RELEASE OF FOREIGN NATIONALS HELD IN IRANIAN PRISONS. HE REMAINED IN DETENTION AND WAS ACCUSED OF BEING A UNITED STATES SPY.

IRAN'S CONSTITUTION PROVIDES ONLY QUALIFIED COMMITMENTS TO THE PRINCIPLE OF NON-DISCRIMINATION ON THE BASIS OF RELIGION OR ETHNIC IDENTITY. IN PRACTICE, DISCRIMINATION IS WIDESPREAD AND INSTITUTIONALIZED, AND, IN THE CASE OF BAHAI'S AND EVANGELICAL CHRISTIANS, AMOUNTS TO OUTHRIGHT PERSECUTION. IN FEBRUARY, DEATH SENTENCES AGAINST MUSA

Talebi and Zabihollah Mahrami, two Baha'is convicted as spies by Revolutionary Courts, were approved by the Supreme Court. Allegations of espionage for Israel were often used by the government as a pretext for persecuting Baha'is. The headquarters of the Baha'i World Community was situated in Haifa, in Israel.

The Martyr Qudusi Judicial Center in Tehran, which handles prosecutions for dress code violations, issued new guidelines in February providing that women who wore a "thin or short scarf" or who otherwise violated the requirement to cover the hair and the back of the neck, would be subjected to fines, prison terms of up to three months, or up to seventy-four lashes. Security forces carried out mass arrests of violators of dress and other moral codes. For example, in December 1996 police in north Tehran announced the arrest of 130 young people who had participated in mixed-gender parties in private houses.

## The Right to Monitor

There were no independent nongovernmental human rights organizations operating inside the country, although several semi-official organizations published mild criticism of government policies, indicating a slight opening in the public human rights debate. The government denied access to all independent international human rights organizations that applied to conduct field research, including Human Rights Watch. In June Human Rights Watch asked to send an observer to attend the trial of Faraj Sarkouhi but this too was denied. Maurice Copithorne, the U.N. special representative on the human rights situation in Iran, applied unsuccessfully to visit the country during 1997.

Government critic Habibullah Peyman was denied permission to attend an international environmental conference in Germany in February. Abbas Amir-Entezam, a former deputy prime minister who was sentenced to life imprisonment in 1979, continued to speak out on human rights issues after he was released from prison. His movements continued to be restricted, and the authorities made clear that charges of espionage on which he had been convicted still stood. Prominent philosopher Abdol Karim Soroush, who speaks openly about the need for respect of basic freedoms, was denied permission to travel to numerous international conferences to which he had been invited after his return to Iran in April. His speaking and teaching in Iran was curtailed by threats from Hezbollahi mobs.

## The Role of the International Community

### United Nations

Maurice Copithorne, the U.N. special representative on the human rights situation in Iran, submitted his third report to the Commission on Human Rights in April, concluding that "violations of generally accepted human rights norms are occurring in Iran and that in some cases, by act of commission or omission, the government must be responsible for them."

In April, the commission again condemned Iran for gross and systematic violations of human rights. The resolution emphasized government involvement in the killing of dissidents abroad and the continuing threats to the life of Salman Rushdie.

### European Union

The European Union (E.U.) officially suspended its policy of "critical dialogue" with the Iranian government in April, following the verdict of a German court holding "the Iranian political leadership" responsible for the murder of Sadeq Sharifkandi, the leader of the Kurdish Democratic Party of Iran, an armed opposition group, and three companions in Berlin's Mykonos restaurant in 1992. While E.U. member states, with the exception of Greece, withdrew their ambassadors from Tehran, European leaders showed no eagerness to recast their relations with Tehran over the Mykonos verdict or other human rights issues.

Human rights was one area of Iranian policy that the "critical dialogue" explicitly aimed to improve. But commercial interests remained paramount both before and after the dialogue was suspended, and there was little evidence of European initiatives on human rights. German Foreign Minister Klaus Kinkel made clear that for Germany there would be "no economic sanctions and no severing of relations." Following the election of Khatami as president, the E.U. reportedly initiated discussions with Tehran regarding the possible return of their ambassadors.

In July, the French government announced that it would insure a \$500 million export loan provided to Iran by a French bank. In September, the French oil company Total announced a \$2 billion dollar investment, in partnership with a Russian and a Malaysian firm, in the development of the Iranian offshore gas industry. The French company had the explicit support of its government and the E.U. in its decision to invest.

## United States

The U.S. had no diplomatic relations with Iran, and maintained unilateral sanctions imposed in 1995 because of what the Clinton administration termed Iranian policies of "supporting international terrorism," and "pursuing the creation of weapons of mass destruction." The Iranian government continued to deny these accusations.

The E.U. decision to suspend "critical dialogue" and the election of President Khatami were conducive to narrowing the gap between U.S. and E.U. policy toward Iran. While the E.U. signaled displeasure with Iran after the Mykonos verdict, prominent voices in the U.S. advocated reevaluating its call for multilateral economic sanctions against Iran in light of evidence that they had won scant international support and had achieved little in the areas of policy that the sanctions had been designed to change, including human rights. At the June summit of the Group of Eight industrialized countries in Denver, the U.S., Russia, Japan, Canada and the major European powers were able to agree on common language "noting with interest" the election results and the "constructive role" of Iran in U.N. peace efforts in Tajikistan. These rare positive comments on Iran were coupled with a call for the Iranian government, "to respect the human rights of all Iranian citizens and to renounce the use of terrorism, including against Iranian citizens living abroad."

In June in a speech to the National Arab-American Association in Washington, D.C., Acting Assistant Secretary of State for Near Eastern Affairs David Welch reiterated the five areas, including "lack of respect for international standards of human rights," in which the U.S. is demanding progress as a condition for improved relations. Welch welcomed "the sign that Iran will permit democratic expression," and noted that the U.S. "will continue to work with our allies to bring our approaches on Iran closer together." Also in June, appearing at a press conference with British Prime Minister Tony Blair, President Clinton referred to Khatami's election as "interesting and hopeful." On September 30, with reference to the French oil company Total's decision to lead a multi-billion dollar investment project in Iran despite U.S. sanctions, State Department spokesperson James Rubin said that Washington might forego moves to impose penalties on Total if France agreed to increase pressure on Iran to halt what he referred to as its support of terrorism and its accumulation of weapons of mass destruction. Many in the U.S. Congress, however, opposed any relaxation of the U.S. embargo of Iran. On July 23, for instance, 222 members of the House of Representatives wrote to President Clinton urging that sanctions against Iran be toughened.

The Iran chapter in the State Department's *Country Reports on Human Rights Practices for 1996* was generally accurate and comprehensive. But throughout the year human rights took a back seat to other issues in Washington's relations with Iran, including Iran's opposition to the Israeli-Palestinian peace process and concern that Iran was developing a mid-range ballistic missile capacity.

## Relevant Human Rights Watch reports:

*Iran—Religious and Ethnic Minorities: Discrimination in Law and Practice, 9/97*

*Iran—Leaving Human Rights Behind: The Context of the Presidential Elections, 5/97*

## IRAQ AND IRAQI KURDISTAN

### Human Rights Developments

THE GOVERNMENT OF IRAQ CONTINUED TO ENGAGE IN A BROAD RANGE OF GROSS HUMAN RIGHTS ABUSES, INCLUDING MASS ARRESTS, SUMMARY EXECUTIONS, EXTRAJUDICIAL EXECUTIONS WITH NO PRETENSE OF DUE PROCESS, AND "DISAPPEARANCES." ARMED KURDISH POLITICAL PARTIES AND IRAQI SECURITY FORCES CONTINUED TO BE IMPLICATED IN ABUSES IN THE PORTIONS OF NORTHERN IRAQ UNDER KURDISH CONTROL. IN MAY, TURKEY LAUNCHED A MAJOR MILITARY CAMPAIGN AGAINST BASES OF THE WORKERS PARTY OF KURDISTAN (PKK, SEE CHAPTER ON TURKEY) IN NORTHERN IRAQ, ADDING TO THE LARGE NUMBERS DISPLACED BY ONGOING FIGHTING AMONG ARMED KURDISH POLITICAL PARTIES IN THAT REGION. IRANIAN AIRSTRIKES AGAINST AN IRAQI-BASED IRANIAN OPPOSITION GROUP REPORTEDLY RESULTED IN CIVILIAN INJURIES.

THE UNITED NATIONS MAINTAINED ITS ECONOMIC SANCTIONS AGAINST IRAQ, NOW IN THEIR EIGHTH YEAR. THE IMPLEMENTATION OF U.N. RESOLUTION 986 ALLOWED IRAQ TO SELL LIMITED AMOUNTS OF OIL AND USE THE REVENUES TO PURCHASE GOODS TO MEET HUMANITARIAN NEEDS. THESE GOODS BEGAN ARRIVING IN MARCH, BUT MALNUTRITION AND SHORTAGES OF MEDICINES AND SPARE PARTS FOR SANITARY INFRASTRUCTURE CONTINUED TO CAUSE HARDSHIP AMONG THE IRAQI PEOPLE.

### Human Rights Developments in Government-Controlled Iraq

OPPOSITION GROUPS IN EXILE REPORTED MASS ARRESTS AND SUMMARY EXECUTIONS, MANY IN CONJUNCTION WITH THE DECEMBER 12, 1996 ATTEMPTED ASSASSINATION OF PRESIDENT SADDAM HUSSEIN'S SON UDAY. FOR EXAMPLE, THE TEHRAN-BASED SUPREME COUNCIL FOR THE ISLAMIC REVOLUTION IN IRAQ (SCIRI) AND THE AMMAN-BASED IRAQI NATIONAL ACCORD (INA) BOTH REPORTED ARRESTS OF BETWEEN 600 AND 2000 PEOPLE IN THE PERIOD IMMEDIATELY AFTER THE ASSASSINATION ATTEMPT. THE LONDON-BASED WORKER COMMUNIST PARTY OF IRAQ REPORTED MASS EXECUTIONS DURING FEBRUARY AND MARCH OF 250 PRISONERS WITH LIFE SENTENCES OR SUSPENDED DEATH SENTENCES AT ABU GHRAIB PRISON. THESE AND SIMILAR REPORTS WERE DIFFICULT TO VERIFY DUE TO IRAQ'S TIGHT CONTROLS ON TRAVEL, FREE EXPRESSION AND CONTACTS WITH FOREIGNERS (SEE BELOW).

PRESS FREEDOM AND FREEDOM OF EXPRESSION AND BELIEF REMAINED SEVERELY CONSTRAINED. IRAQ'S MAIN MEDIA OUTLETS WERE GOVERNMENT-OWNED, AND FOREIGN NEWSPAPERS AND MAGAZINES WERE BANNED. IN APRIL THE GOVERNMENT INCREASED THE PUNISHMENTS FOR OWNERSHIP OF SATELLITE DISHES, WHICH HAVE BEEN BANNED SINCE 1994. THE NEW PENALTIES REPORTEDLY INCLUDED THE CONFISCATION OF ALL HOUSEHOLD FURNITURE, A 1 MILLION DINAR FINE (APPROXIMATELY U.S. \$660 AT BLACK MARKET RATES), AND IMPRISONMENT. AS IN PREVIOUS YEARS, THE GOVERNMENT INTERFERED WITH SHI'A RELIGIOUS OBSERVANCES IN KARBALA. IN JUNE IRAQI FORCES SET UP ROADBLOCKS OUTSIDE THE CITY, TURNING BACK SOME SHI'A PILGRIMS MAKING THE ANNUAL WALK TO THE TOMB OF IMAM HUSAYN. SOME SHI'A OPPOSITION GROUPS ALSO REPORTED CLASHES BETWEEN PILGRIMS AND SECURITY FORCES RESULTING IN MANY ARRESTS.

DESPITE REPEATED INQUIRIES BY THE U.N. WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES, THE IRAQI GOVERNMENT FAILED TO CLARIFY THE FATE OF OVER 16,000 INDIVIDUALS REPORTED "DISAPPEARED" IN IRAQ. THESE CASES ARE IN ADDITION TO THOSE OF OVER 600 PERSONS REPORTED "DISAPPEARED" DURING THE IRAQI INVASION OF KUWAIT.

KURDISH AND TURKOMEN FAMILIES REPORTEDLY CONTINUED TO BE FORCED TO LEAVE THE ECONOMICALLY AND STRATEGICALLY IMPORTANT KIRKUK AND KHANAQIN AREAS AS PART OF WHAT OBSERVERS HAVE DESCRIBED AS A POLICY OF ARABIZATION IN THESE AREAS. IT IS IMPOSSIBLE TO VERIFY EXACT NUMBERS, BUT U.N. SOURCES INVOLVED IN FOOD DISTRIBUTION IN NORTHERN IRAQ SAID AT LEAST 500 FAMILIES DISPLACED FROM THEIR HOMES DURING THE FIRST SIX MONTHS OF 1997 HAD REGISTERED IN AREAS UNDER THEIR SUPERVISION. THOSE DISPLACED SUFFERED DELAYS IN OBTAINING RATIONS, BECAUSE THEY HAD TO REREGISTER IN A NEW DISTRICT. SOME WERE REPORTEDLY UNWILLING TO DO FOR FEAR OF UNDERMINING THEIR CLAIM TO RESIDENCE IN THEIR HOME DISTRICTS.

THE U.N. SECURITY COUNCIL KEPT IN PLACE ECONOMIC SANCTIONS AGAINST IRAQ, WHICH WERE ORIGINALLY IMPOSED IN RESPONSE TO IRAQ'S 1990 INVASION OF KUWAIT. THE SANCTIONS BLOCK ALL IRAQI EXPORTS, FREEZE IRAQI ASSETS ABROAD, AND THEREBY CONSTRAIN IRAQ'S ABILITY TO PAY FOR GOODS TO MEET THE POPULATION'S BASIC NEEDS, WHICH ARE EXCEPTED ON HUMANITARIAN GROUNDS FROM THE PROHIBITION OF EXPORTS TO IRAQ. THE SANCTIONS HAVE CONTRIBUTED SINCE 1990 TO A MASSIVE PUBLIC HEALTH CRISIS MARKED BY MALNUTRITION AND INCREASING LEVELS OF INFANT MORTALITY. 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. IN LATE OCTOBER IRAQ ORDERED U.S. MEMBERS OF THE U.N. SPECIAL COMMISSION'S ARMS INSPECTION TEAM TO LEAVE THE COUNTRY, AND BARRED OTHER U.S. TEAM MEMBERS FROM ENTERING IRAQ.

SECURITY COUNCIL RESOLUTION 986 (1995) ALLOWED THE SALE OF U.S.\$2 BILLION IN OIL DURING A 180-DAY PERIOD, BUT IMPLEMENTATION DID NOT BEGIN UNTIL DECEMBER 1996. RESOLUTION 986 ALLOWED IRAQ TO USE \$1.3 BILLION OF THE OIL PROCEEDS TO PURCHASE HUMANITARIAN SUPPLIES, INCLUDING \$260 MILLION IN SUPPLIES FOR KURDISH-CONTROLLED NORTHERN IRAQ, WHICH WAS ADMINISTERED SEPARATELY. ALTHOUGH THE SALE OF IRAQI OIL PROCEEDED RELATIVELY SMOOTHLY, THE PURCHASE AND DISTRIBUTION INSIDE IRAQ OF THE HUMANITARIAN GOODS WERE DELAYED BY DISPUTES OVER DISTRIBUTION PLANS, MONITORING, AND PROCESSING OF CONTRACTS. THE FIRST SHIPMENTS DID NOT BEGIN TO REACH IRAQ UNTIL MARCH AND THE FIRST SHIPMENT OF MEDICAL SUPPLIES DID NOT ARRIVE UNTIL MAY. IRAQ SUSPEND OIL EXPORTS FROM MID-JUNE TO MID-AUGUST IN PROTEST OF THE ONGOING DELAYS. THE IRAQI GOVERNMENT INCREASED RATION AMOUNTS FOR SOME FOODSTUFFS AFTER THE ARRIVAL OF FOOD SHIPMENTS. HOWEVER, WITH ONLY A SMALL NUMBER OF U.N. MONITORS ALLOWED INTO IRAQ IT WAS DIFFICULT TO DETERMINE IF DISTRIBUTION WAS EQUITABLE, AND WHETHER THE QUANTITIES OF HUMANITARIAN SUPPLIES REACHING THE IRAQI PEOPLE WERE SUFFICIENT TO PRODUCE SIGNIFICANT HEALTH IMPROVEMENTS. AFTER A WEEK-LONG VISIT TO IRAQ IN MAY, YASUSHI AKASHI, THE HEAD OF THE U.N. DEPARTMENT OF HUMANITARIAN AFFAIRS, SAID THAT HE AND HIS TEAM OF EXPERTS SAW "CLEAR EVIDENCE OF PREVAILING HUMANITARIAN SUFFERING WHICH IS UNMISTAKABLE." RESOLUTION 986 WAS RENEWED FOR AN ADDITIONAL SIX-MONTH PERIOD IN JUNE 1997.

