

HUMAN RIGHTS WATCH WORLD REPORT 2002

**MIDDLE EAST
AND
NORTH AFRICA**



In Egypt, the government maintained its crackdown on human rights activists with the trial and conviction of democracy advocate Saadeddin Ibrahim and twenty-seven co-defendants.

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MIDDLE EAST AND NORTH AFRICA OVERVIEW

HUMAN RIGHTS DEVELOPMENTS

Clashes between Israelis and Palestinians that erupted in September 2000 overshadowed most other developments in the Middle East and North Africa region. Over seven hundred Palestinians and over two hundred Israelis, many of them civilians, were killed in the violence by November 2001. The conflict was marked by attacks on civilians and civilian objects by both Israeli security forces and Palestinian armed groups, suggesting that respect for fundamental human rights and humanitarian law principles counted for little among leaders of either side.

Israeli security forces were responsible for extensive abuses, including indiscriminate and excessive use of lethal force against unarmed Palestinian demonstrators; unlawful killings by Israel Defense Forces (IDF) soldiers; disproportionate IDF gunfire in response to Palestinian attacks; and inadequate IDF response to abuses by Israeli settlers against Palestinian civilians; and “closure” measures on Palestinian communities that amounted to collective punishment. They also mounted a series of killings of suspected Palestinian militants under a controversial “liquidations” policy directed against those believed responsible for orchestrating attacks against Israelis.

For its part, the Palestinian Authority (PA) did little to exercise its responsibility to take all possible measures to prevent and punish armed attacks by Palestinians against Israeli civilians, including suicide bombings. In addition, the various security forces of the Palestinian Authority carried out arbitrary arrests of alleged Palestinian “collaborators” with Israel. Many were held in prolonged detention without trial and tortured; others were sentenced to death after unfair trials and two were executed. The PA also arrested some Islamist and other militants suspected of responsibility for attacks against Israelis and held them in untried detention. Both Israeli and Palestinian authorities failed to take the necessary steps to stop the security forces under their control from committing abuses, and failed to adequately investigate and punish the perpetrators.

But even this current *intifada* dropped from international attention following the devastating September 11 attacks on New York and Washington, and in some cases governments in the region welcomed that shift of focus to justify their abusive policies. Egypt’s leaders were quick to draw parallels that justified their government’s harsh record. Prime Minister Atef Abeid decried human rights groups for “calling on us to give these terrorists their ‘human rights,’” referring to documented reports of torture and unfair trials, and suggested that Western countries

should “think of Egypt’s own fight and terror as their new model.” President Husni Mubarak was categorical: “those who carry out terrorist acts have no claims to human rights.” In November, Egypt put ninety-four civilians, most of whom were arrested in May, on trial before a military tribunal on charges of forming a secret organization to commit terrorist acts. Three days after the September 11 attacks, Israeli Defense Minister Binyamin Ben Eliezer noted, apparently with satisfaction: “It is a fact that we have killed fourteen Palestinians in Jenin, Kabatyeh, and Tam-mum, with the world remaining absolutely silent,” while Prime Minister Ariel Sharon repeatedly referred to Palestinian Authority President Yasir Arafat as “our Bin Laden.” In October, Jordan amended its penal code and press law in order, according to Prime Minister Ali Abu Ragheb, “to cover all the needs that we are confronting now.” The amendments empowered the government to close down any publications deemed to have published “false or libelous information that can undermine national unity or the country’s reputation,” and prescribed prison terms for publicizing in the media or on the Internet pictures “that undermine the king’s dignity” or information tarnishing the reputation of the royal family.

At the same time, the fact that key al-Qaeda leaders and most of the alleged perpetrators of the September 11 attacks were nationals of Saudi Arabia and Egypt prompted unprecedented discussion in the region as well as internationally concerning the bleak rights records of those countries and of violations of human rights across the region more generally.

By contrast, several initiatives taken across the region represented tentative but important steps to investigate and hold accountable the perpetrators of gross human rights violations, including torture, summary executions, and “disappearances.” While the general pattern of violations across the region remained relatively unchanged, with progress in some areas but deterioration in others, this growing effort to bring to justice those responsible for past gross violations represented a change, and one that appeared to bode well for the future. In some cases, alleged perpetrators were prosecuted in domestic courts—in Iran, unfortunately, with a frustrating outcome—while in other cases justice was sought abroad under the principle of universal jurisdiction. As local human rights groups and lawyers continued to call for an end to impunity and campaigned actively on behalf of the International Criminal Court (ICC), it became increasingly clear that the international justice movement had not bypassed the region but enjoyed growing support there.

As these disparate yet determined efforts generated publicity, inspired others to action, and put past and current human rights abusers on notice, they indicated that a culture of accountability was beginning to develop in civil society and the judiciary. Disclosures by former intelligence officials in exile also suggested that impunity had become an issue within the ranks of some governments’ internal security forces. In Egypt, a local criminal court sentenced the director of the maximum security Wadi Natroun II prison to a ten-year prison term for forgery and fabricating reports in an attempt to cover up the death under torture of a criminal convict. The court also sentenced one of the prison’s senior officers to a seven-year term and four sergeants to five years for beating the inmate to death. The court’s judgment constituted a clear victory for Egypt’s beleaguered human rights com-

munity, which has long documented and criticized the prevailing climate of impunity for torture and deaths in custody. In another case, however, an officer at Cairo's Agouza police station received only a two-year prison term for beating a detainee to death.

In Iran, a court convicted fifteen intelligence officials in January in connection with the 1998 killings of four intellectuals and political figures, and sentenced three of them to death and five to life imprisonment. The proceedings were mostly secret, however, and the trial was flawed, so information about who had ordered the murders did not emerge. An attorney for two of the defendants sought to call ten witnesses prepared to testify that former Minister of Intelligence Ghorbanali Dori Najafabadi, now a senior judicial official, who had not been indicted, had ordered the murders, but the court did not permit them to appear. Iranian investigative journalists also reported on connections between the death squads and state institutions and suggested that Dori Najafabadi and another former information minister, Ali Fallahian, were involved. In August, the Supreme Court reversed the convictions of the fifteen officials; in November, it remained unclear whether they would be retried.

In Tunisia, President Zine el-Abidine Ben Ali stated publicly more than once that his government would hold abusive members of the security forces accountable, but a climate of impunity generally prevailed and the justice system was widely perceived as an element of state repression. In July, however, a court sentenced four prison guards to four-year prison terms for torturing a criminal suspect and ordered the state to pay the victim compensation.

In Morocco, the nongovernmental Moroccan Human Rights Association (AMDH) publicly demanded that the justice minister bring charges against fourteen alleged torturers, including still-serving senior security officials and a member of parliament, but the minister did not do so. Subsequently, and perhaps as a consequence, the authorities detained thirty-six AMDH and other activists when they tried to hold a peaceful public protest in favor of accountability for past human rights abuses; they were prosecuted and initially sentenced to three months in prison, but then acquitted on appeal in November.

In Yemen too, despite a general climate of impunity, a court convicted three Criminal Investigation Department (CID) police officers in November 2000 in connection with the death of a detainee in custody, sentencing them to three-year prison terms, loss of rank and dismissal. Relatives of the victim lodged an appeal, seeking longer sentences commensurate with the offense. In November 2001, eight members of Central Security, an arm of the Interior Ministry, were awaiting trial in al-Dhali' province for the premeditated murder of a member of the opposition Yemeni Socialist Party; they were charged in July.

The search for justice also brought advocates to European courts to press their claims, an effort that was foreshadowed in late 1999 when Bahraini exiles and British human rights campaigners sought to initiate legal action in the United Kingdom against Ian Henderson, former head of Bahrain's notorious Security Intelligence Service. Tunisian torture victims pursued legal action against former Interior Minister Abdellah Kallel in Switzerland, where he was receiving medical care; after a Swiss prosecutor opened a preliminary investigation, citing Switzer-

land's obligations as a state party to the United Nations (U.N.) Convention against Torture, Kallel quickly left the country. And in Belgium, survivors of the September 1982 massacre by Lebanese Phalange militia of hundreds of Palestinian and other civilians at Sabra and Shatilla refugee camps in Beirut lodged a complaint against Israeli Prime Minister Ariel Sharon. He was Israel's defense minister at the time of the massacre and permitted the militia to enter the camps. Also, in late November, a Jerusalem-based organization lodged a complaint in Brussels against Palestinian Authority President Yasser Arafat, accusing him of crimes against humanity.

Activists in Morocco, aided by detailed disclosures in the country's newspapers, pressed for truth and accountability for the fierce repression practiced against dissidents during the "dirty war" of the 1960s and 1970s. One high-profile case was that of opposition leader Mehdi Ben Barka, who "disappeared" after he was picked up on a Paris street by French police and driven away in a police vehicle in October 1965. An investigating judge in France initiated an inquiry but was unable to obtain testimony from former Moroccan secret police officer Ahmed Boukhari, who alleged that Ben Barka died in France under interrogation by Moroccan agents, because Moroccan authorities imprisoned him on spurious charges. A coalition of international human rights groups urged the U.S. and French governments to declassify and release all official documents related to the case.

There were calls in Syria too for a hard look at several decades of brutal human rights abuses, but the government rounded up leading dissidents in an undisguised attempt to quash demands for reform and accountability. Human rights activist Nizar Nayouf, in France for medical treatment after nine years of imprisonment in Syria, insisted on efforts to address the horrors of his country's political past, including the summary execution of as many as 1,100 Islamist inmates at the infamous Tadmor military prison. Members of the paramilitary Defense Brigades carried out the killings over several hours on June 27, 1980, in retaliation for an assassination attempt on then President Hafez al-Asad a day earlier.

Defectors from Iraq's security apparatus continued to provide detailed information about gross human rights abuses, although a legal case against Saddam Hussein for crimes against humanity was yet to materialize. In November 2000, former Iraqi intelligence officer Captain Khalid Sajed al-Janabi alleged that a March 1998 presidential directive to "clean up Iraqi prisons" resulted in the execution of some 2,000 detainees and sentenced prisoners at Baghdad's notorious Abu Ghraib prison on April 27, 1998. A physician who worked in the prison's hospital, and fled to Jordan in July 2001, said that mass executions continued, mostly of political detainees identified by number rather than name. In some cases, according to his account, doctors were forced to inject detainees with poisons but attribute their deaths to natural causes.

The growing but still nascent efforts to press for accountability for past abuses were also reflected in the process by which governments in the region acceded to the International Criminal Court treaty of July 17, 1998. The court, which will prosecute crimes of genocide, crimes against humanity, and war crimes if national courts fail to respond, initially had a lukewarm reception from governments in the region. Only Jordan signed the treaty in 1998, and Israel and Iraq were among the seven states that voted against it. However, faced with a December 31, 2000, dead-

line to sign and thereby play a role in the development of the court, twelve countries in the region did so, most of them in the closing weeks of 2000. Algeria, Bahrain, Egypt, Iran, Israel, Kuwait, Oman, Morocco, Qatar, Syria, the United Arab Emirates, and Yemen thus joined 139 other states in endorsement of the court. Yet, by November 2001, no country in the region had taken the crucial step of joining forty-six other countries worldwide in ratifying the treaty. Sixty states must ratify the ICC treaty before it comes into force.

Space for independent political activity remained a scarce commodity throughout the region, with governments targeting both secularists and Islamists who sought to challenge authoritarian rule or call for reform, including by pursuing legitimate political activities such as standing for political office. The methods and scope of repression varied from country to country, although politically divergent ruling elites were united in their reluctance or refusal to open up stagnant political systems, to accommodate a diversity of opinions, and to facilitate and protect the growth of independent civil society institutions, including local media.

The impact of decades of strict constraints on peaceful opposition politics coupled with severe punitive measures for those who defied authorities was shown to carry ominous implications for stability and security. At best, it fostered a climate of intimidation and self-censorship; at worst, it led individuals and groups into clandestine, and in some cases violent opposition activities. In the aftermath of the September 11 attacks on New York and Washington, many in the region and beyond began to focus on the tough security policies of governments in the Middle East and North Africa that have contributed to radicalizing disaffected political activists, leading some of them to move their operations abroad.

Nationwide electoral democracy once again was revealed as a sham in Egypt, as authorities rounded up Islamist opposition candidates in advance of the October-November 2000 People's Assembly elections and the May-June 2001 contest for eighty-eight seats on the Consultative Council. Although these elections took place for the first time under full judicial supervision, authorities seemed determined to block peaceful Islamists, mostly members of the outlawed Muslim Brotherhood, from participating in the political system and gaining more than a token number of seats in the 444-seat lower house of parliament, still overwhelmingly controlled by President Husni Mubarak's ruling National Democratic Party. They detained hundreds of known or suspected members of the Muslim Brotherhood both before and during the elections, including candidates and their supporters. In November 2000, the military court sentenced fifteen defendants linked to the Muslim Brotherhood to prison terms of three to five years. Most were lawyers, university professors or other professionals involved in electoral politics. Similar blatant repression occurred in advance of the consultative council elections, with at least 140 Muslim Brothers arbitrarily arrested starting in mid-April, including candidates. All of them were later released without charge.

The power struggle in Iran between conservatives and reformers continued, despite the overwhelming electoral victory of President Mohamed Khatami, returned to office for a second successive term in June. The conservative clerics who controlled the judiciary and other institutions used their power to eliminate the country's independent pro-reform newspapers and other publications, and to

imprison peaceful advocates of political reform, including investigative journalist Akbar Ganji, student leader Ali Afshari, and veteran politician Ezzatollah Sahhabi. In March, the Tehran Revolutionary Court ordered the closure of the Freedom Movement, a group that had long advocated constitutional Islamic rule with respect for democratic principles, and the group's leaders were among sixty political activists detained in March and April. Ayatollah Hossain Ali Montazeri remained under house arrest in Qom, despite mounting protests, though his critical analysis of Iran's political system continued to circulate widely on cassette tapes, the Internet, and through photocopied statements.

In Syria, as the government was releasing long-term political prisoners, many of them Islamists detained in the early 1980s, ten reform-minded secular activists were targeted for arrest and prosecution. The arrests followed the *de facto* closure earlier in the year of the country's independent civil forums, the lively discussion groups that emerged amid the easing of controls following the death of President Hafez al-Asad, breathing welcome life into a civil society that had been virtually moribund during decades of repression. President Bashar Asad forewarned of the clampdown when he declared in February that "the development of civil society institutions must come at a later stage and they are not therefore among our priorities." Trials of two of the reformers, parliamentarians Riad al-Seif and Mahmoud al-Homsi, were underway in a criminal court in November 2001. Eight others—including former political prisoner Riad al-Turk, prominent academic Arif Dalila, and other civil forum activists—were then behind bars, awaiting trial in the State Security Court.

In neighboring Lebanon, calls increased for the restoration of Lebanese sovereignty and full independence from Syria, including public demonstrations led by students and other anti-Syrian political activists. The redeployment of some 6,000 Syrian troops from most of metropolitan Beirut, which occurred in June, seemed only to embolden Lebanese to press more vocally for a full Syrian withdrawal. Cardinal Nasrallah Sfeir, the Maronite Catholic patriarch and a leading critic of Syrian dominance over Lebanon, commented that there was still "a long way to go before there are balanced ties." The arrest of over two hundred Christian anti-Syria activists in August, with the apparent approval of the Syrian president, generated public uproar across Lebanon's political spectrum, including charges that the state was being transformed into a military dictatorship under President Emile Lahoud, the former army commander.

The Lebanese army defended the roundups by saying it had acted in Lebanon's "high national interest," but the president of the Beirut Bar Association, Michel Lian, condemned the arrests as illegal, noting that under Lebanese law "security agencies are not part of the judicial police and therefore have no right to arrest people." Those targeted were members or supporters of the disbanded Lebanese Forces (LF) and the Free Patriotic Movement, aligned with imprisoned-for-life LF militia leader Samir Geagea and exiled Gen. Michel Aoun, respectively. Among them were ten students hastily convicted in the military court for "distributing leaflets harming the reputation of the Syrian army and of defaming the president of the Lebanese republic," and sentenced to terms of five to forty-five days in prison. Others were charged with "acts, writings and speeches not allowed by the govern-

ment and which puts Lebanon in danger of aggressive acts and disturbs its relations with a sisterly state." On August 10, Lebanon's Central Security Council warned of the ongoing restrictions on freedom of assembly, stating that "any political group that does not enjoy an official license or permit is banned from staging demonstrations or organizing strikes." University students united to protest the intrusion onto the campus of St. Joseph University on November 21 of Internal Security Forces (ISF) troops, who removed photographs of plainclothes intelligence agents assaulting students and others at an earlier demonstration to protest the August arrests. The photos were part of a student display that included Lebanese flags draped in black ribbons, a reference to Syria's domination of the country. One student leader termed the ISF action "a continuation of the militarization of the regime."

The extremely poor human rights conditions in "closed" countries such as Iraq and Saudi Arabia remained beyond the detailed scrutiny of independent local or international monitors due to the utter lack of freedom of expression and association there, and the ongoing lack of access for outsiders. Critics, whether of secular or religious orientation, had no space to exercise basic rights, leaving in place distorted political enterprises beholden to an authoritarian dictator, as in the case of Iraq, or an all-powerful ruling family, as in the case of Saudi Arabia.

The year saw positive developments during the year in Bahrain. In a national referendum in February, Bahraini citizens—men and women—overwhelmingly approved a National Charter that established a two-chamber legislature. Prior to the vote, Shaikh Hamad bin Isa Al Khalifa, the country's amir, or ruler, announced an amnesty for more than four hundred persons detained or facing charges for security-related offenses, a category covering most of the country's political prisoners. More than one hundred Bahrainis who had been exiled abroad were allowed to return, and more did so later.

In the weeks following the referendum, the amir abolished the 1974 State Security Law, under which thousands of persons had been detained for years without trial, and the State Security Court, the procedures of which failed to meet international fair trial standards. In July, an amiri decree set up a general prosecuting authority under the Ministry of Justice, effectively removing prosecutorial authority from the Interior Ministry.

Other needed reforms in the penal code and laws governing publications and associations remained under study by a National Charter committee headed by the prime minister. A separate committee was charged with proposing amendments to Bahrain's 1973 constitution, whose provisions governing civil liberties had been effectively suspended by the government since 1975. Article 18 of the penal code, which prohibits political activity, remained in place. No political parties had been set up, but several political groupings—the Islamic National Reconciliation Society, the National Democratic Front, and the Association of the Arab and Islamic Center—were reportedly permitted to register as social and cultural organizations. Meetings and gatherings in clubs and professional associations continued after the referendum, although this remained technically illegal, and many Bahrainis felt that the greatest gains were made in the realm of freedom of expression, but were concerned about the lack of concrete steps to codify basic rights protections and to monitor implementation of announced reforms. These concerns were heightened

in July when the official General Organization for Youth and Sports insisted that organizations secure prior approval for public meetings and adhere to guidelines promoting national unity, and in November with the publication ban against prominent columnist Hafez al-Sheikh.

With Internet use growing around the region, authorities in several countries tried to restrict its use for circulating independent information and views. Saudi authorities made no secret of their determination to continue blocking online political content that they deemed objectionable, and foreign companies all-too-eagerly bid for the contract to help the government censor what Saudis could access. Tunisian authorities continued to periodically bar Tunisians' access to websites of human rights organizations and foreign newspapers likely to contain critical coverage of the government. Egypt, a country that had a tolerant approach to online content, carried out its first arrest of an Egyptian for something he had posted on a foreign server. Police arrested Shohdy Naguib on November 22 for having posted a provocative political poem by his late father, Naguib Surour, on his website, www.wadada.net, which was hosted in the U.S. Three days later, Naguib was released on bail and faced possible obscenity charges in connection with the poem. In Morocco, another country with a good record of tolerating online expression, the government was alleged to have temporarily blocked sites maintained by al-'Adl wa'l-Ihsane, an Islamist political movement. Earlier, that movement had used the Internet in an exemplary anti-censorship fashion, electronically circulating video clips that showed police beating their sympathizers during demonstrations—scenes that never aired on Moroccan television. In Algeria, where cybercafes were proliferating and there were no reports of website blocking, police in one city invited cybercafe owners to report on users who accessed “subversive” sites.

There was an ironic turn of the tables in October, when the U.S. government attempted to pressure the emir of Qatar, during a state visit to Washington, to rein in the region's popular al-Jazeera satellite television station, which is headquartered in Doha. The emir and other Qatari authorities publicly defended the station's right to broadcast its own programming and commentary, despite the fact that the U.S. found objectionable some of its reporting from Afghanistan and coverage of Osama bin Laden. “Because this comes from the United States, which considers itself the strongest advocate of freedom of expression, it comes as very strange and unacceptable,” Jazeera's news editor Ahmed Sheikh said in an interview.

Women across the region had their rights compromised based solely on gender, suffering from severe forms of institutional and societal discrimination in nearly every aspect of their lives. Despite some positive developments, tens of millions of women continued to be denied full equality, with religion, culture, and tradition often cited to justify their continued subservience. Perpetuation of inequality was linked to unequal personal status laws—most notably in areas related to marriage, divorce, inheritance, and child custody—and the lack of effective legal redress for crimes of domestic violence. Women continued to fall victim to so-called “honor crimes,” in which male family members murdered women relatives to restore family “honor”—and the perpetrators typically enjoyed impunity. See Women's Human Rights. In many states, discriminatory laws remained in effect that did not permit women to pass on their nationality to their children.

Saudi Arabia was the most extreme example, with women forced to observe an austere public dress code, denied the right to identity cards in their own names, prohibited from driving vehicles, and subject to strict segregation in education, employment, and all public venues. Moroccan and Algerian authorities took no decisive action during the year to reform the highly discriminatory codes of personal status. Women in Kuwait were still denied the right to vote and they continued to mobilize for the franchise. Saudi Arabia had no democratically elected local or national legislative institutions, and there were no women on the appointed Consultative Council.

Bahrain provided a potentially welcome departure from the prevailing scenario with the establishment of the Supreme Council for Women by a decree of the emir on August 22, and the November decision by the Shura Council to support Bahrain's accession to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Abdul Aziz Al Fadhel, minister of state for Shura Council Affairs, stated that the decision to sign the convention was based on article 2 of Bahrain's constitution, which states that the *Shari'a* is the main source of the country's legislation, and article 18, which stipulates that all citizens are equal and have the same rights and duties.

In another positive development, Egypt's prosecutor general rejected on May 23 complaints filed against the well-known feminist writer, Nawal al-Sa'dawi, by a lawyer who called for her to be forcibly divorced from her husband on grounds of her alleged apostasy. The case was brought following remarks she had made on religious issues during a media interview in March. The plaintiff also filed a separate case against al-Sa'dawi before the Personal Status Court, which ruled on July 30 that the case was inadmissible.

DEFENDING HUMAN RIGHTS

The human rights movement in the region maintained its vitality despite alarming prosecutions of activists in Egypt, Morocco, Syria, and Tunisia. Defenders sought to make the most of somewhat greater openness in a few countries, while well-established human rights communities elsewhere fought to defend their activities and mandates. Determined and courageous individuals pushed the boundaries of public openness in Morocco, Iran, Syria, and Tunisia, in some cases at a price. In sharp contrast, Saudi Arabia, Libya, and Iraq retained policies of absolute intolerance to any human rights related activity, and there were no human rights organizations in Qatar, Oman, and the United Arab Emirates. Some governments, including Egypt and Syria, relied on vaguely-worded laws to intimidate, stifle, or prosecute local human rights defenders and limit or totally restrict their sources of financial support from abroad.

Governments in Syria, Tunisia, Egypt, and Yemen manipulated their powers of regulation of nongovernmental organizations (NGOs) in order to harass and obstruct the activities of local human rights groups. In Egypt, the government maintained its crackdown on human rights activists with the trial and May 21 conviction of Saadeddin Ibrahim, director of the Ibn Khaldun Center for Development

Studies, and twenty-seven co-defendants. Egyptian NGOs continued their lobbying efforts despite ongoing uncertainty over the amended draft of the Law on Civil Associations and Institutions, presented to the Shura Council in April but not debated by parliament by November. A new law on associations took effect in February in Yemen, empowering the Ministry of Labor and Social Affairs to supervise NGOs and requiring the ministry's approval for all foreign-funded activities.

Hopes of greater openness in Syria were dealt a blow when President Bashar al-Asad's government arrested activists in August and September, including Habib Issa and Walid al-Bunni, who attended the July 2 founding meeting of the Independent Human Rights Society in Syria, and Kamal Labwani, a member of the administrative council of the Committees for the Defense of Human Rights. These arrests followed a period in which Syrian intellectuals and human rights activists had begun to exercise freedoms and speak out publicly in a manner impossible under the previous regime. Human rights activist Nizar Nayouf was released from prison in May after serving the majority of a ten-year prison sentence imposed in 1992, only to be informed in early September that the ruling Ba'ath party had filed a new case against him.

Despite the lack of formally-constituted human rights organizations, debate about human rights remained at the core of the power struggle in Iran between conservatives and reformers. Eight reformist parliamentarians faced charges for comments made under the cover of parliamentary immunity. In May, the International Center for Dialogue Among Civilizations and a private university in Qom hosted an unprecedented international human rights conference with a diverse group of participants in Tehran.

Civil society and political figures also challenged the status quo in Tunisia, despite heavy-handed governmental efforts to block their activities. At least four women human rights activists were assaulted by police during the year, and one, Sihem Ben Sedrine, was arrested on June 26 and detained until August 11. In Morocco, human rights groups worked to end impunity for state officials responsible for human rights abuses under the previous regime.

Bahraini human rights activists received official authorization in March to set up the Bahrain Human Rights Association, the first independent human rights monitoring group allowed in the country. In June, the association condemned attacks in two government-supported daily newspapers against Lord Avebury of the U.K., a long-time supporter of Bahraini rights groups, immediately prior to a government decision to ban a visit to the country by Avebury. In an interview in *Al-Hayat* on August 31, the association's general secretary, Sabika al-Najjar, said it was focusing on cases of persons still in exile or who lacked citizenship, and that the organization had received government permission to visit the country's prisons. In November, the association vigorously protested a government ban on publications by well-known political commentator Hafez al-Shaikh.

Violence in Algeria, Israel, and the Occupied Palestinian Territories impeded the work of human rights defenders. Israeli authorities detained at least four Palestinian field researchers from well-known human rights groups. The Palestinian Authority denied human rights lawyers access to prisons under its control, and arrested at least one Palestinian lawyer.

THE WORK OF HUMAN RIGHTS WATCH

Human Rights Watch researched and reported on a wide-range of violations across the region, with a particular focus on the use of force against civilians and restrictions on freedoms of expression, assembly, and association. We condemned efforts to gag the media or to silence dissidents and called for reforms of oppressive laws enabling such actions. We challenged governments to be accountable and permit investigations into past abuses, and we welcomed efforts to end impunity. We criticized the absence of due process in legal proceedings in civilian and military courts and sought to defend the independence of the judiciary against pressure and interference by the executive branch of government.

Throughout the year we continued to look beyond the U.S. to European governments and others for sources of influence on human rights violators in the region. In dealing with offenders we sought both to focus on gross violators but also to respond to new restrictions imposed in countries that claimed to have ended abusive practices and permitted the exercise of basic rights.

Underpinning our effectiveness were our efforts to reach a broader segment of the region's population through faster and wider dissemination of our published materials. We issued reports and communiqués in Arabic, Farsi, French, and Hebrew, as well as English, using print, radio, television, and the Internet to substantially improve their coverage in major regional and local media.

One of our highest priorities remained consultation and coordination with local and regional human rights groups in order to develop effective strategies to end abuses and address regional priorities. We also continued to defend those who were persecuted for their human rights work and to pressure governments to provide the space to enable them to conduct their work.

In February, we published on Bahrain, welcoming the release of most of the country's remaining political prisoners prior to a national referendum on proposed political reforms. We called for the abolition of State Security Courts, an end to unfair trials and to prolonged detention without trial, and urged that all Bahraini exiles be allowed to return home. Human Rights Watch also supported the need for Bahraini human rights activists to be allowed to establish independent nongovernmental groups.

In the same month, we published a critique of Yemen's referendum on constitutional amendments and local elections, held the same day, that strengthened the power of the president and the ruling General People's Congress (GPC). In particular, we drew attention to harassment of political activists, human rights defenders, and journalists in the run up to the votes.

In March, we presented a memorandum to the United Nations Human Rights Committee on Syria's compliance with the International Covenant on Civil and Political Rights. We welcomed the improvements since Bashar al-Asad replaced his father as president in July 2000—including the release of some six hundred political prisoners, the emergence of independent civic forums meeting openly and discussing agendas for political reform, and the granting of a licence to the first privately-owned newspaper since 1963—but we sounded a warning about the

clampdown that threatened a return to state monopoly of all forms of public debate.

We urged the committee to give particular attention to five issues: the stripping of Syrian political exiles and their families, including children, of the right to maintain or obtain Syrian nationality; discriminatory treatment of Syria-born Kurds; discrimination against women under the personal status law and penal code; accountability for violations of the right to life and other gross human rights abuses; and violations of freedom of association.

In an eighty-two page report, *Center of the Storm: A Case Study of Human Rights Abuses in Hebron District*, published in April, Human Rights Watch documented excessive use of force and unlawful killings by Israeli forces, Palestinian targeting of Israeli civilians, and a systematic policy of Israeli blockades and curfews that amounted to collective punishment. The report also brought to light a disturbing pattern of violence committed by Israeli settlers against Palestinian civilians in and around Hebron, often committed with the knowledge of Israeli Defense Force (IDF) soldiers in the area. We urged the Israeli government and the Palestinian Authority to take immediate steps to stop abuses by the forces under their control, and called for an independent, international monitoring presence in the West Bank and Gaza Strip to monitor and report on Israeli and Palestinian abuses.

