

MIDDLE EAST AND NORTH AFRICA OVERVIEW

The impact of the U.S.-led war on terrorism on individual rights, the Bush administration's stated objectives of sidelining Yasser Arafat and removing Saddam Hussein from power, and the looming threat of war against Iraq all dominated public attention in the Middle East and North Africa throughout the year. Assaults on freedom of expression and association remained serious problems and were especially acute in Egypt, Iran, and Syria. Peaceful critics and democratic reformers found themselves beleaguered—put on trial, sometimes sentenced to long prison terms, or otherwise marginalized, without access to state-controlled mass media. Governments continued to harass, arrest, and prosecute human rights activists under legal systems that lacked independence. The human rights crisis arising from Israel's continued occupation of the West Bank and Gaza Strip, and armed Palestinian resistance to it, provided a shared but painful reference point for governments and ordinary citizens alike throughout the Middle East and North Africa.

From Rabat to Tehran, there was profound dismay at the Bush administration's flouting of international law with respect to the rights of prisoners held at the U.S. military base in Guantanamo, Cuba, and the continuing harsh treatment in the U.S. of Muslims of Middle Eastern, North African, and South Asian origin—including racial profiling, arbitrary arrests, coerced confessions, secret detentions, and deportations. Local human rights activists and others were concerned that these actions conveyed a strong message that basic rights and safeguards could be shelved in times of crisis or emergency, precisely the rationale that governments across the region have long used to justify their own widespread abuses.

HUMAN RIGHTS DEVELOPMENTS

Residents of countries throughout the Middle East and North Africa, long uneasy with the authoritarian character of their own governments and angry at perceived double standards of Western leaders toward the region, had few outlets for sustained and substantive political expression and no peaceful mechanisms to change their rulers or political structures. Political power remained hereditary under law in Jordan, Morocco, Saudi Arabia, and the smaller states in the Persian Gulf, and was appropriated unilaterally by leaders of long-ruling political parties in countries such as Egypt, Iraq, Libya, Syria, Tunisia, and Yemen. In February, Shaikh

Hamad bin Isa Al Khalifa, Bahrain's ruling emir, issued decrees unilaterally proclaiming a new constitution and changing his title to king.

Emergency or exceptional laws, which international law permits only in extreme circumstances and for limited periods, remained in force and circumscribed basic rights in Algeria, Egypt, Iran, Iraq, Israel and the occupied West Bank and Gaza Strip, and Syria. Special security courts, and military courts in which civilians were tried and whose procedures did not meet international fair-trial standards, continued to operate in Egypt, Iran, Jordan, Lebanon, Syria, Tunisia, the Israeli-occupied West Bank and Gaza Strip, and the territories under Palestinian control. Lebanon's military court continued to prosecute civilians for political offenses in unfair trials. Syria's state security court prosecuted and convicted peaceful activists for vaguely worded political offenses and its judgments could not be appealed. Iran's Islamic Revolutionary Courts and Special Court for the Clergy were grossly unfair, operating with complete disregard for due process safeguards, usually behind closed doors.

Administration of justice elsewhere was seriously flawed. The judiciary in Algeria and Tunisia showed little or no independence when handling politically charged cases. Criminal trials in Saudi Arabia were often held without lawyers present, and confessions were coerced under torture. The majority of these states have ratified the International Covenant on Civil and Political Rights and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Yet all violated core rights considered nonderogable under these two international treaties, even in times of national emergency. Local groups reported the gradual reversion to the use of torture in Israel, along with a sharp increase in the ill-treatment of detainees

Independent civil society institutions were fragile or nonexistent in most countries. Throughout the region, political parties, human rights organizations, and other entities came under attack from the state or were hampered because laws did not permit them to exist legally. In Iran and Saudi Arabia, conservative clerical establishments remained entrenched and powerful, retarding progress and hampering the development of independent and effective national institutions.

Governments that permitted some space for opposition politics continued to outlaw certain political groups—often Islamist in ideology—and prosecute their members. Algerian authorities maintained their ban on the Wafa party on the grounds that it was too close to the Islamic Salvation Front, which had been outlawed in 1992 after a strong electoral showing. Tunisia continued to imprison persons on charges of belonging to the banned Nahdha party. In countries such as Syria and Saudi Arabia, there were no laws on the books to enable peaceful political opposition groups to obtain state authorization to function freely and participate openly in the political process. Political parties remained outlawed in Bahrain, although the king did scrap a provision of the new electoral law that prevented existing societies and associations from campaigning for candidates.

Elected parliaments or appointed national consultative councils generally served as rubber stamps for the executive branch or lacked powers under the law to challenge state policies or initiate meaningful reforms. Parliamentary elections scheduled for 2002 in Jordan and Yemen were postponed until 2003, with “inap-

propriate conditions” cited as the reason. Bahrain, which held municipal elections in May, held parliamentary elections in October for a forty-seat lower house in a reconstituted National Assembly. The participation rate was more than 53 percent, despite the fact that four political societies associated with the nationalist left and Islamist opposition publicly boycotted the contest. One reason for the protest was electoral districting that disproportionately favored the minority Sunni population; the other was the ruling family's decision, in a new constitution decreed in February, to give an appointed upper chamber (*shura* council) an equal number of seats and a shared legislative role. Although campaigning for the boycott was not permitted, al-Wifaq, the leading Shi'a Islamist society and largest of the boycotting groups, had a public meeting that was by far the largest of the campaign—a peaceful gathering that reportedly numbered more than twenty thousand people.