IN SEPTEMBER IRANIAN PLANES BOMBED BASES OF THE PEOPLE'S MOJAHEDINE ORGANIZATION, AN IRANIAN OPPOSITION GROUP BASED IN IRAQ. THE GROUP REPORTED THAT BOMBS DESTROYED MOJAHEDINE BUILDINGS IN KUT AND JALULA IN SOUTHERN IRAQ, AND INJURED CIVILIANS IN RESIDENTIAL AREAS OF JALULA.

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

IRAQ CONTINUED TO STATION GROUND FORCES ALONG THE BORDER OF THE KURDISH-CONTROLLED REGION CREATED IN THE NORTH OF THE COUNTRY. THE REGION WAS LOCATED WITHIN THE "NO-FLY ZONE" IMPOSED ON IRAQ IN THE AFTERMATH OF THE GULF WAR AND IRAQ'S BRUTAL SUPPRESSION OF AN UPRISING BY KURDS AND SHIITES IN MARCH 1991. THE ZONE'S AIRSPACE WAS POLICED BY THE U.S. AND THE U.K. FROM TURKISH BASES. IRAQI MILITARY FORCES BRIEFLY RETURNED TO THE REGION IN 1996 AT THE INVITATION OF KURDISH DEMOCRATIC PARTY (KDP) FORCES IN FIGHTING AGAINST RIVAL PATRIOTIC UNION OF KURDISTAN (PUK) FORCES AND THEY REPORTEDLY ENGAGED IN ARBITRARY ARRESTS AND EXECUTIONS OF DOZENS OF OPPONENTS OF THE IRAQI GOVERNMENT AND THE KDP AT THAT TIME. ALTHOUGH IRAQ QUICKLY WITHDREW ITS UNIFORMED FORCES AFTER THE 1996 INVASION, IT IS REPORTED TO HAVE SIGNIFICANTLY EXPANDED ITS SECURITY PRESENCE IN AREAS UNDER KDP CONTROL, AND IN LATE 1996 THE U.S. CONDUCTED A MASS EVACUATION OF KURDISH AND IRAQI PERSONNEL WHO HAD BEEN EMPLOYED BY THE U.S. OR U.S. FUNDED HUMANITARIAN AGENCIES BECAUSE OF FEAR FOR THEIR SAFETY. IN JANUARY IRAQ ANNOUNCED A MONTH-LONG AMNESTY FOR "IRAQIS WHO COMMITTED THE CRIME OF GIVING INFORMATION OR COMMUNICATING WITH FOREIGN SIDES," WHICH MAY HAVE BEEN INTENDED TO APPLY TO THE THOUSANDS WHO HAD BEEN IN CONTACT WITH FOREIGNERS PRIOR TO AUGUST 1996. IN PREVIOUS GOVERNMENT AMNESTIES INDIVIDUALS WHO TURNED THEMSELVES IN WERE LATTER ARRESTED AND IN SOME CASES EXECUTED.

DESPITE ONGOING EFFORTS BY THE U.S., TURKEY AND IRAN TO BROKER A CEASE-FIRE, FIGHTING AMONG RIVAL KURDISH POLITICAL PARTIES CONTINUED THROUGHOUT THE YEAR, WITH CLASHES BETWEEN THE KDP AND THE PUK CAUSING SIGNIFICANT DISPLACEMENT OF CIVILIANS. BOTH PARTIES HAVE BEEN IMPLICATED IN A WIDE ARRAY OF ABUSES, INCLUDING ARBITRARY ARREST OF SUSPECTED POLITICAL OPPONENTS; TORTURE AND ILL-TREATMENT OF DETAINEES; EVICTIONS OF SUPPORTERS OF RIVAL PARTIES,

and extrajudicial executions of dissident political activists. The KDP alleged PUK responsibility for the assassination of its officials Sirwan Nawroli (January), and Mouhiddin Rahim (March), and the attempted assassination of KDP Governor of Irbil Francois Hariri (February). The PUK denied the charges, and alleged the KDP arbitrarily detained its civilian supporters and indiscriminately shelled civilian areas. In April the two parties reportedly exchanged 131 prisoners of war as part of an agreement signed in October 1996.

In May thousands of Turkish forces launched a major offensive against the Workers Party of Kurdistan (PKK), which had bases in northern Iraq. Turkey had launched similar invasions in previous years. The KDP's forces supported the Turkish offensive and some reports linked the KDP to executions of PKK members and civilian supporters, especially in Irbil. On June 15 Turkey announced a partial troop withdrawal, but then launched a second major incursion in late September. In October the PUK alleged that Turkish air and artillery support for KDP attacks on PUK positions resulted in civilian casualties. According to journalists, both the KDP and Turkey have restricted access to the border region since the beginning of the invasion.

Fighting among Kurdish parties and between Turkish and Kurdish forces aggravated an already serious problem of internally displaced people. The U.N. Center for Human Settlement estimated that "more than one third of the population [of the three northern governorates] . . . are internally displaced persons," of whom over 500,000 are in need of assistance. Many have been expelled from their homes in northern Iraq because of presumed support for rival Kurdish parties, while others fled north after Iraq expelled them from their homes in the Kirkuk and Khanaqin areas (see above). The U.N. High Commission for Refugees' decision in January to close the Atroush camp on the Iraq/Turkish border uprooted once again that camp's population of approximately 14,000 Turkish Kurdish refugees.

## The Right to Monitor

No human rights organizations functioned in government-controlled Iraq. The August 1996 return of Iraqi security forces to portions of northern Iraq under KDP control resulted in the closure of the few small, predominantly Kurdish human rights organizations that had functioned in northern Iraq, as activists either fled the region or were unable to work openly out of fear of retaliation by Iraqi security agents.

The government continued to refuse to grant a visa to the U.N. special rapporteur on Iraq, and to reject repeated requests by the U.N. Commission on Human Rights to station human rights monitors on its territory. Iraq allowed U.N. monitors access to northern and government-controlled Iraq, but they were few in numbers and their mandate was strictly limited to observing and reporting on the implementation of Resolution 986 (1995). Iraq imposed severe penalties for unauthorized contact with foreigners, adding to a climate of fear that discouraged citizens from reporting abuses to international human rights organizations or foreign reporters.

In February Iraq announced that it was willing to allow the International Committee of the Red Cross (ICRC) to visit political prisoners in Iraq, but as of early November agreement on such visits had not been reached.

## The Role of the International Community

### European Union

The European Union (E.U.) is the largest provider of humanitarian assistance to Iraq. European Commissioner for Humanitarian Affairs, Fisheries and Consumer Policy Emma Bonino said in August that she had returned from her trip to Iraq "with a number of doubts" about the embargo, noting that "we have still not found the most effective way of combating a dictatorship." While Bonino said that she did not "feel able to say the suffering of the population today is due to the embargo" alone, she described the humanitarian situation she observed as "serious, especially in the center and south of the country." "The 'food' aspect [of Resolution 986] is being fulfilled in Kurdistan as well as in Iraq. However the medicine side of the contract has been delayed significantly," and the sanitation infrastructure program "has not yet begun," she said.



IN JULY THE EUROPEAN PARLIAMENT ADOPTED A JOINT RESOLUTION DEMANDING AN IMMEDIATE WITHDRAWAL OF TURKISH TROOPS FROM NORTHERN IRAQ AND CALLING UPON THE PUK AND KDP TO RESOLVE THEIR DIFFERENCES IN A PEACEFUL FASHION.

## United States

THE U.S., IN CONJUNCTION WITH TURKEY AND THE U.K., CONTINUED TO POLICE A "NO-FLY" ZONE IN NORTHERN IRAQ, WHILE MAINTAINING A SIMILAR ZONE IN SOUTHERN IRAQ IN CONJUNCTION WITH THE U.K. AND SAUDI ARABIA. FRANCE ENDED ITS PARTICIPATION IN POLICING THE NORTHERN NO-FLY ZONE IN DECEMBER 1996. THE NORTHERN ZONE WAS DESIGNED TO PROVIDE ITS PREDOMINANTLY KURDISH POPULATION WITH PROTECTION FROM IRAQI AIR ATTACKS AND TO DISCOURAGE IRAQI GROUND ATTACKS. HOWEVER, IT DID NOT PREVENT TURKISH GROUND AND AIR STRIKES AGAINST PKK BASES IN NORTHERN IRAQ.

TURKEY SUPPLIED BASES FOR THE "NO-FLY" ZONE PATROLS, AND THE U.S. WORKED CLOSELY WITH TURKEY IN EFFORTS TO NEGOTIATE A CEASE-FIRE BETWEEN THE KDP AND THE PUK, SENDING U.S. DIPLOMATS INTO NORTHERN IRAQ VIA TURKEY FOR MEETINGS WITH KDP AND PUK LEADERS. THE U.S. DECLINED TO EXPRESS RESERVATIONS REGARDING TURKEY'S INVASION OF NORTHERN IRAQ, WITH STATE DEPARTMENT SPOKESMAN NICHOLAS BURNS SAYING ON JUNE 12, "TURKEY'S AN ALLY, AND WE HAVE NO REASON TO QUESTION THE NEED FOR AN INCURSION ACROSS THE BORDER." THE U.S. DID CONDEMN IRAN'S SEPTEMBER AIRSTRIKE AGAINST MOJAHEDINE BASES IN SOUTHERN IRAQ, AND STATE DEPARTMENT SPOKESMAN JAMES RUBIN SAID THE U.S. WOULD TAKE "WHATEVER ACTION NECESSARY" TO PREVENT BOTH IRAQI AND IRANIAN ENTRY INTO THE NO-FLY ZONE.

THE U.S. CONTINUED TO STRONGLY SUPPORT U.N. SANCTIONS AGAINST IRAQ AND TO DENY ANY RESPONSIBILITY FOR THE HUMANITARIAN COSTS OF THE EMBARGO. IN SEPTEMBER UNDER SECRETARY OF STATE THOMAS PICKERING DENIED ALLEGATIONS BY IRAQ AND SOME SECURITY COUNCIL MEMBERS THAT THE U.S. WAS DELAYING DELIVERY OF HUMANITARIAN GOODS, SAYING "IT IS THE IRAQI REGIME WHICH CONTINUES TO BEAR THE RESPONSIBILITY FOR THE SUFFERING OF ITS PEOPLE. IT IS THE IRAQI REGIME WHICH CYNICALLY CAUSES DELAYS IN THE DISTRIBUTION OF HUMANITARIAN GOODS BY REFUSING TO SELL OIL FOR TWO MONTHS."

## ISRAELI- OCCUPIED WEST BANK AND GAZA STRIP

### Human Rights Developments

THE PALESTINIAN AUTHORITY (PA), ESTABLISHED IN 1994 PURSUANT TO THE OSLO ACCORDS, EXERCISED AUTHORITY OVER INTERNAL SECURITY AND OTHER SPHERES IN THOSE AREAS OF THE WEST BANK AND GAZA STRIP IN WHICH THE VAST MAJORITY OF PALESTINIANS RESIDED. ISRAELI MILITARY AUTHORITIES CONTINUED TO EXERCISE DIRECT AUTHORITY OVER A MINORITY OF WEST BANK PALESTINIANS, MOSTLY THOSE LIVING OUTSIDE THE MAJOR CITIES. ISRAELI CIVILIAN AUTHORITIES EXERCISED AUTHORITY OVER PALESTINIANS LIVING IN ISRAELI-ANNEXED EAST JERUSALEM. IN ADDITION, ISRAEL EXERCISED EXTENSIVE CONTROL OVER THE FREEDOM OF MOVEMENT OF ALL WEST BANK AND GAZA PALESTINIANS, AND OVER THOSE RIGHTS THAT DEPENDED ON IT.

TENSION REMAINED HIGH THROUGHOUT THE YEAR. IN MARCH, THE PA SUSPENDED TALKS WITH ISRAEL IN PROTEST OVER ISRAELI SETTLEMENT CONSTRUCTION IN ANNEXED EAST JERUSALEM. A SERIES OF DEADLY BOMBINGS WERE CARRIED OUT INSIDE ISRAEL AND CLAIMED BY THE ISLAMIC RESISTANCE MOVEMENT (HAMAS). ISRAEL, IN A CRIPPLING ACT OF COLLECTIVE PUNISHMENT AGAINST MORE THAN 1.5 MILLION PALESTINIANS, IMPOSED THE TIGHTEST RESTRICTIONS SINCE THE GULF WAR ON THE MOVEMENT OF PEOPLE AND GOODS IN THE WEST BANK AND GAZA STRIP.

ON MARCH 21, A PALESTINIAN SUICIDE BOMBER KILLED THREE ISRAELIS IN A CAFE IN TEL AVIV. A SECOND SUICIDE BOMBING OCCURRED IN THE WEST JERUSALEM MAHANE YEHUDA MARKET ON JULY 30, KILLING FOURTEEN IN ADDITION TO THE BOMBERS. A THIRD SUICIDE ATTACK, IN A WEST JERUSALEM STREET MALL ON SEPTEMBER 4, KILLED FIVE PASSERSBY AND WOUNDED MORE THAN 150.

ISRAEL'S RESPONSE TO THE ATTACKS INCLUDED A TIGHTENING OF THE EXISTING CLOSURE OF THE WEST BANK AND GAZA STRIP. IT BLOCKED THE FLOW OF GOODS AND OF PALESTINIANS INTO AND OUT OF THE WEST BANK AND GAZA STRIP, AND ALSO BETWEEN THE PALESTINIAN-CONTROLLED CITIES OF THE WEST BANK. THUS, MOST WEST BANK PALESTINIANS EXCEPT JERUSALEM RESIDENTS WERE CONFINED TO THEIR HOME TOWNS, REGARDLESS OF WHETHER THEY WORKED OR HAD PRESSING BUSINESS

ELSEWHERE. ALTHOUGH THE OFFICIAL POLICY WAS TO EXEMPT FROM THE RESTRICTIONS RELIEF SUPPLIES, AMBULANCES, MEDICAL PROFESSIONALS AND PATIENTS, THERE WERE NUMEROUS REPORTS OF THEIR BEING DELAYED OR TURNED BACK AT MILITARY CHECKPOINTS, AND OF HOSPITALS STRUGGLING WITH REDUCED STAFFS. ACCORDING TO HOSPITALS AND LOCAL HUMAN RIGHTS ORGANIZATIONS, INCLUDING THE RAMALLAH-BASED AL-HAQ, TWO PALESTINIANS DIED AFTER ENCOUNTERING LONG DELAYS AT CHECKPOINTS WHILE EN ROUTE TO HOSPITALS.

THE ISRAELI DEFENSE FORCE (IDF) GRADUALLY EASED ITS INTERNAL CLOSURE OF THE WEST BANK AFTER SEPTEMBER 14, BUT KEPT IN PLACE THE GENERAL CLOSURE, IN EFFECT SINCE MARCH 1993, WHICH BARRED PALESTINIANS WHO LACKED HARD-TO-OBTAIN ISRAELI PERMITS FROM ENTERING OR TRANSITING THROUGH ISRAEL OR EAST JERUSALEM. IN ADDITION TO IMPAIRING ECONOMIC ACTIVITY, PERMIT DENIALS DISRUPTED FAMILY LIFE FOR THE THOUSANDS OF FAMILIES WHOSE MEMBERS LIVED IN DIFFERENT PARTS OF THE TERRITORIES, PREVENTED OVER ONE THOUSAND GAZANS FROM REACHING THE WEST BANK UNIVERSITIES IN WHICH THEY WERE ENROLLED, AND KEPT WORSHIPPERS FROM THE HOLY SITES IN JERUSALEM, TO LIST BUT A FEW OF THE OBSTACLES CREATED.

ISRAELI AUTHORITIES CLAIMED THE CLOSURE WAS A JUSTIFIED SECURITY MEASURE INTENDED BOTH TO ASSIST THE INVESTIGATION OF THE BOMBINGS AND TO PREVENT FUTURE ATTACKS, AND THAT DURING CLOSURES "EVERY EFFORT IS MADE TO ENSURE THAT NORMAL LIFE FOR THE PALESTINIANS SHOULD CONTINUE AS FAR AS IS POSSIBLE." IN FACT, FEW OFFICIAL MECHANISMS FUNCTIONED EFFICIENTLY AND RESPONSIVELY TO MITIGATE THE HARDSHIPS. DESPITE ITS STATED SECURITY GROUNDS, THE CLOSURE AMOUNTED TO AN ACT OF COLLECTIVE PUNISHMENT BECAUSE OF ITS IMPOSITION IN AN INDISCRIMINATE FASHION ON AN ENTIRE POPULATION.