Also in April, we issued jointly with Observatory for the Protection of Human Rights Defenders a report, *A Lawsuit Against the Human Rights League, An Assault on All Rights Activists*, detailing the Tunisian authorities' actions against its human rights critics, including police actions to block meetings of human rights organizations, physical assaults on men and women activists, passport confiscations, and interruptions in phone service. We urged the French and other European Union governments to monitor the appeals court case against the Tunisian Human Rights League, which opened on April 30, and to pressure the Tunisian government to stop its harassment of human rights monitors.

In June, in the run-up to presidential elections in Iran, Human Rights Watch published *Stifling Dissent: The Human Rights Consequences of Inter-Factional Struggle in Iran*. This traced the conservative backlash that occurred after reformists won a landslide victory in parliamentary elections in February 2000, in which political and religious conservatives manipulated their control of the judiciary and the Council of Guardians, and the office of the Leader of the Islamic Republic to clamp down on pro-reformist media, political activists, intellectuals, and reform-minded government officials. The report said more than thirty-five independent newspapers and magazines had been closed down in the previous fourteen months and condemned the use of arbitrary detention, unfair trial, political violence, and restrictions on basic freedoms.

We issued a briefing on Egypt's human rights record in October that examined how more than two decades of emergency rule had been used not only against violent opponents of the government but also to stifle peaceful critics and democrats. It reported that torture remained widespread and that basic liberties such as the rights to freedom of speech and association were sharply restricted. The briefing also examined the confrontation between the state and Islamist armed political groups, including al-Jihad, some of whose key figures were reportedly associated with Osama bin Laden.

Throughout the year we also sought to defend those who were persecuted for their human rights work. In January, we wrote to Tunisian president Zine el-Abidine Ben Ali to protest various measures that stifled independent human rights activity, including the one-year prison sentence imposed on Moncef Marzouki, spokesperson of the National Council on Liberties in Tunisia, for “disseminating false news.” In Egypt, we protested the May sentencing by the Supreme State Security Court of human rights defender Saadeddin Ibrahim and twenty-seven co-defendants to between one and seven year prison terms in a politically motivated unfair trial. In July, we welcomed the decision of Cairo’s Administrative Court to overturn the government’s refusal for unspecified “security reasons” to register the Egyptian Organization for Human Rights and called on the Egyptian government to implement the ruling without delay. In Algeria, we protested the authorities’s restriction of Mohamed Smaïn, including the confiscation of his passport and national identity card, for his work on kidnappings, “disappearances,” and assassinations in the western province of Relizane.

We expressed dismay at the conviction and sentencing of thirty-six Moroccan human rights activists in May on charges of holding an illegal demonstration in December 2000, organized by the Moroccan Association of Human Rights, to demand an end to impunity for the perpetrators of human rights violations. Almost a year later they were acquitted in a November 2001 appeal hearing. While welcoming the acquittal Human Rights Watch and Amnesty International jointly expressed concern in a published briefing that the right to assemble peacefully remains sharply curtailed in Morocco.

Staff and other representatives of Human Rights Watch’s Middle East and North Africa division traveled during the year to Egypt, Iran, Israel and the Occupied Territories, Iraqi Kurdistan, Morocco, Tunisia, and Palestinian Authority-controlled areas. Missions involved field research, dialogue with government officials, trial observations, coordination with local and international groups and efforts at outreach, and advocacy. Human Rights Watch requests for access to Algeria, Bahrain, Saudi Arabia, and Syria were not granted and remained pending at the end of the year.

THE ROLE OF THE INTERNATIONAL COMMUNITY

European Union

The European Commission (E.C.), the executive arm of the European Union (E.U.), issued a lengthy “communication” to the Council of Ministers and the European Parliament on May 8 proposing a more coherent and consistent E.U. approach to human rights issues by “ensur[ing] that all E.C. assistance instruments are mobilized in support of human rights and democratization objectives.” The document included few concrete suggestions as to how this could be achieved, however, in particular how to overcome the frequent reluctance of member states and the Council of Ministers to speak out against or take steps to end abuses in individual countries.

The most noteworthy development in the framework of the Euro-Mediter-

anean “Barcelona Process” was the signing, on June 25, of the Association Agreement with Egypt, after more than five years of negotiation. (See Egypt.) Previously signed agreements with Jordan and the Palestinian Authority remain to be ratified by some E.U. member states before coming into force, while negotiations continued with Algeria, Lebanon, and Syria. Tunisia’s Association Agreement has been operative since March 1998, Israel’s since June 2000, and Morocco’s since early 2000, but there was no significant public or official discussion as to how the poor human rights records of those governments could be squared with article 2 of each agreement, which states that it is premised on “respect for human rights and democratic values.” One indication of the ambiguous status of human rights was the Euro-Mediterranean conference of ministers of foreign affairs, meeting in Brussels in early November. The group’s communiqué “welcomed the continuation of the political dialogue, especially with regards to human rights, by means of national and regional presentations making it possible to improve awareness and hence mutual understanding of our partners’ reference systems.”

A U.S. Congressional Research Service study of transfers of conventional arms, released in August, reported that almost 84 percent of the United Kingdom’s arms deliveries to developing countries in the 1997-2000 period were to the Middle East. The equivalent figure for France was more than 41 percent.

United States

The Bush administration entered office on January 20 determined to have a lower profile than its predecessor in efforts to revive negotiations between Israel and the Palestinian Authority. Secretary of State Colin Powell’s initial tour of the region was to solicit support for changes in the U.N. sanctions regime on Iraq, an effort that eventually failed to materialize owing to Russian resistance in the Security Council. The administration’s plans to stay relatively removed from the Israeli-Palestinian conflict did not prove realistic. The administration declined to name a successor to Dennis Ross, who had served as special coordinator for the Middle East, instead naming Assistant Secretary of State for Near Eastern Affairs William Burns as U.S. chief negotiator. Secretary Powell visited the region in June in an unsuccessful effort to bring about a ceasefire. The need to forge a political and military coalition following the September 11 attacks on New York and Washington sharply increased pressure on the administration to give greater attention to the Israeli-Palestinian conflict. In November, President Bush, in a speech to the U.N. General Assembly, declared support for a Palestinian state. As the political and security situation continued to deteriorate, the president sent retired Marine Corps Gen. Anthony Zinni as a special envoy to the region. Secretary Powell said Zinni would stay there “for as long as it takes” to bring about a negotiated settlement.

Issues of human rights and democracy did not figure significantly in U.S. public diplomacy or foreign assistance programs related to the Middle East. The State Department, in its fiscal year (FY) 2002 request to Congress, budgeted U.S. \$7 million—up from just under \$4 million in FY 2001—under the heading of Middle East Democracy. The presentation stated that these funds would be used to support “democracy-related projects” of NGOs in Morocco, Algeria, Tunisia, Oman, and

Yemen, as well as programs for judicial reform and “protection of human and private property rights.” The funds would also be used to improve the capacity and effectiveness of legislatures and elected advisory councils and to assist preparations for fair elections in Morocco and Algeria. Of the individual country presentations, human rights and democratic reform appear to be a substantial component of the program only for Morocco. Tunisia was implausibly characterized in the presentation as a “stable democratic country,” and U.S. promotion of democracy in Tunisia was limited to funds for training Tunisian military officers.

Funding under the Anti-Terrorism Assistance (ATA) program, according to the State Department presentation, included working with participating countries “to increase respect for human rights among foreign police by sharing modern, humane and effective antiterrorism techniques.” The presentation did not say what proportion of the \$38 million requested would be for such programs, or which countries were included. Some \$4.7 million of the total was earmarked for the Middle East.

The fact that the top leadership of al-Qaeda and most of the alleged perpetrators of the September 11 attacks were nationals of Saudi Arabia and Egypt focused considerable media and other attention on the authoritarian character of those states’ governments, both close U.S. allies. The attacks stimulated some public reflection on U.S. neglect of democracy and human rights issues in the region. Secretary Powell, testifying before the Senate Foreign Relations Committee on October 25, acknowledged that “[in] many of these nations, leadership does not represent the street.” Secretary Powell went on to say, “I have started to raise these issues and talk to some of our friends in the region and say, you know, in addition to sort of criticizing us from time to time and terrible editorials about us in your newspapers, better start taking a look in the mirror.”

On October 31, Assistant Secretary of State for Democracy, Rights and Labor Lorne Craner, in a speech on “The Role of Human Rights in the administration’s Foreign Policy Agenda,” included a paragraph on the Middle East. After discussing China, he said: “Similarly, in the Persian Gulf, Oman is experimenting with an increasingly independent legislature and Qatar will hold local elections, with women voting, in 2003. No one, least of all me, would claim any of these countries are democracies, and it may be that the end result, many years from now, is not precisely comparable to our democratic system. The point is that the United States is now willing to assist those working to bring pluralism to their countries, even if it may only occur over the long term.”

According to the Congressional Research Service’s annual report on conventional arms sales, the U.S. delivered \$26.4 billion in arms to the Middle East in the 1997-2000 period, or just over 62 percent of all U.S. deliveries to developing countries. Saudi Arabia (\$16.2 billion), Israel (\$3.9 billion), Egypt (\$3.6 billion), and Kuwait (\$1.5 billion) were the largest recipients.

ALGERIA

HUMAN RIGHTS DEVELOPMENTS

More than 1,500 people were killed in a tenth successive year of endemic political violence involving the security forces and armed groups claiming to be Islamist. The casualty level, although down from the mid-1990s, refuted official claims that the violence was “residual.” As well as security force members and militants killed in clashes and ambushes, the casualties included hundreds of civilians who were indiscriminately attacked in their homes, at roadblocks, and in public places.

The year also saw the first mass popular protests since a state of emergency was imposed in 1992. The protests were concentrated in the Berber-majority Kabylie region. According to local nongovernmental organizations, over ninety civilians died in the unrest, most of them victims of shootings by the security forces.

In the realm of public freedoms, Algeria presented a mixed picture. Massive anti-government demonstrations were sometimes permitted, at other times forbidden or aggressively broken up. Revisions to the penal code threatened press freedom, yet private newspapers continued to criticize President Abdelaziz Bouteflika daily.

Sweeping impunity prevailed for the perpetrators of massive human rights violations on all sides of a conflict that has claimed well over 100,000 lives.

The 1999 “Civil Harmony” law offering amnesty or leniency to surrendering militants, known as *repentis*, failed to end the political violence. There were apparently few new surrenders in response to President Bouteflika’s suggestion in February that the amnesty offer was still available even though the deadline specified in the law had passed. In June, the level of violence increased and spread to regions that had been relatively spared in recent years.

Much of the violence was blamed on two armed groups that had rejected the amnesty, the Armed Islamic Group (Groupe islamique armé, GIA) and the Salafist Group for Preaching and Combat. According to the often-sketchy available information, the GIA slaughtered civilians indiscriminately and systematically while the Salafist Group frequently targeted members of the security forces and government-backed militias, but also killed civilians. Attribution was often difficult because the assailants usually fled without being apprehended and rarely claimed responsibility or explained their motives.

The governorates (wilayas) of Tipasa, Medea, Chlef, and Mascara were particularly affected, while the Mitidja south of the capital suffered a resurgence of attacks. On February 10, for example, an unidentified group of armed men gunned down four families living in a shantytown near the city of Berrouaghia. Most of the twenty-six killed were women and children. On August 12, in one of numerous attacks committed by men who had set up roadblocks on intercity roads, seventeen passengers were killed by armed men dressed in military uniforms in the wilaya of Mascara. On September 26, attackers invaded a wedding party in the city of Larbaa,

killing thirteen in attendance and nine others who happened to be in their path, according to reports in Algerian private newspapers. The terror drove thousands of Algerians toward more urban areas that offered relative safety but also social and economic hardship.

A total of some 6,000 militants had applied for amnesty since the Civil Harmony law went into effect in July 1999, according to government statements made during 2001. A *de jure* blanket amnesty was given to members of the two armed groups that had formally agreed to disband in January 2000. Amnesty-seekers from other groups were required to disclose their past deeds to government-controlled probation committees. These bodies were charged with conducting investigations and deciding whether applicants should be exempt from prosecution or, if they were suspected of committing serious crimes, face reduced sentences.

In practice, the probation committees tended to exonerate repentis after a cursory examination, according to victims' rights groups. As a result, suspected assassins were reportedly cleared to return home without punishment, even though the Civil Harmony law states that persons who participated in killings or rape are disqualified from receiving probation or reduced sentences.

Prime Minister Ali Benflis told European Parliament member Helène Flautre in May that some four hundred surrendering militants were facing prosecution, but this figure could not be independently verified. The committees operated behind closed doors, and excluded victims, their survivors, and the public from their deliberations. Even if accurate, the figure of four hundred prosecutions would represent only 7 percent of the militants who were reported to have turned themselves in.

More than ninety Algerians were reported killed during street protests that began on April 21 and continued sporadically for months. The demonstrations were sparked by the death on April 20 of Berber high school student Guermah Massinissa, who, two days earlier, had been shot while in custody in a gendarme barracks. Local youths rejected gendarmerie claims that the shooting was accidental and alleged that the gendarmes had increasingly harassed the local population in the preceding months.

Many of the protests in the Kabylie were peaceful but in others, protesters threw stones or Molotov cocktails at gendarmes, and damaged public buildings and property, as well as private businesses. During the first and bloodiest week, gendarmes repeatedly opened fire on protesters without warning, using live ammunition. They also beat wounded persons and others not involved in the protests, according to many eyewitnesses.

The demonstrators demanded, among other things, recognition of the Berber language and cultural identity and the withdrawal of the gendarmes from the region. In June, the street rallies spread to other regions, fueled by local grievances over corruption, joblessness, and housing allocations.

On April 30, President Bouteflika announced an independent probe into the events. On May 2, he named a respected jurist, Mohand Issad, to head it. The commission's interim report, made public three months later, contrasted favorably with previous government-ordered inquiries that either were whitewashes or never came out at all. The commission found that the gendarmes had "kept the pot boiling by shooting live ammunition, ransacking, plundering, provocations of every

sort, obscene language, and beatings.” It concluded that self-defense claims could not justify the gendarmes’ fatal shooting of fifty civilians and the wounding of another 218 by gunfire between April 22 and 28. During this period, it noted, one security force member died, by electrocution, although many were injured.

The commission’s interim report did not identify gendarmes or officers responsible for the excessive use of lethal force. Issad promised to resume the inquiry in August, but further findings were unavailable as this report went to press.

Shortly after President Bouteflika’s address on April 30, security forces began showing greater restraint in their use of live ammunition. Authorities also reasigned many of the troops suspected of acting harshly, and deployed riot police units who used teargas more than live bullets.

These factors helped to reduce casualties despite the larger and more widespread nature of the protests during May and June. On May 21 and 31, huge demonstrations were held, first in Tizi-Ouzou, then in Algiers. But on June 14, a Berber-dominated march of about half a million people in the capital degenerated into looting of shops and clashes involving the police, demonstrators, and local youth. Over three hundred were injured and four killed. Many of the hundreds detained by police were unaccounted for during several days; however, all were eventually released.

On June 18, President Bouteflika banned all demonstrations in Algiers “until further notice.” Police were deployed massively in the city and on roads leading from the Kabylie to thwart would-be demonstrators. Pre-announced marches were blocked in this manner on July 5, August 8, and October 5.

On October 3, Prime Minister Ali Benflis met with Berber community representatives and announced that President Bouteflika had promised several initiatives. These included amending the constitution to make the Berber language, Tamazight, a national language; compensating victims of the disturbances; prosecuting those responsible for crimes and killings during the clashes; and restructuring the security forces in those areas of the Kabylie where abuses had taken place. As of October, there was no verifiable information available about prosecutions of security force members responsible for abuses during the protests, although there were unconfirmed reports of arrests.

State-controlled television and radio remained government mouthpieces, usually ignoring major demonstrations and massacres that were covered on locally available European and Arab stations. Opposition politicians received little or no television coverage except during the regularly broadcast sessions of parliament.

Private newspapers, by contrast, often criticized government actions, publishing eyewitness accounts of the gendarmerie’s suppression of demonstrations, and speculating openly about President Bouteflika’s future in office. However, they exercised self-censorship concerning the army’s role in politics.

In June, *El-Watan* and *el-Khabar* became the first national dailies to print part of their daily circulation at a private press, loosening the indirect editorial pressure that accompanied the state’s near-monopoly on printing. However, revisions to the penal code that took effect in July lengthened prison terms and increased fines for defaming or insulting the president, state institutions, or officials. The amendments were justified by officials as necessary to “preserve the dignity of the state and

to protect individual and collective freedoms.” As this report went to press, no journalist had yet been charged under the new amendments, which also curbed speech in mosques by lengthening to five years the maximum sentence for delivering sermons “capable of harming social cohesion.”

Entry visas for foreign reporters were sometimes approved, sometimes ignored without explanation. Country specialists at the Paris dailies *Libération* and *Le Figaro* were prevented from visiting during much of the year.

Internet use continued to grow as connection fees dropped and cybercafes proliferated. There were no reports of sites being blocked, although the Internet regulations required service providers to “constantly monitor the content available to [their] subscribers to prevent access to . . . information contrary to the public order or morality.” Early in 2001, police in the city of Boufarik ordered cybercafe operators regularly to submit a log of their patrons’ names, and to report any activity that seemed subversive or immoral.

No progress was achieved in locating or learning the fate of the thousands of Algerians who had been forcibly “disappeared” by the security forces, primarily between 1994 and 1996. Although there were no new cases of persons who had been detained by security forces during 2001 and then remained missing for an extended period, families came forward to report additional cases dating to the 1990s. The National Association of Families of the Disappeared stated that its registry of documented cases had surpassed 7,000.

In a speech on October 9, President Bouteflika asked families of the “disappeared” to “trust the authorities” and to refrain from doing anything that “could tarnish the image of the country or of Algerians.”

Government officials continued to provide statistics on cases the government claimed to have “clarified,” while rarely if ever furnishing any useful information to families. For example, according to a report issued in June by European Parliament member Helène Flautre, Justice Minister Ahmed Ouyahia told Flautre in May that out of 3,000 missing-person complaints received by the government, “a thousand had been cleared up: 833 [of the missing persons] had joined the armed groups, ninety-three had been killed, eighty-two were in detention, seventy-four had returned home, and seven had benefited from the Civil Harmony [amnesty].”

However, the authorities furnished no evidence to families that particular missing persons had joined armed groups. Few if any turned up among the thousands of armed group members who had surrendered in recent years; nor did these repentist provide information corroborating the government’s claim that many of the supposedly “disappeared” had been alongside them in the mountains.

No headway was made in finding any of the several thousand Algerian civilians said to have been abducted in previous years by armed groups. Few families learned anything about relatives who had been abducted, despite the discovery in recent years of several mass grave sites believed linked to the conflict, and the surrender of thousands of militants, some of whom may have had knowledge of the abductions.

Security forces continued to torture detainees who were suspected of involvement with or knowledge of the armed groups, according to human rights lawyers. However, reports of torture declined along with the number of security-related arrests compared with previous years.

In February, ex-army officer Habib Souaïdia published in Paris *La Sale Guerre* (The Dirty War), the most detailed indictment yet of the army's conduct. Souaïdia detailed a pattern of torture and of summary executions practiced by anti-terrorist units on suspected Islamists, and other abuses that he claimed to have witnessed between 1993 and 1995. Algerian officials dismissed *La Sale Guerre* as part of a campaign to smear the government.

In another challenge to impunity, on April 25, a Paris judge opened an investigation into complaints filed against Khaled Nezzar by Algerians now living abroad who said that they, or their deceased relatives, had been tortured in the early 1990s when Nezzar was minister of defense. Nezzar, in France for the publication of his memoirs, cut short his visit and left the country that night by private plane.

In some trials, including politically sensitive ones, judges conducted the proceedings with seriousness and impartiality, but others were tainted by irregularities. In a one-day trial on April 12, Fouad Boulemia was convicted and sentenced to death for the November 1999 killing of Abdelqader Hachani, at the time the pre-eminent Front Islamique du Salut (FIS) leader who was at liberty. Boulemia told the judge he had been tortured into signing a "confession" that he now repudiated, but this claim was rejected by the court. Boulemia was questioned neither by his own lawyer nor the prosecutor. Boulemia remained in prison as of this writing.

In another case, journalist Faouzia Ababsa, managing editor of the French-language daily *l'Authentique*, was convicted of defamation on July 11 even though she had not been notified of the trial and was not present. She received a suspended six-month prison sentence and a fine.

In their indiscriminate attacks on civilians, armed groups abducted and raped girls and women, when they did not kill them on the spot. Women's rights groups decried the lack of support services for rape victims.

The more general problem of gender-based violence was dramatized by attacks on women living alone carried out by mobs of men who were apparently unaffiliated with armed groups. On the evening of July 13, more than one hundred men set upon a neighborhood of the oil-rich city of Hassi Messaoud. While other residents were spared, migrant women were pulled from their homes, beaten, clubbed, stabbed, and raped. The assault lasted well into the night, even though security forces monitor the city closely. On October 9, *El-Watan* reported that thirty-eight of the men had been charged with assault, rape, or other offenses, and of those charged twenty-nine were being held in pretrial detention. According to one version, the assailants were local residents motivated by accusations that the women practiced "loose morals." Later in the month, groups of men in the eastern city of Tebessa twice raided a neighborhood where women lived alone, assaulting three women in one instance and ransacking homes in the other. Attackers who were arrested by police claimed they were fighting "debauchery."

The highly discriminatory Family Code of 1984 remained intact. On March 8, international women's day, President Bouteflika called the code "discriminatory" and said some of its provisions ran counter to "the spirit of Islam." But neither he nor the National Assembly took any initiative to amend articles that favored men in matters of marriage, divorce, inheritance, and child custody.

On October 9, Algeria ratified the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Mine Ban Treaty). It will enter into force for Algeria on April 1, 2002.

DEFENDING HUMAN RIGHTS

Algerian human rights and victims' rights organizations, lawyers, and certain political parties collected information and lobbied in defense of rights. The main obstacle to documenting abuses appeared to be the fear among victims and their families to testify, particularly among rural populations hard-hit by political violence.

Police generally tolerated the regular sit-ins organized by families of the "disappeared" in front of public buildings, but broke them up on occasion. An attempted march by families in the city of Relizane on September 19 was blocked on the grounds that it was unauthorized.

Mohamed Smaïn, a spokesperson of the Relizane bureau of the independent Algerian League for the Defense of Human Rights, was detained on February 23 and held for two days in connection with a defamation suit filed by Hadj Fergane, a former mayor and militia chief whom Smaïn had accused of involvement in kidnappings and extrajudicial killings. Smaïn's identification documents were seized and he was prohibited from traveling without court authorization. On October 28, with the case still pending, the gendarmerie cautioned Smaïn that the travel restriction remained in effect. The confiscated documents had not been returned. In November, however, Smaïn prevailed in another case in which a Relizane court sentenced Fergane to six months in prison for defaming Smaïn.

The National Association of Families of the Disappeared remained active even though its application for legal recognition had gone unanswered. In September, another organization of families of the "disappeared," SOS Disparus, opened a national headquarters in downtown Algiers, the first office devoted solely to this issue.

In contrast to 2000, Human Rights Watch, Amnesty International, and the International Federation for Human Rights were not permitted to conduct fieldwork in Algeria during the first ten months of 2001. However, the French freedom of expression organization Reporters sans Frontières visited in January to investigate the cases of five missing Algerian journalists.

The government continued its refusal to grant long-standing mission requests from the U.N. special rapporteurs on torture, and on extrajudicial, summary, or arbitrary executions, and the Working Group on Enforced and Involuntary Disappearances (WGEID). The International Committee of the Red Cross conducted its fourth and fifth rounds since 1999 of visits to prisons, including private interviews with inmates. Its agreement with the authorities excluded visits to facilities run by the ministries of interior or defense.

In March, authorities dissolved the nine-year-old National Human Rights Observatory, which reported to the president and was viewed as ineffective by most victims of government abuse who had sought its assistance. It was replaced in Octo-

ber by the National Consultative Commission for Promoting and Protecting Human Rights.

THE ROLE OF THE INTERNATIONAL COMMUNITY

European Union

E.U. countries received 20 percent of their natural gas supplies from Algeria and purchased 70 percent of Algeria's total exports.

Negotiations continued over a bilateral association agreement between the E.U. and Algeria, and the E.U. funded modest programs to support private newspapers and to train the police in forensic science and in human rights.

On June 16, the European Council, composed of the heads of government of the E.U. countries, publicly urged "all those responsible in Algeria" to "act to end the present confrontations and violence," and called on the government to "launch a political initiative to overcome the crisis by means of dialogue among all Algerians." The statement pledged the E.U.'s support for "the political, economic, and social reforms necessary for restoring peace, stability and prosperity."

Human rights received some attention at the ministerial-level "troika" meetings held in Algeria on April 24. (The troika consists of representatives of the current E.U. presidency, the commission, and the High Representative for the Common Foreign and Security Policy.) The Europeans presented a list of some thirty "disappeared" cases and requested clarification. Anna Lindh, the foreign minister of Sweden (at the time E.U. president), stated that the E.U. "takes a serious view" of "disappearances," arbitrary arrests, and torture. She also voiced concern about the proposed penal code amendments restricting press freedom.

A resolution adopted January 18 by the European Parliament condemned all forms of violence against civilians in Algeria and urged the government to cooperate with the U.N. WGEID. A resolution adopted May 17 criticized the killing of demonstrators and urged greater respect for Berber cultural and linguistic rights. In his statement before the U.N. Commission on Human Rights, the E.U. representative on March 29 urged Algeria to allow visits by U.N. human rights rapporteurs.

France

France was Algeria's leading source of imports and home to the largest Algerian community outside of Algeria. French assistance to Algeria came mainly in the form of credits for the purchase of French exports.

During the conflict that has raged in Algeria since 1992, France has been circumspect on governmental human rights abuses committed against suspected Islamists. In 2001, the French government spoke out more forcefully when the security forces killed some fifty protesters in the Kabylie during the last week of April. Kabyles (Berbers) constitute a large percentage of France's Algerian community and are politically well-organized. On May 2, Foreign Minister Hubert Vedrine

warned that France could not remain silent about “the violence and repression” and urged “political dialogue.” On June 19, he said the demands by the Algerian people for “real change” were “thoroughly legitimate.” In an interview published in *Le Monde* of July 11, Vedrine scoffed at the accusation made by President Bouteflika and others that foreign meddling had caused the recent disturbances: “The Algerian regime knows very well that this is false, that this contestation is the result of internal problems.”

On other human rights issues, France was more discreet. Vedrine, Interior Minister Daniel Vaillant, and State Secretary Michelle Demessine all visited Algiers in February and made no public statements regarding human rights at the time.

United States

Never a priority country in the region for the U.S., Algeria received greater attention during 2001. Human rights concerns were raised in bilateral meetings but remained secondary to anti-terror cooperation, U.S. private investments, and resolving the conflict over the Western Sahara.

These were among the topics discussed when President George W. Bush met with President Bouteflika on July 12 in Washington. It was the first meeting between heads of state since a military-backed coup in 1992 halted Algeria’s elections. Bush reportedly urged Bouteflika to make progress on human rights, but the White House did not comment publicly on the subject.

Relations had been gradually warming prior to the summit. In February in Germany, Carlton W. Fulford, deputy commander of the American forces in Europe, received General Mohamed Lamari, chief-of-staff of the Algerian army, which is implicated in massive human rights abuses.

Following the September 11 attacks on New York and Washington, Algeria shared with Washington a list of 350 Algerians abroad with alleged links to Osama bin Laden, and a list of alleged Islamist militants inside Algeria, according to news reports. The State Department and National Security Council (NSC) declined to comment to Human Rights Watch on those reports.

U.S. interest in anti-terror cooperation was undoubtedly a factor in President Bush’s receiving President Bouteflika again in Washington on November 5. The U.S. made no public comments about what they discussed. But on November 9, an NSC official told Human Rights Watch that Algeria had been asking the U.S. “to be more forthcoming” on licensing private arms sales. He added that the U.S. was maintaining its “go-slow” approach and had not changed its opposition to selling night-vision equipment, an item Algeria has long sought for counter-insurgency use.

Algeria received minimal direct aid from the U.S. However, the U.S. government-run Export-Import bank, which provides loans and guarantees to assist U.S. investment abroad, stated that its exposure in Algeria rose in the fiscal year ending September 30 to nearly U.S. \$2 billion, a level matched in the Middle East and North Africa only by the bank’s exposure in Saudi Arabia. Total private U.S. investment in Algeria was about U.S. \$4 billion, nearly all in the energy sector.

In November 2000, Harold Koh, then-President Clinton’s assistant secretary for

human rights, democracy, and labor, made his first trip to Algeria. During two days he met with human rights activists and government officials. His public remarks about local rights conditions were general and brief. In the year since Koh's visit, the U.S. government made no high-level public statements on human rights except for the solid chapter on Algeria in the State Department's *Country Reports on Human Rights Practices*.

EGYPT

HUMAN RIGHTS DEVELOPMENTS

The human rights situation continued to deteriorate, marked by violations of freedom of expression, association, and assembly; widespread arrests of government opponents and prolonged detentions under state of emergency laws, in force almost continuously since 1967; and grossly unfair trials before military and state security courts.

Elections for the 454-member People's Assembly, conducted in three stages between October 18 and November 14, 2000, were the first to be held under full judicial supervision, following legislative reforms prompted by a July 2000 ruling of Egypt's Supreme Constitutional Court. The ruling National Democratic Party (NDP) won by a large majority but supporters of the Muslim Brotherhood, who could only run as independent candidates, secured seventeen seats and eleven other opposition parties shared sixteen. Despite judicial supervision, clashes between rival supporters and with the police left between nine and fifteen people dead, and scores wounded. The authorities arrested hundreds of Muslim Brotherhood-aligned and other opposition candidates and supporters in the run up to the elections and prevented others from reaching polling stations.

The authorities carried out further arrests of pro-Muslim Brotherhood candidates and supporters in advance of the May-June elections to the *Majlis al-Shura* (Consultative Council, the upper house of the parliament). These elections passed off relatively peacefully, and were also won by the NDP.