Various governments imprisoned prominent peaceful critics, civil society activists, and proponents of democratic reform. In Egypt, sociology professor Saadeddin Ibrahim was sentenced in July to seven years of imprisonment and twenty-seven of his colleagues received between one- and five-year terms. The sentence was subsequently quashed in December by the Court of Cassation and a retrial was scheduled for January 2003. In Syria, economics professor Aref Dalila and nine others, including two elected members of parliament, received prison terms of up to ten years. In Saudi Arabia, professor Said bin Zuair, a university dean, continued to be held without charge since his arrest in March 1995. In Iran, leading reformists and dissidents once again were targeted for expressing peaceful political opinions. In November, the sentencing to death for apostasy of reformist lecturer Hashem Aghajari for questioning the absolute authority of the religious leadership was only the most extreme example of a hostile climate for freedom of expression. (His case recalled that of liberal cleric Hassan Yusefi-Eshkevari, who was arrested in August 2000 after participating in a controversial reformist conference in Berlin and subsequently sentenced to death for apostasy. Although the sentence was later quashed on appeal, Yusefi-Eshkevari remained in prison at this writing, serving a seven-year term.) Despite threats, prosecutions, and imprisonment at the hands of the hard-line judiciary, there was lively criticism of the government in Iran although progress toward reform remained elusive.

Restrictive press and publications laws gave officials in several countries broad power to bring charges against journalists, censor and suppress information, and ban or close newspapers and magazines. Bahrain's new press law, decree 47/2002, issued in November, continued to require new publications to obtain cabinet-approved licenses through the Ministry of Information. The law also authorized confiscation and banning of publications “through proper legal channels.” Some of the stipulated offences under the law were vaguely worded, such as insulting the official religion, while others clearly infringed on the right to free expression, such as criticizing the king for government policies or publishing reports that adversely affected the value of the national currency.

In Lebanon, a court-ordered indefinite closure on September 4 of the independent, privately owned Murr Television station (MTV) and its radio station Radio Mont Liban generated a political uproar and was viewed as an enormous setback for freedom of expression. The publications court ruled that MTV, which

openly criticized the Syrian presence in Lebanon, violated a provision of the electoral law by broadcasting “unauthorized political propaganda” during a June 2002 by-election for a vacant parliament seat. The station’s owner, opposition politician Gabriel Murr, had been a candidate in the by-election. Following the closure, the Interior Ministry banned planned demonstrations and sit-ins, and security forces forcibly dispersed protesters in Beirut on September 7. The publication court’s decision was upheld on October 21, leaving four hundred workers unemployed. Exiled opposition leader Gen. Michel Aoun commented that such actions were transforming Lebanon into an “ugly photocopy of Syria.”

Toward Accountability and Justice: Mixed Results

Current and former government officials, and security forces with abusive human rights records, continued to enjoy impunity with the inevitable consequence of continued patterns of prolonged incommunicado detention, torture, and other abuses. Victims of torture at the hands of elite internal security departments of various interior ministries—such as Egypt’s State Security Investigation or Saudi Arabia’s General Directorate of Investigation—had no recourse to independent investigations or the prospect of justice.

In Algeria, there were isolated cases of police, gendarmes, and self-defense group members prosecuted for rights violations, but the dreaded *securité militaire* agency remained untouchable. Similarly, armed group members who participated in the Algerian government’s offer of amnesty largely escaped any court scrutiny of their past deeds, including acts of murder.

In Syria and Iraq, accountability for horrific past abuses such as mass extrajudicial killings, “disappearances,” and indiscriminate military attacks against civilian populations remained unthinkable under the respective ruling Ba’ath parties. In Bahrain, the king issued numerous laws by decree which the new national assembly was not empowered to review retroactively. Decree 56/2002 effectively ruled out any civil suits or prosecutions against officials alleged to be responsible for serious human rights violations committed prior to the general amnesty issued as part of the king’s political reform program in February 2001.

Amidst this gloomy picture, important initiatives to investigate and hold accountable the perpetrators of gross human rights violations—including torture, summary executions, and “disappearances”—continued to be undertaken in several countries, with the hopeful promise that a culture of accountability was slowly taking root. In some cases, alleged perpetrators were prosecuted in domestic courts. In Egypt, for example, four police officers were each sentenced to three years of imprisonment in two separate cases in August and October in connection with the death of two detainees. Both victims were apparently subjected to electric shocks and other forms of torture.

In other cases, justice was sought abroad under the principle of universal jurisdiction. In France, Algerian torture victims sought to prosecute Khaled Nezzar, Algeria’s defense minister from 1990 to 1993, saying he bore command responsibility for the torture they allegedly suffered at the hands of his subordinates. In separate cases, French courts dismissed these complaints on the grounds that the

evidence directly linking the ex-minister to acts of torture was not sufficiently compelling. In contrast, a Tunisian torture victim in exile persuaded a French judge to issue in February an international arrest warrant for torture against Khaled Ben Saïd, a diplomat stationed in Strasbourg. The plaintiff’s complaint alleged that in 1996 Ben Saïd had been the supervising police officer when interrogators in Jendouba bound her ankles and wrists together and beat her with sticks and fists. Ben Saïd disappeared after the warrant was issued.