ACCORDING TO LOCAL HUMAN RIGHTS GROUPS, SUCH AS THE PALESTINIAN SOCIETY FOR THE PROTECTION OF HUMAN RIGHTS AND THE ENVIRONMENT (LAWE), THERE WERE AT LEAST 500 PALESTINIANS IN ADMINISTRATIVE DETENTION HELD IN JAILS WITHIN ISRAEL AT THE END OF OCTOBER, SOME 200 OF THEM DETAINED SINCE THE JULY 30 BOMBING. ADMINISTRATIVE DETAINEES WERE HELD WITHOUT CHARGE OR TRIAL FOR RENEWABLE PERIODS OF UP TO SIX MONTHS EACH AND WERE DENIED THEIR RIGHT TO A MEANINGFUL APPEAL. THE ISRAELI HUMAN RIGHTS GROUP B'TSELEM, IN A MAY 1997 REPORT, REPORTED THAT SINCE THE SIGNING OF THE ISRAELI-PLO ACCORDS, ISRAEL HAD ADMINISTRATIVELY DETAINED PALESTINIANS FOR LONGER PERIODS THAN PREVIOUSLY, WITH OVER HALF OF THE DETAINEES HAVING HAD THEIR ORDERS EXTENDED AT LEAST ONCE. THE LONGEST-HELD ADMINISTRATIVE DETAINEE, AHMED QATAMESH, ENTERED HIS SIXTH YEAR IN CUSTODY WITHOUT CHARGE.

THE ISRAELI GENERAL SECURITY SERVICE (GSS) CONTINUED TO TORTURE WHILE INTERROGATING PALESTINIAN SECURITY DETAINEES. THE STANDARD METHODS INVOLVED A PROLONGED REGIMEN OF CONFINEMENT IN PAINFUL AND UNNATURAL POSITIONS, HOODING, EXPOSURE TO INCESSANTLY LOUD NOISE, SLEEP DEPRIVATION, AND IN SOME CASES, VIGOROUS SHAKING OF THE HEAD BACK AND FORTH DURING QUESTIONING. ISRAELI AUTHORITIES DID NOT DENY USING THESE METHODS, BUT STATED THAT THEY WERE CAREFULLY REGULATED TO ENSURE THAT PHYSICAL PRESSURE REMAINED "MODERATE" AND NEVER AMOUNTED TO TORTURE. VIRTUALLY ALL HUMAN RIGHTS ORGANIZATIONS AND THE U.N. COMMITTEE AGAINST TORTURE (SEE BELOW) INSISTED THAT THESE PRACTICES, USED IN COMBINATION AND OVER TIME, CONSTITUTED TORTURE.

THE ISRAELI SUPREME COURT CONTINUED TO ABSTAIN FROM RULING WHETHER GSS INTERROGATION METHODS VIOLATED DOMESTIC OR INTERNATIONAL LAW. DURING 1996 AND 1997 IT RULED AGAINST PALESTINIANS UNDER INTERROGATION WHO PETITIONED THE COURT TO BAR THE USE OF PHYSICAL FORCE AGAINST THEM. IN THOSE CASES IN WHICH THE GSS CONTESTED THE PETITION, THE COURT ACCEPTED ITS ARGUMENTS THAT INTENSIVE INTERROGATION WAS REQUIRED TO OBTAIN FROM THE DETAINEES CRUCIAL AND URGENT INFORMATION AFFECTING ISRAELI SECURITY. THE COURT MERELY WARNED THAT GSS INTERROGATORS WERE BOUND BY ISRAELI LAW—WHICH PROHIBITS "THE USE OF FORCE OR VIOLENCE" DURING INTERROGATION—WITHOUT COMMENTING ON THE TENSION BETWEEN THIS LAW ON THE ONE HAND AND, ON THE OTHER, THE GSS INTERNAL GUIDELINES PERMITTING THE USE OF "MODERATE PHYSICAL PRESSURE" AND THE PHYSICAL METHODS BEING CONSISTENTLY ALLEGED BY THE PETITIONERS.

VIOLENT CLASHES CONTINUED TO ERUPT BETWEEN PALESTINIAN STONE-AND BOTTLE-THROWERS AND ISRAELI SOLDIERS, NOTABLY IN THE HEBRON AREA. ALTHOUGH THE SECURITY FORCES RELIED MORE ON RUBBER-COATED BULLETS THAN IN PREVIOUS YEARS, THEY KILLED FOURTEEN PALESTINIANS BETWEEN JANUARY AND JULY, ACCORDING TO B'TSELEM, AND INFLICTED MANY SERIOUS INJURIES, INCLUDING LOSS OF EYESIGHT, BY FIRING THESE BULLETS AT CLOSE RANGE.

ISRAEL STEPPED UP THE BULLDOZING OF HOUSES BUILT OR EXPANDED WITHOUT PERMITS IN EAST JERUSALEM AND THE WEST

BANK, DEMOLISHING MORE THAN ONE HUNDRED HOUSES, ACCORDING TO LOCAL HUMAN RIGHTS GROUPS. WHILE ISRAEL ASSERTED THAT IT WAS MERELY ENFORCING BUILDING CODES, THE FACT THAT THE DEMOLITIONS SURGED AFTER THE JULY SUICIDE BOMBING GAVE A BLATANTLY POLITICAL COLORING TO THE PRACTICE. SHLOMO DROR, SPOKESMAN FOR THE ISRAELI CIVIL AUTHORITY IN THE OCCUPIED TERRITORIES, ALLUDED TO THIS IN SEPTEMBER. "WE HAD DELAYED [DEMOLITIONS]," HE SAID, "TO TRY TO GIVE SOME CHANCE TO THE NEGOTIATIONS BETWEEN US AND THE PALESTINIANS AND TO TRY TO STOP TENSION BETWEEN US." AFTER THE JULY ATTACK, "EVERYTHING CHANGED, ALL THE REASONS WE HAD BEFORE DID NOT EXIST ANYMORE."

MANY PALESTINIANS BUILT WITHOUT PERMITS BECAUSE ISRAELI AUTHORITIES IN THE WEST BANK AND THE JERUSALEM MUNICIPALITY RARELY ISSUED PERMITS TO PALESTINIANS SEEKING TO CONSTRUCT OR ENLARGE THEIR HOMES. JEWISH HOMEOWNERS WITH THE SAME ASPIRATIONS WERE GRANTED PERMITS MORE EASILY AND WITH EXTREMELY RARE EXCEPTIONS, DID NOT RISK THE RAZING OF THEIR PROPERTY IF FOUND TO HAVE BUILT WITHOUT A PERMIT.

ISRAEL ALSO CONTINUED ITS POLICY OF COLLECTIVE PUNISHMENT BY DEMOLISHING THE FAMILY HOMES OF MILITANTS SUSPECTED OF KILLING ISRAELIS, EVEN WHEN THE MILITANT WAS HIMSELF ALREADY DEAD. AT LEAST FOUR FAMILY RESIDENCES WERE DESTROYED ON THESE GROUNDS DURING 1997.

IN JULY, ISRAEL'S PARLIAMENT GAVE ITS INITIAL APPROVAL TO A DRAFT LAW LIMITING THE RIGHT OF PALESTINIANS TO SEEK COMPENSATION FOR WRONGFUL INJURY OR DEATH CAUSED BY ISRAELI SOLDIERS. THE LEGISLATION WOULD DISQUALIFY MOST SUITS BY UNDULY BROADENING THE DEFINITION OF "COMBAT ACTIVITY"—SITUATIONS FOR WHICH NO COMPENSATION COULD BE SOUGHT—AND BY EXEMPTING FROM CONSIDERATION INJURIES THAT ARE NOT SERIOUS AND PERMANENT. IF ENACTED, THIS BILL WOULD EVISCERATE WHAT HAS BEEN ONE OF THE FEW MEANS OF HOLDING THE ISRAELI ARMY ACCOUNTABLE FOR ABUSES: CIVIL SUITS IN ISRAELI COURTS.

SINCE 1996, THE RIGHT OF EAST JERUSALEM PALESTINIANS TO RESIDE IN THEIR NATIVE CITY CAME UNDER DIRECT THREAT FROM A POLICY APPARENTLY DESIGNED TO FURTHER ISRAEL'S OBJECTIVE OF LIMITING THE PALESTINIAN POPULATION OF THE CONTESTED CITY. THESE 170,000 PALESTINIANS HAD OVERWHELMINGLY ELECTED NOT TO ACCEPT CITIZENSHIP AFTER ISRAEL ANNEXED THE EASTERN PORTION OF THE CITY. ISRAEL CLASSIFIED THESE PALESTINIANS AS "PERMANENT RESIDENTS" OF ISRAEL. THIS STATUS WAS SUBJECT TO REVOCATION, WHETHER OR NOT A PERSON WAS BORN IN THE CITY, IF THE INTERIOR MINISTRY DETERMINED THAT HE OR SHE HAD ESTABLISHED A PRIMARY RESIDENCE ELSEWHERE. OVER 1,000 ADULTS HAD LOST THEIR RIGHT TO LEGAL RESIDENCE SINCE 1996, AND WITH THEM, SEVERAL TIMES THAT NUMBER OF DEPENDENTS. THEY ALSO LOST THEIR HEALTH INSURANCE AND SOCIAL BENEFITS, AND RISKED BEING BARRED FROM REENTRY IF THEY EVER VENTURED OUT OF THE CITY. THE APPEALS PROCESS PLACED THE BURDEN OF PROOF ON THE RESIDENTS TO SHOW THROUGH WRITTEN DOCUMENTATION THAT JERUSALEM REMAINED THEIR "CENTER OF LIFE." MEANWHILE, ISRAEL DID NOT SUBJECT TO THE SAME SCRUTINY AND TESTS THE STATUS OF JEWISH JERUSALEM RESIDENTS WHO WERE NOT CITIZENS. THE INTERIOR MINISTER DECLARED HIS DETERMINATION TO CONTINUE THE POLICY IN SPITE OF A PROMISE BY PRIME MINISTER BENJAMIN NETANYAHU EARLY IN 1997 TO REVIEW IT.

## The Palestinian Authority

THE PALESTINIAN AUTHORITY (PA) FAILED DURING 1997 TO INSTITUTIONALIZE IMPORTANT SAFEGUARDS AGAINST PATTERNS OF HUMAN RIGHTS ABUSES THAT INCLUDED ARBITRARY DETENTIONS WITHOUT CHARGE OR TRIAL, SOMETIMES WITHOUT DISCLOSING THE DETAINEE'S WHEREABOUTS; MISTREATMENT OF DETAINEES UNDER INTERROGATION; AND PERSECUTION OF THOSE WHO CRITICIZED OR CHALLENGED THE AUTHORITIES. THE PA CONTINUED TO REFER CASES TO THE STATE SECURITY COURT, WHERE DEFENDANTS RECEIVED ALMOST NONE OF THE BASIC DUE PROCESS RIGHTS. THE PREEMINENT FORUM FOR AIRING HUMAN RIGHTS ISSUES REMAINED THE PALESTINIAN LEGISLATIVE COUNCIL, BUT ITS INFLUENCE WAS DIMINISHED BY THE DISMISSIVE ATTITUDE OF THE EXECUTIVE BRANCH TOWARD ITS ACTIVITIES AND RESOLUTIONS.

IN AUGUST, PALESTINIAN HUMAN RIGHTS GROUPS, INCLUDING LAWÉ, ESTIMATED THE TOTAL NUMBER OF DETAINEES BEING HELD BY THE PA WITHOUT CHARGE OR TRIAL AT BETWEEN 200 AND 300. THE FOLLOWING MONTH, AT LEAST EIGHTY SUSPECTED HAMAS ACTIVISTS WERE ROUNDED UP AND HELD WITHOUT CHARGE, FOLLOWING ISRAELI AND U.S. PRESSURE FOR A CRACKDOWN IN THE WAKE OF THE SEPTEMBER 4 BOMBING IN JERUSALEM.

THE INDEPENDENT PALESTINIAN HUMAN RIGHTS MONITORING GROUP (PHRMG) ISSUED A REPORT ON MAY 27 ALLEGING "WIDE-SPREAD" TORTURE OF DETAINEES UNDER INTERROGATION, BASED ON A STUDY OF FORTY-TWO WEST BANK AND GAZA RESIDENTS WHO UNDERWENT INTERROGATION SINCE 1996. THE REPORT STATED THAT, ACCORDING TO THEIR TESTIMONY, "ALL SUSPECTS WERE

BEATEN, OVER HALF WITH THE AID OF A WEAPON OR WHILE TIED IN A PAINFUL POSITION." NINE WERE EITHER SUBJECTED TO IMMERSION IN COLD WATER OR EXPOSED TO COLD WEATHER OR BURNS FROM CIGARETTES OR OTHER HOT OBJECTS, PHRMG REPORTED.

ONE OF THE FIVE SUSPICIOUS DEATHS IN CUSTODY BETWEEN JANUARY AND SEPTEMBER RESULTED IN A CRIMINAL TRIAL BY THE TIME THIS REPORT WENT TO PRESS. A MILITARY COURT WAS CONVENED ONE DAY AFTER THE JUNE 30 DEATH OF NASSER ABED RADWAN FROM BLOWS TO THE HEAD. IT SENTENCED THREE OFFICERS TO DEATH AND THREE OTHERS TO PRISON TERMS. AS IN OTHER CASES THAT CAUSED AN UPROAR, THE ANNOUNCEMENT OF A TRIAL, CONVICTION AND SENTENCING SO QUICKLY AFTER THE DEATH SUGGESTED AN EFFORT BY THE AUTHORITIES ABOVE ALL TO MOLLIFY CRITICS, WITH LITTLE REGARD FOR ENSURING THAT THE DEFENDANTS ENJOYED THEIR RIGHTS IN COURT. NONE OF THE DEATH PENALTIES HANDED DOWN BY PALESTINIAN COURTS HAD BEEN CARRIED OUT AS OF THIS WRITING.

THERE WERE SOME GESTURES BY THE PA IN RESPONSE TO HUMAN RIGHTS CRITICISM. IN JULY, FAYEZ ABU RAHMEH WAS NAMED TO REPLACE ATTORNEY GENERAL KHALED AL-QIDRA, WHO HAD GAINED NOTORIETY FOR ORDERING THE ARREST OF SEVERAL CRITICS OF THE PA AND OTHER MEASURES THAT UNDERMINED THE RULE OF LAW. AND ON JULY 1, POLICE CHIEF GHAZI JABALI WARNED THE SECURITY SERVICES TO CURTAIL ABUSES AND VIOLENCE AMONG THEIR RANKS. "WE WILL NOT BE TOLERANT OF ANYONE, NO MATTER WHAT THEIR RANK, IF THERE IS A COMPLAINT ABOUT HIM FROM A CITIZEN WHO WAS BEATEN," HE ANNOUNCED IN ADVERTISEMENTS IN PALESTINIAN NEWSPAPERS IN WHICH HE URGED PEOPLE TO VOICE THEIR COMPLAINTS.

SOON AFTER BECOMING ATTORNEY GENERAL, ABU RAHMEH PROMISED TO EXAMINE THE CASES OF SOME 190 DETAINEES THAT HE SAID WERE BEING HELD WITHOUT CHARGE OR TRIAL, AND TO TRY OR RELEASE THEM "AS SOON AS POSSIBLE." BUT AFTER HE ORDERED THE RELEASE OF TEN DETAINEES FOR LACK OF EVIDENCE ON AUGUST 15, PALESTINIAN SECURITY FORCES PROMPTLY REARRESTED THE MEN.

AT LEAST THREE MEN REPUTED TO HAVE SOLD LAND TO ISRAELIS WERE MURDERED IN CIRCUMSTANCES THAT STRONGLY SUGGESTED OFFICIAL TOLERANCE IF NOT INVOLVEMENT IN THE KILLING. THEY WERE KILLED SHORTLY AFTER THE PA ANNOUNCED IN EARLY MAY THAT IT WOULD SEEK THE DEATH PENALTY FOR PALESTINIANS CONVICTED OF SELLING LAND TO JEWS, PURSUANT TO JORDANIAN LAW, WHICH REMAINS IN EFFECT IN THE WEST BANK. JUSTICE MINISTER FREIH ABU MEDEIN MADE INFLAMMATORY STATEMENTS AT THE TIME THAT SEEMED TO GIVE A GREEN LIGHT TO VIOLENCE AGAINST SUSPECTED LAND DEALERS. FOR EXAMPLE, AFTER THE MAY 9 MURDER OF LAND DEALER FARID BASHITI, ABU MEDEIN TOLD THE PRESS, "AS I HAVE SAID BEFORE, EXPECT THE UNEXPECTED FOR THESE MATTERS BECAUSE NOBODY FROM THIS MOMENT WILL ACCEPT ANY TRAITOR WHO SELLS HIS LAND TO ISRAELIS." THE PA MADE NO ARRESTS IN ANY OF THE KILLINGS.