The government-controlled Political Parties Committee of the *Majlis al-Shura* licensed Egypt 2000, a new political party, in April, having previously rejected it in 1999 only for that decision to be overturned on April 7 by the Political Parties Tribunal. Egypt 2000 was only the second political party to be licensed since the formation of the Political Parties Committee in 1977, several other political groups having been rejected, usually on grounds that their programs did not differ significantly from those of existing registered political parties.

The Islamist opposition Labor Party, whose activities were frozen by the Political Parties Committee in May 2000, remained suspended and its publications banned. At least eleven Administrative Court rulings ordered the lifting of a ban on the party's bi-weekly newspaper, *al-Sha'ab*, as a breach of constitutionally guaranteed press freedoms. On March 20, the Administrative Court declared unlawful

the government's non-compliance with its rulings and its delaying tactic of lodging appeals before courts that were clearly not competent to hear such cases. Despite this, on March 21, the Political Parties Committee confirmed the ban on *al-Sha'ab* as the Labor Party's status remained unresolved. In mid-July, a board of advisers to the Supreme Administrative Court, which has previously upheld rulings in favor of *al-Sha'ab*, supported the committee's position. The board argued that earlier Administrative Court rulings were incorrect in stating that while the committee was empowered to suspend political parties, it did not have the authority to ban publications. In the interim, *al-Sha'ab* continued to appear in an on-line version.

Magdi Hussain, *al-Sha'ab's* imprisoned editor-in-chief, was released under a presidential pardon on December 27, 2000, as were *al-Sha'ab* journalist Salah Bdeiwi and cartoonist 'Issam Hanafi. All three were sentenced in August 1999 for defaming Minister of Agriculture Yusuf Wali. In March, Hussain was elected secretary-general of the Labor Party, but in August, party leader Ibrahim Shukri suspended him and ten others from the party's executive committee and replaced him as *al-Sha'ab's* editor-in-chief in an effort to purge the party of Islamists and so obtain government approval to operate again.

The government continued to try civilian political suspects before military courts and in mid-October announced that 253 Islamist detainees would be tried before the Supreme Military Court. Of these, eighty-three had been arrested in May and detained for membership of an illegal organization, illegally possessing weapons, planning to overthrow the government by force, and forging official documents. They included several foreign nationals; local press speculation linking them to Osama Bin Laden's *al-Qaeda* (The Base) network was later rejected by President Husni Mubarak. The other 170 were suspected members of the banned *al-Gama'a al-Islamiyya* (Islamic Group), many of whom, according to defense lawyers, had already been held without trial for several years. All 170 reportedly faced charges of carrying out acts of political violence between 1994 and 1998. Local human rights groups condemned the decision to try more civilians in military courts, from which there is no right of appeal. Since 1992, such courts have convicted hundreds of Islamists, often after grossly unfair trials and torture during pre-trial interrogation, and handed down scores of death sentences, many of which have been carried out. On September 20, government security agents abducted publisher Farid Zahran, a leader of the Egyptian People's Committee for Solidarity with the Palestinian Uprising (EPCSPU), to forestall a demonstration on September 28 called to mark the first anniversary of the outbreak of renewed conflict between Palestinians and Israeli forces. Detained for two weeks, Zahran was accused of disseminating tendentious information aimed at disturbing public order and planning demonstrations, then released on bail on October 4.

Thousands of alleged members or supporters of banned Islamist groups continued to be detained without trial, but a few were released, including Hamdi Abd al-Rahman and Isma'il al-Bakl, both *al-Gama'a al-Islamiyya* leaders. They were released in July after serving fifteen-year prison terms for their part in the 1981 assassination of former president Anwar al-Sadat plus an additional five years when they were held illegally.

Police routinely tortured or ill-treated detainees, and there were three deaths

between January and July. In two earlier deaths in custody, criminal proceedings against those accused of inflicting torture resulted in convictions. On February 7, the Shibin al-Kom criminal court sentenced the director of Wadi Natroun maximum security prison to ten years of imprisonment in connection with the death under torture of Ahmad Muhammad 'Issa, an awaiting trial prisoner, and sentenced a major to seven years and four sergeants to five year terms, dismissing all from their posts. In another case, a lieutenant at al-'Agouza police station in Cairo received a two-year prison term with labor on July 25 for beating detainee Ahmad Imam 'Abd al-Na'im to death.

Egyptian courts sentenced at least sixty-nine people to death between November 2000 and November 2001 for murder, rape, and other crimes, and carried out eight executions.

The government continued to clamp down on Islamist political activists, breaching their rights to freedom of expression and association. On November 19, 2000, a military court sentenced fifteen lawyers and other professionals linked to the banned Muslim Brotherhood to prison terms of up to five years on charges including membership of an illegal organization, but acquitted five other defendants. Earlier, in October, the authorities detained hundreds of Muslim Brotherhood supporters in Cairo, Alexandria, and elsewhere in advance of the parliamentary elections, including some who were standing as independent candidates. Those held included several members of the campaigning team of Jihan al-Halafawi, the only woman candidate linked to the Muslim Brotherhood, and Labor Party members running Magdi Hussain's electoral campaign while he served his prison sentence.

This pattern was repeated in advance of the Majlis al-Shura elections. The authorities detained at least 140 Muslim Brotherhood sympathisers starting in mid-April 2001 in Asyut, Alexandria, al-Fayyum, and other centers, including some who had just registered as candidates, such as Muhammad al-Sayyid Habib, an Asyut University professor and former parliamentarian, and Abu Bakr Mitkis. All were released without charge after the elections. Twenty-five other leading members of the Muslim Brotherhood were arrested on July 15 in Imbaba for allegedly holding an illegal meeting. They included Muhammad al-Shater, a former political prisoner and reputedly a member of the Muslim Brotherhood's highest decision-making body, the *Maktab al-Irshad* (Guidance Bureau).

The government also prosecuted people on the basis of their alleged sexual orientation. In July, the authorities referred fifty-two men to the Emergency State Security Court for Misdemeanours, from which there is no right of appeal, on charges of "obscene behaviour" under the Combat of Prostitution Law (Law 10 of 1961). Two defendants were also charged with expressing "contempt for religion" under article 98(f) of the penal code, while a sixteen year old minor was sent before the Juveniles Court. Most of the defendants had been arrested on May 11 in Cairo and initially held incommunicado. During their trial, which began on July 18, the court refused to investigate allegations by some defendants that they had been tortured to make them confess and on November 14, twenty-one of them received sentences of between one and two years of imprisonment on the "obscenity" charge. The two charged with "contempt for religion" received three- and five-year terms.

The others were acquitted. The sixteen-year-old, who did have a right of appeal from the Juveniles Court, was sentenced to three years of imprisonment for “obscenity” on September 18. His appeal was due to be heard in November.

On December 6, 2001, the authorities released eighty-nine prisoners on humanitarian grounds pending a verdict by the Sohag Criminal Court. They had been among ninety-six Muslims and Coptic Christians tried in connection with communal violence at al-Kusheh village in December 1999, in which twenty Copts and one Muslim died. The Sohag Criminal Court had acquitted all the defendants except for four Muslims, who were sentenced to terms ranging between one and ten years for illegal possession of weapons, manslaughter, and damaging property, but Coptic religious leaders and families of those killed criticized the verdict and the General Prosecution quickly lodged an appeal. In July, the Court of Cassation quashed the verdict and ordered a retrial of all the defendants, which then opened in November.

In June, thousands of Copts demonstrated in Cairo over four days in protest at the publication of sexually explicit photographs of a former Coptic monk by the weekly newspaper *al-Naba'* and its sister publication *Akher Khabar*, both of whose publishing licenses the authorities withdrew on July 4. Several demonstrators were injured in clashes with the police. The authorities charged Mamdouh Mahran, editor-in-chief of *al-Naba'*, with undermining public order, defaming the Coptic Church, publishing pornography, and other offences, and his trial opened on June 24 before the State Security Court for Misdemeanours. On September 16, he was convicted on all but one count and sentenced to three years of imprisonment. President Mubarak ratified the sentence on September 30, but Mahran suffered a heart attack and was then hospitalized under guard. He appealed successfully to the Administrative Court to overturn the Egypt Press Association's decision to revoke his membership, though a counter-appeal by the association to the Supreme Administrative Court was still pending by November.

In January, Sherif al-Filali, an engineer, went on trial before the Emergency Supreme State Security Court (ESSSC) charged effectively with espionage. Prosecutors alleged that he was recruited into Israel's Mossad intelligence agency by a Russian army officer, Gregory Sergevic, who was tried in his absence in the same case. During two months of pre-trial detention by the State Security Intelligence (SSI) in Cairo, al-Filali was reportedly subjected to “psychological pressure” to confess. However, while Sergevic was sentenced to life imprisonment al-Filali was acquitted. The presiding judge ruled that Egyptian law provides for acquittal if a defendant confesses before the start of a criminal investigation, as in al-Filali's case, even if the available evidence is sufficient to secure a conviction. On June 27, the state security prosecutor announced that he would seek a re-trial, permissible under emergency legislation. Verdicts of the ESSSC, which cannot be appealed, must be ratified by the president. But in September, the president's office refused to endorse the verdict. The authorities then rearrested al-Filali and his new trial opened on October 28. If convicted, he faced up to twenty-five years of imprisonment with hard labor.

The government continued to target writers for exercising their freedom of expression. In December 2000, the General Prosecution successfully appealed for

the re-trial of Salahuddin Muhsin after the State Security Court for Misdemeanours in Giza gave him a six-month suspended sentence in July 2000 for denigrating Islam in his writings. In January 2001, he was retried before a different circuit of the State Security Court, convicted and sentenced to three years' imprisonment with hard labor. He had no right of appeal.

The government also continued to ban books it deemed "offensive" to society, either because their contents were held to be sexually explicit or because they were considered defamatory to Islam. In May, al-Azhar's Islamic Research Academy banned two works, respectively by 'Alaa' Hamed and Ibrahim Abu Khalil on the latter ground.

Workers' rights came under attack through arbitrary measures taken against trade union activists who were outspoken around issues such as worker safety in the state sector. Such measures, designed to prevent them from participating in union elections, included transfer to other companies at short notice in the run-up to elections, and being pressurized into withdrawing their candidacy. In the run-up to the General Federation of Trade Unions elections, which began on October 8, scores of workers who had been disqualified from running as candidates to shop floor committees lodged appeals before the administrative courts contesting irregularities in nomination procedures. The Center for Trade Union and Workers' Services (CTUWS), an Egyptian NGO that monitors and campaigns for workers' rights, also came under pressure. Its director, Kamal Abbas, and Abdul Rashid Hilal, board member and vice-chairman of the Iron and Steel Company trade union, were both summoned before prosecution officials in Helwan in mid-September as part of the government's attempt to stifle criticism of working conditions and of irregularities in trade union election procedures.

In February, the Egyptian Bar Association elected a new board and chairman, ending five years of judicial sequestration imposed by the government in 1996 for alleged financial irregularities by board members. There was wide speculation that the government hoped the election, held under judicial supervision, would diminish the Muslim Brotherhood's influence over the association but the outcome once again produced a Muslim Brotherhood-dominated board, with Nasserist lawyer Sameh 'Ashour elected as chairman.

In a landmark ruling on June 2, Egypt's Supreme Constitutional Court declared as unconstitutional article 48 of the penal code, which punished criminal complicity to commit felonies or misdemeanours by two or more persons even if no crime had actually been committed. The article, which provided for up to fifteen years of imprisonment for felonies and up to three years of imprisonment for misdemeanours, was widely used against Islamists charged with security offences, and most recently invoked in the case the Saadeddin Ibrahim. (See below.) In late July, Prosecutor General Maher Abdel Wahed decided not to exercise his right to refer the ruling back to the court for re-examination, and ordered the release of all prisoners convicted on the basis of article 48. In September, lawyers acting for scores of Islamist prisoners lodged appeals with the State Security Court requesting their release on these grounds, but by November it was unclear if any had been released.

DEFENDING HUMAN RIGHTS

An amended version of the controversial Law on Civil Associations and Institutions (Law 153 of 1999), which the Supreme Constitutional Court had overturned in June 2000, was presented to the Majlis al-Shura in April but it had not been presented to the People's Assembly by November, and the earlier Law on Private Associations and Institutions (Law 32 of 1964) remained in force. One positive amendment would allow administrative courts to hear cases arising from disputes between NGOs and the authorities, in lieu of courts of first instance, in line with the Supreme Constitutional Court ruling, but other provisions that would allow the government to control and interfere in the internal activities of NGOs, remained unchanged.

On July 1, Cairo's Administrative Court overturned the government's decision to refuse, for unspecified security reasons, to register the Egyptian Organization for Human Rights (EOHR) as a recognized NGO. Following the overturning of Law 153 of 1999, the EOHR had applied for registration under Law 32 of 1964 but was informed by the Ministry of Social Affairs in July 2000 that a decision on its application had been deferred upon a request from security officials. The EOHR took the matter to the Administrative Court in February, and the July ruling stated that since the ministry failed to process the EOHR's application within the sixty-day period specified by law, it was deemed accepted. The ruling was legally binding on the ministry and its implementation could not be deferred even if appealed before the Supreme Administrative Court, but by November the ministry had not complied.

The government maintained its crackdown on human rights activists with the trial and conviction of Saadeddin Ibrahim, director of the Ibn Khaldun Center for Development Studies, and twenty-seven co-defendants. On May 21, the Supreme State Security Court sentenced Ibrahim to seven years of imprisonment on charges of receiving funding without authorization, disseminating false information damaging to Egypt's interests, and securing funds through fraud. He and four co-defendants were acquitted on a fourth charge of conspiring to bribe public officials. The court imposed one-year suspended sentences on twenty-one defendants, and sentenced six others, including two who faced separate bribery charges, to between two and five years of imprisonment with labor.

Ten of the accused remained at large, however, having been tried in their absence. Most of the defendants were associated with two local NGOs, the Ibn Khaldun Center and the Hoda Association, five as employees and the rest as short-term contract workers. Many had been arrested in mid-2000 in connection with two projects funded by the European Union (E.U.) aimed at promoting voter education and encouraging eligible voters to register and exercise their political rights.

The seven-month trial opened on November 18, 2000. In addition to serious pre-trial irregularities, the proceedings failed to meet international standards for fair trial. Verdicts of the Supreme State Security Court, an exceptional court based on emergency legislation, could only be appealed by cassation or review, limiting the grounds for appeal to points of law and precluding the facts of the case. Defense

lawyers did not have full access to prosecution documents presented to the court until four months into the trial. After sentencing, Saadeddin Ibrahim, Khaled al-Fayyad, Usama Hammad, and Mohammad Hassanein were held in Tora Mazra'at prison, and Nadia Abdel Nour and Magda al-Bey at the women's prison in Qanater. The defendants who received suspended sentences were released within days. An appeal hearing before the Court of Cassation was scheduled for December 19. The outcome of the trial was condemned by Egyptian and international human rights organizations, and both U.S. and E.U. officials voiced concern.

In June, the government shut down the offices of the Sudanese Human Rights Organization (SHRO), which had been operating in exile in Egypt since 1991. Although no official reason was given, the SHRO's president believed that the closure was the direct outcome of a report issued by the organization on the practice of slavery in Sudan.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

In January, the U.N. Committee on the Rights of the Child considered Egypt's second periodic report on the implementation of the Convention on the Rights of the Child. It welcomed improvements to infant and child mortality rates, but noted that "narrow interpretations of Islamic texts by authorities, particularly in areas relating to family law, are impeding the enjoyment of some human rights under the Convention." The committee criticized continued violations of children's rights to healthcare and education, conditions for juvenile detainees, inadequate safeguards against physical or sexual abuse of children, and economic exploitation. Among other things, the committee recommended implementation of the 1996 Children's Code and the systematic involvement of "civil society, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making."

In January also, the U.N. Committee on the Elimination of Discrimination against Women considered Egypt's third, fourth, and fifth reports on its application of the Convention on the Elimination of All Forms of Discrimination against Women. The committee welcomed the reduction in female illiteracy rates and legislative reforms aimed at eliminating discrimination against women, particularly relating to divorce rights. However, it criticized other discriminatory laws, including the Nationality Law which bars Egyptian women married to non-Egyptians from passing on their nationality to their children, and certain provisions of the penal code. The committee recommended legislative reforms in these areas, and greater efforts by the authorities to prevent violence against women, including domestic violence, marital rape, abuses against detained women, and female genital mutilation.

In August, the U.N. Committee on the Elimination of Racial Discrimination considered Egypt's most recent reports on its implementation of the Convention on the Elimination of All Forms of Racial Discrimination. The committee noted

the “significant role” of the Supreme Constitutional Court in “upholding human rights and constitutional guarantees . . . as well as the prevention and elimination of discrimination” but criticized the absence of legal provisions establishing that an ethnic or racial motivation for defamation or acts of violence be considered an aggravating factor. The committee also expressed concern about the discriminatory provisions of the Nationality Law, noting the government’s promise to revise it, and recommended speedy resolution of the “difficulties relating to the registration of some non-governmental organizations dealing with the promotion and protection of human rights,” particularly those working to combat racial discrimination.

The U.N. special rapporteur on torture, in his report to the Commission on Human Rights published on January 25, concluded that “torture is systematically practised by the security forces in Egypt, in particular by State Security Intelligence,” and that despite government denials, the practice is “habitual, widespread and deliberate in at least a considerable part of the country.” The special rapporteur cited thirty-five cases of torture and thirty-two cases of death in custody reportedly caused by torture or medical negligence that were transmitted to the government between 1997 and 1999, to which the government replied in March and October 2000. He expressed particular concern at “the persistence of the explanation of death in many of the cases as being ‘a sharp drop in blood pressure,’” and stated that the government’s responses reinforced rather than alleviated his concerns. The special rapporteur also criticized the government’s continuing failure to permit him access to the country.

On May 25, the U.N. special representative on human rights defenders and the special rapporteur on the independence of judges and lawyers issued a joint statement of concern about the conviction of Saadeddin Ibrahim and his co-defendants following unfair trial procedures. They commented that “the conviction of these members of civil society for their human rights activities will have a chilling effect on the activities of other human rights defenders in Egypt,” and called for the release of the defendants pending their appeal hearing.

European Union

On December 13, 2000, the European Commission (E.C.) issued a statement concerning the charges levelled against Saadeddin Ibrahim and some of his co-defendants that they had misused E.C. funding of two projects administered by the Ibn Khaldun Center and the Hoda Association. The projects, for which the E.C. had provided a total of 315,000 euro, involved the promotion of voter education and the exercise of political rights. The E.C. stated that “both the Ibn Khaldun and HODA projects were the subject of external mid-term audits whose reports gave no cause for concern, financial or otherwise.” On May 23, a spokesman for External Affairs Commissioner Chris Patten expressed concern about the sentences passed on the defendants in the case, and said that while E.U. aid to Egypt had not been suspended, it was “encountering certain difficulties in its implementation.” On June 14, the European Parliament passed a resolution expressing concern about the verdict and calling for Ibrahim “to be assured a fair trial,” expressing its support for the

Ibn Khaldun Center and calling on the E.C. “to continue to support its initiatives.” With reference to the case of Ibrahim and that of Nawal al-Sa’dawi, the resolution called on the E.C. “to strengthen its MEDA programme for democracy, in cooperation with the Egyptian authorities, in particular with a view to supporting freedom of expression and the independence of the media.”

The Association Agreement between Egypt and the E.U., which had been under negotiation for over five years, was initiated by the two sides on January 26 and signed on June 25. The agreement, which enters into force after ratification by the parliaments of Egypt and of E.U. member states, covers economic, political, security, and social relations between the two sides. Following the signing of the agreement, Commissioner Patten stated that the “partnership is firmly based on shared political and economic interests as well as a joint commitment for the promotion of democracy and the respect of human rights.” He added that the human rights provisions in the agreement would provide a framework within which human rights issues would be raised with the Egyptian authorities.

United States

The U.S. maintained the previous year’s levels of foreign aid to Egypt, with the Bush administration requesting for fiscal year 2002 an estimated U.S. \$1.3 billion for military assistance and U.S. \$655 million for economic support funds. The administration said military assistance would “support a modern, well-trained Egyptian military that will help ensure stability in the region” and “enable Egypt to participate as a coalition partner in operations that further U.S. interests.” Of the funds requested for economic assistance, an estimated 14 percent was earmarked for “programs meant to reduce the fertility rate, improve health care, support democratic institutions and increase access to schooling for girls.”

Following the conviction and sentencing of Saadeddin Ibrahim and his co-defendants, a State Department spokesman said in a press briefing on May 21 that “we are deeply troubled about the outcome, and . . . we have been expressing all along our concerns about the process that resulted in this sentence.” U.S. embassy staff in Cairo had observed the trial and visited Ibrahim, who held dual Egyptian-U.S. citizenship, in Mazra’at Tora prison where he was taken after sentencing.

In its *Country Reports on Human Rights Practices for 2000*, the State Department said that while the Egyptian government “generally respected the human rights of its citizens in some areas, . . . its record was poor with respect to freedom of expression and its treatment of detainees.” It pointed to the government’s use of emergency laws to restrict “many basic rights,” including freedom of expression, assembly, and association.

A delegation from the U.S. Commission on International Religious Freedom visited Egypt from March 20-24 as part of a wider fact-finding tour of the Middle East. It met with government officials, religious leaders, academics, journalists, and NGO representatives, but several Egyptian human rights groups declined to cooperate or assist the delegates. On March 28, the commission urged President George W. Bush to raise the issue of religious freedoms with President Mubarak during the latter’s U.S. visit in April. The commission’s detailed findings, released on May 14

as an addendum to its annual report, concluded that “serious problems of discrimination against a number of religious groups remain widespread in Egypt,” including Coptic Christians, Baha’is, and Muslims deemed by the authorities to be “fundamentalists.

President Mubarak visited Washington, D.C. in the first week of April and held talks with President Bush, political leaders, and representatives of the business community. The visit focused on continuing efforts to salvage Israeli-Palestinian peace negotiations and on economic ties between Egypt and the U.S., with Egypt calling for a free trade agreement with the U.S. There was no indication that human rights issues were discussed.

The Bush administration announced in November that an arms deal with Egypt worth an estimated U.S. \$400 million had been reached, and that economic aid to Egypt would be accelerated to offset the adverse effects which the September 11 attacks on the U.S. were having on the Egyptian economy, notably the tourist industry. On November 29, a legal assistance treaty between the U.S. and Egypt came into effect, aimed at increasing cooperation in combatting transnational crimes, including drug trafficking, money laundering, and “terrorist group financing,” according to the State Department.

Relevant Human Rights Watch Reports:

Egypt: Underage and Unprotected: Child Labor in Egypt’s Cotton Fields, 1/01

IRAN

HUMAN RIGHTS DEVELOPMENTS

Factional conflict within Iran’s clerical leadership continued to result in severe restrictions on freedom of expression, association, and political participation. Deteriorating economic conditions made worse by severe natural disasters contributed to increasing unrest and a pervasive sense of social insecurity, reflected in clashes between demonstrators and the security forces and in harsh measures against drug-traffickers and other criminals. President Mohammad Khatami won another landslide victory for those associated with the cause of political reform when he was reelected by 77 percent of voters for a second four-year term in June, but the power struggle between conservatives and reformists remained unresolved. Conservative clerics maintained a strong grip on power through the judiciary, the Council of Guardians and the office of the Leader of the Islamic Republic, Ayatollah Ali Khamenei. Promises by reformists to increase respect for basic freedoms and the rule of law remained unrealized, and severe restrictions imposed on the independent print media, the major visible gain of President Khatami’s first period in office, remained in place. The judiciary, and branches of the security forces beyond

the control of the elected government, resorted increasingly to intimidatory tactics, with a sharp increase in public executions and public floggings. Conservative clerics taunted critics of corporal punishment, and accused them of being opposed to Islamic rule—in some cases even calling for the shedding of the blood of such critics. Such remarks fueled an increasingly polarized political stand-off, which, coupled with governmental ineffectiveness in the face of mounting economic and social problems, contributed to a volatile situation where the threat of political violence loomed large.

The clampdown on the independent print media that had followed the sweeping reformist victory in parliamentary elections in February 2001 (see *Human Rights Watch World Report 2001*) was followed by the detention of scores of leading independent and reformist figures and activists. Many of these activists had participated in the flowering of the independent press in the late 1990s as writers, editors, and publishers. Other targeted activists included supporters of the national religious trend, a loose alliance of intellectuals and politicians advocating Islamic government with adherence to the rule of law and the constitution, who for many years had been one of the few currents of internal political opposition tolerated by the establishment.

Seventeen reformist figures, many of them prominent, were brought to trial in October 2000 in connection with their participation in an international conference on the future of Iran, held in Berlin, Germany, in April 2000. The trial before the Tehran Revolutionary Court was unfair. Many of the defendants were held in protracted incommunicado detention after returning from Berlin, during which time they were forced to make incriminating statements that formed the evidence against them at their trial. Akbar Ganji, a well-known investigative journalist who was among the accused, protested at his hearing in November 2000 that he had been beaten by his interrogators while in detention in order to pressure him to confess to crimes. Most of the trial was conducted behind closed doors.

On January 13, the court convicted seven of the defendants on vague charges of having “conspired to overthrow the system of the Islamic Republic.” The severest sentences, ten years of imprisonment, were passed on Akbar Ganji and Saeed Sadr, a translator at the German embassy in Tehran. A second translator, Khalil Rostamkhani, received a nine-year sentence, even though he had not attended the conference. His wife, Roshanak Darioush, a translator of German literature into Persian, had served as a translator at the conference but did not return to Iran to face charges. The trial and the harsh sentences imposed on local employees of the German embassy appeared designed to cause maximum embarrassment to President Khatami’s government in its relations with Germany, a major trade partner which he had visited in 2000, and with other European states.

The court also sentenced student leader Ali Afshari to five years in prison, and veteran politician Ezzatollah Sahhabi to four and a half years. Both were already in prison by the time the trial began in October 2000. Women’s rights activists Shahla Lahidji and Mehrangiz Kar each received four-year prison sentences, but were released pending an appeal. Ezzatollah Sahhabi was also provisionally released, but he was re-arrested following public remarks he made in March and was still detained without charge in November.

An appeal court reduced Akbar Ganji’s sentence to six months of imprisonment

but before he could be released, the Tehran Press Court sentenced him again to a ten-year term on the same charge of conspiring to overthrow the system. He had the right of appeal but no appeal had been heard by November. In March and April, the authorities detained more than sixty political activists associated with the national religious trend, including the leadership of the formerly tolerated Freedom Movement (*Nehzat-e Azadi*). Throughout its fifty-year history the Freedom Movement had been an advocate of constitutional Islamic rule with respect for democratic principles. On March 18, the Tehran Revolutionary Court ordered the closure of the Freedom Movement, accusing it of attempting to “overthrow the Islamic regime.”

These detentions further chilled the political climate in the run-up to the June presidential election as opponents of reform showed themselves determined to intimidate, silence, or punish those known to support the reformist cause. A leading conservative cleric, Ayatollah Mesbah Yazdi, stated in April: “what is being termed as reform today is in fact corruption.” And other conservatives sought to discourage President Khatami, the reform movement’s figurehead, from standing for a second term. When he could not be discouraged, they signaled by their actions that regardless of the outcome of the election, there would be no concession to the reformist agenda.

Another persistent challenger to the dominant orthodoxy of the conservative clerics who held power was Ayatollah Hossain Ali Montazeri, the former designated successor to Ayatollah Khomeini as Leader of the Islamic Republic. He remained under house arrest in Qom, but his criticism of the present system, especially of the institution of the *velayat-e faqih* (rule of the supreme jurist), continued to circulate by cassette tapes, photocopied statements, and through the Internet. In December 2000, the authorities detained the ayatollah’s son for allegedly distributing illegal literature, but the real reason appeared to be related to the publication of Ayatollah Montazeri’s memoirs on the Internet. These directly attacked the position of Supreme Leader, arguing that the concentration of power in the hands of one man was contrary to Islamic principles. Protests about the continuing restrictions on Ayatollah Montazeri’s liberty mounted throughout the year. In June, the ayatollah’s children (with the exception of his jailed son) circulated a letter calling for the lifting of these restrictions, and 126 out of 290 members of parliament signed a similar statement. President Khatami several times publicly criticized the stifling of dissent, including closures of newspapers and magazines, and the imprisonment of political dissidents, but he appeared unable or unwilling to remedy these problems. In February, in a speech marking the Islamic Revolution’s twenty-second anniversary, he warned: “those who claim a monopoly on Islam and the revolution, those with narrow and dark views, are setting themselves against the people.” He also complained repeatedly that he lacked the power to carry out his obligation as president to uphold the constitution. But even after his sweeping election victory in June, when he increased his share of the popular vote, he continued to shy away from open confrontation with his opponents and made no discernible progress in implementing his promised reforms. Increasingly, through his statements, he appeared to represent more of a safety valve for public frustration than an agent of tangible change.

A severe drought in the east and floods in the north-west exacerbated the

country's economic malaise and contributed to public scapegoating of Afghan refugees and migrants, who were blamed for high unemployment and rising crime and were increasingly a target of violence. Afghans were viewed as particularly culpable for drug offenses, and thousands were detained and scores executed in an intensified official clampdown on alleged drug-traffickers. The government repatriated thousands of other Afghans under a process agreed with the United Nations High Commissioner for Refugees (UNHCR), despite insufficient safeguards to prevent those at risk of persecution being returned. At the same time, there were new influxes of refugees fleeing continuing unrest and violence in Afghanistan, although the border was officially closed by Iran. The repatriation process was halted with the onset of U.S. bombing raids in Afghanistan in October, when there were fears of a further massive influx to add to the one and a half to two million Afghan already displaced to Iran.

Law enforcement authorities made increased use of public executions and corporal punishment, often after only cursory trial proceedings. In February, five convicted drug-traffickers were publicly executed by being hanged from construction cranes in the Khak-i Sefid district of Tehran, part of an intensified clampdown on drug-traffickers, and the authorities carried out more than twenty public executions for drug-related offenses in July and August. Public floggings were also increasingly used for a wide range of social offenses, including breaches of the dress code, despite opposition from Ministry of Interior officials who questioned the effectiveness of such punishments. In July and August, clashes reportedly occurred at public floggings and executions in Tehran between police and demonstrators opposed to these punishments.