There were developments in the lawsuit in Belgium that twenty-three survivors of the September 1982 massacre of at least nine hundred civilians in the Sabra and Shatila refugee camps in Beirut lodged in June 2001 against Israel’s prime minister Ariel Sharon and director-general of the defense ministry Maj. Gen. (Res.) Amos Yaron. The plaintiffs charged that Sharon, then minister of defense, Yaron, then Israel Defense Forces (IDF) brigadier-general and division commander, and other unnamed Israelis and Lebanese were criminally responsible for the killing, rape, and “disappearances” of civilians. They argued that these acts together constituted a crime of genocide, a crime against humanity, and war crimes under the Geneva Conventions, and were punishable under Belgian law. On June 26, 2002, a Belgian court of appeals ruled that although Belgian courts had jurisdiction, the complaint was inadmissible because the defendants were not present on Belgian soil. Lawyers for the plaintiffs appealed the decision on July 3, arguing to the Court of Cassation that the ruling was contrary to the letter and spirit of Belgium’s universal jurisdiction law of 1993 (for war crimes) and the 1999 amendment of the law expanding its scope to include crimes against humanity and genocide.

These nascent efforts to press for accountability for past abuses were in contrast to the lack of enthusiasm shown by regional governments for the International Criminal Court. 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. Twelve countries in the region did sign the treaty, most of them in the closing weeks as the deadline of December 31, 2000 approached. As of November 2002, only one country, Jordan, had ratified the treaty. In contrast, the leader of Israel’s Likud party had drafted legislation criminalizing cooperation with the ICC, yet to be tabled at the time of this writing. A revealing Amnesty International survey of existing national laws relevant to universal jurisdiction prosecutions found that national laws in at least Algeria, Egypt, Iran, Israel, Jordan, Lebanon, Syria, and Yemen could enable criminal prosecutions for grave breaches of the Geneva conventions, other war crimes, or lesser crimes committed abroad by foreigners resident in those countries.

The Mounting Toll: Civilian Victims in the Israel-Palestine Conflict

Intensified and brutal clashes between Israeli military forces and Palestinian armed groups, and the abject failure of the relevant parties and the international community to ensure the protection of civilians, cast a long shadow over efforts to instill greater respect for international human rights and humanitarian law

throughout the region. In 2002 three separate Human Rights Watch reports, summarized at the end of this overview, addressed the deteriorating conditions.

By November 2002, some 2,500 Palestinians and over 650 Israelis, many of them civilians, had been killed since violence erupted in September 2000. At least twenty-one thousand Palestinians and two thousand Israelis were injured, including individuals maimed for life. Both Israeli security forces and Palestinian armed groups committed grave breaches of the rules of war in deliberately attacking civilians or displaying serious and systematic disregard for innocent civilian lives. While old abuses continued and intensified, new ones appeared.

During Israel's repeated military incursions and eventual re-occupation of most Palestinian Authority-controlled territories in the West Bank, the IDF used excessive lethal force; killed Palestinian civilians willfully and unlawfully; inflicted wanton damage on civilian homes and properties, looting and stealing in the course of their searches to an extent not seen in earlier years; and detained at least 4,500 Palestinian males. In a new development, the Israeli authorities at times actively prevented outside observers, including journalists, human rights activists, and United Nations fact-finders from entering the country. Israeli authorities also repeatedly impeded access to the injured by ambulances, emergency medical staff, and the International Committee of the Red Cross (ICRC). Other violations of the principle of civilian immunity included collective punishments in the form of intensified and extended restrictions on movement and lengthy curfews imposed on Palestinian towns and villages; and the taking of civilians as hostages, their coercion—including children—to perform life-endangering acts that assisted IDF operations, and their use as "human shields."

Suicide attacks against civilians by armed Palestinian groups were carried out with unprecedented frequency during the first part of 2002. In previous years, Hamas and Islamic Jihad carried out such attacks, but by the beginning of 2002 the Popular Front for the Liberation of Palestine and al-Aqsa Martyrs' Brigades had also joined in carrying out such attacks. Despite repeatedly condemning these attacks, the Palestinian Authority (PA) failed to move decisively against the groups while it still had the capacity to do so. By mid-year, the PA's capacity to maintain law and order was almost nonexistent.

A PA moratorium on the death penalty collapsed on June 6, when two men were executed by firing squad in Gaza after a three-hour trial at the Gaza State Security Court. Palestinian state security courts sentenced at least thirteen people to death following summary trials which did not meet international fair trial standards. Armed Palestinians killed at least twenty-two alleged collaborators in vigilante street attacks.

A major concern was the culture of impunity that had taken hold. Israeli authorities repeatedly failed to conduct timely or credible investigations into numerous IDF abuses, including unlawful or willful killings of Palestinian civilians. Where such investigations did occur, the results were rarely made public. The Palestinian Authority, in turn, failed to bring to justice those responsible for planning and carrying out suicide bombings or other attacks against Israeli civilians while it had capacity to do so. Both sides justified their violations of international law by pointing to the other side's repeated abuses of these very standards.