AFTER TWO YEARS IN WHICH NEWSPAPERS WERE CONFISCATED AND JOURNALISTS THREATENED AND ARRESTED, THE LOCAL PALESTINIAN PRESS GENERALLY AVOIDED DIRECT CRITICISM OF PRESIDENT ARAFAT, ALTHOUGH CRITICISM WITHIN CERTAIN LIMITS OF LOWER PA OFFICIALS WAS TOLERATED. WHILE PUBLIC DISSENT WAS NOT SYSTEMATICALLY SUPPRESSED, CRITICS OF THE PA CONTINUED TO BE AT RISK OF ARREST. GAZA LAWYER JAMEEL SALAMEH WAS DETAINED ON APRIL 26 IN CONNECTION WITH AN ARTICLE HE WROTE THAT COMPARED THE PA UNFAVORABLY WITH THE GOVERNMENT OF ISRAEL IN ITS HANDLING OF CORRUPTION. HE WAS RELEASED AFTER ONE WEEK WITHOUT CHARGE. ON JULY 2, PALESTINIAN PREVENTIVE SECURITY FORCES ARRESTED FATHI SUBUH, A PROFESSOR OF EDUCATION AT AL-AZHAR UNIVERSITY IN GAZA, SHORTLY AFTER HE HAD GIVEN HIS STUDENTS AN EXAMINATION CONTAINING A QUESTION ON CORRUPTION AT THE UNIVERSITY AND WITHIN THE PA. THE OFFICIAL CLAIM THAT "SECURITY REASONS" WERE BEHIND THE ARREST WAS UNDERMINED WHEN SECURITY FORCES CONFISCATED THE STUDENTS' EXAMINATION BOOKLETS FROM HIS HOME. SUBUH WAS ALLOWED NO CONTACT WITH HIS FAMILY OR LAWYER FOR MORE THAN A MONTH. PETITIONS TO SECURE HIS RELEASE FROM DETENTION IN OCTOBER, AT WHICH TIME HE HAD STILL NOT BEEN CHARGED, WERE REJECTED BY THE PALESTINIAN HIGH COURT OF JUSTICE ON THE GROUNDS THAT THE CASE WAS BEFORE THE STATE SECURITY COURT AND THEREFORE BEYOND ITS JURISDICTION, ACCORDING TO THE GAZA-BASED PALESTINIAN CENTRE FOR HUMAN RIGHTS.

IN THE FACE OF PA INTIMIDATION OF CRITICS, THE PALESTINIAN LEGISLATIVE COUNCIL WAS THE PREEMINENT FORUM FOR DEBATING AND EXPOSING ISSUES OF HUMAN RIGHTS AND CORRUPTION. WHEN LIVE COVERAGE OF THE COUNCIL'S SESSIONS PROVED POPULAR AMONG WEST BANK VIEWERS, THE PA RESPONDED BY JAMMING THE SIGNAL AND DETAINING DAUD KUTTAB, THE JOURNALIST RESPONSIBLE FOR ARRANGING THE BROADCASTS. KUTTAB WAS RELEASED ON MAY 27 AFTER ONE WEEK IN DETENTION

WITHOUT CHARGE. ALTHOUGH THE PA HAD NOT, AS OF EARLY NOVEMBER, PERMITTED THE RESUMPTION OF EXTENSIVE LIVE COVERAGE OF THE COUNCIL'S SESSIONS, THE WEST BANK'S LOCAL TELEVISION STATIONS CONTINUED TO OFFER TALK AND CALL-IN SHOWS THAT PROVIDED A LIVELY CONTRAST TO THE STAID PA-CONTROLLED STATION.

## **The Right to Monitor**

ISRAEL PERMITTED HUMAN RIGHTS ORGANIZATIONS TO COLLECT AND DISSEMINATE INFORMATION IN THE AREAS UNDER ITS CONTROL. HOWEVER, CLOSURES KEPT HUMAN RIGHTS WORKERS, LIKE OTHER PALESTINIANS WHO DID NOT HOLD JERUSALEM IDENTITY CARDS, FROM MOVING FREELY AMONG REGIONS WITHIN THE WEST BANK AND GAZA STRIP. PALESTINIAN LAWYERS WERE FREQUENTLY UNABLE TO REACH CLIENTS IN JAILS INSIDE ISRAEL.

ON JULY 27, ISRAEL RENEWED FOR SIX MONTHS THE ADMINISTRATIVE DETENTION OF SHA'WAN JABARIN, FIELDWORK COORDINATOR AT AL-HAQ. HE HAS BEEN HELD OFF AND ON FOR A TOTAL OF NEARLY FIVE YEARS SINCE 1999, ALL OF THAT TIME WITHOUT CHARGE OR TRIAL.

THE PA ALLOWED HUMAN RIGHTS ORGANIZATIONS TO OPERATE IN THE TERRITORY UNDER ITS JURISDICTION. FOR A VARIETY OF REASONS, INCLUDING PRESSURE ON THOSE WHO PUBLICLY CRITICIZED THE PA, SOME OF THESE GROUPS OPTED FOR TACTICS OTHER THAN PUBLIC DENUNCIATION TO MAKE KNOWN THEIR CONCERNS ABOUT PA PRACTICES.

ON OCTOBER 26, PALESTINIAN SECURITY FORCES ARRESTED KHALED AMAYREH, A JOURNALIST AND HUMAN RIGHTS ACTIVIST, AFTER HE PUBLISHED A REPORT ON THE TORTURE OF HAMAS DETAINEES IN A PA CENTER NEAR HEBRON. AMAYREH SAID LATER THAT HE WAS HELD FOR ALMOST TWO DAYS AND VERBALLY ABUSED BY JIBRIL RAJOUR, HEAD OF THE PREVENTIVE SECURITY SERVICE IN THE WEST BANK. HE WAS RELEASED WITHOUT CHARGE.

THE PA CONTINUED TO DENY TO RIGHTS GROUPS REGULAR ACCESS TO PRISONS, ALTHOUGH AD HOC VISITS WERE GRANTED TO LAWYERS AND HUMAN RIGHTS WORKERS IN THEIR INDIVIDUAL CAPACITIES. THE HUMAN RIGHTS GROUP LAWE STATED ON OCTOBER 20 THAT THE HEAD OF GENERAL INTELLIGENCE IN THE WEST BANK, RESPONSIBLE FOR DETAINEES UNDER INVESTIGATION, HAD BARRED ITS STAFF FROM ANY VISITS TO PRISONS UNDER ITS AUTHORITY. LAWE LINKED THE MOVE TO ITS EXPOSURE OF TORTURE BY PALESTINIAN SECURITY FORCES.

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

### **United Nations**

THE U.N. COMMITTEE AGAINST TORTURE, ON MAY 7, 1997, FOLLOWING ITS REVIEW OF ISRAEL'S REPORT OF FEBRUARY 17, FOUND THAT ISRAEL'S METHODS OF INTERROGATION, AS DOCUMENTED BY HUMAN RIGHTS ORGANIZATIONS, "CONSTITUTE TORTURE AS DEFINED IN ARTICLE 1 OF THE CONVENTION." THE COMMITTEE RECOMMENDED THAT METHODS THAT ARE IN CONFLICT WITH THE CONVENTION "CEASE IMMEDIATELY" AND URGED ISRAEL TO INCORPORATE THE CONVENTION'S PROVISIONS INTO DOMESTIC LAW. IN ITS REPORT, ISRAEL DID NOT DISPUTE THE CHARGES MADE BY HUMAN RIGHTS ORGANIZATIONS BUT INSTEAD DEFENDED THE USE OF "A MODERATE DEGREE OF PRESSURE, INCLUDING PHYSICAL PRESSURE," DURING INTERROGATION OF "DANGEROUS TERRORISTS WHO REPRESENT A GRAVE THREAT."

### **European Union**

IN DECEMBER 1996, THE COUNCIL OF MINISTERS CITED ISRAEL'S COMMITMENT UNDER THE EURO-MEDITERRANEAN ASSOCIATION AGREEMENT "TO PROMOTE COMPLIANCE WITH THE BASIC NORMS OF DEMOCRACY, INCLUDING RESPECT FOR HUMAN RIGHTS AND THE RULE OF LAW." THE E.U.-ISRAEL ASSOCIATION AGREEMENT WAS RATIFIED BY MOST E.U. MEMBER STATES DURING 1996-1997. IRELAND, NETHERLANDS, DENMARK AND THE UNITED KINGDOM ADDED MINISTERIAL STATEMENTS OR PARLIAMENTARY RESOLUTIONS THAT UNDERScoreD THE HUMAN RIGHTS DIMENSION OF THE AGREEMENT, IN SOME CASES STATING THAT THE PERSISTENCE OF ABUSES SUCH AS TORTURE WOULD PLACE ISRAEL IN VIOLATION OF THE AGREEMENT.

THE EUROPEAN UNION WAS THE LARGEST SINGLE DONOR TO THE PA. BY 1996 IT HAD PROVIDED THE PA WITH U.S.\$404 MILLION, AND PLEDGED TO PROVIDE AN ADDITIONAL \$63 MILLION ANNUALLY UNTIL 1998. IN 1997 A PRELIMINARY AGREEMENT WAS

reached that would promote trade cooperation and development of the PA areas and pave the way for a Euro-Mediterranean Association Agreement. According to press reports, when President Arafat came to Brussels to sign the interim agreement, E.U. officials cautioned him that the agreement could be jeopardized by a persistent pattern of human rights abuses.

## United States

Israel remained the largest recipient of U.S. bilateral aid, with over \$3 billion in economic and military assistance. As in past years, there were no indications that the U.S. was prepared to link continued aid to curtailing human rights abuses.

The U.S. remained the principal third party in the Israeli-PLO negotiations. With that process stalemated during much of the year amid mutual recriminations, the Clinton administration publicly pressured the PA to crack down on Hamas and Islamic Jihad. It also broke its customary silence on Israeli abuses on a few occasions when it believed that Israeli practices were complicating the negotiations. Settlement construction was the most frequent but not the only human rights topic mentioned. During Secretary of State Madeleine Albright's first visit to the region in September, she called on President Arafat to fight harder against terrorism while urging Israel to take a "time out" on settlement construction, ease its blockade of the PA-controlled areas, and refrain from "land confiscations, home demolitions and confiscation of I.D.s." It was probably the strongest public statement on human rights uttered in Israel by a U.S. secretary of state in several years. While such public demarches were infrequent, diplomats at the Tel Aviv embassy and Jerusalem consulate actively followed human rights developments throughout the West Bank and Gaza Strip and made numerous demarches both with the Israeli and Palestinian authorities.

U.S. policy toward the PA was dominated by pressure on the PA to act decisively against anti-Israeli violence, one of Israel's conditions for continuing the negotiating process. U.S. pressure was often applied in a manner that, in light of the past record of the PA, condoned arbitrary arrests and other abuses in the name of containing anti-Israeli violence. For example, on August 5, Secretary Albright told reporters, "What we would like is as robust a reaction to the terrorists as [Arafat] took in March 1996, where he undertook a series of very specific steps to deal with the terrorist threat," an apparent reference to the roundup of several hundred suspected Islamists who were then held without charge or trial, and the summary closure of charitable organizations affiliated with Hamas and Islamic Jihad. The U.S. applauded when the PA began rounding up suspected Hamas activists in September—again, without charges being filed—and closing Hamas-affiliated charitable organizations. State Department spokesman James Foley said on September 9, "We think any step in the direction of an active, relentless effort to dismantle the security infrastructure [of the extremist groups] in the territories under the Palestinian Authority's control is a positive step...."

Following the failed assassination attempt by Israeli intelligence agents of Khaled Meshal, a Hamas official in Amman, Jordan, the U.S. obliquely criticized the Israeli operation while urging the PA to continue its crackdown on that organization. Referring to the Hamas institutions the PA shut down as having supported "the terrorist infrastructure that we're trying to eliminate," State Department spokesman James Rubin said on October 6, "We want them shut down. Those people who support them ought to be arrested and ought to stay in jail."

When the PA committed abuses that fell outside the context of the fight against anti-Israeli violence—such as by jailing secular critics and journalists, and when a detainee died under suspicious circumstances—the U.S. was more willing to speak out and make demarches. The U.S. took a strong public stance over the arrest of Palestinian-American journalist Daoud Kuttab. And following the death of detainee Yousef al-Baba in February, U.S. Consul in Jerusalem Edward Abington declared, "Too many Palestinians have died while in [PA] custody. Palestinians must not suffer at the hands of other Palestinians. Those who break the law must be held accountable." He also told Reuters, "Security is important but it can't come at the cost of human rights," a laudable maxim that did not characterize U.S. policy overall toward the PA during 1997.

The U.S. provided an annual \$100 million to the West Bank and Gaza Strip, most of it toward programs

administered by U.S. Agency for International Development (AID). The self-described goals of AID programs included strengthening democracy and civil society and increasing the flow and diversity of information to citizens. One recipient was the project to provide live televised coverage of the sessions of the Palestinian Legislative Council (see above). In August 1997, U.S. assistance to the self-ruled areas was held up following Congress's failure to re-certify, within a deadline provided by legislation, that the PA was doing enough to curb anti-Israeli violence.

### **Relevant Human Rights Watch reports:**

*ISRAEL—WITHOUT STATUS OR PROTECTION: LEBANESE DETAINEES IN ISRAEL, 10/97*

*ISRAEL/LEBANON: "OPERATION GRAPES OF WRATH," 9/97*

*PALESTINIAN SELF-RULE AREAS: HUMAN RIGHTS UNDER THE PALESTINIAN AUTHORITY, 9/97*

*ISRAEL—LEGISLATING IMPUNITY: THE DRAFT LAW TO HALT PALESTINIAN TORT CLAIMS, 7/97*

## **SAUDI ARABIA**

### **Human Rights Developments**

The government of Saudi Arabia, an absolute monarchy, continued to violate a broad array of civil and political rights, allowing no criticism of the government, no political parties, nor any other potential challenges to its system of government. The use of arbitrary arrest and incommunicado detention, torture, and corporal and capital punishment was common in both political and common criminal cases, and the judicial system failed to provide the most basic fair trial guarantees.

Women faced institutionalized discrimination affecting their freedom of movement and association and their right to equality in employment and education. Muslim religious practices deemed heterodox by government-appointed Islamic scholars, and all non-Muslim religious practices, were banned and subject to criminal prosecution. Labor organizing and collective bargaining were also illegal. Saudi labor law gives employers tremendous control over foreign workers' freedom of movement, control that was often used to force workers to accept oppressive labor conditions or forgo legitimate claims to compensation. Labor protections did not extend to domestic workers, and labor courts rarely enforced the few protections provided by law, such as when workers sought to have the terms of their contracts honored.

Saudi law granted the king broad powers to appoint and dismiss judges and create special courts, undermining judicial independence. Detainees had no right to legal counsel, to examine witnesses, or to call witnesses in their own defense. The law also allowed for unlimited pre-trial detention, and conviction on the basis of uncorroborated confessions. Article 4 of the Basic Law of 1992 waived, for cases of "crimes involving national security," the few protections Saudi law did offer detainees. In this article, these crimes are so broadly defined as potentially to extend to nonviolent opposition to the government.

The Saudi government has not published or disseminated a penal code, code of criminal procedure, or code of judicial procedure. Only a limited number of laws existed in published form. Principles of Islamic law were subject to reinterpretation by government-appointed religious leaders. Judges enjoyed broad discretion in determining which witnesses would be called to testify, and in defining criminal offenses and setting their punishments. These factors encouraged arbitrariness in sentencing and allowed great scope for manipulation of the justice system by well-connected interested parties.

The case of 'Abd al-Karim al-Naqshabandi, a Syrian worker executed on witchcraft charges in December 1996, illustrated how defendants' rights were violated and decisions regarding arrest, trial and sentencing were vulnerable to outside intervention. According to al-Naqshabandi's written testimony, he was arrested in 1994 at the behest of his employer, a nephew of King Fahd. The primary evidence against him appears to have been his

ALLEGED POSSESSION OF RELIGIOUS AMULETS. DENIED ACCESS TO A LAWYER AND PHYSICALLY ABUSED IN POLICE CUSTODY, AL-NAQSHABANDI SIGNED A CONFESSION THAT HE ATTEMPTED TO RETRACT DURING THE TRIAL. ALTHOUGH HE PROVIDED NAMES OF TWENTY-THREE INDIVIDUALS WHO COULD HAVE GIVEN TESTIMONY ON HIS BEHALF, THE JUDGE CALLED ONLY PROSECUTION WITNESSES. FRIENDS AND FAMILY MEMBERS WHO VISITED AL-NAQSHABANDI IN PRISON THREE DAYS BEFORE HIS EXECUTION SAID THAT HE HAD NO KNOWLEDGE HE HAD EVEN BEEN CONVICTED, AND HIS FAMILY ONLY LEARNED OF HIS EXECUTION WHEN THEY READ ABOUT IT IN THE NEWSPAPER. AS OF OCTOBER HIS BODY HAD NOT BEEN RETURNED TO HIS FAMILY FOR BURIAL, DESPITE AN OFFICIAL REQUEST FROM THE SYRIAN EMBASSY. THE CASE WAS FEATURED IN A HUMAN RIGHTS WATCH REPORT ISSUED IN OCTOBER.