In August, the parliamentary commission charged with investigating human rights violations by public institutions, known as the Article 90 Commission, produced a report sharply critical of deteriorating prison conditions. The report itself was not made public, but members of the commission said it identified the sharp rise in the number of offenders being sent to prisons as a major cause of prison overcrowding and the high level of drug abuse among prisoners. More than two-thirds of all prison inmates were reportedly held for drug-related offenses, and AIDS and other diseases were reported to be spreading rapidly among the prison population.

The proliferation of unofficial, illegal detention centers, such as the so-called Prison 59 in Tehran, gave major cause for concern. Prison 59 was reportedly administered by the Ministry of Intelligence, the Islamic Revolutionary Guards Corps and clandestine paramilitary forces, and was entirely beyond official oversight. Political prisoners detained there or in similar facilities could be held for months at a time without their families or lawyers being informed or having any idea of their whereabouts, treatment or conditions, and being powerless to seek remedies.

The independent press, before it was closed down in mid-2000, had sought to expose the connections between certain state institutions and the clandestine underworld of death squads and enforcers. It was the investigative journalism of people such as Akbar Ganji that led to the prosecution of eighteen Intelligence Ministry officials for alleged involvement in the murder of a group of intellectuals and political leaders at the end of 1998. (See *Human Rights Watch World Report 2000*.) On January 27, fifteen of these defendants were convicted after a trial mostly held

behind closed doors: three were sentenced to death, five received life imprisonment, and seven received prison terms of between two and a half and ten years. It remained unclear, however, who had ordered the murders: press investigators had pointed to senior figures, such as former information ministers Dori Najafabadi and Ali Fallahian, as possible suspects but they were not charged and no information against them emerged at the trial. On August 18, the Supreme Court reversed the convictions of the fifteen ministry officials, who may be re-tried. Lawyers representing the murder victims' families accused the judiciary of failing to ensure a thorough inquiry into the crimes.

In a similarly unrevealing trial in May, guilty verdicts were announced against the so-called Mahdaviyat group, a group linked to the authorities, who were convicted of inciting violence against Sunni Muslims and committing political killings. This trial, which involved links between state bodies and illegal political violence, was held behind closed doors. The sentences have not been publicly announced but it was reported in the press that at least one of the defendants was sentenced to death.

Earlier, on January 30, the Supreme Court rejected the appeals against conviction of ten members of the minority Jewish community in Shiraz who had been sentenced to prison terms in 2000 for allegedly maintaining contacts with Israel, considered a hostile foreign power. None of the group were released.

The conservative backlash set in motion by the sweeping reformist victory in parliamentary elections in February 2000 showed no signs of abating. By the end of November 2000, more than fifty daily and weekly newspapers had been issued with closure orders, and more than twenty leading independent and reform-minded journalists, editors, and publishers remained in prison. In January 2001, the authorities closed the philosophical and cultural monthly, *Kiyan*. The journal had published academic articles debating the philosophical underpinnings of the reform movement. The conservative faction also sought to prevent reformists being elected to the parliament. Before the June parliamentary election, held concurrently with the presidential vote, the Council of Guardians vetoed 145 out of 356 candidates nominated for the seventeen seats, a far higher proportion than in February 2000. In a further display of conservative power, in August, the parliament was forced to accept two candidates nominated by the judiciary to the Council of Guardians. The parliament initially rejected the two nominated jurists, Mohssen Ismaili and Abbas Ali Khadkhodai, claiming that they lacked adequate experience, but the head of the judiciary, an appointee of the supreme leader, refused to withdraw their names. Eventually, the Council of Expediency, another body appointed by the supreme leader headed by former president Hashemi Rafsanjani, crafted a rule change whereby the appointments were ratified without obtaining majority approval from members of parliament.

DEFENDING HUMAN RIGHTS

A few members of parliament were willing to confront what they viewed as conservative attempts to circumvent and undermine their constitutional powers as the people's elected representatives, and to speak out against violations of constitu-

tional principles. They included outspoken parliamentarian Fatima Haqiqatjou, who protested the arrest of journalists and accused the judiciary of exceeding its constitutional functions. Her criticisms made her the target of criminal prosecution, and in August she was sentenced to twenty-two months in prison for “spreading propaganda against Islam” and insulting state officials. Haqiqatjou appealed her conviction, denying the charges and also claiming parliamentary immunity for comments made in the course of parliamentary debate. She remained at liberty pending her appeal. However, seven other reformist parliamentarians were facing charges for remarks they had made under the cover of parliamentary immunity, part of a growing struggle between conservative elements of the judiciary and reformist members of parliament.

Despite the silencing of the independent press, the debate about human rights remained at the center of the political struggle in Iran, especially within the clerical leadership. Reformist clerics repeatedly argued that there was compatibility between Islam and international human rights principles; conservative clerics, just as insistently, asserted that appeals for liberty and respect for human rights were akin to apostasy.

Hassan Youssefi Eshkevari, who was detained in August 2000 for advocating liberal interpretations of Islam supportive of international human rights principles, continued to be imprisoned. He had been convicted of apostasy in a secret trial by a Special Court for the Clergy. In September, however, he was allowed to leave prison for two days and it was unclear whether or not he remained under sentence of death.

Access to the country for independent human rights investigators remained restricted, although representatives of international human rights organizations were allowed to visit Iran to attend conferences. The U.N. special representative on Iran, Maurice Copithorne of Canada, continued to be denied access to the country, but in April he was able to meet in Geneva with Abbas Ali Alizadeh, the head of the Tehran justice department, the highest level judicial official he had been able to meet with for several years.

In May, the International Center for Dialogue Among Civilizations, headed by the reformist former minister of culture and Islamic guidance, Ataollah Mohajerani, together with a clerically-supported private university in Qom, hosted an international human rights conference in Tehran with a diverse group of participants. Iranians who attended in the conference were candid in their criticism of domestic conditions.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

Iran played an active role in multilateral diplomatic efforts in the human rights field, hosting, in February, the Asian regional preparatory conference for the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) and entering into negotiations with the Office of

the United Nations High Commissioner for Human Rights over a program of technical assistance in the human rights field. In April, the United Nations Commission on Human Rights renewed the mandate of the special representative on Iran.

European Union

Relations with the E.U. continued to improve. British government minister Marjorie Mowlam visited Iran in February: she praised the government's efforts to combat drug-trafficking but criticized continuing human rights violations including the clampdown on journalists and the press. In September, Foreign Minister Kamal Kharazi met with E.U. commissioners for wide-ranging talks. Human rights concerns were again reported to be part of the agenda, but the major emphasis was on expanding trade ties.

British Foreign Secretary Jack Straw visited Iran twice following the September 11 attacks on the U.S. This first visit by a senior British minister for several years focused on the crisis in Afghanistan rather than domestic human rights issues in Iran.

United States

Contrary to some initial expectations, oil industry interests closely associated with the new Bush administration brought no discernible shift in U.S. government relations with Iran. Restrictions on freedom of expression and persecution of minority religious communities were roundly condemned in the State Department's *Country Reports on Human Rights Practices*, and the U.S. continued to voice objections to Iran's alleged efforts to obtain weapons of mass destruction, its alleged support for international terrorism, and its opposition to peace efforts between Israel and the Palestinians.

In April, the Iranian parliament convened an international conference in support of the Palestinian uprising against Israeli occupation, which was attended by representatives of numerous groups on the U.S. government's list of terrorist organizations, including Lebanese Hizbollah, and the Palestinian groups, Hamas and Islamic Jihad. At the preparatory conference for the WCAR, Iran supported the insertion of language singling out Israel and Zionism for special criticism. These high-profile forays into the Israeli-Palestinian dispute provoked U.S. ire. In April, Attorney General John Ashcroft named the government of Iran as an unindicted co-conspirator in the attack on the Khobar Towers barracks in Saudi Arabia in 1999. In May, Iran was identified as a state sponsor of terrorism in the State Department's *Patterns of Global Terrorism Report*. The Iranian government responded sharply to this accusation: "The U.S. government, which itself is one of the supporters of Israeli state-terrorism, is not in any position to judge us."

In this climate of increasing rhetorical antagonism against Iran it came as no surprise in June when the International Relations Committee of the House of Representatives voted to maintain sanctions against Iran for a further five-year term. The Bush administration had originally signaled a preference for a two-year renewal of the sanctions regime, but with opposition from Congress, the administration

voiced its support for long-term enforcement of sanctions. The U.S. government continued to support policies seen as unfavorable toward Iran in disputes over control over exports of energy resources from the Caspian Basin region.

If the U.S. and Iran were clearly divided on their policies to the Israeli-Palestinian conflict, they had more in common with respect to their shared concern over the Taliban government in Afghanistan. In the aftermath of the September 11 attacks on New York and Washington, and the identification of the Afghanistan-based Osama Bin Laden as a prime suspect in these attacks, the possibility of closer cooperation between the U.S. and Iranian governments emerged as a prospect for the first time in more than twenty years.

Relevant Human Rights Watch Reports:

Iran: Stifling Dissent: The Human Rights Consequences of Inter-Factional Struggle in Iran, 6/01

IRAQ AND IRAQI KURDISTAN

HUMAN RIGHTS DEVELOPMENTS

The Iraqi government of President Saddam Hussain perpetrated widespread and gross human rights violations, including arbitrary arrests of suspected political opponents and their relatives, routine torture and ill-treatment of detainees, summary execution of military personnel and political detainees as part of a “prison cleansing” campaign, and forced expulsions of Kurds and Turkmen from Kirkuk and other regions.

The Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), who controlled most of the northerly Duhok, Arbil, and Sulaimaniya provinces, sought to implement a 1998 U.S.-brokered peace settlement but did not agree to set up a unified administration for the region. There were repeated threats of military action and incursions into Kurdish-controlled areas by Iraqi government troops, and by Turkish government troops pursuing members of the opposition Kurdistan Workers’ Party (PKK). Human rights abuses were committed by Kurdish opposition groups, including in the context of clashes between PUK forces and those of Islamist groups.

Economic sanctions imposed on Iraq by the United Nations Security Council in 1991 remained in force despite the continued erosion of the international consensus on the issue. The government continued to deny U.N. weapons inspectors access to Iraq. Efforts by the United States (U.S.) and the United Kingdom (U.K.) to restructure the sanctions by removing restrictions on civilian imports yet tightening controls on military goods and oil revenue failed due to other Security Council members’ opposition. The Iraqi government also opposed the proposal and temporarily suspended its oil exports in protest.

HUMAN RIGHTS DEVELOPMENTS IN GOVERNMENT-CONTROLLED IRAQ

The Iraqi authorities reportedly carried out numerous executions of military personnel suspected of involvement in alleged coup attempts. These included, in March, three air force officers, including Fawzi Hamed al-'Ubaidi and Faris Ahmad al-'Alwan, and an army major-general, Tareq al-Sa'dun. In July, the authorities executed two more air force officers in Kirkuk, including Kadhim Khairallah al-Dulaimi, and at least five Republican Guard officers, including Staff Colonel Sami Abd al-Ghaffur al-Alusi. Other executions of military personnel were carried out in August and October at Abu Ghraib prison near Baghdad; the victims included former army colonels 'Abd al-Salam Hadi al-Tikriti and Saleh Manna' Salman al-Tikriti, detained since 1995 and executed on October 8. Other senior military personnel were reportedly arrested in Baghdad in late October.

The authorities also executed numerous inmates at Abu Ghraib, al-Makasib, and other prisons, including long term untried political detainees and convicted prisoners. Some were apparently tortured first. Relatives reported that the body of 'Abd al-Wahed al-Rifa'i, hanged in March after two years in detention without trial, bore marks of torture when they collected it on March 26 from the General Security Directorate in Baghdad. Thirteen Abu Ghraib detainees, including students, were executed in August, and twenty-one prisoners convicted by special courts of killing several security agents were executed in October, including Falah Ahmad Hussain, Muhsin Yassin Kadhim, and Baqer Jassim 'Ali.

In November 2000, a former Iraqi intelligence officer who fled to Jordan in June 1999 disclosed the existence of a government "prison cleansing" campaign. Captain Khalid Sajed al-Janabi, an intelligence operative from 1979 to 1999, said a March 15, 1998 directive from the Office of the President had authorized the establishment of supervisory committees to "clean up Iraqi prisons" and that he had been appointed to the Abu Ghraib prison committee. The "cleansing" operations, he said, resulted in the execution of some 2,000 detainees and sentenced prisoners on one day, April 27, 1998. Al-Janabi also reported that at least fifty Kuwaitis detained by Iraq since the 1991 Gulf war were still being held at the General Investigative Bureau in Baghdad between April and July 1998. A doctor who worked at Abu Ghraib prison hospital before fleeing to Jordan in July also reported regular mass executions of prisoners. Maher Fakher Khashan said most of those executed were political detainees identified by serial number rather than by name, whose bodies were removed for burial in special vehicles, and that he had most recently witnessed thirty-four such executions on July 8. He reported too that prison authorities forced doctors to inject some detainees with poison and then issue death certificates attributing their deaths to natural causes.

A preliminary survey carried out in northern Iraq by the U.N. Centre for Human Settlements (Habitat) estimated the number of internally displaced persons at 805,000 by the end of October 2000, comprising 23 percent of the population. On December 4, the executive director of the U.N. Office of the Iraq Program (OIP) told the Security Council he was "greatly concerned with the increasing number of internally displaced persons," whose living conditions in some cases

were “abominable.” A major factor in the rising number of internally displaced persons was the government’s continued expulsion of Kurds and Turkmen from their homes in Kirkuk, Tuz Khormatu, Khaniqin, and other districts as part of its “Arabization” program. Most were expelled to areas controlled by Kurdish opposition forces and a smaller number to central and southern Iraq. According to PUK officials, those expelled between January 1991 and December 2000 and resettled in areas under its control totaled 93,888, while some 25,000 others expelled during the same period were resettled in KDP-controlled areas. Scores more were reportedly expelled between January and March, particularly from the Tuz Khormatu area. In August and September, Kurdish opposition sources said the government was intensifying the rate of resettlement of Arab families in areas from which Kurds and Turkmen had been expelled, including the Lailan, Shwan, and Qara Hanjir districts of Kirkuk. The government also gave Arabs title deeds of property owned by those expelled, built new housing in villages around Altun Kopri and Tuz Khormatu to accommodate more Arab families, and substituted Arabic for Kurdish, Turkman, and Assyrian place names. On September 6, according to the government press, Iraq’s Revolution Command Council issued decree 199, enabling Iraqis aged eighteen or over to change their official ethnic identity by applying to register as Arabs.

Criminal proceedings against Fowad Hussain Haidar, arrested in late June 2000 following the killing of two staff members of the U.N. Food and Agriculture Organization (FAO) in Baghdad, and the wounding of eight others, remained inconclusive. (See *Human Rights Watch World Report 2001*.) On December 5, 2000, the Security Council called on Iraq to complete its investigation into the incident, but on March 2, U.N. Secretary-General Kofi Annan said he had not been provided with the government’s report into the investigation. On May 18, he informed the Security Council that on May 14, “the criminal court postponed, yet again, for the seventh time, its proceedings in the trial of the accused, to 28 May.” By October, no further information was available on the case.

In his March 2 report to the Security Council on the implementation of the “oil-for-food” program, the U.N. secretary-general said that increased revenues placed the Iraqi government “in a position to reduce current malnutrition levels and improve the health status of the Iraqi people.” In his May 18 report, the secretary-general expressed regret that no progress had been made on arrangements for local procurement of goods and services and the provision of a cash component, provided for under resolution 1284 (1999). He noted that an “increasing range of equipment is being imported under the program, with insufficient local resources available to undertake installation, training and maintenance.” In his September 28 report, the secretary-general reiterated his concern about the increase in the “number of holds placed on applications, the total value of which was \$4.05 billion as at 14 September 2001,” impeding the implementation of the “oil-for-food” program. He urged the Security Council and the Sanctions Committee to further streamline approval procedures, and “allow greater latitude so that a wider variety of medicine, health supplies, foodstuffs, as well as materials and supplies for essential civilian needs can be procured and supplied most expeditiously.” He also said that the program had been adversely affected by the “substantial reduction in revenues received from oil exports” decreased or totally suspended by Iraq, and well as by the “inordinate delays” and refusals in the issuance of visas by Iraq to U.N. personnel.

Concern about the overall humanitarian situation in Iraq was voiced by U.N. and other humanitarian agencies. In a December 2000 report, the International Committee of the Red Cross (ICRC) said that “despite the increased availability of food, medicines and medical equipment, following a rise in oil prices and the extension of the ‘oil-for-food’ programme, suffering remained widespread.” Information released by the United Nations Children’s Fund (UNICEF) on July 11 warned that “one in five children in the south and centre of Iraq remain so malnourished that they need special therapeutic feeding,” and that child sickness rates remain “alarmingly high.” The organization called for speedy implementation of the provisions of resolution 1330, which had earmarked five per cent of oil revenues for “the most vulnerable groups in Iraq.”

HUMAN RIGHTS DEVELOPMENTS IN IRAQI KURDISTAN

Most of the three northerly Duhok, Arbil, and Sulaimaniya provinces remained under the control of the KDP and the PUK, which maintained separate administrative, legislative, and executive structures in areas under their control. Efforts to implement the 1998 Washington Accord began after meetings between KPD leader Mas’ud Barzani and PUK leader Jalal Talabani in January, leading to negotiations over the gradual normalization of relations between the two sides. By November, they had not agreed on a unified administration for the region; earlier, the KDP held municipal elections in areas under its control on May 26. However, the two sides eased restrictions on the free movement of people and trade between their respective areas and decreased their military presence along the ceasefire line. They also facilitated the gradual exchange of people internally displaced since the 1996 clashes, with some 1,300 families returning to their homes in Arbil, Duhok, and Sulaimaniya between June and October. The two sides also increased cooperation on security matters and prisoner exchanges. Both sides continued to grant access to their prisons to the ICRC, which reported that during 2000 it visited 792 detainees held “for security reasons or in connection with the inter-Kurdish fighting” in thirty-two places of detention.

President Hussain proposed the reopening of negotiations between the government and Kurdish political parties on July 15, but in a joint statement on July 27, the KDP and PUK set preconditions: they demanded an end to mass deportations of Kurds and Turkman, clarification of the fate of detainees in Iraqi government custody and missing persons, and acceptance by the Iraqi government of federalism as the basis of future relations between the Kurdish region and Baghdad. The government rejected these demands in August.

Iraqi troops were deployed to the northern region on several occasions, apparently with the aim of launching armed attacks on Kurdish-controlled territory. In mid-June, the government deployed tanks, armored personnel carriers, artillery and infantry units south of Arbil, coinciding with efforts by the U.K. and the U.S. to restructure the economic embargo imposed on Iraq and to impose “smart sanctions.” Government troops clashed with PUK forces in the Kifri region on September 9, and in early October they reportedly entered and occupied the village of Sadawa, south-west of Arbil. The KDP said that repeated artillery bombardment of

some thirty front-line villages by government troops had resulted in the displacement of their inhabitants.

There were at least eight bomb attacks in Arbil in other cities between November 2000 and October 2001. Some targeted buildings used by U.N. personnel and by local and international nongovernmental organizations (NGOs). In August, the KDP said it had arrested two men in separate incidents whose vehicles were apparently carrying explosives, and that they had confessed to working for Iraqi intelligence. Among them was a Tunisian national employed by the U.N. who was caught on July 19 while returning from Baghdad with explosives in his vehicle. He was released on July 31 and handed over to Tun Myat, U.N. humanitarian coordinator for Iraq, during his visit to Iraqi Kurdistan.

Other bomb blasts in KDP-held territory, including one in Arbil on April 23 and another in Zakho on October 15, were reportedly attributed to Islamist groups based in the region, notably *Harakat al-Tawhid al-Islami* (Islamic Unity Movement, IUM). The IUM, one of three Islamist groups which broke away at different times from the mainstream Islamic Unity Movement in Kurdistan (IUMK) and in September merged to form *Jund al-Islam* (Soldiers of God), was also held responsible by the KDP for the assassination on February 18 of Francois Hariri, governor of Arbil and member of the KDP's Central Committee. He was shot dead by unidentified assailants as he drove to work in the city. His bodyguard was also killed and his driver wounded. The KDP announced in late March that it had identified several IUM members as being responsible for the assassination, one of whom was apprehended.

Clashes between PUK forces and Jund al-Islam began in September, shortly after the group's leader, Abu 'Ubaidullah al-Shafi'i, declared *Jihad* (Holy War) against secular and other political parties in Iraqi Kurdistan deemed to have deviated from the "true path of Islam." After the September 11 attacks in the U.S., the PUK accused the group of links with Osama bin Laden's *al-Qaeda* (The Base) network and said its members included Arabs of various nationalities who had received military training in Afghanistan. The PUK also accused the group of imposing an extreme form of Islam in their strongholds of Biyara and Tawela, including barring women from employment and education, and of preventing the Naqshabandi Sufis based in the area from practicing their religious rites.

On September 22, Jund al-Islam abducted a doctor, Rebwar Sayyid 'Umar, from his surgery in Halabja and detained him for twenty days in Biyara near the border with Iran. On September 23, thirty-seven PUK fighters were killed by Jund al-Islam in the village of Kheli Hama on the Sulaimaniya-Halabja road. Several died in an ambush, but the majority was reportedly killed after surrender. Photographs of the victims made available by the PUK showed that some of the prisoners' throats had been slit and some of the dead had been beheaded or mutilated, including by having their sexual organs severed. During the ensuing clashes, an estimated one hundred PUK fighters and some forty Jund al-Islam fighters were killed. The PUK regained control of Halabja and its vicinity by September 26, arresting suspected supporters or members of Jund al-Islam, and during October the fighting extended to Sharazur, Hawraman, and elsewhere. At least thirty-eight Jund al-Islam fighters were reportedly killed in these clashes, while some twenty-four others were cap-

tured or surrendered. Other Kurdish political parties, including the KDP, offered military assistance to the PUK. On October 11, the PUK declared a ceasefire and on October 25, it issued a thirty-day amnesty for Jund al-Islam fighters. The amnesty did not cover those responsible for the assassination of Francois Hariri, or those involved in the killing of the thirty-seven PUK fighters on September 23. The PUK also said that foreign nationals among them would not be permitted to remain in Iraqi Kurdistan.

Turkish government troops launched repeated military incursions into northern Iraq in pursuit of PKK members. In December 2000, Turkey deployed several thousand troops near the Iran-Iraq border, in order, the Turkish prime minister said on January 7, 2000, to provide "technical support" to PUK forces that had been engaged in military operations against the PKK since September 2000. According to PUK officials, some 120 PKK and thirty-five PUK fighters were killed in December 2000. The PUK accused the PKK of forcibly occupying forty-six villages in areas under PUK control. Turkish troops were also deployed in PUK-held territory in July and August, and in KDP-held areas near Zakho in September. Earlier, in January 2000, the KDP and the PUK adopted a unified policy to expel the PKK from Iraqi Kurdistan.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

The "oil-for-food" humanitarian relief program for Iraq was extended for a further six months on December 5, 2000, under Security Council Resolution 1330. The Sanctions Committee was requested to approve lists of supplies and equipment in the electricity and housing sectors for "fast-track" approval procedures and to expand lists in other sectors. It approved the reduction of the allocation for the U.N. Compensation Fund from 30 percent to 25 percent, transferring the additional funds to meet the costs of humanitarian supplies to vulnerable groups in central and southern Iraq. It also allowed funds of up to 600 million euros to be used for the cost of installation and maintenance of the oil industry.

Divisions within the Security Council on the sanctions policy were evident during a debate over a draft resolution proposed by the U.K. on May 22, aimed at introducing "smart sanctions" by removing most restrictions on Iraq's civilian imports while tightening controls on military goods and oil revenue. Russia, China, and France opposed the resolution, in part over the list of prohibited "dual-use" goods which would remain subject to Security Council scrutiny. Russia introduced its own counter-resolution proposing the lifting of restrictions on civilian goods once weapons inspectors were fully deployed, while Iraq suspended its oil exports on June 4 in protest at the U.K. proposal. On June 1, the "oil-for-food" program was extended for one month under resolution 1352, giving the Security Council more time to debate the issue. By July 2, however, no consensus was reached and the U.K. postponed indefinitely a vote on its draft resolution. The "oil-for-food" program was renewed for a further five months on July 3 under resolution 1360.

Weapons inspectors of the U.N. Monitoring, Verification and Inspection Commission (UNMOVIC), continued to be denied access to Iraq, with the government maintaining its rejection of resolution 1284. Talks held between Iraqi and U.N. officials in February failed to resolve the deadlock over weapons inspections, and UNMOVIC Executive Chairman Hans Blix said that documents submitted by Iraq as evidence that it no longer had weapons of mass destruction contained “very little new data.”

The Iraqi government also denied Yuli Vorontsov, the secretary-general’s high-level coordinator for the return of missing property and missing persons from Iraq to Kuwait, access to the country. In March, Vorontsov said Iraq was concealing information about an estimated 605 Kuwaiti and third-country nationals unaccounted for since February 1991. On July 3, Foreign Ministry officials rejected as “false facts” information submitted by Vorontsov to the Security Council on April 20, saying that his role was “partisan and less than objective.” The Iraqi government declined to participate in a meeting of the Tripartite Commission scheduled for July 19 under ICRC auspices, saying its participation was conditional on the withdrawal of the U.S. and the U.K. from the Tripartite Commission. It also called on Kuwait to account for an estimated 1,142 Iraqis which it said remained unaccounted for since 1991. In August, the Security Council urged Iraq to cooperate with Vorontsov and with the ICRC to clarify the fate of those missing.

On February 14, Benon Sevan, executive director of the U.N. Office of the Iraq Program (OIP), criticized Iraq for failing to utilize increased oil revenues “to reduce current malnutrition levels and improve the health status of the Iraqi people,” saying that the sums allocated for this in the government’s distribution plan were not “commensurate” with the problem. In a statement to the Security Council on March 8, he expressed “grave concern over the unacceptably high level of holds placed on applications,” including “some essential items required for key sectors such as electricity.” He urged “all parties concerned, including the Government of Iraq, to depoliticize and facilitate the program’s implementation in order to alleviate the continued suffering of the Iraqi people.” In mid-April, the OIP said the Sanctions Committee had delayed some 1,685 contracts valued at U.S. \$3.44 billion.

Relations with the U.N. deteriorated further when a Foreign Ministry official accused the OIP in July of financial mismanagement and impropriety, and in August requested regular audits of “oil-for-food” revenues by “independent, legal and neutral accountants.” Iraq also accused the U.N. in July of deliberately delaying a visit by World Health Organization (WHO) experts, adding that Sevan was “prejudiced against Iraq.” On September 5, Foreign Minister Najji Sabri al-Hadithi announced that Iraq had expelled the previous day five OIP personnel based in Baghdad, allegedly for supplying security information to “enemy states.” A sixth OIP employee had been expelled on August 31, and two peacekeepers of the U.N. Iraq-Kuwait Observation Mission (UNIKOM) on August 22 for allegedly violating “standard operating procedures by . . . taking photographs.” During a Security Council debate on Iraq on September 6, Iraq’s U.N. ambassador Muhammad al-Douri accused the U.N. of sending “spies” to Iraq. U.N. officials denied these charges, saying that Iraq had failed to provide any supporting evidence, and that the OIP had decided to “withdraw these personnel for strictly safety reasons.” Two other UNIKOM peacekeepers had left Iraq in April after government officials made

similar complaints against them. On October 25, Sevan announced he had submitted documents to the Security Council providing evidence that Iraqi oil estimated at U.S. \$10 million was smuggled in violation of U.N. sanctions. The government denied the charges.

Eight WHO experts visited Iraq from August 27 to 31 to finalize agreements with the government on research to be conducted on non-communicable diseases and congenital malformations in the country. In a September 5 statement, WHO announced that one major area of research agreed was a "study of environmental and other risk factors (including depleted uranium) to health." The government said that increases in cancers and birth defects among Iraqis were linked to the use of depleted uranium by allied forces during the 1991 Gulf war, and had requested the International Atomic Energy Agency (IAEA) and the U.N. Environment Programme (UNEP) to sanction a fact-finding visit.

In a December 4, 2000 resolution, the General Assembly condemned "systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror." These included summary and arbitrary executions, routine and systematic torture, widespread use of the death penalty, and the repression of political opponents and their families. It urged the government to abide by its international human rights and humanitarian law obligations, to cooperate with U.N. human rights mechanisms, to implement relevant Security Council resolutions, and to cooperate with the Tripartite Commission over the fate of persons unaccounted for since the withdrawal of Iraqi forces from Kuwait in 1991. The resolution also reiterated its call for the special rapporteur to be granted access to the country.

In a January 16 report to the U.N. Commission on Human Rights, the special rapporteur on Iraq Andreas Mavrommatis said he continued to receive allegations of human rights violations by the government. These included arbitrary executions, frequent arrests of Shi'a religious figures and students, torture and ill-treatment of detainees, the retroactive application of death penalty legislation, and the forcible expulsion of Kurds and others from the Kirkuk region. The rapporteur said it was "absolutely necessary" that he be allowed to visit Iraq "to verify the truthfulness of the accounts received" and urged the government to agree to this. On April 18, the commission renewed the rapporteur's mandate for another year, condemned continuing violations and urged the government to cooperate with U.N. mechanisms and grant the special rapporteur access to Iraq. In a report to the General Assembly in September, the rapporteur detailed additional information on abuses against women, religious persecution, torture and extrajudicial killings, and on the humanitarian situation in Iraq. By November, the government had still not permitted him to visit the country.