Continued Targeting of Civilians in Algeria

A similar disregard for the principle of civilian immunity could also be found in Algeria where, despite an overall decline in political violence, an average of 125 lives were lost each month as a result of such violence, most of them civilians. While the government of President Bouteflika could claim to have restored some security in the major cities, rebel groups, including the Armed Islamic Group (GIA), continued to attack civilians indiscriminately in rural areas and smaller cities.

Security forces themselves continued to act with virtual impunity against the armed groups and at times against the civilian population. Suspected militants were either killed, at times in suspicious circumstances, or detained incommunicado beyond legal limits putting them at risk of torture or mistreatment. Despite the systematic abuses of the security forces in putting down Berber protests in 2001, no more than two or three agents had been brought to justice. The security forces continued to conduct operations in the Kabylie in 2002 during which homes and businesses were looted and ransacked, and civilian passersby were beaten in the streets.

The Struggle for Gender Equality

Despite some progress in the arena of electoral politics, women faced systematic gender discrimination, particularly in states that maintained religiously based personal status laws and where blatantly discriminatory family codes granted husbands superior rights in terms of divorce, child custody, and inheritance. Saudi Arabia permitted women for the first time to obtain their own identity cards, but did not take steps to remove other formidable barriers to gender equality, particularly with respect to freedom of movement, despite signing the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 2000. In Syria, women faced discrimination under criminal law and various religion-based personal status laws, and husbands had the right to request the Interior Ministry to prohibit spouses from leaving the country. In Egypt and many other states, discriminatory laws did not permit women married to foreigners or stateless men to pass their nationality to their children. Jordan, in welcome contrast, passed legislation in November that enabled female citizens married to foreigners to pass on citizenship to their children and permitted them to acquire passports without written permission from their husbands.

Women's subordinate status in the family and society, and their marginalization and underrepresentation in public life, made them all the more vulnerable to domestic violence. Such incidents were underreported and victims faced inadequate and biased investigations, lack of legal redress, and underfunded counseling services and protective shelters. In Jordan and some other countries, women continued to fall victim to so-called honor crimes, in which male family members murdered female women to restore family "honor" and the perpetrators typically enjoyed impunity. For example, in one case reported in the daily *Jordan Times* on May 19, Jamal Mahmoud was convicted of a misdemeanor, instead of premeditated murder, for stabbing to death in June 2001 his unmarried pregnant cousin who at

the time of her death was engaged to marry the father of her unborn child. The criminal court ruled, pursuant to article 98 of Jordan's penal code, that Mahmoud acted in a fit of fury. The court found that the victim's actions—becoming pregnant while unmarried—brought shame and disgrace to her family and led Mahmoud “to lose his temper and to stab her to death without realizing the consequences of his actions,” the newspaper reported. The court also acquitted Mahmoud of abortion charges “because his intentions were aimed at killing his cousin who brought him disgrace, and not the infant inside her.”

In Bahrain, there were rival peaceful demonstrations in October after the government proposed a new personal status law that would, among other things, establish minimum marriage age of sixteen for girls and eighteen for boys, and require men to provide support for divorced wives and minor children. Women demonstrators called for a single unified law rather than the separate versions for Shi'a and Sunni communities as proposed by the government, while religious leaders and their students, including women, opposed any change in the existing law, which granted personal status authority to religious courts in accordance with their respective interpretations of Islamic law.

Some of the elections that took place during the year provided greater openings for women as voters or candidates. Thirty-five women secured seats in the 325-member Moroccan House of Representatives during the September legislative elections, placing Morocco first among Arab states in terms of female political representation. Morocco was followed by Syria, which had twenty-five women out of 250 members of parliament. Tunisia had sixteen women in its 175-member parliament, and Egypt's parliament included eleven women. The Moroccan government appointed in November by King Mohammed VI comprised twenty-two newcomers, including two women, while in Algeria the new government contained five women ministers. Bahrain joined Qatar and Oman as the three Arab Persian Gulf states where women had the vote and ran for office. In Bahrain's municipal elections in May and national legislative elections in October, more women voted than men, according to reports. Although no women were elected, two reached the second-stage run-offs in the legislative elections, where they made good showings.

Rights of Children

In most of the region, children were denied nationality in the country of their birth if their fathers were not nationals, diminishing their rights and rendering some stateless. The International Labor Organization estimated in April that 15 percent of the region's children between age five and fourteen were employed. In many cases this labor was hazardous or exploitative and violated the rights to education and health. Girls—and poor, rural, and minority children—were especially likely to face discrimination in education. Social welfare and juvenile justice systems offered little protection for children in difficult circumstances, and poor or abused children living or working on the street were sometimes caught in a cycle of arbitrary arrest, ill-treatment in detention, and released back to the street.

The government of Morocco did not routinely monitor the situation of thousands of the country's children who each year entered Spain unaccompanied and

without proper documentation. Nor did the government facilitate repatriation when it was in the child's interest. In its May 2002 report, *Nowhere to Turn*, Human Rights Watch found that border police regularly beat children expelled from Spain, stole their property, and detained them in cramped cells with adults. Children as young as ten were held for hours without access to food, water, or toilets before police released them, sometimes late at night. Despite large numbers of unaccompanied children in Moroccan border and port cities, the government did little to ensure their care and rehabilitation, and typically only provided shelter to children convicted of crimes whom it frequently placed in juvenile detention centers that fell short of international standards.