TWO BRITISH NURSES EMPLOYED IN RIYADH WHO WERE CHARGED WITH MURDERING AN AUSTRALIAN COLLEAGUE WERE, IN A HIGHLY UNUSUAL DEVELOPMENT, ALLOWED ACCESS TO LEGAL COUNSEL DURING THEIR TRIAL. BRITISH CONSULAR OFFICIALS ALSO RECEIVED PERMISSION TO ATTEND THE HEARINGS. DEBORAH PARRY AND LUCILLE MCLAUCHLAN BOTH ATTEMPTED TO WITHDRAW CONFESSIONS OBTAINED FROM THEM, SAYING THEY CONFESSED UNDER DURESS AFTER BEING SUBJECTED TO PSYCHOLOGICAL, PHYSICAL AND SEXUAL ABUSE DURING THEIR INTERROGATION. THEIR LAWYERS REPORTED THAT THEY WERE NOT ALLOWED ADEQUATE OPPORTUNITY TO REVIEW THE PROSECUTION CASE OR TO SUBMIT EVIDENCE, AND CHARGED THAT "ALL THEY [THE JUDGES] LOOKED AT WERE THE TWO CONFESSIONS, WHICH HAD BEEN RETRACTED. NEVER ONCE DID THEY EXAMINE HOW FLIMSAY AND CIRCUMSTANTIAL THE EVIDENCE IS." VERDICTS WERE APPARENTLY REACHED IN AUGUST BUT LAWYERS FOR MCLAUCHLAN WERE ONLY NOTIFIED OF THE SENTENCE OF 500 LASHES AND EIGHT YEARS IMPRISONMENT IN LATE SEPTEMBER. PARRY WAS BELIEVED TO BE FACING A DEATH SENTENCE BUT AS OF LATE OCTOBER HER SENTENCE HAD NOT BEEN ANNOUNCED. A DEATH PENALTY IN A MURDER CASE CAN BE COMMUTED IF THE VICTIM'S FAMILY AGREES TO COMMUTATION IN EXCHANGE FOR COMPENSATION, AND ON OCTOBER 15 THE VICTIM'S BROTHER AGREED TO THE COMMUTATION IN EXCHANGE FOR U.S.\$1.2 MILLION. BOTH PARRY AND MCLAUCHLAN'S SENTENCES MUST UNDERGO ADDITIONAL REVIEW, AND MAY BE REDUCED IN LIGHT OF THE SETTLEMENT.

IN JANUARY A GROUP OF NINETEEN PAKISTANIS, INCLUDING SEVEN CHILDREN, WERE ARRESTED ON DRUG SMUGGLING CHARGES ON THEIR ARRIVAL IN JEDDAH. DRUG SMUGGLING CARRIES A DEATH SENTENCE IN SAUDI ARABIA. IN AUGUST SAUDI AMBASSADOR TO PAKISTAN ASAD ABDUL AZIZ AL-ZUHAYR DENIED PRESS REPORTS THAT HE HAD PROMISED PAKISTANI OFFICIALS THAT THE CHILDREN WOULD BE RETURNED TO PAKISTAN, SAYING THAT "THE CASE IS BEFORE THE COURT AND [THE CHILDREN] MAY BE RELEASED AFTERWARDS." ISLAMIC LAW SETS PUBERTY AS THE AGE OF CRIMINAL RESPONSIBILITY, RAISING THE POSSIBILITY THAT AT LEAST ONE OF THE OLDER CHILDREN, A THIRTEEN-YEAR-OLD GIRL, COULD BE CONVICTED. ALTHOUGH SAUDI ARABIA IN 1996 RATIFIED THE CONVENTION ON THE RIGHTS OF THE CHILD, WHICH PROHIBITS SENTENCES OF CAPITAL PUNISHMENT OR LIFE IMPRISONMENT FOR MINORS, IT ENTERED FORMAL RESERVATIONS EXEMPTING ITSELF FROM THE OBLIGATION TO COMPLY WITH "ALL SUCH ARTICLES AS ARE IN CONFLICT WITH THE PROVISIONS OF ISLAMIC LAW."

SHI'A CITIZENS OF SAUDI ARABIA FACED WIDESPREAD GOVERNMENT DISCRIMINATION, INCLUDING UNEQUAL ACCESS TO SOCIAL SERVICES, EDUCATION, AND GOVERNMENT JOBS, ESPECIALLY THOSE IN THE NATIONAL SECURITY SECTOR. THE GOVERNMENT RARELY PERMITTED PRIVATE CONSTRUCTION OF SHI'A MOSQUES OR COMMUNITY CENTERS, AND EVEN BOOKS ON SHI'ISM WERE BANNED. IN ITS 1996/97 ANNUAL REPORT, THE AL-HARAMAIN ISLAMIC INFORMATION CENTER, A LONDON-BASED SHI'A ORGANIZATION, PUBLISHED THE TEXT OF A DECEMBER 1996 COURT RULING AGAINST MOHAMMAD HUSSAYN MOHAMMAD AL-TAWIL AND 'ABDULLAH 'ALI HASSAN AL-JAFIL ON CHARGES OF BRINGING 1,313 SHI'A RELIGIOUS BOOKS INTO SAUDI ARABIA FROM KUWAIT. DESCRIBING THE BOOKS AS CONSTITUTING "A DEFINITION OF THE DOCTRINE OF THIS CORRUPT SECT," THE JUDGE SENTENCED AL-TAWIL TO ONE YEAR IN PRISON AND 240 LASHES, AND AL-JAFIL TO EIGHTEEN MONTHS IN PRISON AND 300 LASHES.

WIDESPREAD ARRESTS OF SHI'A SUSPECTED OF POLITICAL ACTIVITIES CONTINUED THROUGHOUT 1997, AND WERE ESPECIALLY FREQUENT IN EASTERN PROVINCE, WHERE THE MAJORITY OF SHI'A RESIDE. A NUMBER OF THOSE ARRESTED WERE SHI'A CLERICS, INCLUDING HASSAN MUHAMMAD AL-NIMR, WHO WAS ARRESTED ON MARCH 25. INDIVIDUALS IN CUSTODY WERE FREQUENTLY SUBJECT TO THREATS AND ABUSE DURING INTERROGATION, ACCORDING TO SHI'A ORGANIZATIONS IN EXILE. IN DECEMBER 1996 AL-HARAMAIN REPORTED THE DEATH IN POLICE CUSTODY OF TWENTY-ONE-YEAR-OLD HAYTHAM 'ALI BAHR, APPARENTLY AS A RESULT OF TORTURE. HUMAN RIGHTS WATCH RECEIVED REPORTS THAT AT LEAST TWO OTHER INDIVIDUALS WERE HOSPITALIZED AS A RESULT OF TORTURE IN POLICE CUSTODY DURING 1997.

THE GOVERNMENT OWNED ALL DOMESTIC RADIO AND TELEVISION STATIONS, AND EXERTED TREMENDOUS INFLUENCE OVER OTHER DOMESTIC AND INTERNATIONAL MEDIA OUTLETS. SEVERAL IMPORTANT FOREIGN-BASED PRINT AND BROADCASTING MEDIA WERE



owned by members of the Saudi royal family or their associates, and according to the Committee To Protect Journalists, the domestic media was subject to close supervision by the king, who had to approve senior staffing decisions. Foreign publications were often censored or banned. In January the Egyptian literary magazine *AKHBAR AL-ADAB* was banned, apparently because its cover featured a drawing of Jesus. A May issue of *al-Hayat* newspaper containing an interview with Osama bin Ladin, an exiled Saudi financier known for backing radical Islamic groups, was confiscated before reaching newsstands.

Saudi Arabia's accession in September to the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was undercut by the formal reservations it registered. The government exempted itself from the obligation to implement CERD provisions it deemed "in contradiction with the Shari'a," and rejected Article 22's provision allowing any State Party to bring disputes over interpretation or application of the convention to the International Court of Justice. Its reservation to the Convention against Torture rejected the provision of Article 3, which forbids turning over a person to another state where he or she may be at risk of torture, and Article 20, which provides a mechanism for monitoring and reporting on patterns of torture. Saudi Arabia has on several occasions deported or extradited individuals to countries where they were at risk of torture.

In July King Fahd expanded the all-male Consultative (Shura) Council from sixty to ninety members, including two Shi'a members. The first appointments to the council, in 1993, included only one Shi'a member, although the Shi'a community is believed to comprise about 10 percent of the Saudi population. The council is an appointed advisory body with no legislative functions. Its meetings are closed to the public and members are forbidden to take any documents relating to the council's work out of the council offices.

## **The Right to Monitor**

Saudi controls on information and its harsh suppression of freedom of conscience and expression made it impossible for human rights organizations to operate in Saudi Arabia. Government monitoring of telephone and mail communications made Saudis reluctant to comment on human rights conditions there, and even those who lived abroad often requested anonymity when providing human rights information, so as to avoid reprisals against themselves or their families.

No international human rights organization has received authorization to conduct a mission to Saudi Arabia for several years. In 1995 Human Rights Watch received a verbal invitation to visit the country from Prince Bandar, the Saudi ambassador to the U.S., but subsequent inquiries to follow up on the invitation have gone unanswered.

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

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

### **United Kingdom**

Saudi Arabia remained a major U.K. trading partner and market for arms exports. British firms were in competition for arms contracts worth several billion dollars. Secretary of State Robin Cook announced in July that the new Labour Party government policy would reflect a commitment to human rights, and promised a review of British arms sales and military training assistance programs to ensure that they were consistent with human rights objectives. As of October the results of such a review had not been made public.

British courts in May allowed three domestic workers, all Philippines nationals, to sue their employers, one of

WHOM BELONGED TO THE SAUDI ROYAL FAMILY, FOR PHYSICAL ABUSE, FORCED CONFINEMENT, AND BREACH OF CONTRACT. THE ABUSES ALLEGEDLY WERE SUFFERED BOTH IN SAUDI ARABIA AND WHEN THEY WERE BROUGHT TO WORK FOR THE COUPLE IN LONDON. BRITISH LAW SINCE 1980 ALLOWED FOREIGNERS TO BRING DOMESTIC STAFF WITH THEM TO BRITAIN ON THE CONDITION THAT THESE WORKERS NOT CHANGE JOBS WHILE IN BRITAIN, A CONDITION THAT FORCED SOME WORKERS TO SUBMIT TO ABUSE OR ACCEPT DEPORTATION. GERALDINE JURALBAL AND JOSEPHINE AND SLORDELIZA MABANTA HAD CONTESTED THEIR EMPLOYERS' ARGUMENTS THAT THE CASE SHOULD BE HEARD IN SAUDI ARABIA, SAYING THEY WOULD NOT BE ABLE TO GET A FAIR HEARING IN SAUDI ARABIA AND THEY WOULD BE AT RISK IF THEY WERE RETURNED THERE. LAWYERS FOR THE WOMEN EXPECTED THE CASE TO GO TO TRIAL IN EARLY 1998. IN AUGUST IMMIGRATION MINISTER MIKE O'BRIAN SAID THAT HE WAS "VERY CONCERNED BY REPEATED ALLEGATIONS OF ILL-TREATMENT OF DOMESTIC WORKERS ALLOWED TEMPORARY ENTRY INTO BRITAIN TO WORK FOR THEIR FOREIGN EMPLOYER," AND PROMISED THAT "THE GOVERNMENT INTENDS TO TACKLE THIS."

IN SEPTEMBER SECRETARY COOK BROKE A LONG BRITISH TRADITION OF "QUIET DIPLOMACY," TO PUBLICLY DENOUNCE THE SENTENCE OF 500 LASHES AGAINST BRITISH CITIZEN LUCILLE MCLAUCHLAN (SEE ABOVE), CALLING IT "WHOLLY UNACCEPTABLE IN THE MODERN WORLD."

## United States

SAUDI ARABIA CONTINUED TO ENJOY CLOSE RELATIONS WITH THE U.S. IN A STRATEGIC PARTNERSHIP. IT PROVIDED A MAJOR MARKET FOR U.S. ARMS AND CIVILIAN GOODS, A BASE FOR OVER 5,000 U.S. TROOPS AND FOR U.S. PLANES PATROLLING THE "NO-FLY ZONE" IN SOUTHERN IRAQ, AND REMAINED A MAJOR FORCE IN THE OIL INDUSTRY. IN 1996 U.S. EXPORTS TO SAUDI ARABIA REACHED U.S.\$7.31 BILLION, WHILE SAUDI PETROLEUM EXPORTS TO THE U.S. TOTALED U.S. \$8.16 BILLION.

ALTHOUGH THE STATE DEPARTMENT'S *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1996* PROVIDED A FAIRLY COMPREHENSIVE OVERVIEW OF THE RANGE OF HUMAN RIGHTS ABUSES IN SAUDI ARABIA, SUCH CRITICISMS SEEMED TO HAVE LITTLE OR NO IMPACT ON U.S. POLICY, AND PUBLIC STATEMENTS ON SAUDI ARABIA THROUGHOUT THE YEAR RARELY INCLUDED HUMAN RIGHTS CONCERNS. ONE EXCEPTION WAS THE ISSUE OF RELIGIOUS FREEDOM, WHICH WAS THE SUBJECT OF CONGRESSIONAL HEARINGS AND PROPOSED LEGISLATION PROVIDING FOR SANCTIONS AGAINST GOVERNMENTS ENGAGED IN RELIGIOUS PERSECUTION. ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR JOHN SHATTUCK SAID IN JANUARY, "WE HAVE BEEN VERY CONCERNED AND HAVE RAISED BOTH PRIVATELY AND PUBLICLY THE ISSUE OF FREEDOM OF RELIGION AND PARTICULARLY THE QUESTION OF FREE EXERCISE OF RELIGION BY UNITED STATES PERSONNEL WHEN THEY ARE IN SAUDI ARABIA . . . I THINK OUR ENGAGEMENT ON THIS SUBJECT IS VERY IMPORTANT IN TERMS OF PRESENTING A CLIMATE IN WHICH INDIVIDUALS FROM OVERSEAS ARE ABLE TO PRACTICE THEIR FAITHS." AT HIS CONFIRMATION HEARING IN SEPTEMBER, HOWEVER, WYCHE FOWLER, THE NEW U.S. AMBASSADOR TO SAUDI ARABIA, RAISED THE ISSUE OF THAT COUNTRY'S PROHIBITION AGAINST CHRISTIAN WORSHIP, BUT HE MADE NO CRITICISM OF SAUDI POLICY AND APPEARED TO DISMISS IT AS A MATTER OF CONCERN. "THE STRONG EMPHASIS THAT IS PLACED ON THE PRIVACY OF THE INDIVIDUAL'S HOME," FOWLER STATED, ALLOWED "MANY AMERICANS [TO] EXPRESS THEIR RELIGIOUS FAITH PRIVATELY OR IN THE COMPANY OF CLOSE FRIENDS AND ASSOCIATES. IN FACT, MANY AMERICANS HAVE DEVELOPED PERSONAL NETWORKS THAT ALLOW THEM TO EXERCISE THEIR FAITH IN A MANNER WHICH THEY FIND PERSONALLY SATISFACTORY." AND THE U.S. TOOK NO PUBLIC STANCE DURING THE YEAR IN DEFENSE OF THE RIGHTS OF SAUDI OR OTHER NON-U.S. NATIONALS WHO WERE DISCRIMINATED AGAINST BECAUSE OF THEIR RELIGIOUS BELIEFS, INCLUDING THE INDIGENOUS SHI'A MINORITY.