On August 16, the U.N. Subcommittee on the Promotion and Protection of Human Rights decided, without a vote, to reiterate its appeal to the international community and to the Security Council for the lifting of "the embargo provisions affecting the humanitarian situation of the population of Iraq." It also urged all governments, including that of Iraq, to facilitate the delivery of food, medical supplies, and other basic needs.

European Union

In May, the European Commission announced an increased “humanitarian assistance package” for Iraq. It allocated a total of 13 million euros for the year through the European Community Humanitarian Office (ECHO), maintaining the E.U.’s position as Iraq’s largest humanitarian aid donor. The program was intended to fund projects in central and southern Iraq run by U.N. specialized agencies and NGOs in the areas of health, water and sanitation, and social rehabilitation.

In a resolution adopted on November 30, 2000, on the progress achieved in the implementation of the common foreign and security policy (CFSP), the European Parliament urged “the Council and Member States to take the initiative at the United Nations to propose the formation of an ad-hoc International Tribunal on Iraq to investigate the responsibility of Saddam Hussain’s regime in crimes of war, crimes against humanity and crimes of genocide.”

The European Parliament debated Iraq on March 1, focusing on continued air strikes by U.S. and U.K. forces. Commissioner for External Relations Chris Patten stressed the importance of maintaining sanctions until Iraq complied with Security Council resolutions concerning weapons inspections, but noted the importance of reviewing overall policy toward Iraq and “the possibility of replacing the present sanction regime by a ‘smart sanctions program’ and other appropriate measures,” while ensuring that Iraq did not develop weapons of mass destruction.

United States

Secretary of State Colin Powell testified before the International Relations Committee of the House of Representatives on March 7 that the Bush administration would review policy toward the economic embargo on Iraq, the “no-fly zones,” and assistance to the Iraqi opposition. He said the sanctions “were starting to fall apart” and needed to be focused more clearly on preventing Iraq from developing weapons of mass destruction, while refuting claims that this represented an “easing” of pressure on the Iraqi authorities. In May, the U.S. backed a resolution introduced by the U.K. at a Security Council debate on Iraq, which aimed at removing restrictions on almost all civilian exports to Iraq while tightening controls over arms imports and over the smuggling of Iraqi oil through its neighboring countries.

The U.S. and the U.K. continued to police the “no-fly zones” over northern and southern Iraq from bases in Turkey and Saudi Arabia. In congressional testimony in March and May, Bush administration officials reaffirmed U.S. commitment to the policy, which they stated was necessary to prevent Iraq from building up its military forces and from launching air attacks on the Kurdish population in the north and the Arab Shi’a population in the south. In May, the Pentagon announced that two U.S. military commanders overseeing the “no-fly zone” operations had recommended a significant reduction in the number of sorties being flown by U.S. and U.K. pilots while maintaining the monitoring of Iraqi troop movements in these areas. The Iraqi government said three people were killed and eleven others injured

after air strikes by U.S. and U.K. planes near Baghdad on February 16, and that a further twenty-three people were killed and eleven injured as a result of air strikes on June 19 over a soccer field in the city of Mosul. U.S. and U.K. government officials denied these reports, and stated that no air strikes had been launched on June 19. U.S. Defense Secretary Donald Rumsfeld said that any such incident “undoubtedly was the result of misdirected ground fire.”

Members of the opposition Iraqi National Congress (INC) began training in November 2000 in the collection of evidence for use in war crimes trials as part of a wider program sanctioned under the 1998 Iraq Liberation Act. On January 10, the Clinton administration approved U.S. \$12 million in aid to the INC for the distribution of food, medicine, and other humanitarian relief in government-controlled areas of Iraq. On January 30, the Bush administration authorized the INC to draw on the U.S. \$4 million approved by Congress in 2000 to fund opposition activities inside Iraq, including the gathering of evidence on human rights abuses by the Iraqi government. In testimony before the International Relations Committee of the House of Representatives on March 29, the State Department said that the administration had “an active program with the Iraqi opposition . . . that could contribute to a change of leadership in Iraq,” and that over U.S. \$6.7 million had already been channeled through the INC and other groups. In mid-June, the State Department announced it was releasing an additional U.S. \$6 million to the INC to fund the sending of individuals into Iraq to gather human rights and war crimes information, publications, and television broadcasting.

In its *Country Reports on Human Rights Practices for 2000*, released in February 2001, the State Department condemned Iraq’s human rights record as “extremely poor.” It said that “security forces committed widespread, serious, and systematic human rights abuses,” and that the government continued to be responsible for disappearances, torture and summary execution of suspected political opponents, and to subject citizens to arbitrary arrest and prolonged incommunicado detention. Iraq was also one of nine countries nominated by the U.S. Commission on International Religious Freedom as being “the world’s worst religious-freedom violators.” In its *Annual Report on International Religious Freedom for 2001*, the State Department said that the Iraqi government’s violations of religious freedoms remained severe. It noted that in addition to arbitrary arrests, prolonged detention and torture, “the regime systematically has killed senior Shi’a clerics, desecrated Shi’a mosques and holy sites, interfered with Shi’a religious education, and prevented Shi’a adherents from performing their religious rites.”

ISRAEL, THE OCCUPIED WEST BANK AND GAZA STRIP, AND PALESTINIAN AUTHORITY TERRITORIES

HUMAN RIGHTS DEVELOPMENTS

Many civilians were among the over seven hundred Palestinians and over two hundred Israelis who, by November 2001, had been killed in the violence that followed the eruption of clashes between Israelis and Palestinians in September 2000. In addition, some 16,000 Palestinians and some 1,700 Israelis were injured in the violence. The conflict was marked by attacks on civilians and civilian objects by both Israeli security forces and Palestinian armed groups. Both Israeli and Palestinian authorities failed to take the necessary steps to stop the security forces under their control from committing abuses, and failed to adequately investigate and punish the perpetrators.

Israeli security forces were responsible for extensive abuses, including indiscriminate and excessive use of lethal force against unarmed Palestinian demonstrators; unlawful or suspicious killings by Israel Defense Forces (IDF) soldiers; disproportionate IDF gunfire in response to Palestinian attacks; inadequate IDF response to abuses by Israeli settlers against Palestinian civilians; and "closure" measures on Palestinian communities that amounted to collective punishment. They also mounted a series of killings of suspected Palestinian militants under a controversial "liquidations" policy directed against those they claimed to be responsible for orchestrating attacks against Israelis.

For its part, the Palestinian Authority (PA) did little to exercise its responsibility to take all possible measures to prevent and punish armed attacks by Palestinians against Israeli civilians, including suicide bombings. In addition, the various security forces of the PA carried out arbitrary arrests of alleged Palestinian "collaborators" with Israel. Many were held in prolonged detention without trial and tortured; others were sentenced to death after unfair trials and two were executed. The PA also arrested some Islamist and other militants suspected of responsibility for attacks against Israelis and held them in untried detention.

Israel and the Occupied West Bank and Gaza Strip

The Israeli-Palestinian clashes continued throughout the first ten months of 2001. In December 2000, Israeli Prime Minister Ehud Barak and his Labor Party-led coalition lost office following an early election for prime minister called by Barak. Ariel Sharon, leader of the Likud party, won a decisive victory, replacing Barak as prime minister, and fashioned a governing majority in alliance with Labor and other, mainly rightwing, parties.

The IDF resorted to excessive and indiscriminate use of lethal force, causing civilian deaths and serious injuries and damaging or destroying homes and other

property. In one case directly investigated by Human Rights Watch, on December 22, 2000, IDF soldiers used live ammunition against a stone-throwing crowd of Palestinian youth in Hebron district, killing 15-year-old Arafat al-Jabarin with several shots. The soldiers, equipped with several armored cars and a tank, were located in a defensible position above and nearly 150 meters from the youths. Given the distance and the elevation, the stone throwers did not pose the "grave threat to life" that both the United Nations (U.N.) Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the IDF's own open fire regulations require before allowing the use of lethal fire. The subsequent IDF account of the incident did not allege any use of firearms by Palestinians, and said that the IDF had responded "with riot dispersal equipment." In another incident, on June 9, an IDF tank fired flechette shells in a populated area between Gaza City and the settlement of Netzarim. The shells, which spread razor-sharp darts over a wide area, killed three Palestinian women and injured three others. IDF officials initially said they fired in response to Palestinian gunfire from the area, but Prime Minister Sharon acknowledged on June 11 that the killing of the three women "should not have happened." IDF officials said that they opened an internal inquiry, but the results had not been made public as of this writing.

As the clashes continued, Palestinians fired at Israeli settlers and carried out suicide bombings against Israeli civilians while the IDF made increasing use of heavy weaponry, including F-16 fighter jets, combat helicopters, tanks, and light rockets against Palestinian targets, including PA police stations, security offices, prisons, and other installations.

Under Prime Minister Sharon, Israel maintained the "liquidations" policy initiated by the previous Barak administration, targeting individuals whom it accused of planning or carrying out attacks on Israeli security forces or civilians. The IDF used snipers, helicopter-fired missiles, tanks, and explosive devices to carry out the assassinations. When first introduced, Israeli authorities justified the policy as necessary to prevent a "clear, specific and imminent terrorist threat," but then expanded it to include those considered responsible for planning or carrying out attacks on Israelis. In some cases, however, it appeared that those targeted were killed in circumstances where Israeli forces could have arrested them. According to Israeli and Palestinian human rights groups, at least thirty-five Palestinians were targeted under the "liquidations" policy between November 2000 and October 2001. In one case under the Barak government, on December 31, 2000, IDF snipers killed Thabet Thabet, the secretary general of Tulkarem's Fatah branch and director general of the PA's Health Ministry. Israel subsequently accused him of being the regional head of a Palestinian squad responsible for shooting at Israelis. On January 9, Thabet's widow petitioned the Israeli Supreme Court to order Prime Minister Ehud Barak to refrain from "executing people without trial." The court first accepted to hear the petition but then changed its decision when the government contended that the court had no jurisdiction in the matter.

Israeli security forces were responsible for a number of killings and shootings of Palestinian civilians under circumstances that warranted investigation and possible criminal prosecution. In January, the Israeli government publicly categorized the clashes as constituting "armed conflict" and insisted that it was therefore under no obligation to carry out investigations of wrongful deaths at the hands of its secu-

rity forces. There was no investigation, for instance, of a February incident where soldiers opened fire on a minibus carrying sixteen Palestinian workers to their jobs, killing twenty-year-old Ziad Abu Swayyeh and injuring several others, one seriously. The shootings took place when the minibus, after driving around an army roadblock, followed the soldiers' orders and turned around to go back to al-Khadr, near Bethlehem.

The IDF opened investigations in only a few cases that it characterized as "criminal" and "extreme," but did not contact or interview crucial witnesses to the shootings or inform the relatives of the victims. One case the IDF military police did investigate was the wounding of Jad Allah al-Ja'bari, an elderly Palestinian municipal cleaner, after a journalist filmed most of the incident in which he was shot by an Israeli soldier near a checkpoint. The IDF said that the soldiers responsible had received a "severe reprobation" for violating open-fire instructions and that a military police investigation found that, in addition, the soldiers had failed to follow normal arrest procedures and to provide immediate medical care, interfered with the work of an accredited journalist, and provided inaccurate accounts to their superiors about the incident.

According to B'Tselem (the Israeli Information Center for Human Rights in the Occupied Territories), Israeli settlers killed at least eleven Palestinians between September 2000 and September 2001 and injured dozens more. Settlers attacked Palestinian homes, destroyed stores, automobiles and other property, uprooted trees, prevented farmers from reaching their fields, blocked major roads, stoned Palestinian cars, including ambulances, and targeted humanitarian workers, diplomats, and journalists. Following the killing by a Palestinian gunman of an Israeli settler child, one-year-old Shalhevet Pass, in Hebron on March 26, some fifty armed settlers fired on the Palestinian Abu Sneineh neighborhood, burned cars and shops, caused other damage to Palestinian property, and wounded six Israeli border police. The Israeli authorities rarely intervened to stop or prevent settler attacks against Palestinians or to investigate them. When they did, perpetrators received disproportionately light sentences if they were punished at all.

Citing security reasons, Israel imposed the most severe restrictions on West Bank and Gaza Strip Palestinians' freedom of movement since it first adopted its "closure" policy in 1993. Israeli authorities sealed off the West Bank and Gaza Strip, restricting movement of Palestinians between and within those areas as well as into Israel, effectively confining them to their towns and villages for extended periods. The IDF blocked or controlled access to towns and villages by placing cement blocks, boulders, earthen dams, and army checkpoints on roads. The IDF also imposed curfews on certain Palestinian areas in response to stone throwing or shootings to protect settlers' movement along "bypass" roads. The 30,000 Palestinian residents of the Israeli-controlled area of Hebron known as H2 were kept under a nearly continuous round-the-clock curfew, but no restrictions were placed on the five hundred Israeli settlers living in the H2 area. Palestinian drivers complained that soldiers enforcing Israel's closure policy often beat and humiliated them and their passengers, slashed tires, shot at vehicles, and confiscated keys for lengthy periods.

Curfews, closures, and blockades had a devastating impact on Palestinians' lives, obstructing access to health care, schools and universities, businesses, and places of

worship. According to the World Health Organization (WHO), the closures damaged water, electricity, and sanitation services. The Palestine Red Crescent Society (PRCS) said that delays at Israeli roadblocks and checkpoints contributed to a number of deaths of Palestinians in need of medical treatment. In February, the International Committee of the Red Cross (ICRC) initiated a "Closure Relief Program" and said the policy of isolating whole villages for an extended period was "contrary to International Humanitarian Law."

The U.N. special rapporteur on the situation of human rights in the occupied Palestinian territories reported that between September 2000 and October 2001 the IDF demolished more than three hundred Palestinian homes throughout the West Bank and Gaza, for alleged security or for punitive reasons, and uprooted 385,000 fruit and olive trees. Israeli authorities also confiscated Palestinian lands in order to expand Israeli settlements and for the construction of bypass roads, as at Deir Qiddis village near Beit Sefer settlement in June. Prime Minister Sharon authorized the construction of additional settlements and settler housing units in the West Bank, in violation of international humanitarian law.

The clashes involved Palestinian Arab citizens of Israel to an extent unprecedented in earlier periods of unrest affecting the Occupied Territories. In early October 2000, Israeli police gunfire killed thirteen Arab citizens and injured hundreds during demonstrations in Arab towns and villages in northern Israel protesting Israeli policies in the West Bank and Gaza Strip. In response, the Barak government set up a Public Commission of Inquiry headed by Supreme Court Justice Theodore Or. Four special anti-terrorist police snipers later testified that they were ordered to fire at unarmed demonstrators and those wielding slingshots in Nazareth and Um al Fahm, and northern district police commander Alik Ron stated that police had not been provided with sufficient non-lethal equipment and that police snipers used live bullets.

There were new reports of torture of detainees by Israeli security forces after October 2000. The Public Committee Against Torture in Israel (PCATI), an Israeli nongovernmental organization (NGO), reported that Israeli security forces kicked detainees and beat them with rifle butts and other implements, deprived them of food and drink for long periods, exposed them to extreme heat and cold, and used other methods that Israel's High Court of Justice explicitly prohibited in a 1999 ruling, including sleep deprivation and prolonged shackling in contorted positions. In March, according to PCATI, General Security Services (GSS) interrogators forced Iyad Nasser to squat in a painful position for an extended period of time and deprived him of sleep for seven consecutive days. At the end of May, PCATI called for Attorney General Elyakim Rubinstein to intervene on behalf of over three hundred Palestinian minors arrested since October 2000 who were reported to have been doused with freezing water, beaten, deprived of sleep, and had their heads covered with sacks during interrogation. On November 23, the U.N. Committee against Torture expressed its concern that the 1999 Supreme Court decision banning certain interrogation practices did not definitely prohibit torture, and that Israel's policies of closure and house demolitions might, in some cases, constitute cruel, inhuman, or degrading treatment or punishment.

Israel continued to detain Palestinians for extended periods without charge or trial. According to statistics published by B'Tselem in October, Israel held twenty-

seven Palestinians under administrative detention, including Hassan Khader Shtiyeh, held since December 1, 2000. For the first time in four years, two Palestinian Arab citizens of Israel—Ghassan Athamneh and Kamal Obeid—were detained under administrative orders. According to B’Tselem, Israeli authorities held more than 1,700 Palestinians in Israeli prisons as of October 2001. Prisoners complained of food shortages and denial of medical treatment. The ICRC reported that its family visits program to prisoners was severely hampered by Israeli closures and administrative requirements.

Discrimination in law and practice against ethnic and religious minorities and other societal groups, especially on issues of employment and social benefits remained major problems. In July, the High Court ruled unanimously when considering a petition by the Association for Civil Rights in Israel (ACRI) that Palestinian Arab citizens were entitled to fair and proportionate representation on governmental bodies. The court ruled that the principle of affirmative action should apply to the Lands Council, responsible for supervising the Israel Lands Administration (ILA) whose twenty-four members included only one Arab, first appointed in May 2000.

On April 2, 2001, the High Court rejected another petition filed by ACRI against the ILA, the Jewish Agency, and the settlement of Katzir for contempt of court. ACRI claimed these bodies had not carried out the High Court’s precedent-setting Ka’adan ruling of March 2000 banning discrimination between Jews and Arabs in land allocation. The respondents argued that they retained the right to interview the Ka’adan family before reaching a decision. They were instructed to do so by the court within sixty days. In November 2001, the Katzir admissions board rejected the Arab couple’s application.

Israel continued to detain Sheikh ‘Abd al-Karim ‘Ubayd and Hajj Mustafa al-Dirani, who were abducted by Israeli forces from Lebanon in 1989 and 1994 respectively. Israel said it was holding them as “bargaining chips” for the release of an Israeli pilot, Ron Arad, missing in Lebanon since 1986. On July 4, the Tel Aviv District Court renewed both men’s detention orders until December 17, 2001, after the state contended that their release endangered national security. On August 23, a five-judge panel headed by Supreme Court Justice Aharon Barak ruled that the two detainees should be permitted visits by the ICRC; four days later, however, the court delayed implementation of this decision at the request of Arad’s family and those of three soldiers abducted by Hizbullah in October 2000 pending further consideration of the case by a full bench of eleven judges. On October 31, 2001, the government stated officially that the three soldiers captured in October 2000 were dead.

In July 2001, the Israeli ministerial committee for legislation approved an application for continuity of an “Intifada Law” that would end compensation payments to Palestinians whose persons or property were harmed during the 1987-1993 intifada and preclude compensation suits by Palestinians injured during the current clashes.

Palestinian Authority

Security and military courts established by the PA continued to issue death sentences after grossly unfair trials, and the PA carried out two executions, both in Jan-

uary. Palestinians alleged to have collaborated with Israel faced arbitrary arrest and detention, torture and ill-treatment under interrogation, unfair trials, and the death penalty. At least five detainees died in custody; in some cases, there was evidence of torture. Some thirty Palestinians, including suspected collaborators, were victims of vigilante killings by other Palestinians; although no one was held to account for these murders. The PA also arrested and held without trial members of Islamist and other groups that claimed responsibility for attacks on Israelis. The PA released most of these detainees in October 2000, soon after the outbreak of the current intifada, despite concerns that some may have been responsible for attacks on Israeli civilians. Some of those released as well as other suspected militants were briefly detained and released periodically during the year. At the end of October 2001, following a series of attacks on Israeli civilians by Palestinian armed groups, the PA began employing administrative detention orders and detaining larger numbers of suspected militants.

In other incidents, Palestinians shot and killed Israeli drivers and passengers and fired at Israeli settlements. Israel cited the PA's failure to prevent such attacks to justify its "liquidations" policy as well as IDF attacks on PA offices and security installations.

Various PA security forces detained and tortured suspected collaborators. Khaled al-Akra, arrested in February, said that interrogators in Nablus Central Prison handcuffed him to a window and punched and beat him with sticks for six days before releasing him. In March, the British Broadcasting Corporation (BBC) reported that a letter smuggled out by inmates of a West Bank Palestinian prison warned that one of their number had been tortured for weeks to the point where his life was at risk.

Vigilante killings by Palestinians resulted in the deaths of some thirty alleged collaborators. In November 2000, Palestinian gunmen shot dead thirty-seven-year-old Kasem Khlef, suspected of collaborating with Israel in its killing of Fatah leader Hussein Abeyat. In reporting his death, Palestinian TV showed a caption that read, "He lived as a beaver and died as a dog." In February, the PA issued a statement urging Palestinians not to take the law into their own hands. Later that month, however, forty-year-old bus driver, Muhammad Musa Abd al-Rahman, was shot to death when he answered his door. The Palestinian media, citing unnamed Palestinian security officials, reported that he had collaborated with Israeli security services. The PA failed to bring to justice those responsible for those killings.

State security and military courts continued to operate despite the fact that they did not meet minimum international fair trial standards. At least thirteen persons were sentenced to death, most of them on charges of collaboration after summary trials.

The PA briefly reverted to a pattern of executions without due process. On January 13, the PA executed Allam Bani Odeh and Majdi Mikkawi after President Arafat ratified their death sentences. Both men were accused of collaboration with Israeli security services. Police firing squads carried out the executions after summary trials before Palestinian Authority security courts without access to lawyers and without the right to appeal. Bani Odeh was shot in front of a crowd of thousands in Nablus. Speaking on Israel's Channel 2 television station, Deputy Qadura Fares, chair of the Human Rights Committee at the Palestinian Legislative Council

said: "In different circumstances, in the future when we have a democratic country, the defendants will receive all their rights in court, which will assure them a just trial."

As of this writing, President Arafat had not ratified eleven other death sentences, and they had not been carried out.

At least five Palestinians died in custody in 2001, bringing to twenty-eight the number of detainees known to have died in custody since the establishment of the PA in 1994. Thirty-six-year-old Salem al-Akra, arrested by Palestinian intelligence officers on February 6 on suspicion of collaborating with Israel, died in a hospital on February 27 after being transferred from Nablus central prison. A witness in Nablus who saw al-Akra's body in the hospital morgue told Human Rights Watch that it bore marks of torture: bruising on the wrists and ankles and head. An autopsy was performed but the results were not made public.

The PA failed to take adequate action against those responsible for killings of Israeli civilians. In January, three members of the Fatah organization's Tanzim militia shot dead sixteen-year-old Israeli Ofir Rahum after he was lured to Ramallah by a Palestinian woman. Six days later, masked Palestinian gunmen apparently belonging to Hamas abducted and killed two other Israelis, restaurateurs Motti Dayan and Etgar Zeitouny, as they dined in Tulkarem. The PA condemned these killings and said it would inquire into them, but no findings of any investigation had been made public by November.

Palestinian militants used firearms and bombings against Israeli settlers traveling on bypass roads and elsewhere. Children were often among the victims, as in an attack in November 2000 near the Kfar Darom settlement in Gaza which killed two adults and injured others, including five children, on a bus. On February 11, Fatah gunmen in Beit Jala shot dead Israeli settler Tsahi Sasson as he drove across a bridge near the Gush Etzion settlement, and continued firing when an ambulance arrived.

At least seventy Israelis were killed and over eight hundred injured in attacks by Palestinian suicide bombers and other militants apparently belonging to groups such as Hamas and Islamic Jihad. On June 1, a suicide bomber killed twenty-one mostly young people and injured over one hundred others outside a Tel Aviv discotheque; on August 9, another suicide bomber, apparently acting on behalf of Hamas, caused an explosion in a Jerusalem restaurant leaving eighteen, including six children, dead and many others wounded. These and other bombings and attacks that targeted or disproportionately affected civilians constituted gross violations of international humanitarian law.

The PA came under severe and repeated pressure from Israel, reinforced by military attacks on PA installations, to arrest those responsible for planning or carrying out suicide bombings and other attacks against Israelis. Under its "liquidations" policy, Israel also directly attacked and killed some of those it said were responsible. The PA took inadequate steps to identify and bring to justice those responsible for attacks on Israeli civilians but it did make some arrests. For example, in October, the PA arrested forty-five people associated with the Popular Front for the Liberation of Palestine (PFLP) after the PFLP claimed responsibility for the October 17 assassination of Israeli Tourism Minister Rehav'am Ze'evi, in retaliation for Israel's "liquidation" of PFLP Secretary General Abu Ali Mustafa a short time earlier. On

November 14, the PA released two PFLP leaders after the High Court ruled that there was no basis in law for the charge brought against them, harming the national interests of the Palestinian people. Also in October 2001, the general director of the Palestinian police issued six-month to one-year detention orders against one Hamas and six Islamic Jihad members; this was the first use of administrative detention by the PA since 1994.

PA police also clashed with Palestinian demonstrators and used excessive force. For example, on October 8, 2001, Palestinian police fired on Islamist students and other stone-throwing demonstrators in Gaza City, reportedly killing a thirteen-year-old boy and a nineteen-year-old student and injuring others.

DEFENDING HUMAN RIGHTS

Israel for the most part permitted human rights organizations to collect and disseminate information in areas under its control, but the policy of closures, blockades, and curfews restricted their freedom of movement within the West Bank and Gaza Strip areas. Palestinian lawyers were unable to visit clients held in prisons in Israel.

Israeli security forces detained several Palestinian and also Israeli human rights activists. The former included Hashem Abu Hassan, a B'Tselem field researcher, as well as Adnan al-Hajjar of the Al-Mezan Center for Human Rights, and Daoud al-Dirawi, a lawyer with the Palestinian Independent Commission for Citizens' Rights (PICCR).

Israeli authorities arrested Abed Rahman al-Ahmar, a Palestinian Human Rights Monitoring Group (PHRMG) researcher, on May 24, and detained him without trial on the basis of secret GSS evidence. His lawyers said he was beaten and shackled in custody. On November 14, a military judge extended al-Ahmar's detention for a further six months.

On June 15, Israeli security forces arrested Sergio Yahni, director of the Alternative Information Center (AIC), during a demonstration organized by Rabbis for Human Rights and the AIC against the confiscation of Palestinian land in the Bethlehem District.

The PA continued to allow human rights organizations to operate in the territory under its jurisdiction, but continued to deny human rights workers access to prisons. On March 24, Palestinian security forces arrested lawyer Nasir al-Rifa'i at a court in Ramallah: he was reportedly held incommunicado at the Ramallah military intelligence headquarters and lawyers were denied access to him.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

After visiting Israel and the Occupied Territories at the request of the October 2000 special session of the U.N. Commission on Human Rights (CHR), U.N. High

Commissioner for Human Rights Mary Robinson issued her report on November 27. She pointed to a range of abuses, including excessive use of force, restrictions on freedom of movement, and the impact of the conflict on children, and said “the bleak human rights situation in the occupied territories” warranted urgent international attention. She called too for an international monitoring presence to be deployed in the territories and for the states that are high contracting parties to the Geneva Conventions to take action “to reduce the terrible violence.”

At the behest of the October 2000 special session, the U.N. established a commission of inquiry composed of three independent experts to investigate human rights and humanitarian law violations in the territories; this reported to the CHR in March. It said the “IDF, assisted by settlers on occasion” was responsible for most violations but noted that Palestinians had also committed violations, either under the authority of the PA or acting in their individual capacity. It too called for an “adequate and effective international presence” to be established “to monitor and regularly report on” continuing violations. Prior to the CHR, European Union (E.U.) ambassadors in Israel jointly confirmed that “the issues and findings” in the report “truly reflected facts on the ground” and said all its recommendations could be fully endorsed by the E.U. However, the subsequent CHR resolution 2001/7, while condemning and deploring Israeli human rights violations identified in the inquiry’s report, omitted any reference to Palestinian violations; although the resolution was adopted by the CHR in April, the United States and Guatemala voted against, and twenty-two states, including the E.U. countries, abstained.

Earlier, in late 2000, the Security Council informally considered draft proposals to establish a U.N. military and police observer force in the Occupied Territories but did not proceed to a vote when the U.S. indicated that it would exercise its veto. In March 2001, the U.S. did veto a draft Security Council resolution calling for the secretary-general to consult with the parties to the conflict and recommend “an appropriate mechanism to protect Palestinian civilians, including through the establishment of a U.N. observer force.” Explaining the veto, chief U.S. delegate James Cunningham said the resolution prescribed a role for the secretary-general that was not realistic, given Israel’s staunch opposition to a U.N. observer role, and criticized its failure to call for the protection of all civilians.

In his October 4, 2001 report to the General Assembly, the U.N. special rapporteur on the situation of human rights in the occupied Palestinian territories also raised the issue of an international monitoring presence. Noting that “International monitors or peacekeepers have been employed in many less threatening situations in the world,” he questioned the failure of “the international community to persuade Israel to accept such a presence.”

In November, after reviewing Israel’s report on compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the U.N. Committee against Torture welcomed the Israeli Supreme Court’s 1999 decision banning the application by interrogators of “moderate physical pressure” against persons in custody but expressed concern that the court had not expressly prohibited torture, that Israeli interrogators reportedly continued to use banned methods, and that the authorities had mounted few prosecutions of alleged perpetrators of torture or ill-treatment.

In its annual report to the General Assembly in September 2001, the U.N. Relief

and Works Agency for Palestinian Refugees in the Near East (UNRWA) complained that it had encountered serious problems in providing humanitarian assistance in the July 2000 to June 2001 period due to Israeli restrictions on the freedom of movement of its staff, denial of access to UNRWA staff members who Israel detained, and threats by IDF personnel against UNRWA staff members, including Commissioner General Peter Hansen.

On October 25, 2001, the Security Council issued a Presidential Statement that reproduced and “supported all elements” of a statement that representatives of the U.S., E.U., Russia, and the U.N. issued earlier in the day in Gaza. This urged the PA to ensure “strict implementation of the ceasefire” and called on Israel to halt extrajudicial killings, ensure greater restraint by the IDF, fully respect the ceasefire, and “move swiftly to ease the closures.”