Foreign Workers at Risk

Migrant workers throughout the region, particularly women in low-wage occupations, remained extremely vulnerable to economic exploitation and other abuse. In countries such as Saudi Arabia—where sponsors retained the passports and other important identity documents of their employees—hundreds of thousands of persons endured poor working conditions, severe restrictions on freedom of movement, and limited options to seek remedies under the law. In the United Arab Emirates and Qatar, foreign workers comprised about 75 percent of the population but were not permitted to organize trade unions. Migrant workers were barred from joining trade unions in Yemen and newly authorized “labor committees” in Saudi Arabia.

The Brussels-based International Confederation of Free Trade Unions (ICFTU) examined conditions in the region in its *Annual Survey of Violations of Trade Union Rights*, published on June 18. The report cited “widespread” abuse of migrant workers in Saudi Arabia, which it said reflected “the dreadful conditions still suffered by most migrant workers in all the Gulf states.” It noted that domestic workers in particular labored “under conditions verging on slavery,” and endured physical and sexual abuse, inadequate food, poor salaries, or no pay at all. The ICFTU also highlighted Lebanon, where it said domestic workers, especially women from Ethiopia, “suffer[ed] badly from their lack of legal protection,” with many of them “held in conditions of near slavery.” It noted too that Jordan's one million foreign workers were prohibited from joining trade unions and engaging in collective bargaining or strikes, and domestic and agricultural workers were excluded from protection under the labor code.

HUMAN RIGHTS DEFENDERS

Human rights defenders throughout the region continued to face obstacles and dangers, including threats to their persons and actual physical attacks, harassment and intimidation of their families, restrictions on freedom of movement and association, criminal prosecution, and imprisonment.

Some countries—including Iran, Iraq, Saudi Arabia, and Syria—did not permit international human rights organizations access to carry out investigations. Other

states, including Egypt, Jordan, and Tunisia, presented no obstacles to entry. Israel, which had previously been open to international rights groups, actively restricted the entry of some nongovernmental organization (NGOs), U.N. investigative and reporting mechanisms, and U.N. humanitarian staff. Algeria, Iran, and Iraq permitted access to some U.N. special rapporteurs but denied it to others, while the Libyan foreign minister in a welcome move announced in October that Libya would open its doors to all of the U.N. human rights mechanisms as well as international human rights monitors. Saudi Arabia welcomed the special rapporteur on the independence of judges and lawyers, who conducted a fact-finding mission in October.

Legal professionals who were active in human rights came under attack during the year. Iranian lawyer Mohammad Dadkhah was sentenced in May to five months in prison and banned from practicing law for ten years. In Syria, pro-democracy lawyers Riad al-Turk and Habib Issa were sentenced in the state security court to prison terms of two-and-a-half years and five years, respectively. (Turk, who was in his seventies, had been jailed since his arrest in September 2001 and was released on humanitarian grounds on November 16, 2002.) In addition, the disciplinary council of the pro-government Damascus bar association prohibited seventy-one-year-old defense lawyer and rights activist Haythem al-Maleh from practicing law for three years. In August, Maleh also was notified to appear in the military court in January 2003 to face a variety of charges including forming the Human Rights Society of Syria (HRSS) without approval of the Ministry of Social Affairs and Labor, unauthorized distribution of the group's magazine, and disseminating false information abroad. In Tunisia, judge Mokhtar Yahiaoui was fired for publishing an open letter to President Ben Ali denouncing the lack of judicial independence, and heads of Tunisia's human rights league and bar association experienced suspicious break-ins in their private law offices.

The limited and in some cases nonexistent right to freedom of association left human rights advocates and defenders vulnerable in countries such as Egypt, Saudi Arabia, and Syria. In June, Egypt's parliament passed a new law of associations aimed at regulating the activities of NGOs. The law imposed stringent restrictions on NGO funding and management, and introduced criminal penalties for any NGO activity deemed "political," effectively undermining the right of individual activists to freedom of expression. Saudi Arabia did not permit locally based human rights activists to organize openly, and Interior Ministry operatives reacted quickly and forcefully against citizens who dared to make public any information about specific abuses. Denial of official legal status significantly hampered rights groups and civil society forums in Syria, leaving activists in a grey zone and subjected to criminal prosecution. Two founding members of the Human Rights Society of Syria (HRSS), Dr. Walid al-Bunni and lawyer Habib Issa, were sentenced to five years imprisonment in July and August, respectively. In August, HRSS members Fawaz Tello and Hassan Saaddun received sentences of five years and two years, respectively, and four other HRSS activists were scheduled for trial in the military court in January 2003. Dr. Kamal Labwani, a member of Committees for the Defense of Human Rights in Syria, was sentenced to a three-year prison term in August.

As in previous years, human rights defenders throughout the region were detained or imprisoned. In Algeria, activists were jailed on spurious charges of "inciting unarmed demonstrations" and authorities targeted those who monitored "disappearances" and assassinations. In Syria, ten advocates of political reform were prosecuted in 2002 and sentenced to prison terms of up to ten years for vaguely worded criminal offenses such as "attempting to change the constitution by illegal means." In Egypt, Ibn Khaldun Center for Development Studies Director Saadeddin Ibrahim, and twenty-seven of his colleagues, were re-tried before the Supreme State Security Court and convicted in July on politically motivated charges. Despite his poor health and need for medical attention, Ibrahim received a new seven-year sentence, which he appealed. Abed Rahman al-Ahmar of the Palestinian Human Rights Monitoring Group was released in May after serving one year in Israeli administrative detention.