SAUDI ARABIA'S HUMAN RIGHTS RECORD MAY HAVE BEEN CITED BY U.S. JUSTICE DEPARTMENT OFFICIALS IN EFFORTS TO GAIN CUSTODY OF SHI'A DISSIDENT HANI 'ABD AL-RAHIM AL-SAYEGH AFTER HIS ARREST IN CANADA. AFTER TRANSITING THE U.S. AL-SAYEGH HAD SOUGHT ASYLUM IN CANADA, WHERE HE WAS ARRESTED IN MARCH, APPARENTLY ON THE BASIS OF SAUDI REPORTS IMPLICATING HIM IN THE JUNE 1996 AL-KHOBAR BOMBING THAT KILLED NINETEEN U.S. SOLDIERS. AL-SAYEGH DID NOT CONTEST CANADA'S DECISION TO RETURN HIM TO THE U.S. IN JUNE, AFTER SEEKING GUARANTEES THAT HE WOULD NOT BE REFOULED TO SAUDI ARABIA. AL-SAYEGH'S LAWYER ALLEGED THE AMERICAN AUTHORITIES THREATENED AL-SAYEGH WITH RETURN TO SAUDI ARABIA IF HE REFUSED TO PLEAD GUILTY TO CHARGES THAT HE PARTICIPATED IN PLANNING AN ATTACK PRIOR TO THE AL-KHOBAR BOMBING THAT WAS NOT CARRIED OUT. ON HIS RETURN HE PLEADED NOT GUILTY. THE U.S. MOVED TO DISMISS THE CASE FOR LACK OF EVIDENCE IN SEPTEMBER, AND SAID IT WOULD "RESPOND APPROPRIATELY" TO SAUDI REQUESTS FOR EXTRADITION. IN A LETTER TO ATTORNEY GENERAL JANET RENO, HUMAN RIGHTS WATCH VOICED CONCERN ABOUT THE U.S.'S ALLEGED USE OF A CREDIBLE FEAR

OF TORTURE AND SEVERE MISTREATMENT TO PRESSURE AL-SAYEGH, AND WARNED THAT THE EXTRADITION OF AL-SAYEGH TO SAUDI ARABIA WOULD VIOLATE THE U.S.'S OBLIGATION AS A PARTY TO THE CONVENTION AGAINST TORTURE TO REFRAIN FROM EXTRADITING PERSONS TO A COUNTRY WHERE THEY WOULD BE AT RISK OF TORTURE. THE JUSTICE DEPARTMENT RESPONDED ON OCTOBER 18 THAT "[a]uthorities in both this Department and the State Department are cognizant of their responsibilities relating to human rights issues, and such issues will be carefully evaluated in the event the point is reached at which they are pertinent." THE LETTER ALSO STATED THAT AL-SAYEGH "HAS NOT BEEN SUBJECTED TO COERCION BY U.S. AUTHORITIES."

## Relevant Human Rights Watch report:

*Saudi Arabia — Flawed Justice: The Execution of 'Abd al-Karim Mara'i al-Nashqabandi, 10/97*

## SYRIA

### Human Rights Developments

THE DUAL LEGACY OF DECADES OF ONE-PARTY RULE AND STATE REPRESSION CONTINUED TO CRIPPLE INDEPENDENT POLITICAL LIFE IN SYRIA. WITH EMERGENCY LAW IN EFFECT SINCE 1963, PEACEFUL POLITICAL EXPRESSION AND ASSOCIATION CRIMINALIZED, AND ALL INDEPENDENT INSTITUTIONS OF CIVIL SOCIETY LONG AGO DISMANTLED, CITIZENS WERE UNABLE TO EXERCISE BASIC CIVIL AND POLITICAL RIGHTS GUARANTEED UNDER INTERNATIONAL HUMAN RIGHTS LAW. THE GOVERNMENT-CONTROLLED PRINT AND BROADCAST MEDIA AND THE QUADRENNIALLY ELECTED PARLIAMENT PROVIDED NO OPPORTUNITIES FOR INDEPENDENT OR OPPOSITION VOICES TO BE HEARD. HUNDREDS OF MEMBERS OF UNAUTHORIZED POLITICAL OPPOSITION GROUPS, IMPRISONED IN THE 1980S FOR NONVIOLENT ACTIVITIES, LANGUISHED IN PRISON. MANY OF THESE LONG-TERM DETAINEES, UNIVERSITY STUDENTS AT THE TIME OF THEIR ARREST, WERE ONLY SENTENCED IN THE MID-1990S BY THE SUPREME STATE SECURITY COURT IN PROCEEDINGS THAT DID NOT MEET INTERNATIONAL FAIR-TRIAL STANDARDS. BARRING AMNESTIES, SOME OF THESE POLITICAL PRISONERS, SERVING TERMS AS LONG AS FIFTEEN YEARS, WILL NOT BE ELIGIBLE FOR RELEASE UNTIL 2002.

THE ABSENCE OF FREEDOM OF EXPRESSION AND ASSOCIATION MADE SYSTEMATIC AND TIMELY MONITORING OF INFORMATION ABOUT HUMAN RIGHTS DEVELOPMENTS VIRTUALLY IMPOSSIBLE. THE FAMILIES OF VICTIMS OF HUMAN RIGHTS ABUSE OFTEN DARED NOT PROVIDE DETAILED INFORMATION TO HUMAN RIGHTS ORGANIZATIONS, CONSENT TO PUBLICIZE CASES INTERNATIONALLY, OR EVEN GRANT PERMISSION TO RAISE INDIVIDUAL CASES WITH SYRIAN AUTHORITIES. THIS REMAINED THE NORM NOT ONLY FOR PAST ABUSES, BUT FOR VIOLATIONS THAT OCCURRED IN 1997.

ONE FAMILY IN ALEPPO, FOR EXAMPLE, SUFFERED A "DISAPPEARANCE" IN SILENCE FOR ALMOST TWENTY YEARS. THEIR SON, WHOSE NAME HUMAN RIGHTS WATCH WAS ASKED NOT TO DISCLOSE, WAS DETAINED IN LATE 1979, WHEN HE WAS A UNIVERSITY STUDENT IN HIS TWENTIES. HE WAS HELD FOR THE FIRST SIX MONTHS IN A PRISON IN ALEPPO, THEN TRANSFERRED TO DAMASCUS. FROM THAT TIME, THE FAMILY HAD NO FURTHER INFORMATION CONCERNING HIS WHEREABOUTS AND DID NOT KNOW IF HE WAS DEAD OR ALIVE. DESPITE THE TIME THAT HAD PASSED, THE FAMILY IN 1997 REMAINED AFRAID TO PUBLICIZE THE CASE FOR FEAR OF RETRIBUTION BY STATE AGENTS AGAINST FAMILY MEMBERS IN ALEPPO. IN A RECENT CASE, NEWS OF THE ARREST IN JUNE AND SUBSEQUENT INCOMMUNICADO DETENTION OF THREE PEACEFUL POLITICAL ACTIVISTS REACHED A FAMILY MEMBER IN THE UNITED STATES, WHO PROVIDED DETAILS TO HUMAN RIGHTS WATCH. BECAUSE OF FEAR OF WORSENING THE SITUATION FOR THE DETAINEES AND PUTTING THE FAMILY AT RISK, THE DETAILS OF THIS CASE CANNOT BE PUBLISHED. THE ABSENCE OF AN INDEPENDENT HUMAN RIGHTS COMMUNITY INSIDE SYRIA, COUPLED WITH THE LACK OF REGULAR AND UNRESTRICTED ACCESS TO THE COUNTRY BY INTERNATIONAL HUMAN RIGHTS MONITORS AND JOURNALISTS, SERVED TO ISOLATE VICTIMS OF ABUSE AND THEIR FAMILIES AND DENY THEM SOURCES OF SUPPORT AND ADVOCACY AT THE LOCAL AND INTERNATIONAL LEVELS.

THERE WERE NO REPORTS IN 1997 OF GOVERNMENT INITIATIVES TO ADDRESS PATTERNS OF DISCRIMINATION AGAINST SYRIAN KURDS, WHO COMPRISE FROM 8.5 TO 10 PERCENT OF THE POPULATION AND FORM THE LARGEST NON-ARAB ETHNIC MINORITY IN

Syria. By the government's own count, the Kurdish minority included over 142,000 stateless Syrian-born Kurds, including children. A 1996 Human Rights Watch report documented such discriminatory practices as the prohibition of Kurdish private schools; the denial of Syrian citizenship to Syrian-born Kurds and their children; lack of legal recognition of the marriages of certain Syrian-born Kurds; and the refusal of the state to register and grant Syrian nationality to the children born of marriages between stateless Syrian-born Kurdish men and women who were Syrian citizens, and of stateless Syrian-born Kurdish couples.

In written replies to questions from the U.N. Committee on the Rights of the Child, which the committee received on December 11, 1996, the Syrian government did not acknowledge discriminatory state policies and practices against the Kurdish minority. The government maintained, for example, that "in Syria there is no child who does not have a specific name and nationality." Ignoring the stateless status of tens of thousands of Syrian-born Kurdish children due to its own policies, the government merely noted: "A refugee to Syria may be accorded Syrian nationality through naturalization, whereupon nationality is also acquired as a consequence by his minor children." In another reply to the committee, the government dodged the issue of the state's refusal to recognize the marriages of stateless Kurds: "The legislative enactments in force in Syria recognize the marriage deeds of all minorities when they are duly issued both legally and systematically, whether in Syria or elsewhere," the government wrote.

The strong presence of Syrian military and security forces inside Lebanon did not diminish in 1997, and Syria continued to play a dominant role, particularly in areas related to political and security affairs, and foreign policy. The bilateral May 1991 Treaty of Brotherhood, Cooperation and Coordination provided for joint initiatives in a variety of fields, ranging from commerce and industry to agriculture and transportation, as well as special efforts in the fields of defense and security affairs. A separate Defense and Security Agreement, concluded in September 1991, created a bilateral defense affairs committee, composed of the interior and defense ministers of both countries. Clause 2(a) of the agreement required that Syrian and Lebanese military and security authorities "[b]an all military, security, political and media activity that might harm the other country." Clause 2(b) specified that the authorities of both states must "[r]efuse to give refuge to, facilitate the passage of, or provide protection to persons and organizations that work against the other state's security. If such persons or organizations take refuge in either of the two states, that state must arrest them and hand them over to the other side at the latter's request."

One manifestation of Syria's role in Lebanon was the continuing "disappearances" of Lebanese citizens and Palestinian refugees at the hands of Syrian security forces, and the officially unacknowledged transfer of these "disappeared" persons to prisons and detention centers in Syria. There were at least four confirmed "disappearances" in Lebanon in 1997, in addition to cases that remained unsolved from 1996 and previous years. One such case was that of Lebanese citizen Gabi 'Akl Karam, who was taken from his mother's home in the Sinn al-Fil section of Beirut on January 6 by two men in plainclothes who said that they were members of Lebanese Military Intelligence. Karam was detained at the Lebanese Ministry of Defense headquarters, and the next day he was handed over to Syrian security forces and transferred to the Palestine Branch of Military Intelligence in Damascus. Karam was held there incommunicado until March 27, when he was returned to Lebanon and held in Lebanese army custody until his release on April 3. There was no official acknowledgment of Karam's detention by Lebanese or Syrian authorities, and there was no written reply to the abduction and unlawful detention complaint filed by Karam's lawyer on March 12 with Lebanon's chief public prosecutor Adnan Addoum.

The Syrian government did not reply to a recommendation by Human Rights Watch, in letters sent to President Hafez al-Assad in November 1996 and March 1997, to halt the "disappearances" and disclose fully the names and other information about non-Syrians held in custody in Syrian prisons and detention centers. According to an Amnesty International report issued on October 9, at least 200 Lebanese citizens were imprisoned in Syria, following their detention in Lebanon by Syrian intelligence forces and subsequent transfer to Syria; most of them were held incommunicado, and without charge or trial.

## The Right to Monitor

SYRIAN CITIZENS WERE UNABLE OPENLY TO MONITOR HUMAN RIGHTS DEVELOPMENTS AND ABUSES, REPORT SUCH INFORMATION OPENLY INSIDE SYRIA, AND COMMUNICATE IT TO THE OUTSIDE WORLD. THE LAST KNOWN ORGANIZED INITIATIVE OF THIS KIND INSIDE SYRIA, BY ACTIVISTS ASSOCIATED WITH THE NASCENT NONGOVERNMENTAL COMMITTEES FOR THE DEFENSE OF DEMOCRATIC FREEDOMS AND HUMAN RIGHTS IN SYRIA (KNOWN BY THE ACRONYM CDF), WAS SUPPRESSED HARSHLY BY AUTHORITIES. BEGINNING IN DECEMBER 1991, AUTHORITIES ROUNDED UP AND DETAINED SUSPECTED CDF MEMBERS AND SUPPORTERS, AND IN MARCH 1992 SEVENTEEN OF THEM WERE TRIED BY THE SUPREME STATE SECURITY COURT IN DAMASCUS. THE COURT SENTENCED TEN OF THE ACTIVISTS TO PRISON TERMS RANGING FROM FIVE TO TEN YEARS. FIVE WERE RELEASED IN 1997, AFTER SERVING THEIR FULL TERMS, AND FIVE REMAINED IN PRISON.

THOSE STILL BEHIND BARS, AND THEIR SENTENCES, WERE: WRITER NIZAR NAYOUF (TEN YEARS); LAWYER AKTHAM NUAISSA, MUHAMMED ALI HABIB, AND AFIF MUZHIR (NINE YEARS); AND BASSAM AL-SHAYKH (EIGHT YEARS). NAYOUF REMAINED IN MEZZE MILITARY PRISON IN DAMASCUS, WHILE THE OTHERS WERE HELD IN SEDNAYA PRISON. BOTH NAYOUF (AGED THIRTY-FIVE) AND NUAISSA (AGED FORTY-SIX) WERE REPORTEDLY IN URGENT NEED OF SPECIALIZED MEDICAL CARE. SYRIAN AUTHORITIES IGNORED REPEATED APPEALS FROM INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS FOR THE RELEASE OF THE CDF MEMBERS AND OTHER SYRIANS IMPRISONED FOR THE PEACEFUL EXERCISE OF THEIR RIGHT TO FREEDOM OF EXPRESSION AND ASSOCIATION.

AN AMNESTY INTERNATIONAL DELEGATION VISITED SYRIA IN MARCH, AND MET WITH GOVERNMENT OFFICIALS AND THE PROSECUTOR AND JUDGES SERVING ON THE SECURITY COURT, AMONG OTHERS. FOLLOWING THE MISSION, AMNESTY ISSUED A PRESS RELEASE ON MARCH 25, CALLING FOR THE IMMEDIATE RELEASE OF PRISONERS DETAINED SOLELY FOR THEIR POLITICAL BELIEFS. "WE WELCOME THE GOVERNMENT'S WILLINGNESS TO CONTINUE DIALOGUE AND COOPERATION WITH THE ORGANIZATION FOR THE PROTECTION OF HUMAN RIGHTS IN SYRIA, BUT WE WOULD LIKE THIS TRANSLATED INTO ACTION," AMNESTY WROTE, NOTING THAT IT HAD SUBMITTED THE NAMES OF OVER 500 POLITICAL PRISONERS TO THE AUTHORITIES. AMNESTY ADDED THAT ITS DELEGATION HAD "ASKED THE AUTHORITIES TO REVIEW THE CASES OF HUNDREDS OF POLITICAL PRISONERS CONVICTED AND SENTENCED AFTER UNFAIR TRIALS, TO RELEASE EVERYONE NOT CHARGED WITH A RECOGNIZABLY CRIMINAL OFFENSE AND TO CLARIFY THE FATE AND WHEREABOUTS OF THE 'DISAPPEARED.'"

HUMAN RIGHTS WATCH CONTINUED TO WAIT FOR AN AFFIRMATIVE RESPONSE FROM THE SYRIAN GOVERNMENT TO A LONG-STANDING REQUEST TO VISIT THE COUNTRY AGAIN FOLLOWING ITS FIRST OFFICIALLY APPROVED FACT-FINDING MISSION, UNDERTAKEN FROM MARCH TO MAY 1995. THE REQUEST FOR A FOLLOW-UP MISSION WAS FIRST MADE TO SYRIAN AUTHORITIES IN JULY 1995, AND WAS SUBSEQUENTLY RAISED REPEATEDLY WITH THE GOVERNMENT.

## United Nations

THE U.N. COMMITTEE ON THE RIGHTS OF THE CHILD CONSIDERED THE INITIAL REPORT OF SYRIA AT THE COMMITTEE'S MEETING IN JANUARY IN GENEVA. THE COMMITTEE'S CONCLUDING OBSERVATIONS, PUBLISHED ON JANUARY 24, INCLUDED CRITICISM OF THE GOVERNMENT'S DISCRIMINATORY POLICIES TOWARD SYRIAN-BORN KURDISH CHILDREN: "THE SITUATION OF REFUGEE AND SYRIAN-BORN KURDISH CHILDREN IS A MATTER OF CONCERN TO THE COMMITTEE IN THE LIGHT OF ARTICLE 7 OF THE CONVENTION [ON THE RIGHTS OF THE CHILD]." (ARTICLE 7 REQUIRES, AMONG OTHER PROVISIONS, THAT CHILDREN SHOULD BE REGISTERED IMMEDIATELY AFTER BIRTH AND HAVE THE RIGHT TO ACQUIRE A NATIONALITY.) THE COMMITTEE CONTINUED: "IN THIS REGARD, THE COMMITTEE NOTES THE ABSENCE OF FACILITIES FOR THE REGISTRATION OF REFUGEE CHILDREN BORN IN SYRIA, AND THAT SYRIAN-BORN KURDISH CHILDREN ARE CONSIDERED EITHER AS FOREIGNERS OR AS *MAKTOUMEEEN* (UNREGISTERED) BY THE SYRIAN AUTHORITIES AND FACE GREAT ADMINISTRATIVE AND PRACTICAL DIFFICULTIES IN ACQUIRING SYRIAN NATIONALITY, ALTHOUGH THEY HAVE NO OTHER NATIONALITY AT BIRTH." THE COMMITTEE STRESSED THAT "THE RIGHT TO BE REGISTERED AND TO ACQUIRE A NATIONALITY SHOULD BE GUARANTEED TO ALL CHILDREN UNDER THE SYRIAN ARAB REPUBLIC'S JURISDICTION WITHOUT DISCRIMINATION OF ANY KIND, IRRESPECTIVE, IN PARTICULAR, OF THE CHILD'S OR HIS OR HER PARENTS' OR LEGAL GUARDIANS' RACE, RELIGION OR ETHNIC ORIGIN."