European Union

The E.U. continued to be the major donor to the Palestinian Authority. Total project support by the European Commission for the year 2000 amounted to U.S. \$119 million; \$80 million represented a “special cash facility” for the PA’s Ministry of Finance. The E.U. increased its support to compensate in part for the PA’s loss of \$226 million—approximately 60 percent of its public revenue—in customs and tax revenues withheld by Israel following the outbreak of the intifada. European Commission funding to the PA amounted to U.S. \$106 million from January to October 2001, but this was conditioned on the PA’s adoption of an austerity budget, a freeze in public sector employment, and consolidation of all PA public revenues into a single Ministry of Finance account. The E.U. also conditioned its assistance for the judiciary on the PA’s implementation of a judicial reform draft law enacted by the Palestine Legislative Council but still awaiting President Arafat’s approval. Other large donors to the PA judiciary, notably Japan via the U.N. Development Program and Saudi Arabia via the World Bank, did not insist on similar conditions.

Israel was not eligible for direct E.U. financial aid. According to press reports in December, France declined to sell Israel tear-gas launchers and grenades that it had requested.

The E.U. strongly criticized the PA’s execution of two alleged collaborators with Israel in early 2001 and called for an end to such executions. Subsequently, the State Security Court imposed further death sentences but they were not ratified by President Arafat and the PA had carried out no further executions as of November.

The Swedish government, then holding the presidency, delivered the E.U.’s most comprehensive statement on human rights violations by Israel and the PA at the CHR in April. In this, the E.U. reaffirmed the applicability of the Fourth Geneva Convention to the Occupied Territories as “binding international humanitarian law,” praised the balanced nature of the high commissioner’s November 2000 report, and regretted Israel’s refusal to cooperate with the special rapporteur. The statement criticized and called for an end to abuses by both sides. With regard to Israel, the E.U. specifically criticized disproportionate and indiscriminate use of force, extrajudicial executions, closures as a form of collective punishment, and the retention of laws that discriminate against Palestinian Arab citizens of Israel. With regard to the PA, the E.U. criticized torture, deaths in detention, use of the death

penalty, and restrictions on freedom of expression. During the CHR session, the E.U. abstained on a resolution that condemned Israeli human rights and humanitarian law violations in the Occupied Territories but sponsored another that expressed “grave concern” at continuing Israeli settlement activities “since all these actions are illegal, constitute a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, and are a major obstacle to peace.”

In a May 17 resolution, the European Parliament expressed its “deep consternation” at the number of civilian victims of the clashes, condemned excessive use of force by Israel, Palestinian attacks against Israeli civilians, called for the U.N. Security Council to authorize the dispatch of an observer mission, and regretted the decision of some states not to support the CHR resolution condemning human rights violations in the Occupied Territories. The parliamentary resolution also urged the European Commission and E.U. member states to “avoid any indirect complicity in illegal settlements” by strictly applying rules-of-origin regulations to E.U. duty-free imports from Israel.

On November 24, a spokesman for the European Commission stated that the E.U.’s executive arm had decided to advise the customs authorities of member states to require Israeli exporters to deposit funds to cover duties that might be imposed retroactively on imports that are determined to originate from illegal settlements. Some member states, however, reportedly remained reluctant to implement this decision on the grounds that it would impede E.U. efforts to persuade Israel to resume peace negotiations with the PA.

On June 18, lawyers representing twenty-eight survivors of the 1982 Sabra and Shatila massacres in Lebanon in 1982 filed a complaint against Prime Minister Sharon, who was Israel’s defense minister at the time, accusing him of war crimes, crimes against humanity, and genocide. The suit was filed in Belgium under legislation allowing prosecution of such crimes in Belgian courts even if they were committed elsewhere and neither the perpetrators nor the victims were Belgian nationals. A court heard opening arguments from the Belgian prosecutor and Sharon’s attorney on November 27 on the issue of whether a Belgian magistrate could continue his investigation into the charges and start legal proceedings in Belgium. Belgian officials expected a decision in late January.

On the day before the November 27 hearing, lawyers representing some thirty Israelis filed a complaint in a Brussels court accusing President Arafat and other Palestinian officials and leaders of “murder, crimes against humanity, and genocide.” The complaint named Arafat as the “principal conspirator” in a number of attacks on civilians carried out by Palestinians since 1966 in both Israel and other countries.

In Denmark, there were protests after Israel named Carmi Gillon, former head of the General Security Services, or Shabak, as its ambassador beginning in August. On July 9, Gillon was reported in Denmark’s *Jyllands Posten* newspaper to have acknowledged his direct involvement in a hundred interrogations of Palestinian security detainees using techniques widely held to amounting to torture or ill-treatment. In a statement, the Danish Foreign Ministry, which had recently accepted Gillon’s accreditation, said the government “strongly oppos[ed] all forms

and acts of torture” but that it was a foreign government’s “own responsibility” to decide who represented it in Denmark.

United States

Israel, the largest recipient of U.S. military and economic assistance, received an estimated \$1,980 million in military assistance and \$840 million in Economic Support Funds for fiscal year (FY) 2001, ending in September. The administration requested \$2,040 million in military aid and \$720 million in support funds for FY 2002, beginning in October. According to the State Department, these funds “will enable the Israeli government to meet cash flow requirements associated with the procurement of U.S. origin systems such as F-16 fighter aircraft, the Apache Longbow attack helicopter, field vehicles, and advanced armaments.”

The U.S. provided an estimated \$85 million to the West Bank and Gaza in FY 2001; \$75 million was budgeted for FY 2002. This assistance was channeled through U.S. private voluntary organizations and Palestinian NGOs, and was not provided directly to the Palestinian Authority.

The Clinton administration continued its efforts to broker peace talks between Israel and the PA even in its final weeks. On December 23, 2000, President Clinton orally presented “a series of options” to Palestinian and Israeli negotiators in Washington, D.C. These proposals reportedly called for Palestinian refugees to be able to return to their homeland, defined as a “viable and contiguous” Palestinian state comprising approximately 95 percent of the West Bank and Gaza, while land annexed by Israel would include 80 percent of the settler population. Further Israeli-Palestinian talks in Taba, however, failed to reach agreement before President Clinton (and Prime Minister Barak) left office.

The Bush administration conspicuously declined to replicate the same level of involvement in trying to bring the two sides together and confined itself to promoting the recommendations of the Sharm al-Sheikh Fact-Finding Committee, whose report was issued on April 30. The committee, a five-member international body set up at the Sharm al-Sheikh summit in October 2000 and headed by former U.S. senator George Mitchell, proposed sequential steps towards a resumption of peace talks, starting with a ceasefire and “cooling-off” period. The committee, in its introduction to the report, wrote that a resolution to the conflict required that “agreed commitments be implemented, international law respected, and human rights protected.” Although its recommendations were not framed in terms of human rights and humanitarian law, many were broadly consistent with those principles, such as adopting non-lethal IDF responses to unarmed demonstrators, conducting impartial investigations into alleged unlawful deaths, and effective PA steps to halt armed attacks against Israeli civilians.

Following the attacks of September 11, the Bush administration intensified its efforts to secure a ceasefire and to restart political negotiations. On November 19, in a major foreign policy speech, Secretary of State Colin Powell called on the PA to “arrest, prosecute and punish the perpetrators of terrorist acts,” criticized Israeli settlements, and said that “the occupation must end.” He announced that retired Marine Corps Gen. Anthony Zinni would travel to the region as his special advisor

to “get that ceasefire in place.” Powell later said that Zinni would remain in the region “as long as it takes.” As of late November, however, the first steps toward a ceasefire remained elusive.

The State Department’s *Country Reports on Human Rights Practices for 2000* was comprehensive in its treatment of Israeli and PA human rights violations. However, generally, the State Department’s criticism in response to specific violations was couched in language that labeled them “provocative” or “unhelpful,” rather than as violations of international human rights or humanitarian law. Former assistant secretary of state Edward Walker, speaking about Israeli use of U.S. helicopter gunships in residential areas, told the *Baltimore Sun* on May 27, shortly after he left office, “It was a clear administration position that this was an excessive use of force.” The public comments of the press spokesperson, however, were typically limited to expressions of “concern,” although a press briefing given by State Department spokesman Philip Reeker on October 23, 2001, was a notable exception, Reeker stating: “We deeply regret and deplore Israeli Defense Force actions that have killed numerous Palestinian civilians over the weekend. The deaths of these innocent civilians under the circumstances reported in recent days are unacceptable, and we call upon Israel to ensure that its armed forces exercise greater discipline and restraint.”

Israeli use of U.S.-supplied weapons in the clashes, and in particular the use of helicopter gunships in targeted killings of individual Palestinian militants, raised questions among several members of Congress and in the public as to whether such use violated the Arms Export Control Act (AECA). In a September press briefing, State Department spokesman Richard Boucher said, “We’ve made it quite clear that we are opposed to the use of heavy weaponry and in these circumstances, particularly in populated areas where the risk of innocent casualties is very high,” but he did not comment on this as a possible violation of the AECA on the grounds that he wished to avoid “pushing this into a legalistic discussion.”

On September 9, the State Department released an August 17 response of Secretary of State Colin Powell to U.S. Representative John Conyers, who had raised the question of possible AECA violations in a public letter to Powell. “Based on our assessment of the totality of the underlying facts and circumstances,” Powell wrote, “we believe that a report [to Congress] under section 3c of the AECA is not required.” The administration “has been monitoring Israeli actions carefully and will continue to do so,” Powell added.

Relevant Human Rights Watch Reports:

Israel: Second Class: Discrimination Against Palestinian Arab Children in Israel’s Schools, 12/01

Israel, the Occupied West Bank and Gaza Strip, and Palestinian Authority Territories: Justice Undermined: Balancing Security and Human Rights in the Palestinian Justice System, 11/01

Israel, the Occupied West Bank and Gaza Strip, and Palestinian Authority Territories: Center of the Storm: A Case Study of Human Rights Abuses in Hebron District, 4/01

MOROCCO**HUMAN RIGHTS DEVELOPMENTS**

Selective acts of repression limited the liberalization process started by the late King Hassan II and continued by his son, King Mohamed VI. Compared with previous years, there was freer public discussion of Berber rights, the Western Sahara conflict, and past human rights abuses. But with the occasional move to ban a newspaper, forbid a rally, beat up protesters, or jail whistle-blowers, the government remained the arbiter of how and when Moroccans could exercise their rights.

Speaking July 30 on the second anniversary of his accession to the throne, Mohamed VI called for “a modern democratic state, founded on public liberties and human rights.” But neither he nor Prime Minister Abderrahmane Youssoufi—a former victim of repression and longtime human rights activist—proved forceful advocates of human rights in the face of repeated violations.

The authorities frequently barred or broke up meetings or protests, using powers provided by the Law on Public Assemblies to prevent gatherings deemed capable of “disturbing public order,” even when they were peaceful. On January 12, the Interior Ministry banned a demonstration called by human rights organizations in front of Dar al-Mokri, a former secret detention center in Rabat. In June and July, the ministry prevented Berber rights groups from holding a meeting and a conference. It also banned a demonstration called for October 21 in Rabat against the U.S. air strikes in Afghanistan. At other times, police sometimes tolerated, sometimes broke up, sit-ins and rallies by workers and by groups representing the unemployed.

Trials of over 160 demonstrators arrested when police violently dispersed rallies on December 9 and 10, 2000 continued throughout much of the year. In the first instance, human rights activists had planned a peaceful sit-in near the parliament building in Rabat to demand accountability for past abusers, but police intercepted, beat up, and arrested participants before they could reach the venue. They were jailed overnight and on May 16 thirty-six of them were convicted and sentenced to three months in prison and fined for holding an “unauthorized demonstration.” The defendants, mostly members of the Moroccan Human Rights Association (Association Marocaine des droits de l’Homme, AMDH) and the Forum for Justice and Truth, remained free on appeal and on November 21 were acquitted. However, none of the police who beat them without provocation were charged. Many observers believed that the harsh suppression of the demonstration was prompted by the AMDH’s public naming of fourteen alleged torturers, including still-serving senior security officials and a member of parliament, and its demanding that the justice minister bring charges against them.

On December 10, 2000, police in Rabat and at least six other cities forcibly dispersed demonstrations staged by Islamists. Some 130 persons were arrested and eventually charged in connection with the rallies. Some received terms of up to one

year in prison, but as of this writing they were all free either because appeals courts had reduced their sentences or had yet to issue a verdict.

Morocco's private print media enjoyed considerable freedom, but mostly avoided criticism of the military, as well as direct criticism of the king, his predecessors, and the monarchy. For much of the year, newspapers were filled with revelations about the "dirty war" carried out against dissidents during the 1960s and 1970s. Former inmates of the secret Tazmamart prison described the horrendous conditions that led to the death of half of its inmates. Victims of torture and relatives of the "disappeared" also told their stories in the pages of newspapers. While torturers were accused by name, a taboo remained against implicating King Hassan II in the repression of those years. In addition, the memoir of Malika Oufkir, *Stolen Lives: Twenty Years in a Desert Jail*, was banned in Morocco. The book, a best-seller in the United States, described how her entire family was jailed for nearly two decades in reprisal for a failed coup attempt by her father, Interior Minister Mohamed Oufkir, in 1972.

Delving into sensitive past dossiers proved costly to the French-language *Le Journal*, its Arabic sister publication *as-Sahifa*, and *Demain*. In December 2000, Prime Minister Youssoufi of the Socialist Party banned the three weeklies, exercising a power granted his office by article 77 of the press code. *Le Journal* and *as-Sahifa* had just printed, and *Demain* commented on, a previously unpublished letter dating from 1974, in which a Socialist Party leader of the time implicated party leaders (including, from the letter's context, Youssoufi himself) in an unsuccessful coup attempt against Hassan II. Minister of Culture and Communication Mohamed Achaari said the newspapers had "launched campaigns using false reports against the political stability of Morocco and its democratic experience."

After re-launching *Le Journal* under a slightly different name (*Le Journal Hebdomadaire*), publication director Aboubakr Jamaï and general director Ali Amar were sentenced on March 1 respectively to three months and two months in prison and ordered to pay large fines. The verdict came in a defamation suit filed by Foreign Minister Mohamed Benaïssa, citing articles published in 2000 that charged him with squandering public monies in real estate transactions while serving as ambassador to the United States. Amar and Jamaï remained free pending their appeal, which got under way in November. On November 21, Ali Mrabet, editor of *Demain* magazine, received a four-month prison sentence and a fine for "disseminating false information likely to disturb the public order." The charge related to an article about the possible sale of a royal palace. Mrabet remained free as of this writing.

The Council of Ministers on September 6 approved amendments to the press code that retained the penalty of imprisonment for defamation. The bill, which still required approval by parliament as this report went to press, also preserved the executive branch's power to seize or suspend publications. On several occasions, authorities prevented, without explanation, the sale of issues of foreign publications when they contained sensitive coverage of Morocco. They seized, for example, the May 17 issue of the French weekly *Courrier International*, which carried a feature on Berbers in Morocco and a caricature of Mohamed VI.

Morocco had more than 2,150 cybercafes and between 300,000 and 400,000

Internet users, according to a September 13 letter from the Moroccan embassy in Washington to Human Rights Watch. The letter also claimed that the government did not censor or block any web content. However, the Islamist association al-'Adl wa'l-Ihsan (Justice and Charity), which is tolerated but not legally authorized, reported that authorities blocked its websites in April, including that of its organ *Risalat al-Futouwa* (www.el-fotowa.com). The embassy declined Human Rights Watch's repeated requests for comment. Al-'Adl wa'l-Ihsan also claimed that the paper edition of *Risalat al-Futouwa* was seized on occasion and that printers were pressured by authorities not to print it.

The number of political prisoners, much diminished by a series of releases and pardons in recent years, was further reduced with the freeing of fifty-six prisoners on November 7. These included Mohamed Daddach, a Sahraoui who was arrested in 1979 and was serving a life sentence for having deserted from the Moroccan security forces. However, King Mohamed VI's assertion, in an interview published in the London-based daily *ash-Sharq al-Awsat* on July 24, that "there is today not a single political prisoner in Morocco," was misleading as there remained a small number of prisoners, including Islamists and supporters of independence for the disputed Western Sahara, who were being held for nonviolent expression.

One political prisoner, army captain Mustapha Adib, had been convicted in 2000 in a military court of disobeying orders and insulting the army, charges that were clearly formulated to punish him for denouncing corrupt officers and then speaking out about the retaliatory harassment he had suffered. He was arrested in December 1999, one day after his complaints were quoted by the French daily *Le Monde*. On February 21, 2001, the Supreme Court confirmed Adib's sentence of two and a half years in prison and a discharge from the army. He was due to be released in June 2002.

In public forums, Moroccans made great strides in exposing the acts of repression committed during the reign of Hassan II. On the government side, steps were taken to acknowledge past wrongs and compensate some victims. Those official steps, though modest, were unparalleled in the Middle East and North Africa.

An arbitration commission, created in 1999 at King Mohamed VI's request within the official Human Rights Advisory Board (Conseil Consultatif des droits de l'Homme, CCDH), determined the amount to be paid to victims of prolonged illegal detention and to the relatives of "disappeared" persons who had applied for compensation. The CCDH announced in June that the arbitration commission had since its creation paid out compensation to 712 persons in 376 cases.

Yet critics pointed out that the process of compensating victims was neither transparent nor accompanied by any larger truth-seeking project. Some relatives of persons who "disappeared" said they would accept no money so long as the fate of their loved ones was not revealed. Other victims said they wanted the abusers either identified or held accountable before they would seek compensation.

Critics also faulted the process for making "disappearances" and illegal detention eligible for compensation while arbitrarily ignoring other types of abuse, including torture and imprisonment on political charges. Another flaw to the process was that the CCDH had recognized only 112 cases of "disappearance" and said it had no information about other cases. Local human rights organizations

have documented some two hundred unresolved “disappearances” in Morocco and the Western Sahara and believe the number could be as high as six hundred. The families of “disappeared” persons whose cases were not recognized by the CCDH were left without any standing before the compensation commission or any other government agency. In July, a delegation representing the families of twelve “disappeared” Sahraouis visited Rabat in order to follow up on the dossiers they had submitted to officials more than a year earlier. They were sent from ministry to ministry but, as with their earlier initiative, received not a shred of information.

The year’s most sensational revelations about the past came from Ahmed Boukhari, the first secret police officer to reveal the inner workings of King Hassan II’s repression of dissidents in the 1960s and 1970s. In an exposé published June 29-30 in *Le Journal Hebdomadaire* and the French daily *Le Monde*, Boukhari also purported to answer one of the great mysteries of Moroccan political history: the fate of Mehdi Ben Barka, the exiled opposition leader who was abducted in Paris in 1965 and never seen again. According to Boukhari, Ben Barka died in France while under interrogation by Moroccan agents, who arranged secretly to fly his body back to Morocco. There, police dissolved it in acid.

Instead of opening a judicial inquiry into the credible allegations of murder and “disappearances” proffered by Boukhari, authorities instead jailed him on charges of writing bad checks. His imprisonment on August 13 prevented him from complying with a subpoena to testify in Paris before a French judge investigating Ben Barka’s disappearance. The timing of Boukhari’s arrest and his pre-trial detention left little doubt that he was being jailed to punish him for speaking out, and to intimidate other would-be whistle-blowers. On August 27, Boukhari was convicted and given a year in prison, a sentence that was reduced on appeal to three months.

The trials of Boukhari and Mustapha Adib illustrated the judiciary’s lack of independence, despite pledges of reform from Minister of Justice Omar Azzimane. In July, King Mohamed VI promoted Mohamed Mechbal, the military prosecutor who had prosecuted Adib in 2000, to the rank of brigadier-general.

Travel restrictions, once commonly imposed on ex-prisoners and human rights activists, were used sparingly. Some dissidents were allowed to travel abroad for the first time in years. On January 17, Ahmed Marzouki was given his first passport since his release from Tazmamart prison in 1991, enabling him to go to Europe to publicize his new book, *Tazmamart, Cell 10*. In July, Lahcène Moutiq, a Rabat-based Sahraoui member of the Forum for Truth and Justice, got his first passport in years to attend a human rights course in France. However, Sahraoui human rights activists Brahim Noumri and Mahmoud el-Hamed were turned back at the Casablanca airport on March 24, as they were about to fly to Geneva to attend the U.N. Commission on Human Rights. Authorities detained them at the airport for several hours and confiscated documents containing data and testimonies about abuses against Sahraouis. The documents had not been returned as of mid-October.

In March, King Mohamed VI formed yet another commission to examine reforming Morocco’s personal status code. On November 23, he publicly urged the new commission to work both on proposals to improve the application of existing

laws and on a longer-term “substantial reform” of the code. Women’s rights activists, who have long sought to amend the code’s sexually discriminatory provisions (see Women’s Human Rights), criticized the commission for taking too long to make recommendations.

Minister of Islamic Affairs Abdelkebir M’daghri Alaoui tacitly condoned verbal attacks by state-administered mosque preachers against Hakima Chaoui, a poet and member of the AMDH. The trouble began when the Islamist newspaper *at-Tajdid* accused her of insulting the Prophet Muhammad in a poem in favor of women’s rights that she had written and recited on March 8, International Women’s Day. She subsequently received phone threats and in August was shouted down at a public meeting. Minister Alaoui commented on the attacks on Chaoui, “While the reputation and dignity of individuals are to be protected and respected, protecting the person of the Prophet does take priority, as does upholding sacred, religious and national principles.”

Prisoners in Morocco suffered from severe overcrowding, inadequate medical care, unhygienic conditions, contagious diseases, and mixing of minors and adults. These conditions were described in the first major report issued by the Moroccan Prisons Observatory, an independent monitoring organization formed in 1999. The group conducted several inspection visits during 2000 and said its access to facilities and prisoners was unrestricted.

As of June, 1,479 Moroccan soldiers remained prisoners of the Polisario Front in Tindouf, Algeria, according to the International Committee of the Red Cross (ICRC), which visited them regularly. Of these, 840 had been held by the Polisario Front for over twenty years, bargaining chips in the long-festering conflict. King Mohamed VI softened the late Hassan II’s stance of rejecting anything short of a single repatriation of all Moroccan prisoners of war held by the Polisario, enabling two batches of some two hundred imprisoned soldiers each to return to Morocco during 2000.

During 2001, the ICRC urged the immediate repatriation of all prisoners of war. Morocco was not believed to be holding any, although it held in prison a small number of Sahraouis civilians convicted of pro-independence activities, and continued to provide no information on the whereabouts of Sahraoui civilians who had been forcibly “disappeared” during the years of conflict.

DEFENDING HUMAN RIGHTS

Morocco’s human rights movement generally enjoyed considerable freedom to meet, collect information, and convey its perspectives in the print press. However, this freedom was tempered by the brutal arrest and prosecution of activists who demonstrated on December 9, 2000, the jailing of whistle-blower ex-policeman Ahmed Boukhari, and the constant pressure facing rights defenders in the Western Sahara.

In January, the International Federation of Human Rights held its world congress in Morocco, the first time a major international rights group has done so in the Arab world.

THE ROLE OF THE INTERNATIONAL COMMUNITY

European Union

Relations between the European Union (E.U.) and Morocco focused on economic and social issues following the Association Agreement that came into force in early 2000. Respect for human rights and democratic principles was an essential element of the legally binding agreement, but the E.U. did not publicly raise any human rights concerns at the time of the October 9 E.U.-Morocco Association Council meeting. European Union policy continued to be guided by a desire to curb migration, legal and illegal, from Morocco to member countries such as France, Spain, and Belgium. However, the E.U. provided 1.2 million euros for projects on freedom of expression, migration, promotion of women's rights in Morocco, as well as human rights education and prison reform.

United Nations

United Nations Secretary-General Kofi Annan, in his April 24 report on the Western Sahara conflict, urged the "parties to arrange the early repatriation of all prisoners." Security Council Resolution 1359 of June 29 asked the parties "to solve the fate of people unaccounted for" and to "abide by their obligations under international humanitarian law to release without further delay all those held since the start of the conflict."

SAUDI ARABIA

HUMAN RIGHTS DEVELOPMENTS

Saudi Arabia's human rights record remained poor and there were no discernible improvements in 2001. The government took no steps to ease restrictions in the key areas of freedom of association and expression, women's rights, and religious freedom, or move toward a more open and tolerant society. The continued absence of institutions independent of the government, such as political parties and nongovernmental organizations (NGOs), allowed the ruling royal family to maintain its historic franchise on power, beyond public reproach and accountability. A May 24 royal decree increased the members of the all-male Consultative Council from ninety to 120, although the appointed body remained toothless with respect to any substantive oversight of the executive branch of government. Workers, including millions of foreigners, were not permitted to form trade unions, strike, or engage in collective bargaining, and household servants—numbering an estimated one million foreigners—continued to be excluded from protection under the labor law. The kingdom also remained off-limits to international human

rights organizations, and no one inside the country dared to break the long-standing taboo on openly scrutinizing and reporting human rights abuses.

On October 1, the Council of Ministers approved a 225-article penal code, scheduled to come into force ninety days after its publication in the official gazette. The government said that the code prohibited “coercion, or infliction of physical or moral harm on those arrested,” granted criminal suspects “the right to receive legal assistance from a lawyer,” and prohibited “detention or imprisonment except in jails or special secure units, and then only on the issuance of a court order.” The law also set a five-day limit on detention by criminal investigators, specifying that detainees “shall be released if there is no justification or if there is not enough evidence,” although in cases of “serious crimes” the interior minister also had the right to detain suspects. The council also approved on October 1 a forty-three-article law regulating the legal profession.

The practical effect of these new laws, once in force, remained to be seen. Cases during the year involving detained foreign nationals continued to illustrate fundamental flaws in the Saudi judicial system that facilitate human rights violations, including prolonged incommunicado detention, inadequate safeguards against torture and ill treatment of prisoners during interrogation, denial of access to lawyers, and the lack of transparency of legal proceedings. Several foreign governments complained that Saudi authorities had not provided timely notification of the arrest of their nationals and in some cases had denied consular officials access to detainees for long periods. Twice during the year authorities used televised “confessions” to brand suspects guilty of violent activities before they were charged or tried, a practice at odds with the government’s affirmation in 2000 that “in the Islamic *shariah*, presumption of innocence is the fundamental principle in criminal proceedings.”

One person was killed and others injured in a series of bombing attacks in Riyadh and Khobar between November 2000 and March 2001, which the authorities said were a consequence of turf wars among expatriates involved in the illegal but highly lucrative alcohol trade. (See below.) Two other attacks followed in Khobar: on May 2, a U.S. citizen was seriously injured, and on October 6, a U.S. citizen and another victim who was not identified were killed and four foreigners wounded. Authorities announced on November 14 that the second person killed was a Palestinian dentist who worked in Riyadh, whom they alleged was the perpetrator of the bombing.

Three foreign residents of Saudi Arabia—Alexander Mitchell, British; William Sampson, Canadian; and Raaf Schifer, Belgian—appeared on Saudi state television on February 4, “confessing” to two separate car bombings in Riyadh that killed one Briton and injured others in November 2000. The videotaped statements were made after the detainees had been held incommunicado for over a month without their respective consulates being informed and were aired before completion of the criminal investigation or formal charging. According to the Canadian government, the Saudi interior minister confirmed on February 13 that Sampson had not been permitted to consult with a lawyer during the investigation stage of the proceedings. By November, the three men continued to be held in solitary confinement and a trial was several months away, according to one of their lawyers.

The videotaped “confessions” of three British citizens, who admitted involvement in three bombings between December 2000 and March 2001, were shown on Saudi television on August 13. James Lee, James Cottle, and Les Walker said they had “received orders” to carry out attacks in Riyadh on January 10 and March 15, and in Khobar on December 15. The Khobar bombing injured one person; the March explosion injured two. As was the case during the February “confessions,” the suspects did not disclose any motives for their actions, nor who had ordered the violence. The British government said it was informed by Saudi authorities about the “confessions” the day before the broadcast but was not told of the charges or a trial date. These men were also held in solitary confinement, and as of early November a trial was not expected for several months.

Two accused Chechen airplane hijackers, one of them a minor, were reportedly brought to trial in September but denied legal representation. On September 5, *Okaz* newspaper quoted Judge Sheikh Saleh bin Muhamed al-Luhaidan, chairman of the Supreme Judicial Council and a member of the Senior Council of Ulema (religious scholars), as saying: “A case such as this requires no defense lawyer because the hijacking occurred and the hijackers are known and have confessed their crimes.” The same day the Russian Foreign Ministry said that it had not received “official confirmation” of the trial nor a response from Saudi authorities to its request for the extradition of the two Chechens, named as Deni Magomerzayev, nineteen, and Eris Khan Arsayev, sixteen. The teenagers were apprehended following the abortive hijacking of a Russian passenger plane flying from Moscow to Istanbul on March 16. The aircraft was forced to land in Medina; three people were killed, including the third alleged hijacker, when Saudi forces stormed the plane to release the passengers and crew.

Trials continued to be conducted behind closed doors. A Riyadh court on May 26 sentenced four British citizens to flogging and prison terms for illegal alcohol trading, but British authorities said they were not notified until May 31. The court sentenced Kelvin Hawkins to two and a half years of imprisonment and five hundred lashes, while Paul Moss, David Mornin, and Ken Hartley received lesser terms and punishment of three hundred to five hundred lashes each.

Relations between the government and the minority Ismaili Shiite community remained tense in the wake of violent clashes with security forces that erupted in Najran province in April 2000 and resulted in scores of arrests. In April 2001, twelve Ismailis signed a petition to Crown Prince Abdullah, complaining about official discrimination, unfair trials, and prolonged imprisonment, and an Ismaili delegation delivered the petition and other documents to the palace in Jeddah on April 29. The next day, a security official arrived in a special bus, which the delegation understood to mean that the governor wished to see them. Instead, at least six members of the delegation were taken to security headquarters in Jeddah and imprisoned there; as of this writing, in November, it was unclear whether they were still being held.

Death sentences by beheading were carried out throughout the year, mostly for murder, rape, or drug-trafficking. By mid-November, at least seventy-five Saudis and foreigners had been executed, according to Reuters. Foreign governments rarely raised fair-trial concerns publicly when their nationals were sentenced to

execution. However, a sharp rise in the number of Indians beheaded on drug-related offenses (from one in 1998 to twenty-four in 2000, according to the Indian ambassador to Saudi Arabia) prompted some Indian officials to press for an Indian government investigation of the duping of Indian migrant workers, mainly from the state of Kerala, by drug dealers posing as job recruiters.