Israeli authorities threatened to initiate legal proceedings against, or conduct investigations of, the activities of human rights organizations such as the Legal Center for Arab Minority Rights (Adalah). Palestinian organizations were severely hampered by movement restrictions, and the offices of several groups were damaged during Israeli military operations in May. Nevertheless, local organizations continued to operate effectively and consistently litigated in the Israeli High Court of Justice on a wide range of issues.

Harrasment of activists sometimes included physical assaults, break-ins, car thefts, and property damage. In recent years in Tunisia such incidents have not been uncommon. Lassaad Jouhri, a disabled ex-prisoner, was assaulted in Tunis in broad daylight by five security agents. They broke one of his crutches and beat him with it, apparently in retaliation for his publicizing the plight of prisoners.

On a positive note, in July the government of Bahrain approved an application of the Bahrain Center for Human Rights, allowing that group to work legally in the country along with the already-established Bahrain Human Rights Society. Additionally, during U.N. General Assembly negotiations over the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Bahrain was the first Arab country to come out in support of the protocol, which passed on November 7.

THE WORK OF HUMAN RIGHTS WATCH

In 2002, Human Rights Watch continued to lobby governments and non-state actors, including armed groups, to respect and abide by the principles of international human rights and humanitarian law. We called for a halt to deliberate attacks against civilians and their property, the removal of restrictions on freedom of expression and association, promotion of the rule of law and independence of the judiciary, an end to impunity for those who violate human rights, and the release of activists detained for peaceful expression of political views and human rights activities.

Our staff and other representatives of the organization traveled to Algeria, Bahrain, Egypt, Lebanon, Iran, northern Kurdistan in Iraq, Israel, the occupied

West Bank and Gaza Strip, Palestinian Authority Territories, and Tunisia. We conducted field research, held dialogue with government officials, observed court trials, coordinated with local and international groups, and initiated outreach and advocacy. Requests for access to Saudi Arabia and Syria remained pending as of this writing.

We continued efforts to ensure that our research and output reached a broader segment of the region's population. These included an increase in translations of our materials into Arabic, and at times Farsi, French, and Hebrew, and dissemination of these documents on our web-site (www.hrw.org). There was a large and growing number of requests from the region for our reports and users requested on average about thirty-seven thousand pages of Arabic content each month.

We continued to emphasize consultation and coordination with other human rights groups, including issuing joint interventions to increase effectiveness. For example, in April we issued a joint statement with Amnesty International and the International Commission of Jurists, urging Israel and the Palestinian Authority to respect international humanitarian law; in February, together with the France-based organization Institut Ben Barka, we lobbied U.S. authorities to release intelligence files on the disappearance of Moroccan opposition leader Mehdi Ben Barka; and in February, together with five other human rights organizations, we wrote a joint letter to Moroccan authorities, urging them to accept the recommendations of the U.N. Working Group on Arbitrary Detention following the unfair trial and detention of the soldier Moustapha Adib.

We urged reform of criminal and civil laws in Morocco, where the personal status code (*mudawwana*) treats women as minors and denies them legal autonomy in marriage contracts.

We also defended freedom of expression across the region. We lobbied on behalf of activists convicted for their political beliefs, including Iranian parliamentarians Hossein Loghmanian, Fatemeh Haghighatjou, and Mohammad Dadfar. We protested the Revolutionary Court decision in January to incarcerate fifty political activists for their peaceful political activities, violating Iran's constitution as well as basic rights to freedom of expression and association. We monitored the trials of ten Syrian political reformers and lobbied the E.U. in September to leverage its strong linkages with Syria to press for their immediate release. We also wrote a detailed memorandum to the Syrian government analyzing its new press and publications law and urging revision of provisions in that law that violated Syria's commitments under the International Covenant on Civil and Political Rights.

In February, we urged Tunisian President Zine el-Abidine Ben Ali to show respect for the rule of law and an independent judiciary by ordering an inquiry into the arrest and beating of three leftist dissidents, including Hama Hammami, in a Tunis courtroom. After we observed their appeal in March, we called for the release of these activists, who were jailed solely for their political beliefs and nonviolent political actions. We also called for the release of Zouhair Yahiaoui in June, who was imprisoned for editing a Tunisian online magazine critical of government repression. In July, we called for Hammami's release again, and for an end to harassment of his wife and daughters. After Secretary of State Colin Powell praised Tunisia's efforts in the war on terror, we appealed to him to caution Tunisian authorities

against the opportunistic oppression of dissent in the battle against terrorism and to seek Hammami's release.

We campaigned for an investigation of allegations that Saudi Arabia's official religious police hampered rescue efforts that resulted in the death of fifteen students in a March fire at a girls' school. The escaping students reportedly had not been wearing obligatory long black cloaks and head coverings. In April, we publicized the government's denial of the right to peaceful assembly and also documented practices that violated international standards of due process, focusing on the cases of seven Westerners who were tortured and secretly tried without legal representation. In September, we provided the Saudi justice minister and other government officials a legal memorandum that analyzed the kingdom's newly adopted criminal procedure code. The memo highlighted provisions of the code that violated international norms of presumed innocence and lack of safeguards against arbitrary arrest and detention and mechanisms to investigate torture allegations.