ON APRIL 4, THE U.N. HUMAN RIGHTS COMMITTEE MET IN NEW YORK TO CONSIDER THE SECOND PERIODIC REPORT SUBMITTED BY LEBANON UNDER ARTICLE 40 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS. THE COMMITTEE EXAMINED

LEBANON'S VIOLATIONS OF CIVIL AND POLITICAL RIGHTS, AND HEARD PRESENTATIONS BY LOCAL AND INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS CONCERNING THE SYRIAN ROLE IN LEBANON AND THE CONTINUING PROBLEM OF "DISAPPEARANCES." DURING ITS MEETING IN NEW YORK ON MAY 15, THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES OF THE U.N. COMMISSION ON HUMAN RIGHTS RECEIVED INFORMATION ABOUT "DISAPPEARANCES" IN LEBANON BY SYRIAN SECURITY FORCES.

## European Union

HUMAN RIGHTS WATCH IS UNAWARE OF ANY EUROPEAN UNION (E.U.) RIGHTS-RELATED INITIATIVES WITH RESPECT TO SYRIA IN 1997. THE E.U., LIKE THE U.S. (SEE BELOW), APPEARED PREOCCUPIED WITH DIPLOMATIC ACTIVITY AIMED AT REACTIVATING THE ISRAELI-SYRIAN NEGOTIATING TRACK. THE COUNCIL OF MINISTERS FAILED TO FORWARD TO THE EUROPEAN PARLIAMENT THE REPORT ON HUMAN RIGHTS CONDITIONS IN SYRIA THAT IT RECEIVED IN NOVEMBER 1995 FROM THE EUROPEAN COMMISSION, A REPORT IT HAD COMMITTED ITSELF TO PREPARE AS PART OF THE DECEMBER 1993 DECISION TO EXTEND FOURTH PROTOCOL ASSISTANCE TO SYRIA, WHICH AMOUNTED TO U.S. \$170 MILLION OVER FIVE YEARS. HUMAN RIGHTS WATCH URGED IN MAY THAT THE COUNCIL OF MINISTERS INSTRUCT THE COMMISSION TO PREPARE AN UPDATE TO THIS REPORT, AND SUBMIT IT TO THE PARLIAMENT PRIOR TO THE AUGUST RECESS, AND THAT THE ORIGINAL REPORT AND THE UPDATE BE MADE PUBLIC.

## United States

U.S. POLICY TOWARD SYRIA AGAIN WAS ALMOST ENTIRELY DRIVE BY EFFORTS TO REVIVE THE STALLED ISRAEL-SYRIA PEACE TALKS, SUSPENDED SINCE FEBRUARY 1996, IN ORDER TO ACCOMPLISH ONE OF THE ADMINISTRATION'S LONG-SOUGHT OBJECTIVES, A PEACE TREATY BETWEEN THE TWO COUNTRIES. ALTHOUGH SYRIA ONCE AGAIN APPEARED ON THE STATE DEPARTMENT'S 1997 LIST OF STATE SPONSORS OF TERRORISM, THE CLINTON ADMINISTRATION EXEMPTED SYRIA FROM THE ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996, WHICH PROHIBITED, AS OF AUGUST 22, 1996, ALL FINANCIAL TRANSACTIONS BY U.S. PERSONS WITH GOVERNMENTS ON THE TERRORISM LIST.

IN 1997, THE CLINTON ADMINISTRATION OPPOSED EFFORTS BY MEMBERS OF CONGRESS TO HAVE THE 1996 LAW FULLY APPLIED TO TRADE WITH SYRIA. R. RICHARD NEWCOMB, DIRECTOR OF THE TREASURY DEPARTMENT'S OFFICE OF FOREIGN ASSETS CONTROL, EXPLAINED TO THE SENATE FOREIGN RELATIONS SUBCOMMITTEE ON AFRICAN AFFAIRS ON MAY 15 THAT NEW TREASURY DEPARTMENT REGULATIONS, BASED ON STATE DEPARTMENT GUIDANCE, AUTHORIZED "FINANCIAL TRANSACTIONS WITH THE GOVERNMENTS OF SYRIA AND SUDAN EXCEPT FOR (1) TRANSFERS FROM THOSE GOVERNMENTS IN THE FORM OF DONATIONS AND (2) TRANSFERS WITH RESPECT TO WHICH THE U.S. PERSON KNOWS OR HAS REASONABLE CAUSE TO BELIEVE THAT THE FINANCIAL TRANSACTION POSES A RISK OF FURTHERING TERRORIST ACTS IN THE UNITED STATES." PHILIP WILCOX, THE COORDINATOR FOR COUNTERTERRORISM AT THE STATE DEPARTMENT, TOLD THE HOUSE OF REPRESENTATIVE JUDICIARY SUBCOMMITTEE ON JUNE 10 THAT THE ADDITIONAL SANCTIONS AGAINST SYRIA COULD PUT THE ISRAEL-SYRIA PEACE PROCESS AT RISK. HE ADDED THAT "THERE WERE OTHER REASONS WHY IMPOSING MORE SANCTIONS ON SYRIA WOULD BE COUNTERPRODUCTIVE BUT COULD NOT DISCUSS THEM AT AN OPEN PUBLIC HEARING," ACCORDING TO A REPORT OF THE HEARING PUBLISHED BY THE U.S. INFORMATION AGENCY.

SECRETARY OF STATE MADELEINE ALBRIGHT, IN HER FIRST VISIT TO SYRIA ON SEPTEMBER 12, MET IN DAMASCUS WITH PRESIDENT ASAD FOR FOUR HOURS AND THEN LEFT THE COUNTRY WITHOUT MAKING ANY PUBLIC COMMENTS. THERE WERE NO INDICATIONS THAT THE SECRETARY USED THE OCCASION OF THE MEETING TO RAISE PRIVATELY ANY U.S. CONCERNS ABOUT HUMAN RIGHTS CONDITIONS IN SYRIA. HUMAN RIGHTS WATCH IS UNAWARE OF ANY PUBLIC STATEMENTS BY CLINTON ADMINISTRATION OFFICIALS IN 1997 THAT HIGHLIGHTED OR CRITICIZED SPECIFIC ASPECTS OF SYRIA'S HUMAN RIGHTS RECORD, AND THERE WAS NO PUBLIC EVIDENCE THAT U.S. DIPLOMATS ENGAGED THEIR SYRIAN COUNTERPARTS IN DISCUSSIONS AIMED AT IMPROVING THE COUNTRY'S DISMAL HUMAN RIGHTS SITUATION THROUGH SPECIFIC AND MEASURABLE REFORMS. DESPITE THIS PUBLIC SILENCE, THE STATE DEPARTMENT'S ASSESSMENT OF HUMAN RIGHTS CONDITIONS IN SYRIA REMAINED, AS IN PAST YEARS, CONDEMNATORY IN ITS *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1996*.

## Relevant Human Rights Watch report:

*SYRIA/LEBANON—AN ALLIANCE BEYOND THE LAW: ENFORCED DISAPPEARANCES IN LEBANON, 5/97*

## TUNISIA

### Human Rights Developments

IN DECEMBER 1996, FOUR POLITICAL PRISONERS WHO HAD BEEN THE SUBJECT OF INTERNATIONAL CAMPAIGNS WERE RELEASED CONDITIONALLY BEFORE THE END OF THEIR SENTENCES. THEIR RELEASE PROMPTED HOPE THAT, AS ZINE AL-ABIDINE BEN ALI HEADED TOWARD THE TENTH ANNIVERSARY OF HIS PRESIDENCY ON NOVEMBER 7, 1997, TUNISIA WOULD ONCE AGAIN KNOW A SMALL MEASURE OF TOLERANCE FOR THOSE WHO PEACEFULLY CHALLENGED THE GOVERNMENT'S POLICIES AND RIGHTS RECORD.

THOSE HOPES WERE SOON DASHED. NOT ONLY WERE THE EX-PRISONERS—MOHAMED MOUADA, KHEMAÏS CHAMMARI, NEJIB HOSNI, AND MOHAMED HEDI SASSI—SUBJECTED TO HARASSMENT AND RESTRICTIONS OF THEIR RIGHTS THROUGHOUT THE YEAR, BUT THE OVERALL CLIMATE IN TUNISIA REMAINED ONE OF FEAR AND INTIMIDATION. REPRESSIVE LAWS WERE INVOKED TO ARREST THOSE WHO PROTESTED THE LACK OF FREEDOMS OR WHO WERE ACCUSED OF BELONGING TO “UNLICENSED” POLITICAL GROUPS. AN OMNIPRESENT POLICE FORCE KEPT DISSIDENTS, EX-PRISONERS, AND THE FAMILIES OF PRISONERS AND OF EXILED ACTIVISTS UNDER CONSTANT SURVEILLANCE AND HARASSMENT. THE PRESS, PRIVATE AND OFFICIAL, AVOIDED ALL CRITICISM OF THE GOVERNMENT. FOREIGN NEWSPAPERS WERE BANNED FROM CIRCULATION WHENEVER THEIR COVERAGE OF TUNISIA DISPLEASED THE AUTHORITIES.

AUTHORITIES, EXPLOITING DOMESTIC AND INTERNATIONAL CONCERN OVER A SPILLOVER OF THE CONFLICT FROM ALGERIA, HAVE SINCE 1990 PROSECUTED AND JAILED THOUSANDS OF SUSPECTED MEMBERS AND SYMPATHIZERS OF THE BANNED RENAISSANCE (AN-NAHDHA) PARTY ON CHARGES RELATING TO NONVIOLENT EXPRESSION AND ASSOCIATION. THE REPRESSION CONTINUED DESPITE THE ABSENCE OF POLITICAL VIOLENCE IN TUNISIA SINCE THE EARLY 1990S.

THE LARGEST CATEGORY OF VICTIMS OF ABUSE CONSISTED OF THE WIVES AND CHILDREN OF MEMBERS OF IMPRISONED OR EXILED NAHDHA MEMBERS. POLICE SEARCHED FAMILY HOMES AT ALL HOURS; WIVES WERE SUMMONED FOR QUESTIONING ABOUT THEIR FINANCIAL RESOURCES AND WERE PRESSURED TO CEASE CONTACT WITH THEIR HUSBANDS. SOME WERE THREATENED SEXUALLY, ACCORDING TO A DETAILED REPORT BY AMNESTY INTERNATIONAL ISSUED IN JUNE. MANY OF THOSE WHO SOUGHT TO EMIGRATE TO JOIN HUSBANDS IN EXILE WERE DENIED PASSPORTS, ALTHOUGH NO CHARGES WERE PENDING AGAINST THEM. AS THESE FAMILIES STRUGGLED FINANCIALLY, AUTHORITIES PROSECUTED THOSE FOUND TO HAVE COLLECTED OR PROVIDED MONEY FOR THEM.

TOWARD THE END OF THE YEAR, THE GOVERNMENT GAVE PASSPORTS TO THE WIVES AND CHILDREN OF THIRTY-FIVE EXILED DISSIDENTS, AND ALLOWED THEM TO BE REUNITED WITH THEIR HUSBANDS ABROAD. THIS WELCOME BREAKTHROUGH RAISED HOPES THAT THE GOVERNMENT WOULD SOON RESOLVE ADDITIONAL CASES OF THIS NATURE.

PRISONS WERE SEVERELY OVERCROWDED, A CONDITION THAT WAS NOT DICTATED BY ECONOMIC CONSTRAINTS; TUNISIA BOASTED THE HIGHEST PER CAPITA INCOME IN NORTH AFRICA. RELEASED POLITICAL PRISONERS FACED A RANGE OF HARASSING AND PUNITIVE MEASURES, SOME OF THEM EXTRAJUDICIAL. THESE INCLUDED FOR MOST A BAN ON TRAVEL ABROAD AND REQUIREMENTS TO REGISTER WITH THE POLICE ONE OR MORE TIMES DAILY. SOME WERE DISMISSED FROM THEIR PUBLIC-SECTOR JOBS AND FOR YEARS WERE SUBJECTED TO SUCH HEAVY POLICE SURVEILLANCE THAT ACQUAINTANCES WERE INTIMIDATED INTO CURTAILING CONTACT WITH THEM.

THE FOUR ACTIVISTS FREED IN DECEMBER 1996 WERE SUBJECTED TO HARASSMENT, DESPITE A STATEMENT BY THE TUNISIAN EMBASSY IN WASHINGTON THAT THEIR EARLY RELEASE REFLECTED “A POLICY ANIMATED BY A HUMANIST SPIRIT OF PARDON AND CLEMENCY.” THE EMBASSY ADDED THAT THEIR OFFENSES WERE “COMMON CRIMINAL OFFENSES, TRIED IN TUNISIAN COURT AND IN PERFECT HARMONY WITH INTERNATIONAL INSTRUMENTS TO WHICH TUNISIA IS A SIGNATORY.” BUT THE POLITICAL NATURE OF THEIR PROSECUTION WAS ECHOED IN THEIR POST-RELEASE MISTREATMENT. MOUADA, LEADER OF THE LEGAL OPPOSITION MOVEMENT OF DEMOCRATIC SOCIALISTS (MDS), WAS PLACED UNDER DE FACTO HOUSE ARREST. VISITORS, INCLUDING FOREIGN JOURNALISTS AND DIPLOMATS, WERE BARRED FROM SEEING HIM. HUMAN RIGHTS LAWYER HOSNI WAS PREVENTED FROM RESUMING HIS PROFESSION AND HIS PHONE SERVICE WAS CUT. BOTH HOSNI AND MOADA WERE DENIED PASSPORTS AND PREVENTED FROM ACCEPTING INVITATIONS TO PARTICIPATE IN THE EUROPEAN PARLIAMENT'S HEARING ON HUMAN RIGHTS IN TUNISIA IN JUNE. HOWEVER, HUMAN RIGHTS ACTIVIST KHEMAÏS CHAMMARI WAS ABLE TO TESTIFY AT THE HEARING.

THE GOVERNMENT INTRODUCED NEW DIRECTIVES IN 1997 THAT SHOWED ITS DETERMINATION TO RESTRICT THE EXERCISE OF THE FREEDOM OF ASSOCIATION AND ASSEMBLY. IN JANUARY, THE MINISTRY OF HIGHER EDUCATION ORDERED THAT ANYONE ORGANIZING A

MEETING OR CONFERENCE IN TUNISIA SUBMIT IN ADVANCE TO THE MINISTRY OF INTERIOR A LIST OF PARTICIPANTS, A COPY OF THE AGENDA, AND THE TEXT OF ANY SPEECHES OR CONFERENCE PAPERS. A MARCH DIRECTIVE FROM THE MINISTRY OF TOURISM STATED THAT POLICE AUTHORIZATION WAS NECESSARY FOR ALL GATHERINGS AND REQUIRED HOTEL MANAGERS TO INFORM POLICE OF THE NAME OF THE ORGANIZER, THE NUMBER AND NATIONALITY OF THE PARTICIPANTS, AND OTHER DETAILS.

RADIO AND TELEVISION, BOTH STATE-RUN, WERE GOVERNMENT MOUTHPIECES. NONE OF THE MANY PRIVATELY OWNED NEWSPAPERS AND MAGAZINES COULD BE CONSIDERED INDEPENDENT. ALL EVIDENTLY TOOK INSTRUCTIONS, REPORTEDLY FROM THE PRESIDENT'S OFFICE, ON WHETHER AND HOW TO COVER DEVELOPMENTS THE LEAST BIT SENSITIVE. NEWSPAPERS ALSO PRINTED SCURRILOUS ATTACKS ON PERSONS IN DISFAVOR WITH THE GOVERNMENT, THEREBY CONTRIBUTING TO THE CLIMATE OF INTIMIDATION.

IN JUNE 1997, THE WORLD ASSOCIATION OF NEWSPAPERS (WAN), A TRADE ASSOCIATION OF PUBLISHERS, EXPELLED ITS TUNISIAN AFFILIATE, THE FIRST TIME THAT THE WAN HAD EXPELLED A MEMBER FOR HAVING FAILED TO FULFILL THE REQUIREMENT THAT MEMBERS WORK TO DEFEND FREEDOM OF THE PRESS. THE WAN REJECTED THE CASE MADE BY THE TUNISIAN ASSOCIATION THAT ITS SILENCE SIMPLY REFLECTED THE FACT THAT PRESS FREEDOM WAS ALIVE AND WELL IN TUNISIA.