The government's highly publicized ratification in 2000 of the Convention on the Elimination of All Forms of Discrimination against Women prompted no initiatives to give Saudi women equal rights with men. Women were not permitted identity cards in their own name, only "family cards" in the name of their husband or father, did not enjoy freedom of movement, were not permitted to drive, and lacked equal rights with men with respect to the nationality of their children, among other discriminatory practices. On April 26, Prince Nayef stated that the government would not lift the ban on women driving: "It is not possible, and there are no studies on the subject at all."

The Saudi public gained access to the Internet in 1999 and the number of users reached an estimated 500,000 in 2001. The government continued to block what official censors viewed as objectionable web sites, ranging from pornography to politics. Ibrahim al-Fareeh, Internet supervisor at King Abdul Aziz Center for Science and Technology (KACST), which controlled access to the Internet, told the Associated Press in April that KACST was about to launch a new campaign, with advanced equipment, to block a further 200,000 sites, raising to 400,000 the number of sites off-limits to Saudi users

Some seven million foreigners worked in the kingdom, many of them from India, Egypt, Indonesia, Pakistan, the Philippines, and Bangladesh. Conditions were particularly difficult for the estimated one million women who were employed as domestic workers, a job category not covered by the labor law. Over 19,000 women domestics fled from their employers in 2000, a Labor Ministry official acknowledged in April, citing mistreatment, nonpayment of wages, and other grievances. The Philippines ambassador told his government that many Filipino workers in Saudi Arabia were "subjected to poor living conditions, salary underpayment, insufficient food, inhuman working conditions, and long hours of work without rest or day off," *Business World* (Manila) reported on March 2. He said Saudi employers illegally "sold" Filipino workers to new sponsors for 2,000 riyals (U.S. \$533) when employment contracts expired or the workers were no longer needed, although Saudi authorities had banned such transfers of sponsorship.

Some 370,000 Indonesians were employed in the kingdom, most of them reportedly women domestic workers. In July, the Indonesian government temporarily suspended sending workers to Saudi Arabia pending a formal memorandum of understanding (MoU) under which Saudi authorities agreed to afford greater legal protection to Indonesian migrant workers. Under the MoU, signed in September, the Saudi embassy in Jakarta was to provide the Indonesian Labor Ministry "a weekly list of laborers granted visas and the names of Indonesian recruitment offices handling the process." Also, all visa applications were to be processed through certified labor recruitment offices in both countries, and efforts made to prevent labor recruiters "from manipulating costs, official papers, medical reports and sending unqualified manpower."

The uncertain future of the remaining 5,200 Iraqi refugees in the Rafha desert camp near the Saudi-Iraq border received publicity when dozens of refugees began a hunger strike on June 23 to press demands for resettlement in third countries. Those at Rafha were the last of some 33,000 Iraqi refugees who had been held at the camp since the end of the Gulf war in 1991, of whom 25,000 were resettled in Europe, North America, and Australia, while some 3,000 voluntarily returned to Iraq. The suspension of resettlement programs for these refugees in 1997 left those who remained at the camp no option other than repatriation to Iraq, but the majority of them did not want to return there, according to the United Nations High Commissioner for Refugees (UNHCR). The government reportedly more than tripled the grant it provided to returnees to 10,000 riyals (U.S. \$2,666), but apparently without effect. In July, the government said the Iraqi refugees were "treated well," and denied "allegations of rioting, detention of refugees, or incidents of beating, insults or torture." It added that although the Defense Ministry supervised the camp, it was "UNHCR, not the Kingdom, that [was] in charge of resettlement demands by the remaining 5,000 refugees."

DEFENDING HUMAN RIGHTS

Saudi Arabia remained one of the region's embarrassing wastelands with respect to an openly functioning network of independent human rights lawyers, other activists, and institutions. As a result, victims of abuse and their supporters were left isolated and vulnerable, and the timely documentation of rights violations was exceedingly difficult. International human rights organizations were not granted access during the year, and foreign journalists based in the country rarely investigated and reported allegations of abuse.

In March, a seven-member delegation from the U.S. Commission on International Religious Freedom (see below) visited Saudi Arabia and interviewed senior government officials who, it reported, "expressed a desire to continue dialogue with the U.S. government on religious freedom issues."

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

In January, the U.N. Committee on the Rights of the Child examined the kingdom's initial report on compliance with the Convention on the Rights of the Child. In its concluding observations, the committee criticized the Saudi authorities' "narrow interpretations of Islamic texts," asserting that this "imped[ed] the enjoyment of many human rights protected under the convention." It cited in particular provisions of domestic law that discriminated against females and non-Muslims, and allowed flogging as a judicial punishment.

The committee found "direct and indirect discrimination against girls and children born out of wedlock, including in areas relating to civil status (e.g. lack of

identity cards for females) and personal status (e.g. inheritance, custody, and guardianship),” and expressed concern that the nationality law did not “grant equal citizenship status to children of Saudi women married to non-nationals.” The committee noted that the age of majority was not defined under Saudi law and commented that as a result the death penalty could be imposed for offenses committed when suspects were under eighteen years old, a violation of the convention. It further commented that persons under eighteen “may be sentenced to a variety of methods of cruel, inhuman or degrading treatment or punishment such as flogging, stoning and amputation, which are systematically imposed by judicial authorities.” The committee urged the government to “end the imposition” of such practices on “persons who may have committed crimes while under eighteen.”

The U.N. special rapporteur on the independence of judges and lawyers was scheduled to conduct a fact-finding visit to the kingdom from October 11-19, pursuant to an invitation that the government extended in 2000. The visit was postponed because of security concerns; as of November 5 it had not been rescheduled.

In 1997, Saudi Arabia became a state party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The kingdom’s initial report to the U.N. Committee against Torture, submitted in February, was scheduled to be examined by the committee at its November 12-23 session in Geneva but the government asked for a postponement shortly before the session.

United States

Ties between the U.S. and Saudi Arabia were cemented by long-standing mutual military and economic interests. The U.S. remained the world’s leading supplier of defense equipment and services to the kingdom, with military exports in 2000 totaling almost U.S. \$2 billion, according to the U.S. Department of Commerce. The department also reported that Saudi Arabia was the twenty-fourth-largest export market for U.S. companies, with merchandise exports of \$6.2 billion in 2000, and that U.S. investment in the kingdom climbed to \$4.8 billion in the same year. Saudi exports to the U.S. were \$14.2 billion in 2000 as oil prices increased.

Five U.S.-based multinationals were among the eight international energy companies selected in May for three major natural gas exploration and development projects and related water, power, and petrochemical facilities, with initial foreign investment estimated at \$20 billion. ExxonMobil, the kingdom’s leading foreign investor, was chosen to lead two of the ventures: the largest in South Ghawar, with Royal Dutch/Shell, BP, and Phillips Petroleum, and the Red Sea project, with the participation of Enron and Occidental. Participants in the third project, in the Rub al-Khali near Shaybah, were Royal Dutch/Shell, TotalFina Elf, and Conoco. The government signed preparatory agreements with the companies on June 3, with the Houston-based Marathon Oil Company replacing Enron, which withdrew on June 1.

In addition to the State Department’s annual country report, which once again bluntly described the broad pattern of rights abuses in Saudi Arabia, other reports contributed additional information and analysis. For example, the U.S. Commission on International Religious Freedom recommended to the State Department

on August 16 the designation of Saudi Arabia as one of nine “countries of particular concern.” In its accompanying report, the commission charged that Saudi Arabia “suppresses religious views of both Saudi and non-Saudi Muslims that do not conform to official positions,” including the minority Shiite and Ismaili communities. The commission dismissed the government’s claim that non-Muslims were permitted private worship. It said that the definition of the term was “vague,” and that individuals engaged in such activity have been “arrested, imprisoned, deported and harassed by the authorities.” The commission noted that “diplomatic personnel from Western countries face difficulties in their religious practice” and that the problems were “compounded for foreign guest workers who have no diplomatic standing and little or no access to private religious services conducted at diplomatic facilities.” The State Department’s 2001 international religious freedom report, published on October 26, found that freedom of religion “does not exist” in Saudi Arabia, but, as in 2000, the kingdom was not designated one of the countries of particular concern.

The State Department’s *Trafficking in Persons Report*, published in July, identified Saudi Arabia as one of the world’s destination countries for trafficked persons, and noted that workers from India, the Philippines, Indonesia, Thailand, Bangladesh, and the Horn of Africa “have reported being forced into domestic servitude and sexual exploitation.” The report said that the Saudi government did not acknowledge trafficking as a problem and authorities had not crafted legislation or undertaken other “significant efforts” to combat it.

In its annual patterns of global terrorism report, released in April, the State Department raised concerns that Saudi authorities were not enforcing consistently their requirement that NGOs and private voluntary agencies obtain government authorization “before soliciting contributions for domestic or international causes,” and over allegations that “some international terrorist organization representatives solicited and collected funds from private citizens in Saudi Arabia.”

Prior to the September 11 attacks on New York and Washington, there were clear strains in the U.S.-Saudi relationship over the Saudi government’s dissatisfaction with what it considered the pro-Israel stance of the Bush administration. A White House invitation to Crown Prince Abdullah to visit Washington in 2001 was rejected twice, in May and in July. The Saudi government also postponed indefinitely the Washington annual meeting of the joint Saudi-U.S. military committee, scheduled for August.

Another source of bilateral tension was the June 21 U.S. federal grand jury indictment of thirteen Saudis and one unnamed Lebanese for planning and carrying out the June 1996 bombing of the Khobar Towers military housing complex in Dhahran, which killed nineteen U.S. servicemen and injured another 372 Americans. The defendants included Hani al-Sayegh, who was arrested in Canada in March 1997, transferred to the U.S. in June 1997 on a pledge that he would cooperate with U.S. investigators, and then deported to Saudi Arabia in October 1999 after he allegedly reneged on his promise and was denied political asylum in the U.S. The indictment named the Saudi defendants as members of the Saudi Hizballah organization and identified most of them as Shi’a Muslims from Qatif. On June 21, U.S. Attorney General John Ashcroft said the suspects had received support from

unnamed Iranian officials. The indictment, he said, “explains that elements of the Iranian government inspired, supported, and supervised members of the Saudi Hizballah [T]he charged defendants reported their surveillance activities to Iranian officials and were supported and directed in those activities by Iranian officials.” Despite these serious allegations, no Iranian was named as a defendant in the indictment.

The indictment apparently caught the Saudi government by surprise and senior officials expressed irritation. Interior Minister Prince Nayef bin Abdel Aziz confirmed that eleven of the suspects were imprisoned in Saudi Arabia and would be tried in a Saudi court, but in an interview with the daily *al-Riyadh*, published on June 23, he said: “The Americans never informed us or coordinated with us on this issue.” He also disputed the existence of the Saudi Hizballah group mentioned in the indictment, saying there was no such group, although some individuals might be “linked to the Lebanese Hizballah.” Prince Nayef said on June 30 that the suspects in Saudi custody would never be sent to the U.S. for trial, adding: “We have nothing whatsoever to do with the U.S. court, and we are not concerned with what has been said or what is going to be decided by the U.S.”

Following the September 11 attacks on the U.S., Saudi officials announced “full support” for international anti-terrorist initiatives, and pledged to keep stable oil prices and supplies. But there were signs of further strain in U.S.-Saudi relations. In September, the government withdrew its diplomatic recognition of Afghanistan’s Taliban government for “defaming Islam by harboring and supporting terrorists,” but senior officials said they would not permit the U.S. to use its military facilities in Saudi Arabia to carry out offensive operations against Arab or Muslim states.

U.S. Defense Secretary Donald Rumsfeld visited the kingdom on October 4 and met King Fahd, Crown Prince Abdullah, and Minister of Defense Prince Sultan but he said nothing publicly about the Bush administration’s specific requests for Saudi government assistance in its global anti-terror campaign. After meeting Rumsfeld, Prince Sultan suggested that the U.S. had made no requests, and said that the question of Saudi support “was not a point of discussion.” Rumsfeld, however, stated that “there are any number of countries that are doing things that are public, there are any number of countries that are doing things that are exactly the same privately,” and said the U.S. appreciated the “public support” of Saudi Arabia and “the things they are doing to assist us.”

But tensions were evident, particularly following the FBI’s September 27 press release that described seven of the nineteen men suspected of the September 11 hijackings as “possible” Saudi nationals. In addition, the FBI list of twenty-two “Most Wanted Terrorists,” issued on October 10, included Osama bin Laden, who was stripped of his Saudi citizenship in 1994, and four other Saudi nationals implicated in the 1996 Khobar Towers bombing.

By mid-October, Saudi officials began to voice complaints publicly. Prince Nayef, quoted on October 15, said that the U.S. had provided no “material evidence” that Saudi nationals were among the hijackers. He similarly criticized allegations about private Saudi financing of terrorist groups and U.S. requests to freeze assets, saying it was “unacceptable to take any action without providing the evidence that there are some [suspicious] accounts in the kingdom.” He added that the

government had previously “requested the United States, Britain and some European countries to cooperate with us in this field, but found no [positive] response.”

The *New York Times* reported on October 25 that unnamed U.S. federal authorities were “now sure” that fifteen of the nineteen hijackers were Saudi citizens, based on “weeks of investigation” in the U.S. and Saudi Arabia, and that Saudi authorities “assisted” the U.S. in confirming their identities. On October 31, the *Washington Post* reported that eleven of the alleged Saudi hijackers had been issued U.S. visas in Jeddah and four others received visas in Riyadh, citing U.S. State Department documents made available to the newspaper.

SYRIA

HUMAN RIGHTS DEVELOPMENTS

President Bashar al-Asad’s government launched a crackdown on peaceful but outspoken advocates of reform in August, sending a clear message that it would tolerate a political opening only on its own terms and according to its own timetable. Authorities arrested leading critics and others active in the freewheeling discussion groups, or civil society forums, that emerged as Syrians sought to claim freedoms that had been denied them during the thirty-year rule of former president Hafez al-Asad. The arrests reversed a trend toward greater openness in a country long dominated by the ruling Arab Ba’th Socialist Party and institutions it controls, and followed earlier positive developments. These included the release of some six hundred political prisoners under a presidential amnesty in November 2000, a January 2001 announcement that the emergency law in force since 1963 was “frozen” and “not applied,” and the release in May 2001 of Nizar Nayouf, then the last remaining imprisoned human rights activist. In addition, the government initially relaxed some controls on the press, but in September introduced a tough new decree that regulated the press and other publications as part of a wider strategy to control critical expression.

The crackdown began with the arrest of Mamoun al-Homsi, an independent member of parliament, on August 9. Previously, the authorities did not acknowledge or give reasons for detentions, but in this case the Interior Ministry confirmed al-Homsi’s arrest on August 10, charging that a list of political demands that he had issued publicly on August 7, when commencing a hunger strike at his office, constituted “an attempt to change the constitution by illegal means, trying to stop the authorities from carrying out their duties mentioned in the law, trying to harm national unity, defaming the state and insulting the legislative, executive and judicial authorities.” The ministry also alleged that al-Homsi owed almost U.S. \$1 million in back taxes and had issued his call for political changes, ranging from the lifting of the emergency law to stronger anti-corruption measures, in order to portray himself “as a political victim whereas in fact he is someone accused of a crime.”

Al-Homsi's trial began in Damascus criminal court on October 30, and continued as of mid-November.

On September 1, the authorities arrested seventy-one-year-old Riad al-Turk, head of the unauthorized Communist Party Political Bureau and possibly Syria's best known former political prisoner. Official sources said he had been detained "in accordance with Syrian criminal and penal procedure law." The government's *al-Thawrah* newspaper reported on September 5 that he had "expressed views that encroach upon the constitution, violate the general law, and defame the state." By mid-November, al-Turk was still being held, reportedly awaiting trial in the State Security Court, whose procedures do not satisfy international fair trial standards, including the right of appeal to a higher tribunal.

The authorities next detained Riad al-Seif, another member of parliament and a vocal champion of political reform, on September 6. He was later charged, according to his lawyer, with "seeking to change the constitution through illegal means," "inciting inter-religious division," "forming a secret society," and "organizing subversive meetings" and "gatherings aimed at causing disorder." The day before al-Seif's arrest, hundreds of people had attended the National Dialogue Forum, a weekly political gathering that he hosted at his home. Al-Seif suspended the forum in March and opened it in September only after he was unable to obtain an official permit. He had also planned to launch a new political party, the Movement for Social Peace, with a platform that included ending the Ba'th party's grip on political power. In February, a prosecutor had questioned al-Seif about the proposed party's aims, and reportedly accused him of threatening the constitution and "attempting to create a sectarian rift." Al-Seif's trial commenced in the Damascus criminal court on October 31 and continued as of mid-November.

Seven more activists were arrested and imprisoned between September 9-12. These included prominent economist Arif Dalila, founding member of the non-governmental Committees for the Revival of Civil Society, and others involved in the civil forum movement: lawyer Habib Issa, engineer Fawaz Tello, Hassan Saadoun, and Habib Saleh. Two of those arrested, Issa and physician Walid al-Bunni, were at the July 2 founding meeting of the independent Human Rights Society in Syria, and physician Kamal Labwani was a member of the administrative council of the Committees for the Defense of Human Rights. Issa was also a member of the defense team for the detained parliamentarians and before his arrest had spoken about the cases on the pan-Arab al-Jazeera television station. As of mid-November, all seven were awaiting trial before the State Security Court.

In the months preceding the clampdown, senior officials signaled the government's increasing unease with the opening up of public debate. On January 29, Information Minister Adnan Omran warned publicly that discussions about reform "must be responsible," and disparaged the term "civil society," describing it as "an American expression." President Asad also took up this theme in an interview published on February 8 in the pan-Arabic daily *al-Sharq al-Awsat*, stating that civic organizations should complement and be "based on" state institutions, "not built on their ruins," and that in Syria "the development of civil society institutions must come at a later stage and they are not therefore among our priorities."

In mid-February, the government imposed controls on the independent civic

forums, compromising the unprecedented freedom of assembly that Syrian activists and their supporters had been enjoying. Meetings reportedly could no longer be held without prior government approval, a list of participants, and a copy of the speakers' lectures. In March, President Asad warned further that there were "principles in Syria which nobody should break," citing "the Ba'th party, the armed forces, and the policies of president Hafez al-Asad." He added: "Challenging these fundamentals amounts to harming the national interest . . . and serving the nation's enemies." An internal Ba'th party memorandum, publicized in March, echoed the president's remarks. It charged ominously that groups which sought to "weaken the state and dwarf its role" were, "intentionally or not, serving the enemies of the homeland."

Another human rights setback occurred on September 22, when President Asad issued a restrictive decree governing newspapers and other periodical publications as well as anything else printed in Syria, from books to pamphlets and posters. Decree no. 50/2001 granted the executive, specifically, the prime minister and the minister of information, powers to regulate publishers, printers, distributors, and bookstores, and provided harsh criminal penalties for violations of the decree, including substantial fines and imprisonment for up to three years.

Article 29 of the decree listed banned topics, including "details of secret trials," "articles and reports about national security, national unity, details of the security and safety of the army, its movements, weapons, supplies, equipment and camps," and material "affecting the right to privacy." Article 51a criminalized the publication of "falsehoods" and "fabricated reports," with imprisonment of one to three years for violators and/or hefty fines. The article added, in sweepingly vague language, that the maximum penalties "shall be imposed if such acts have been committed by reason of ill-will, or caused public unrest, or harm to international relations, offense to state dignity, national unity, the morale of the army and the armed forces, or caused some damage to the national economy and the currency." Violators of articles 29 and 51a were further penalized with suspension of their publications for periods of one week to six months.

The decree also prohibited "propaganda publications" financed "directly or indirectly" by foreign countries, companies or foundations, raising concern that it could be used to target independent civil society groups that receive funding from abroad. Breaches of this provision brought fines and prison terms of six months to one year.

The decree also required that all periodicals, including those of "legally established political parties," obtain in advance a license to publish from the prime minister, who was empowered to deny licenses "for reasons he deems to be related to public interest." Nongovernmental organizations (NGOs), professional associations, and unions, however, were exempted from this licensing requirement, but it remained to be seen if NGOs without official legal status would be permitted to publish magazines or other periodicals.

Other provisions of the decree, set out in article 16, limited the ownership of periodical publications to Syrian Arabs, suggesting that members of the Kurdish minority and stateless Kurds born in Syria were excluded as well as foreigners. The same article also barred ownership to anyone convicted of a criminal offense,

stripped of civil or political rights, or “dismissed from employment,” penalties that had been imposed on many peaceful critics of the government who were previously imprisoned on criminal charges after State Security Court trials. The decree also required all periodical publications to obtain Information Ministry approval before they changed their owner, director, or chief editor, and distributors and sellers of foreign periodicals to submit advance copies to the same ministry, which can ban their entry or circulation if they “infringe upon national sovereignty and security or offend public morality.”

The issue of Lebanese in secret Syrian custody, including those who were apprehended on Lebanese soil by Lebanese or Syrian security forces and then “disappeared,” remained unresolved, despite official Syrian government acknowledgment that it had been holding scores of prisoners. On December 11, 2000, Syrian authorities transferred fifty-four prisoners to Lebanon; forty-six of them were Lebanese and eight were Palestinians. One of the Lebanese, Khaled Tawfiq, said he had been held for thirteen years. Several days later, Lebanon’s prosecutor general released a list of another ninety-five Lebanese who remained jailed in Syria for alleged criminal offenses committed on Syrian territory. Despite Syrian government assertions that the file was now closed, Lebanese human rights organizations insisted that there were additional Lebanese held in unacknowledged detention in Syria, including some whose relatives had managed to visit them over the years. Other “disappeared” included twenty-six Lebanese soldiers who were last seen alive on October 13, 1990, the day Syrian troops began fighting against forces loyal to Gen. Michel Aoun.

DEFENDING HUMAN RIGHTS

Human rights organizations lacked official legal status and could be denied authorization in arbitrary fashion under the broadly worded 1958 private associations law, article 2, which states: “Any association which is established for an illicit reason or purpose, or which contravenes the law or the moral code, or the purpose of which is to prejudice the integrity or form of the republican government shall be null and void.” The government also reported to the U.N. Human Rights Committee (HRC) that the law placed “restrictions” on the establishment of private associations “in order to protect public safety, national security, public order, public health and morals and rights of others.”

One recently organized human rights group that elected its board of directors in July told Human Rights Watch that it would seek authorization from the government but planned to carry out activities during this process. One of the group’s leaders said he was under surveillance by several security agencies, and that family members had been questioned about his activities as a form of intimidation and pressure. Another activist and former political prisoner reported that security forces monitored his telephone and mail and that he was “not feeling safe.”

Despite such pressures and in contrast to earlier years, intellectuals and human rights activists in Syria openly issued regular communiqués and statements, proposing sweeping reforms and criticizing government actions. In January, over

1,000 intellectuals and others signed the Basic Document, a petition circulated by the Committees for the Revival of Civil Society. This called for political reform, including free elections, press freedom, the lifting of emergency law, and an end to the Ba'ath party's political domination. The document noted "the consequences of undermining democracy in the name of socialism," and said that in Syria the rule of law had been "replaced by patronage, rights by favors, and the general interest by personal interest."

Following the arrest of member of parliament Mamoun al-Homsi in August, the Committees for the Defense of Human Rights issued a statement that called for his release and urged the government to "stop using the judiciary as an instrument of pressure or terror against political activists." In a separate document, thirty-five intellectuals and human rights activists also condemned the arrest and advocated al-Homsi's release.

Human rights activist Nizar Nayouf was released from prison in May after serving in solitary confinement most of the ten-year prison sentence that the State Security Court imposed in 1992. Following international publicity, he was provided a passport and finally allowed to leave Syria in July to seek medical treatment in France. Following his release, Nayouf campaigned for accountability for past abuses, including torture, deaths in detention, and extrajudicial executions. He told Human Rights Watch that while still in Syria he had formed the National Council for Truth, Justice and Reconciliation to document abuses, press for the perpetrators to be brought to justice, and assist former political prisoners who were stripped of their civil and political rights and denied reemployment in their former jobs.

On September 3, Nayouf's lawyer Anwar al-Bunni reported that lawyers from the Ba'ath party had filed a case against Nayouf, accusing him of seeking to change the constitution by illegal means, creating sectarian strife, and publishing abroad reports harmful to the state. Nayouf, who was still in France, was ordered to appear before an investigating judge for questioning.

Syria remained largely closed to international human rights organizations, although authorities permitted a representative of the New York-based Committee to Protect Journalists to visit the country in April and May; the mission took place without government interference.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

In March, the U.N. Human Rights Committee considered Syria's second periodic report on compliance with the International Covenant on Civil and Political Rights (ICCPR), due since 1984. The committee criticized the long delay and the lack of factual information in the report, expressed concern about the "quasi-permanent state of emergency" in force since 1963, and called for lifting of the emergency law "as soon as possible." The committee also expressed concern about extrajudicial executions, torture, inhumane prison conditions, and "disappearances," including those of Lebanese nationals taken into custody in Lebanon and transferred to Syria.

The HRC also criticized restrictions on freedom of assembly and association, noting that “only political parties wishing to participate in the political activities of the National Progressive Front, led by the Ba’th party, are allowed,” and the denial of passports to many Syrian exiles and their children, urging the government to “facilitate the return to the country of all Syrian citizens wishing to do so.” The committee also urged the authorities to urgently “find a solution to the statelessness of numerous Kurds in Syria and to allow Kurdish children born in Syria to acquire Syrian nationality.”

With regard to the death penalty, the HRC called for a reduction in the number of offenses punishable by death and asked the government to provide within one year the number of death sentences passed since 1990, the names of those condemned and the grounds on which they were sentenced, and the dates of executions.

European Union

Commercial ties between Syria and the European Union (E.U.) remained strong but these links did not yield any sustained advocacy on the long-overdue need for human rights improvements, including basic rights such as freedom of expression and association. The E.U. was Syria’s main trading partner, with the trade balance in favor of Damascus. Some 60 percent of Syrian exports, primarily petroleum products and cotton, were destined for E.U. states, with Italy, Germany, and France leading the importers. Thirty-one percent of Syria’s imports were from the E.U., with Italy, Germany, and France also the major suppliers.

The government made clear that it sought substantial European financial aid to upgrade the manufacturing sector and increase its competitiveness. On April 4, Dr. Muhamed Tawfiq Simaq, who heads Syria’s Industry Committee, said the country required some \$5.6 billion for a ten-year industrial development plan and “we expect the E.U. to provide generous assistance.”

Syria and the European Union continued to negotiate a Euro-Mediterranean Association Agreement, an economic pact designed to result in a free trade zone. Five rounds of talks took place between May 1998 and December 2000, and the negotiations continued in 2001. Prior to the launch of two days of negotiations in Damascus in April, a senior government official voiced dissatisfaction at what was apparently perceived as E.U. pressure over political and economic issues. “We believe that the development of democracy should be based on the national development [of the country] and not result from foreign diktats, and that is where one of the problems in the negotiations lies,” Issam Zaim, Syria’s state planning minister of state, was quoted as saying. The head of the E.U. delegation in Syria, Marc Pierini, responded that “there was nothing in the substance of the project for an [association] accord, nor in the character or style of the negotiations which could lead one to think of a diktat.” Association agreements included standard language specifying that the agreements were premised on “respect for human rights and democratic values.”

Apparent tensions with respect to the pace of economic reform led the E.U. to publish a statement noting that “Syria has decided itself that it needed to reform its economy,” and that the E.U. was “not trying to impose any kind of formula on it.”

The E.U. position, the statement said, was that “a sustained rhythm of reforms” was “an essential signal to the outside world” needed to attract investment.

United States

The U.S. offered little in the way of public criticism of Syria’s human rights practices, which the State Department once again assessed as “poor.” The Bush administration seemed more concerned to use any leverage it did have to press the government to adhere to U.N. supervision of the Iraq sanctions regime as bilateral relations warmed considerably between Syria and Iraq, and to keep a close watch on the volatile Lebanon-Israel border, where Hizballah guerrillas continued to attack Israeli military forces in support of Syrian and Lebanese government claims that the disputed Shebaa Farms area, in the foothills of the Israeli-annexed Golan Heights, was Lebanese, not Syrian, territory occupied by Israel.

On January 23, State Department spokesman Richard Boucher said that U.S. officials had discussions with the Syrian government about the reopening in November 2000 of the oil pipeline from Iraq to the Syrian Mediterranean port of Banias. Boucher said that the U.S. would support a Syrian request to have the pipeline named as an official route for Iraq’s oil exports, under the supervision of the U.N.’s oil for food program.

Edward Walker, assistant secretary of state in the State Department’s Bureau of Near Eastern Affairs, discussed Syria in testimony on March 29 before the subcommittee on the Middle East and South Asia of the House of Representatives Committee on International Relations. He cited as positive developments the government’s pledge to the U.S. to submit to U.N. supervision of its oil trade with Iraq, and said that economic reform initiatives, particularly in the banking sector, represented “the beginning of movement in the right direction.” Secretary Walker made no comments about political reform or human rights, although he criticized President Asad as being “intractable on the question of Israel,” called his statement at the March 27 Arab League summit meeting in Amman “unacceptable,” and said that the “jury is still out on Mr. Bashar.” In his speech, President Asad termed Israel “a racist society and more racist than Nazism.”