In April, we urged Algerian President Abdelaziz Bouteflika to bring to justice members of the police who killed and beat residents of the Kabylie region. We also called for the immediate and unconditional release of two Algerian human rights defenders arrested in May, and lobbied the European Parliament in October to adopt a resolution specifying steps necessary for Algeria to meet commitments on democratic principles and fundamental rights prior to concluding the proposed E.U. Association Agreement with Algeria.

Human Rights Watch monitored the intensified violence in Israel, the Occupied Territories, and the areas controlled by the Palestinian Authority; urged all parties to abide by international human rights and humanitarian law; called on Israeli and Palestinian authorities to conduct investigations into violations; and for the international community to send international human rights monitors to the area.

Our report released in April, *In a Dark Hour: The Use of Civilians During IDF Arrest Operations*, condemned Israel's forcible use of Palestinian civilians during house to house searches and arrests. Such practices unnecessarily endangered the lives of civilians and seriously breached international humanitarian law.

Our early May report, *Jenin: IDF Military Operations*, documented Israeli Defense Forces' extensive violations of international humanitarian law, some amounting *prima facie* to war crimes. During the April offensive on the Jenin refugee camp, Israel committed violations including the unlawful or willful killing of civilians, use of Palestinian civilians as human shields, obstruction of emergency medical and humanitarian assistance, and destruction that appeared to exceed that which could be justified on the ground of military necessity. We pressured Israel to allow access to the Jenin refugee camp by humanitarian and human rights organizations and strongly criticized its decision not to allow a U.N. fact-finding mission. We welcomed the IDF decision in May to forbid the use of hostages and human shields, and to "examine" the forced use of civilians in response to a petition from seven human rights organizations. The petition was drafted by Adalah's staff attorney and drew on the April and May Human Rights Watch reports noted above.

Throughout the year we condemned suicide bombings that targeted Israeli civilians, and in November we released a 170-page report, *Erased in a Moment: Suicide Bombing Attacks Against Israeli Civilians*. We argued that these attacks were

crimes against humanity and called on groups claiming responsibility—Hamas, Islamic Jihad, the Popular Front for the Liberation of Palestine, and the al-Aqsa Martyrs' Brigades—to end the attacks unconditionally. We also called on the Palestinian Authority to take steps to bring to justice those who incited, planned, assisted, or carried out such attacks.

In October, we welcomed Iraq's announcement of an amnesty for prisoners but argued that U.N. human rights monitors and international NGOs should be given immediate access to clarify the fate of several hundred thousand "disappeared." We issued a statement during the debate about military intervention in Iraq, reminding all parties of their obligation to protect civilians. We also urged the international community to indict top Iraqi leaders for the genocidal 1988 Anfal campaign against Iraq's Kurdish population.

Human Rights Watch also called attention to violations of children's rights in the region. In May, we published, *Nowhere to Turn: State Abuses of Unaccompanied Migrant Children by Spain and Morocco*, which documented police abuse of children whom Spain illegally expelled to Morocco. Despite large numbers of unaccompanied children in Moroccan border and port cities, the government did little to ensure their care and rehabilitation. (See Europe and Central Asia.) Building on our December 2001 report, *Second Class: Discrimination Against Palestinian Arab Children in Israel's Schools*, in June we criticized Israeli legislation that disproportionately cut national child allowance funding for Palestinian Arab citizens and exacerbated existing inequalities in educational spending. In June and July, we investigated police abuse of children arrested under Egypt's Child Law, which afforded police broad powers to arrest children found begging, homeless, or not attending school.

THE ROLE OF THE INTERNATIONAL COMMUNITY

European Union

The most significant developments in the Euro-Mediterranean "Barcelona Process" were the implementation of the E.U.'s Association Agreement with Jordan on June 10 and the signing of Association Agreements with Algeria on April 22 and Lebanon on June 17. The Jordan agreement had been signed in 1997 but could not be implemented until final ratification by national parliaments of all E.U. member states. The agreements with Algeria and Lebanon would similarly require ratification by all member states before they would take effect. During the year negotiations continued to conclude a similar agreement with Syria.

The countries with which the E.U. had operational Association Agreements, in addition to Jordan, were Morocco, Tunisia, and Israel. The E.U. declaration on the occasion of the third ministerial Association Council meeting with Israel in October raised a number of human rights issues and urged Israel to "put an immediate end to activities that are inconsistent with international humanitarian law and human rights, including extra-judicial killings, acts of collective punishment," and "military actions directed indiscriminately against civilian neighborhoods." The

E.U. declaration at the third Association Council meeting with Tunisia, in late January 2002, regretted "the absence of progress" with regard to freedom of expression, assembly, and association. But neither on these occasions nor at other times did officials of the E.U. or its members states address how article 2 of each agreement, which states that each is premised on "respect for human rights and democratic values," could be made to have consequences for the operation of the agreements in areas of trade, investment, and security cooperation.