AUTHORITIES SOUGHT TO TOUGHEN THE LEGAL TOOLS TO PUNISH TUNISIANS ENGAGED IN POLITICAL OR HUMAN RIGHTS ACTIVITIES OUTSIDE THE COUNTRY. PAST PROSECUTIONS UNDER A "TERRORISM" ARTICLE OF THE CRIMINAL CODE UNDERMINED THE GOVERNMENT'S CLAIM THAT ARTICLE "DOES NOT IN ANY WAY TARGET PEACEFUL POLITICAL ACTIVITIES AND DOES NOT AIM TO INTIMIDATE TUNISIANS ABROAD WHO ARE CONCERNED WITH HUMAN RIGHTS." IN SEPTEMBER, THE GOVERNMENT INTRODUCED DRAFT LEGISLATION THAT WOULD EXTEND THE SCOPE OF THE CRIMINAL CODE'S ARTICLE CONCERNING THE OFFENSE OF HARMING TUNISIA'S EXTERNAL SECURITY (ARTICLE 61) TO INCLUDE THE ACT OF "ESTABLISH[ING] WILFULLY RELATIONS WITH AGENTS OF ANY FOREIGN STATE OR FOREIGN BODY OR INTERNATIONAL BODY IN ORDER TO EXPOSE OR DISSEMINATE ERRONEOUS INFORMATION LIKELY TO HARM TUNISIA'S VITAL INTERESTS."

THE LEVEL OF EDUCATION AND WORKFORCE PARTICIPATION FOR TUNISIA'S WOMEN WAS HIGH BY REGIONAL STANDARDS, AND ITS CODE OF FAMILY AND PERSONAL STATUS, PROMULGATED IN 1956, EXCLUDED THE MORE DISCRIMINATORY NORMS FOUND IN SOME OF THE LEGAL CODES OF THE REGION BASED ON ISLAMIC LAW. AGAINST THIS IMPRESSIVE RECORD WERE SET THE PRACTICES THAT EGREGIOUSLY VIOLATED THE RIGHTS OF WOMEN, INCLUDING THE SYSTEMATIC HARASSMENT OF THE WIVES OF IMPRISONED AND EXILED ISLAMISTS (SEE ABOVE), AND RESTRICTIONS ON WOMEN'S RIGHTS ORGANIZATIONS (SEE BELOW).

## The Right to Monitor

THE GOVERNMENT BOASTED INCESSANTLY OF ITS HUMAN RIGHTS RECORD AND INITIATIVES TO DEEPEN POLITICAL PLURALISM. BUT HUMAN RIGHTS CRITICS FACED RESTRICTIONS RANGING FROM A BLACK-OUT IN THE GOVERNMENT-CONTROLLED PRESS TO IMPRISONMENT ON TRUMPED-UP CHARGES.

KHEMAÏS KSILA, A VICE PRESIDENT OF THE TUNISIAN HUMAN RIGHTS LEAGUE, WAS ARRESTED ON SEPTEMBER 29, THE DAY HE LAUNCHED A WELL-PUBLICIZED HUNGER STRIKE TO DRAMATIZE THE PRICE HE HIMSELF HAD PAID FOR HIS HUMAN RIGHTS WORK: DISMISSAL FROM HIS PUBLIC-SECTOR JOB, BAN ON TRAVEL ABROAD, AND POLICE SURVEILLANCE. HE WAS ACCUSED OF "DISSEMINATING FALSE NEWS" AND INCITING OTHERS TO DISTURB THE PUBLIC ORDER, AND WAS STILL IN DETENTION AS OF EARLY NOVEMBER. HUMAN RIGHTS LAWYER RADHIA NASRAOUI REPORTED THAT HER CLIENTS WERE QUESTIONED BY POLICE ABOUT HOW MUCH THEY WERE PAYING HER AND WHERE THEY GOT THE MONEY TO DO SO. ON APRIL 29, HER OFFICE WAS THE SCENE OF A SUSPICIOUS BREAK-IN: IT WAS NOT THE FIRST TIME THAT HER PROPERTY HAD BEEN STOLEN OR VANDALIZED. HACHEMI JEGHAM, A LAWYER AND PRESIDENT OF THE TUNISIAN SECTION OF AMNESTY INTERNATIONAL— WHICH DOES NOT WORK ON HUMAN RIGHTS IN TUNISIA—WAS DETAINED TWICE IN MARCH BY POLICE AND QUESTIONED ABOUT A LEGAL CONFERENCE SCHEDULED FOR LATER THAT MONTH.

THE INDEPENDENT TUNISIAN LEAGUE FOR HUMAN RIGHTS CELEBRATED ITS TWENTIETH ANNIVERSARY. WHILE GOVERNMENT PRESSURES MADE IT MORE CAUTIOUS THAN IN THE PAST, IT CONTINUED TO SPEAK OUT AGAINST HUMAN RIGHTS VIOLATIONS. THE LEAGUE'S COMMUNIQUE WERE IGNORED BY THE TUNISIAN PRESS EXCEPT WHEN THEY PRAISED A STEP TAKEN BY THE TUNISIAN GOVERNMENT OR CRITICIZED VIOLATIONS BY A FOREIGN GOVERNMENT. IN SEPTEMBER, THE LTDH NOTED THAT AN ONGOING DIALOGUE IT HAD SOUGHT WITH THE INTERIOR MINISTRY HAD GOTTEN UNDER WAY, AND THAT IT WAS PRESENTING ITS CONCERNS AND INDIVIDUAL CASES TO THE MINISTRY. THE LTDH ALSO PRAISED PRESIDENT BEN ALI FOR CONSENTING TO PRISON VISITS BY THE



organization, an agreement that, if implemented, could be an important breakthrough.

The LTDH continued to face obstacles to holding public meetings, particularly for its branches located outside the capital. In December 1996, authorities prevented the LTDH from holding a conference and reception to mark the anniversary of the Universal Declaration of Human Rights. One month earlier, the minister of interior blocked at the last moment an LTDH seminar on various forms of detention, which was scheduled to take place at a Sousse hotel. Authorities also blocked a January 1997 meeting organized by Collectif 95 Maghreb Egalité, a regional women's rights group.

Beyond the small circle of individual human rights activists, a wider circle of Tunisians signed petitions demanding greater freedoms. Two hundred and two Tunisians signed an April 9 petition calling for respect of basic liberties, revisions of the electoral code to broaden pluralism and an amnesty for all Tunisians prosecuted or convicted for their opinions and political activities. Several union activists who organized petitions demanding labor and other rights were arrested early in the year and questioned about the documents they had prepared.

The government effectively prevented all but one of the Tunisian invitees from addressing a European Parliament forum on human rights in Tunisia on June 11 in Strasbourg. The two independent organizations that were invited, the LTDH and the Tunisian Association of Democratic Women, succumbed to government pressure not to send representatives.

## The Role of the International Community

### European Union

Except for some initiatives by its parliament, European Union (E.U.) institutions, including the Council and the Commission, missed opportunities to press Tunisia on its human rights record during 1997. By October, the Association Agreement between Tunisia and the E.U., which was initialed in 1995 and which lowers trade barriers in both directions and provides financial assistance to Tunisia, had been ratified by all but one of the parliaments of the E.U. member states. These parliaments showed little interest in using Article 2, which makes human rights an essential element of the agreement, to make explicit demands on Tunisia to improve in its human rights record. However, the president of the German parliament traveled to Tunisia in May and, according to reports, raised human rights concerns in high-level meetings. She hosted a reception at the German embassy to which independent political figures and human rights activists were invited.

On June 11 in Strasbourg, the delegations of several liberal, green and left-wing political groups in the European Parliament sponsored a forum on human rights in Tunisia in the context of the Association Agreement. Despite the Tunisian government's brazen attempt to stifle the discussion by pressuring the invited Tunisians not to attend or preventing them from traveling, the European Parliament narrowly failed to adopt a critical resolution the following month on human rights in Tunisia. In a possible indication of the weight that Tunisia gives to scrutiny by the European Parliament, authorities restored the passports of four dissidents just before the vote.

A six-member parliamentary delegation raised human rights issues during an official visit to Tunisia in October. French MEP Marie-Arlette Carlotte said that the group submitted a list of cases to the justice minister and raised with the prime minister proposed revisions to the penal code (see above). She added, "A policy of opposing fundamentalism must not be an excuse not to provide space for freedoms."

Throughout the year, the E.U. promoted European investment in Tunisia. In September, the European Commission and Tunisian government co-sponsored in Tunisia a forum on Euro-Mediterranean cooperation, attended by hundreds of businesspersons from both sides of the Mediterranean.

### France

France is Tunisia's leading trade partner and source of foreign investment. In 1996, French bilateral aid to Tunisia

DOUBLED TO THE EQUIVALENT OF U.S. \$220 MILLION.

PRESIDENT JACQUES CHIRAC'S EMBRACE OF PRESIDENT BEN ALI IN 1995 AS "LEADING HIS COUNTRY EVER FURTHER DOWN THE ROAD OF ... DEMOCRATIC PROGRESS" REMAINED EMBLEMATIC OF FRENCH POLICY AFTER THE ELECTION OF A SOCIALIST-LED GOVERNMENT IN FRANCE IN JUNE 1997. THE YEAR'S HIGHLIGHT WAS THE STATE VISIT BY PRESIDENT BEN ALI TO PARIS ON OCTOBER 20-21, AT WHICH TIME ACCORDS ON FRENCH BILATERAL AID AND INVESTMENTS WERE SIGNED. BOTH PRESIDENT CHIRAC AND PRIME MINISTER LIONEL JOSPIN SHOWED PRAISE ON PRESIDENT BEN ALI FOR TUNISIA'S ECONOMIC PERFORMANCE AND OPENING TOWARD EUROPE, EACH MAKING ONLY A SINGLE, OBLIQUE PUBLIC REFERENCE TO TUNISIA'S HUMAN RIGHTS PROBLEM.

TOASTING BEN ALI AT A STATE DINNER IN HIS HONOR, CHIRAC SAID THAT IN TUNISIA'S CLIMATE OF ECONOMIC GROWTH, THE TEMPTATION TO VIOLENCE DISAPPEARS AND "THE RULE OF LAW, DEMOCRACY CAN PROGRESS MORE EASILY, AND A CULTURE OF LIBERTY CAN BLOSSOM MORE EASILY." JOSPIN TOLD BEN ALI IN HIS OWN TOAST THE FOLLOWING DAY THAT HE TOOK PLEASURE IN KNOWING THAT TUNISIA'S ECONOMIC OPENING EUROPE WILL "LEAD YOU TOWARD AN EVER-GREATER OPENING TOWARD THE VALUES OF DEMOCRACY AND PLURALISM." CHIRAC'S SPOKESWOMAN POINTED OUT THAT CHIRAC HAD RAISED HUMAN RIGHTS IN HIS PRIVATE MEETINGS WITH BEN ALI, INCLUDING INDIVIDUAL CASES AND THE ISSUE OF PRESS FREEDOM, BUT SHE PROVIDED NO DETAILS.

BEN ALI'S HUMAN RIGHTS RECORD PROVED MORE OF A HINDRANCE TO HIS RECEPTION AT THE NATIONAL ASSEMBLY. THE TUNISIAN PRESIDENT HAD REPORTEDLY SOUGHT TO DELIVER AN ADDRESS BEFORE THE ASSEMBLY, AS KING HASSAN II OF MOROCCO HAD DONE, BUT HUMAN RIGHTS CONCERNS PROMPTED THE FRENCH TO OFFER INSTEAD A RECEPTION HOSTED BY THE ASSEMBLY'S PRESIDENT. SEVERAL PARLIAMENTARIANS BOYCOTTED THAT RECEPTION TO PROTEST REPRESSION IN TUNISIA.

BEN ALI'S STATE VISIT TO FRANCE HAD BEEN POSTPONED THREE TIMES BETWEEN OCTOBER 1996 AND JUNE 1997. THE PRESS SPECULATED THAT FRENCH DISCOMFORT OVER TUNISIA'S RIGHTS RECORD PLAYED A ROLE IN SOME OF THE POSTPONEMENTS, BUT NEITHER SIDE SAID ANYTHING PUBLICLY TO CONFIRM THIS.

IN NOVEMBER 1996, THE NATIONAL CONSULTATIVE COMMISSION ON HUMAN RIGHTS, A FRENCH SEMI-OFFICIAL ADVISORY BODY, ISSUED A DAMNING SUMMARY OF TUNISIA'S HUMAN RIGHTS RECORD AND CALLED ON THE FRENCH GOVERNMENT TO "URGE THE TUNISIAN AUTHORITIES TO RELEASE ALL PRISONERS OF CONSCIENCE, END TORTURE AND MISTREATMENT, AND BREAK THE CYCLE OF IMPUNITY THAT ENCOURAGES THE CONTINUATION OF HUMAN RIGHTS VIOLATIONS." THROUGHOUT 1997, HOWEVER, NO FRENCH OFFICIAL PUBLICLY REAFFIRMED THE COMMISSION'S CONCERNS OR COMMENTED ON THE ARRESTS AND HARASSMENT OF DISSIDENTS AND OTHER TROUBLING DEVELOPMENTS TAKING PLACE IN TUNISIA. IN A TYPICAL FORMULATION, THE FOREIGN MINISTRY SPOKESPERSON OMITTED HUMAN RIGHTS WHEN DESCRIBING THE AGENDA OF HUBERT VEDRINE'S FIRST VISIT TO TUNISIA AS FOREIGN MINISTER IN AUGUST, BUT RESPONDED WHEN ASKED, "THE FRENCH GOVERNMENT FOLLOWS WITH ATTENTION THE SITUATION OF HUMAN RIGHTS EVERYWHERE IN THE WORLD. THERE IS NO SUBJECT THAT OUR TUNISIAN FRIENDS AND WE BAR FROM CONSIDERING WHEN WE MEET."

## United States

THE U.S. WAS OPENLY CRITICAL OF TUNISIA'S HUMAN RIGHTS RECORD, WHILE REAFFIRMING THAT OTHER FACTORS—NOTABLY TUNISIA'S SUPPORT FOR ISRAELI-PLO NEGOTIATIONS, ECONOMIC LIBERALIZATION, AND MILITARY COOPERATION WITH THE U.S.—REINFORCED WARM RELATIONS BETWEEN THE TWO COUNTRIES. THE U.S. PROVIDED NO ECONOMIC AID IN 1996 BUT AWARDED TUNISIA ABOUT U.S.\$6 MILLION IN EXCESS DEFENSE ARTICLES AND \$816,000 UNDER THE INTERNATIONAL MILITARY EDUCATION TRAINING PROGRAM.

U.S. EMBASSY STAFF MAINTAINED CONTACTS WITH HUMAN RIGHTS ACTIVISTS AND POLITICAL OPPOSITION FIGURES IN TUNISIA. ON MARCH 7, TWO POLITICAL OFFICERS ATTEMPTED TO MEET WITH MOHAMED MOADA, LEADER OF THE OPPOSITION DEMOCRATIC SOCIALIST MOVEMENT, WHO HAD BEEN RELEASED FROM PRISON IN DECEMBER. OUTSIDE HIS HOME, THE TWO WERE BLOCKED BY PLAINCLOTHES GUARDS WHO IDENTIFIED THEMSELVES.

AT HER CONFIRMATION HEARING BEFORE THE U.S. SENATE FOREIGN RELATIONS COMMITTEE ON SEPTEMBER 19, AMBASSADOR-DESIGNATE ROBIN RAPHEL STATED, "NONVIOLENT POLITICAL GROUPS WHICH OPPOSE THE POLICIES OF THE GOVERNMENT SHOULD BE FREE TO SPEAK WITHOUT FEAR OF REPRISAL, THE PRESS SHOULD BE FREE TO PUBLISH THE FULL RANGE OF POLITICAL DEBATE, AND PEOPLE SHOULD KNOW THEY ARE FREE TO PARTICIPATE IN OPPOSITION POLITICS WITHOUT GOVERNMENT HARASSMENT. WE HAVE AN ONGOING DIALOGUE WITH THE TUNISIAN GOVERNMENT ON THE NEED FOR A MORE OPEN AND INCLUSIVE DEMOCRATIC PROCESS."

U.S. ACTIVISM ON HUMAN RIGHTS TENDED TO FOCUS ON THE RIGHTS TO POLITICAL PARTICIPATION, PRESS FREEDOM, AND THE

PLIGHT OF SECULAR DISSIDENTS. THIS LAUDABLE ENGAGEMENT WAS NOT ACCOMPANIED — AT LEAST PUBLICLY — BY COMPARABLE ADVOCACY ON BEHALF OF THE LARGEST AND MOST VULNERABLE VICTIMS OF ABUSE IN TUNISIA, PERSONS IN ANY WAY CONNECTED TO THE ISLAMIST NAHDHA PARTY. THIS INCLUDED PRISONERS, EX-PRISONERS, AND FAMILY MEMBERS WHO WERE SUBJECTED TO SEVERE HARASSMENT AND DEPRIVATION OF THEIR RIGHT TO TRAVEL.