Syria remained one of the seven countries on the U.S. list of state sponsors of international terrorism. The State Department’s patterns of global terrorism report, released in April 2000, said that Syria “appeared to maintain its longstanding ban on attacks launched from Syrian territory or against Western targets,” and “generally upheld its agreement with [Turkey] not to support the Kurdish PKK.” But the report also charged that Syria “continued to provide safe haven and support to several terrorist groups, some of which maintained training camps or other facilities on Syrian territory.” The report noted that the Popular Front for the Liberation of Palestine-General Command (PFLP-GC), the Palestine Islamic Jihad (PIJ), Fatah-the-Intifada, and the Popular Front for the Liberation of Palestine (PFLP) “maintained their headquarters in Damascus,” and that Hamas was permitted “to open a new main office in Damascus in March, although the arrangement may be temporary while Hamas continues to seek permission to reestablish its headquarters in Jordan.” The State Department said that Syria “granted a variety of terrorist

groups—including Hamas, the PFLP-GC, and the PIJ—basing privileges or refuge in areas of Lebanon’s Bekaa Valley under Syrian control.” It also said that Syria “did not act to stop Hizballah and Palestinian rejectionist groups from carrying out anti-Israeli attacks,” and that “Damascus also served as the primary transit point for terrorist operatives traveling to Lebanon and for the resupply of weapons to Hizballah.”

In the wake of the September 11 attacks in New York and Washington, which Syria condemned, newly appointed U.S. Ambassador to Syria Theodore Kattouf met in Damascus with Foreign Minister Farouq al-Shara’. According to a Syrian official quoted by Reuters, the topics of discussion at the September 15 meeting included “bilateral cooperation,” among other issues. The Syrian government publicly insisted on a distinction between terrorism, which it said it opposed, and resistance to foreign occupation, presumably by the Palestinian and Lebanese groups that it supported. On October 11, U.S. Deputy Secretary of State Richard Armitage was asked about the consequences for countries such as Syria that did not satisfy U.S. requests for cooperation in the global anti-terrorism effort. “The consequences might be whatever the coalition finds worthy and it runs the gamut from isolation to financial investigation, all the way up through possibly military action.” At a press conference later that day, President Bush appeared to soften Armitage’s remarks: “The Syrians have talked to us about how they can help in the war against terrorism . . . [W]e take that seriously and we’ll give them an opportunity to do so.” The next day, Syria’s Foreign Ministry reportedly summoned Ambassador Kattouf and protested Armitage’s statement.

TUNISIA

HUMAN RIGHTS DEVELOPMENTS

Government critics and human rights activists were arrested or harassed and hundreds of political prisoners were confined under harsh conditions. Mainstream media allowed almost no criticism of the government, and genuine opposition parties were either banned or actively impeded.

Nevertheless, civil society organizations, political prisoners, former prisoners, and previously silent political figures increasingly challenged the status quo.

The most disturbing new trend was the resort to physical force by plainclothes police against human rights defenders and critics of the government. But suspected members of the banned Islamist movement, an-Nahda, remained the chief target for repression. They comprised most of the country’s political prisoners, estimated to number 1,000. The vast majority had been convicted on such charges as membership in “unauthorized” organizations or holding “unauthorized” meetings, and had not been linked to any act of violence.

Although the renewed activism within civil society did not lead to mass rallies

or demonstrations—which remained banned by the authorities—it took new forms. First, many spoke out against the candidature of President Zine el-Abidine Ben Ali for a fourth term in 2004, which would require a constitutional amendment. Second, rights activists focused as never before on the plight of persecuted Islamists, eroding the government's effort to portray them as violent extremists. Third, in cooperation with allies overseas, Tunisian rights activists cited alleged torturers by name and campaigned to hold them accountable.

Tunis Civil Court Judge Mokhtar Yahiaoui shattered the reserve of his profession by denouncing the lack of judicial independence in an open letter, dated July 6, to President Ben Ali. Yahiaoui decried that judges “render verdicts dictated to them by political authorities and enjoy no discretion to exercise any objectivity or critical scrutiny.” Yahiaoui was suspended without pay, but reinstated two weeks later after wide protests.

The judge affirmed what human rights organizations had long contended: that the justice system was a pillar of state repression. Judges routinely curtailed political defendants' right to fair trial, vetoing defense requests to subpoena witnesses and preventing lawyers from questioning defendants on the stand, on the grounds that the defendants' statements to the police or the judge sufficed. Lawyers often faced obstacles that prevented their obtaining timely access to their detained clients and to case documents before the start of proceedings.

On November 24, 2000, Judge Tahar al-Yefreni insisted on proceeding with a trial of eight men accused of belonging to an “unauthorized” Islamist organization, even though defendants Abdellatif Bouhjila and Yassine Benzarti were semi-conscious from a hunger strike and unable to respond to questions, and their lawyers had walked out in protest. The judge sentenced the two men to seventeen and eleven years in prison respectively, sentences that were confirmed on appeal in March.

In separate cases, three Tunisians who lived abroad were arrested upon their arrival in Tunisia, informed that they had previously been convicted in their absence on political charges, then re-tried and imprisoned. Mehdi Zougah, a French-Tunisian dual national, was arrested in August 2000 and told he had been convicted for conducting Nahda activities ten years earlier while living in France. (Tunisian law permits the prosecution of Tunisians for “illegal” political activities abroad even when they are legal in the host country.) The charges, which Zougah denied, were based on the testimony of an accuser who had reportedly retracted his accusations but who was not brought to testify before the court. Zougah was convicted again on February 22 and sentenced to two years in prison, one of them suspended. He was freed March 30 and allowed to return to France, after French President Jacques Chirac raised his case with President Ben Ali.

Law student Haroun Mbarek was arrested shortly after Canada deported him to Tunisia on January 6. In a case much like Zougah's, Mbarek was convicted and sentenced to three years in prison in March. But on May 26, Mbarek was conditionally released. In September, he returned to Canada, and on October 4, an appeals court reduced his sentence.

Lotfi Farhat fared worse than Zougah, who had French nationality, and Mbarek, who benefited from the solicitude of embarrassed Canadian officials. Visiting from France in August 2000, Farhat was seized and held incommunicado in a cell at the

Ministry of Interior headquarters. There, Farhat later told his lawyers, police beat him, confined him in contorted positions, and suspended him by his feet while lowering his head into a bucket filled with dirty water. Allegedly under these conditions, he signed a confession that was the sole evidence against him when a military court convicted him on January 31 to seven years in prison for plotting against the government as a member of a terrorist organization operating abroad. The military court, whose verdict was not subject to appeal, accepted Farhat's "confession," ruling that his torture claim was "not proven."

Tunisia's media remained tightly controlled, despite repeated public prompting by officials for more boldness. In an interview published in Tunisian papers on May 11, President Ben Ali exhorted journalists to "write on any subject you choose; there are no taboos except what is prohibited by law and press ethics." The parliament adopted revisions to the press code that eliminated the offense of "defaming the public order" and reduced the number of press offenses punishable by prison terms.

Despite these welcome steps, cautious critical coverage could be found only in a few low-circulation magazines. Privately-owned daily newspapers were indistinguishable from the governmental ones, except for attacking even more scurrilously the government's critics.

Bolder publications were either banned or confiscated. Issues of *Al-Maoukif* (The Platform), organ of the small, legal Progressive Socialist Rally, were seized at the printers. Authorities refused to grant the necessary license to leftist journalist Jalal Zoughlami to launch *Kaws el-Karama* (The Arc of Dignity). After Zoughlami published the journal anyway he was assaulted on February 3 in downtown Tunis by men wielding iron bars who were believed to be police agents. Then on February 6, men in plainclothes attacked Zoughlami and several supporters outside his Tunis home, breaking bones and bloodying faces. On February 21, when staff members of the French freedom-of-expression group Reporters sans Frontières (RSF) handed out *Kaws el-Karama* in the streets of Tunis, plainclothes police seized their copies and expelled two of the RSF workers to France. As of November 1, Zoughlami was still denied a passport.

Issues of foreign newspapers that contained critical coverage of Tunisia were banned from circulation. These included the April 6 issue of the Paris daily *Le Monde*, which featured an interview with the new human rights minister, Slaheddine Maàoui, vowing a new spirit of openness and reform.

Tunisian radio and television, which were state-run, shunned negative coverage of government policies, other than tame criticism heard on some talk shows. In a refreshing exception, government television aired a debate on democracy on July 17 in which opposition politician Ismaïl Boulahia urged greater judicial independence.

Hamma Hammami, the leader of the banned Tunisian Communist Workers Party, entered his fourth year in hiding in February. In 1999, he had been sentenced in his absence to nine years in prison for "maintenance of an association that incites hatred," along with other charges that were frequently used to stifle nonviolent political dissent. Two of his convicted co-defendants also remained in hiding during 2001.

Mohamed Mouada, the former leader of the legal, once-strong Socialist Demo-

cratic Movement, was re-imprisoned on June 19. Mouada had been conditionally released from prison in 1996 after serving one year of an eleven-year sentence on trumped-up charges. His re-arrest came after he signed a joint manifesto on March 20 with exiled Nahda leader Rachid Ghannouchi, in favor of public freedoms and against a fourth term for President Ben Ali. Mouada went on to broadcast his views on al-Mustakillah television, a London-based satellite station that has given a regular platform to Tunisian dissidents. The pretext for the re-arrest of Mouada, who is in his sixties, was unspecified violations of the terms of his conditional release.

Political prisoners and ex-prisoners staged individual and collective hunger strikes to protest harsh conditions, lack of medical care, and the harassment of their relatives. Among the worst-treated prisoners were Nahda leaders such as Ali Laaridh and Sadok Chorou, who have served more than ten years in isolation from other prisoners and were often deprived of reading and writing materials. Generally, prisoners were confined in overcrowded and unhygienic group cells, and political prisoners were constantly shuffled among facilities without regard to the proximity of their families.

In April, parliament adopted a prison reform law that, among other things, required the separation of pre-trial and convicted prisoners and restricted the use of force by guards. As of October, it was too early to tell whether the new laws had improved conditions. No independent organization was authorized to inspect prisons. However, liberal access was granted to the state-appointed Higher Committee of Human Rights and Fundamental Liberties. The committee did not publicize its findings but claimed, in a letter to Human Rights Watch dated August 30, that its confidential reports to President Ben Ali contributed to improvements in conditions.

Suspected Islamists who were released from prison faced arbitrary measures such as passport denials, onerous and disruptive requirements for signing in with the police, and pressures on employers to refrain from hiring them. To protest his ordeal as an ex-prisoner, Ali Sghaïer took some of his seven children to the market in Douz in August 2000 and held up a sign that read, "I am prevented from working and cannot feed my children, would anyone like to buy them?" Sghaïer was promptly arrested and put back in prison for six months for refusing to obey an extrajudicial order that he sign in regularly with the police. He was released in February 2001.

Since independence, Tunisian women have made considerable advances toward equality with men—including in the way that their political and civil rights were curtailed. At least four women human rights activists were assaulted by police during the year and one was jailed. Police harassed the wives of suspected Islamists in jail or in exile. The leading independent women's rights group, the Tunisian Association of Democratic Women, was occasionally prevented from convening public meetings.

In February, a torture victim filed a complaint in the Geneva canton of Switzerland against ex-interior minister Abdellah Kallel when he traveled there for a heart operation. The complaint accused Kallel of ordering and supervising the torture of the plaintiff in the Ministry of Interior headquarters in Tunis. The local prosecutor,

citing Switzerland's ratification of the U.N. Convention against Torture, deemed the complaint sufficiently well-founded to open a preliminary investigation. Kallel hastily departed the country.

In August, some human rights groups protested the designation of Habib Ammar as head of the organizing committee of the Mediterranean Games that were held in Tunis in September. They alleged that Ammar was implicated in torture as an official of the Interior Ministry in the 1980s.

President Ben Ali stated publicly more than once that abusers in the security forces would be held accountable. But the fact that plainclothes police repeatedly brutalized human rights lawyers and activists in public places, even when victims filed formal complaints and eyewitnesses were abundant, reflected the climate of impunity. In an encouraging exception, four prison guards were given four-year prison sentences in July for torturing a common-law suspect, and the state was ordered to pay compensation.

DEFENDING HUMAN RIGHTS

While authorities stopped short of stamping out human rights activity, they sought to contain it through intimidation and harassment. Two outspoken activists were jailed and a state-encouraged lawsuit kept the dynamic leadership of the Tunisian Human Rights League (Ligue Tunisienne des droits de l'Homme, LTDH) in legal limbo much of the year.

The suit against the LTDH was filed by four of its members, after the chief of the ruling Constitutional Democratic Rally condemned the outcome of the LTDH's internal election in October 2000. The suit asked the court to nullify the elections on the grounds of procedural irregularities.

In November 2000, a Tunis court issued an interim order suspending the newly elected executive committee and evicting it from the LTDH's offices. The committee defiantly persisted in issuing communiqués critical of rights violations and in meeting in private homes and offices. The police responded by preventing a number of LTDH gatherings. The LTDH's president and a vice-president were summoned to court on charges of disobeying a court order.

On February 12, the court nullified the League's election. But that ruling was softened by a logically baffling decision issued by the appeals court on June 21. The higher court upheld the nullification but assigned the task of ordering a new vote to the executive committee whose election had been nullified. The league leadership continued its activities, although it faced legal uncertainty and its meetings were sometimes prevented by police actions.

The other key human rights organization was the National Council on Liberties in Tunisia (Conseil National pour les Libertés en Tunisie, CNLT), which has been denied legal recognition since its formation in 1998. CNLT co-founder Nejib Hosni was jailed in December 2000 to serve the remainder of an eight-year sentence on trumped-up charges of fraud. The pretext of Hosni's re-arrest was that he had violated the terms of his earlier release by resuming his law practice. In this instance, as before, it appeared Hosni was jailed to punish his vigorous defense of political

defendants, including Islamists. Supported by the Tunisian Bar Association and an international campaign, Hosni was freed by presidential pardon on May 12.

Sihem Ben Sedrine, the CNLT's spokesperson and editor of the online journal *Kalima*, was arrested on June 26 upon her return from London, where she had condemned judicial corruption in an interview on al-Mustakilla television. Questioned by the court for disseminating "false" news and defaming a judge, Ben Sedrine remained in prison until August 11. On September 6, she was arbitrarily prevented from traveling abroad. As this report went to press, no trial date had been set.

Moncef Marzouki, former CNLT spokesperson, was convicted on December 30, 2000 of involvement in an "unauthorized" association (the CNLT) and of spreading "false" information in connection with criticism of a public charity's lack of transparency. When Marzouki refused to appeal his conviction and one-year prison sentence, citing the lack of judicial independence, the prosecution appealed the sentence as too lenient. Although provisionally at liberty, Marzouki, who had been fired in 2000 for political reasons from his post as professor of medicine, suffered constant harassment. His phone service was cut off most of the time. Police kept him under surveillance and sometimes questioned visitors to his home in Sousse. Barred from leaving the country, he could not take up a university post offered to him in France. The travel ban continued even after an appeals court on September 29 converted his one-year prison sentence to a suspended one and maintained in place the deprivation of his civil liberties.

Other members of the CNLT, such as Sadri Khiari and Nejib Hosni, were among the many Tunisians arbitrarily deprived of passports for all or part of the year. CNLT member Omar Mestiri was twice—on December 15, 2000 and September 6, 2001—picked up by police as they were breaking up human rights gatherings, forced into an unmarked car, and then dropped later in the day at a distant location.

Plainclothes police stationed outside the office of the CNLT in downtown Tunis often turned away and sometimes assaulted persons attempting to reach it. CNLT member Khedija Cherif was among several members punched and turned away on March 1. On March 10, men in plainclothes again assaulted Cherif near a courthouse and seized documents regarding the complaint she had filed about the earlier assault. Human Rights Minister Maâoui claimed in *Le Monde* on April 6 that a police agent had been sanctioned for the "intolerable" assault on Cherif. But Cherif was never informed of any follow-up. Later in April, another woman activist, LTDH vice president Souhayr Belhassen, was slapped and called a "traitor" by men in plainclothes at Tunis airport, after customs officers had confiscated papers she was bringing into the country.

President Ben Ali set the tone for branding human rights activists as "traitors." In an interview with Tunisian dailies published on May 11, he denounced "the use of human rights as a pretext, particularly to feed malicious smear campaigns . . . by . . . some who have mortgaged their conscience to serve certain quarters outside their country."

On September 29, police in Tunis assaulted two delegates from Amnesty International who were on an official visit, and confiscated their research materials. Jerome Bellion-Jourdan and Philip Luther were stopped by traffic police, then

forced into a car without license plates by plainclothesmen who forcibly seized their belongings. Bellion's and Luther's equipment was later returned to them, but not their documents and film. As of early November, Tunisian authorities had not responded to Amnesty International's formal complaint about the incident.

Trials were generally open, and diplomats and foreign observers were free to attend. However, French lawyer Eric Plouvier, sent by the Observatory for the Protection of Human Rights Defenders to observe the LTDH trial, was refused entry to the country on January 28. Also, Tunisia did not lift the *de facto* ban on visits by Amnesty International researcher Donatella Rovera and International Federation for Human Rights ex-president Patrick Baudoin.

THE ROLE OF THE INTERNATIONAL COMMUNITY

European Union

The European Union (E.U.) expressed concern about human rights violations to the Tunisian government, but did not suggest that those violations could jeopardize the three-year-old Association Agreement with Tunisia, the first such bilateral pact to take effect between the E.U. and a Mediterranean country.

Romano Prodi, the first president of the European Commission to visit North Africa, met in Tunis with Tunisian officials on January 12. In a public statement that day, Prodi indicated that his talks focused on trade and cooperation. Rather than use his public remarks to signal human rights concerns, Prodi praised Tunisia's economic reforms and declared, "The European Union respects Tunisia's decision-making autonomy and does not want to involve itself in the country's internal affairs." Human rights were reportedly higher on the agenda of European Commissioner Chris Patten when he met in Tunis with President Ben Ali and Prime Minister Mohamed Ghannouchi on June 19.

The European Parliament adopted on December 14, 2000, a resolution urging E.U. institutions to "use all the means provided by the Association Agreement" to promote human rights, regretting that the pact's "promotion of human rights as a key element" had "not sufficed to encourage the Tunisian authorities to advance along the path of democracy and human rights."

France

France is Tunisia's leading trade partner. Its U.S. \$100 million in loans and grants to Tunisia surpasses, on a per capita basis, the aid it gives to any other country.

Human rights issues began to strain the close alliance in 2000, as the French government emerged from its public reserve. Pressure on Paris came partly from a more assertive human rights community in Tunisia and its sympathizers in France. In addition, France's National Consultative Commission on Human Rights on January 25, 2001, urged the government to intervene more in response to the "degradation of the state of public liberties and human rights in Tunisia." The national bureau of France's Socialist Party—the party of Prime Minister Lionel Jospin—

issued in April 2001, a statement saying it “could no longer maintain normal relations” with Tunisia’s ruling party as long as “democratic and human rights organizations were effectively being silenced.”

In January and February alone, French authorities publicly criticized the conviction of Moncef Marzouki, the pressures against the LTDH, the refusal to allow French trial observer Eric Plouvier to enter Tunisia, the beating by “unknown” men of Jalal Zoughlami, and “the growing resort to violence by Tunisian security forces toward human rights defenders.” The French embassy also sent observers more frequently to political trials.

Le Parisien of April 1, quoted Foreign Minister Hubert Vedrine as saying that “democratic frustration was growing in Tunisia” and that the country’s economic “success” should enable the country “to advance more in terms of democratization.”

In a trip that was delayed over human rights disputes, French Minister of Cooperation Charles Josselin became on May 31 the first French minister to visit Tunisia in over a year. According to a report in *Le Monde* of April 5, Tunisian authorities had threatened to curtail Josselin’s high-level meetings if he met also with a group of human rights activists that included representatives of the CNLT, which lacked legal “authorization.” (See above.) Josselin ended up meeting a smaller group of human rights activists and was granted access to President Ben Ali and other top officials, with whom human rights was reportedly discussed.

United States

Although Tunisia was not a focus of its foreign policy, the U.S. viewed it as an ally in a turbulent region, pursuing market reforms and supporting U.S. initiatives. The U.S. conducted several joint military exercises with Tunisia, but provided it with minimal foreign assistance. There were few high-level bilateral meetings during the year, and no public statements from Washington regarding human rights.

The main U.S. contributions to rights promotion were the frank chapter in the State Department’s *Country Reports on Human Rights Practices* and a U.S. embassy staff that actively monitored conditions on the ground. United States diplomats met regularly with human rights activists and attended many political trials, including those of human rights defenders and Islamists.

The embassy did not voice U.S. concerns through public statements, although the embassy told Human Rights Watch it “uses many opportunities to discuss human rights with the Tunisian government.”

Relevant Human Rights Watch Reports:

Tunisia: A Lawsuit Against the Human Rights League: An Assault on all Rights Activists, 4/01

YEMEN**HUMAN RIGHTS DEVELOPMENTS**

The security forces continued to exercise wide powers and to commit abuses, including arbitrary arrest, torture, and killings of civilians with virtual impunity. The press came under increasing pressure and the number of executions increased. Early in the year, unknown persons set off a series of bomb explosions in Aden and al-Dhali' province in the south, and kidnapping of both Yemenis and foreigners remained a major security issue.

A nationwide referendum in February 2001, approved constitutional amendments that strengthened the position of President Ali Abdallah Salih and his ruling General People's Congress (GPC). The parliamentary term was increased from four to six years and the president's right to decree laws when parliament was in recess was abolished but the amendments lengthened the presidential term from five to seven years, and authorized the president to appoint a 111-member Consultative Council. Opposition activists expressed concern that this body would allow the president to offset the role of the elected parliament, thus augmenting indirect executive control over legislation.

Local council elections held at the same time as the referendum, were marred by violence and opposition charges that voter registration lists had been rigged. Unofficial sources reported that some forty persons died and more than a hundred were injured in clashes with security forces and among supporters of different parties on election day and in its aftermath; the government said eleven persons were killed and twenty-three were injured. In one incident reported in the *Yemen Times*, security and military forces responded to a vote-counting dispute between the GPC and the *Islah* party representatives by opening fire indiscriminately, using heavy and medium-caliber weapons, in villages in Ibb governorate. Local people returned fire, which continued for more than three hours. Six persons died, seven were wounded and thirty-five arrested. Due to disputes over irregularities in at least twenty percent of the poll centers, final results were never officially announced. The General People's Congress claimed a comfortable majority in the councils, but opposition leaders charged that the authorities had tampered with the results of both the referendum and the local council elections.

Security forces attached to Central Security, under control of the Ministry of Interior, and the Political Security Office (PSO) which reports directly to President Salih, committed abuses with virtual impunity. In July, Abdallah Salih al-Maitami, an unsuccessful independent candidate in the Ibb local council elections, was summoned by Central Security, beaten, shackled, and had his head forcibly shaved. Two days after his arrest, on July 7, government forces entered the old city of Ibb, detained thirty-five persons apparently at random, searched nine houses without warrants, and demolished the Maitami family's house. At least fourteen of those detained were later released, eleven were held without charges as of this writing. In

August, al-Maitami and two others were brought to trial on charges of assault against security officials. They were on trial in November 2001 and incarcerated at Ibb central prison, where they were kept together with convicted criminals; al-Maitami was subject to further mistreatment.

In October, the PSO detained Abd al-Salam Nur ad-Din Hamad and Ahmad Saif, two visiting academics affiliated to the Centre for Red Sea Studies at Exeter University in the United Kingdom. During the two-day detention, they were blindfolded and beaten while being interrogated about "spying for foreign powers, and maintaining a relationship with Osama bin Laden, Israel and the separatists," the latter referring to the 1994 southern Yemeni effort to declare an independent state. Yemeni officials denied that they were ill-treated and justified the detentions as one of their "preventive measures" following the September 11 attacks in the U.S.

Police and security forces detained suspected members of radical Islamist groups throughout the year; thirty-five were arrested in December, another thirteen in January, and fifteen in June. Further arrests were carried out in the aftermath of the September 11 attacks on New York and Washington, and by late October, the *Yemen Times* reported, several hundred "Afghan Arabs" (Islamists who had returned after spending time in Afghanistan) had been picked up for questioning in Sana'a, Taizz, and Aden. Many were reportedly released within days, however. At least eight suspects in the October 2000 attack on the USS Cole were still held without charge in November, most of whom had been held well beyond the maximum six-month period permitted under the criminal code of procedure.

Despite the general climate of impunity, three police officers of the Criminal Investigation Department, Aqil al-Maqtari, Yahya al-Rub', and Husain Ghanima, were convicted in November 2000 in connection with the death in custody of Sulaiman Salih in al-Hudaida. They received three-year prison terms and were stripped of their rank and dismissed; relatives of the deceased lodged an appeal seeking to have the sentences increased. In July, eight members of the Central Security in al-Dhali' province were charged with the premeditated murder of Hamdi Salih Husain of the opposition Yemeni Socialist Party (YSP); the trial was pending at this writing.

The press came under increased government pressure as the authorities harassed journalists and embroiled opposition and independent newspapers in court battles. In April, the Ministry of Information confiscated the first issue of *Huquq al-Insan* (Human Rights), the monthly publication of "The Activists" (*al-nushata'*) human rights group ostensibly because the group had filed registration documents one week prior to publication rather than the ten days required by the press law. *Yemen Times* journalist Hasan al-Za'idi was detained by the PSO in both June and September, each time for about fourteen days, reportedly for being a distant relative of Al Za'idi tribesmen who had been involved in the kidnapping of two foreigners. No charges were filed against him.

In June 2001, the prosecution office implemented parts of a 1997 judgment passed against the opposition weekly *al-Shura* and its former editors, and suspended the paper for six months. The paper continued publication under a new license and name, but another defamation case was pending at this writing.

Defamation, which is loosely defined under Yemeni press law, was the most frequent charge levied against independent and opposition papers, both by the gov-

ernment and by private citizens; by November, cases were pending against *al-Ayyam*, *Sawt al-Shura*, *al-Umma*, *al-Ra'i al-'Amm*, *al-Wahdawi*, *al-Shumu'* and *as-Sahwa*. The press also came under attack for "inaccurate reporting." In September, the editor of Aden-based *al-Haqiqa*, Faris al-Yafi'i, was sentenced to a three-month jail term and a fine of YR 5000 (U.S. \$30) for "insulting an official" after he incorrectly reported that the governor of Aden was about to resign.

The government took action against members of the opposition Yemeni Socialist Party in al-Dhali' province, arresting members of YSP-affiliated "popular committees" after they mounted a peaceful demonstration against police and military abuses in October 2000, but did not implement its threat, made in 2000, to dissolve the party. Some YSP-affiliated journalists and military who had lived in exile since 1994 returned to the country and President Salih reportedly ordered the YSP headquarters in Ma'alla in the city of Aden to be returned to the party. Those detained in al-Dhali' by Central Security and the PSO included YSP member Fadl al-Ja'adi and journalists Ahmad Harmal and Muhammad Ali Muhsin: all three were detained in November 2000, the first two for more than three weeks on incitement charges. Authorities prevented access to lawyers during interrogation and denied family visits.

A new law of associations took effect in February 2001, empowering the Ministry of Labor and Social Affairs to supervise nongovernmental organizations (NGOs). Registration was considered valid by default if the ministry failed to process an application within one month. NGOs were allowed to receive foreign funds upon notification of the ministry, and foreign-funded activities needed explicit approval. A minimum of forty-one members was required to establish an association. Penalties for violating any of the law's provisions entailed prison sentences of up to one year and penalties up to YR 100,000 (U.S. \$600).

The government restricted access to the Internet indirectly by monopolizing service and keeping prices prohibitively high. As in previous years, mobile phones and pagers were rendered inoperable before major occasions like national holidays.

The media reported seventy-three executions for premeditated murder between March 2001 and mid-October 2001, compared to fifty-two from mid-1998 to early 2001. A large number of other offenses carried the death penalty, among them armed banditry, apostasy, rape, and treason.

Women continued to face discrimination in personal status law. Only a male guardian could contract marriage for women who had no way to give meaningful consent. In October 2001, the cabinet referred to the parliament an amendment to the personal status law proposed by the governmental Women's National Committee to introduce a minimum age—eighteen years—for marriage. However, by November the proposal, which lacked effective safeguards to protect women from underage, forced, and polygamous marriage, had not been passed by the parliament.

DEFENDING HUMAN RIGHTS

Local human rights groups conducted training and awareness raising workshops and lobbied successfully to remove some of the restrictions in the draft law

on associations. Local chapters of Amnesty International operated in the major cities. The government did not respond to reports of human rights violations monitored by local groups.

The Women's Affairs Support Center, a women's rights group, ran workshops on violence against women, media training, and other issues, and helped train local rights activists. The Human Rights Information and Training Center and the Arabic Sisters Forum also addressed issues related to the treatment of women by police and in prison.

Four governmental human rights bodies—the Ministry for Human Rights, the Supreme National Committee for Human Rights, and the human rights committees of the Consultative Council and parliament—continued to operate. In early October 2001, the parliamentary body, the Committee for General Liberties, published a report criticizing the use of pre-trial detention by the CID and prison overcrowding.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United States

Relations between Yemen and the United States remained strained in the aftermath of the October 2000 attack on the USS Cole in Aden harbor. The U.S. Federal Bureau of Investigation (FBI) reportedly wished to interview certain high-ranking Yemenis but President Salih told the Qatar-based *al-Jazeera* satellite television station on September 5 that “Yemen will not permit the Americans to interrogate any Yemeni citizens, whatever his capacity.” The trial of eight persons arrested in connection with the USS Cole attack continued to be postponed, reportedly at Washington's request.

Following the September 11, 2001, attacks in New York and Washington, however, U.S. law enforcement sources reported that Yemen's cooperation with U.S. investigations had improved.

U.S. economic assistance to Yemen increased from none in fiscal year (FY) 2000 to almost U.S. \$4 million in FY 2001 and \$5 million in FY 2002. Expenditures on training programs for Yemeni military officers in the U.S. doubled to \$250,000 in FY 2002. In its presentation to Congress requesting these funds, the State Department characterized Yemen as “at the forefront of the Arab world in both democratic and economic reform” and said the country had “taken significant strides toward opening its multiparty political system to full public participation, including women.” The State Department's annual human rights country reports for 2000 stated that Yemen's human rights record “continued to improve” but that problems such as torture and arbitrary detention remained. “There are significant limitations on citizens' ability to change their government,” the report said.