Human rights were even less prominent in the E.U.'s relations with the Arab states of the Persian Gulf. The Joint Council of the E.U. and the Gulf Cooperation Council (GCC) states held its twelfth ministerial meeting in late February. The joint communiqué addressed international humanitarian law concerns regarding the Israeli-Palestinian conflict, but the only mention of human rights as they might apply to the states of the Gulf was to recall "the commitment of all states . . . that all human rights are universal, indivisible, interdependent and inter-related." The communiqué appeared to retreat from even this anodyne endorsement of human rights by adding that the parties "recognized their diversities and expressed their commitment to promote the values which they all share."

The year saw frequent E.U. official statements condemning international humanitarian law violations by Israelis and Palestinians. There were also two other statements of policy relating to human rights developments in the Middle East—a Declaration of the Presidency on August 8 "deeply regret[ted]" Syria's jailing of advocates of democratic reform and a statement issued by External Relations Commissioner Chris Patten on July 30 deplored Egypt's re-conviction and sentencing of civil society advocate Saadeddin Ibrahim and his colleagues from the Ibn Khaldun Center.

United States

Three distinct and overlapping concerns dominated United States policy in the Middle East during 2002—the "war on terrorism," the Israel-Palestinian conflict, and the drive to disarm Iraq and displace the government there. In an unprecedented step, the Bush administration publicly announced in August that the U.S. would not consider any increase in the amount of U.S. economic or military aid to Egypt in light of the reconviction and jailing of democracy advocate Saadeddin Ibrahim and his colleagues. This was the first occasion on which the U.S. openly linked U.S. military and economic assistance to the human rights practices of a close ally in the Middle East, although existing military and economic aid programs amounting to \$1.9 billion were not affected. Throughout the region, however, the administration's perceived selectivity—forcefully raising human rights concerns in Iraq, showing concern about the prospects for democratic reform in the Palestinian Authority, but doing little if anything to halt abuses by U.S. allies, especially Israel and Saudi Arabia—heightened long-standing perceptions of U.S. double standards when it came to human rights in the region.

The Bush administration invoked human rights concerns most explicitly in building its case for a possible military strike on Iraq. In his September 12 speech to the United Nations General Assembly, President Bush called on the U.N. to enforce

Security Council resolutions mandating that Iraq disarm and end its repression of minorities. He cited Iraqi practices of “arbitrary arrest and imprisonment, summary execution and torture by beating and burning, electric shock, starvation, mutilation and rape,” and declared that “[l]iberty for the Iraqi people is a great moral cause and a great strategic goal.” In a nationally televised speech on October 8, the president said that, in addition to “declaring and destroying all of its weapons of mass destruction” and “end[ing] its support for terrorism,” Iraq also “must cease the persecution of its civilian population.”

On the Israeli-Palestinian conflict, the administration for the most part displayed broad and consistent public support for policies of the government of Prime Minister Ariel Sharon. On April 13, in the midst of Israel’s Operation Defensive Shield, Secretary of State Powell issued a statement that said, “Israeli forces must exercise the utmost restraint and discipline, and refrain from the excessive use of force in the conduct of military operations” and called on Israel “to respect international humanitarian principles and to allow full and unimpeded access” to humanitarian organizations. However, neither Secretary Powell nor any other administration official suggested that Israeli violations of international humanitarian law might put at risk U.S. military and economic aid, officially estimated at \$2.8 billion in fiscal year 2002, despite the fact that many IDF international humanitarian law violations were carried out with U.S.-supplied weaponry. Asked in a hearing of the U.S. Senate Foreign Operations Subcommittee about Israeli misuse of U.S. military equipment in the West Bank and Gaza, Secretary of State Powell said on April 24: “We are sensitive to the requirements of the law, and so far I have not received any reports and have not yet seen the need for any inquiries as to whether or not there has been a violation of the law,” a position he reiterated on other occasions.

There were signs, moreover, that Secretary Powell did not speak for the Bush administration as a whole on matters relating to Israel and the Palestinians. Many in Israel and elsewhere in the region came to believe that Prime Minister Sharon’s government could count on other officials, including Vice President Dick Cheney and Secretary of Defense Donald Rumsfeld, to head off pressures from Washington to restrain Israeli military actions or the expansion of illegal civilian settlements in the West Bank. This perception gained ground as Israel ignored calls by President Bush and Secretary of State Powell to withdraw Israeli forces from Palestinian cities occupied in April and refused to admit a U.N. fact-finding mission to Jenin in accordance with Security Council Resolution 1405. U.S. policy towards the Palestinian Authority and President Yasir Arafat also appeared to become more closely aligned with that of Israel. In a major policy speech on June 24, President Bush called on Palestinians to “elect new leaders . . . not compromised by terror” and “to build a practicing democracy based on tolerance and liberty,” but said nothing about Israeli closure of and assaults on Palestinian Authority institutions that directly impeded such goals. On October 11, U.S. Ambassador Daniel Kurtzer reportedly delivered a letter to Prime Minister Sharon expressing U.S. concern about the increase in Palestinian civilian deaths under Israeli fire and Israel’s failure to ease restrictions on freedom of movement of Palestinians.

The U.S. focus on combating terrorism included new acknowledgement of the

need for greater political openness and respect for human rights in the Middle East region. In a June 1 address at West Point, President Bush said, “The peoples of the Islamic nations want and deserve the same freedoms and opportunities as people in every nation. And their governments should listen to their hopes.” The U.S. publicly applauded national elections held in Morocco and Bahrain, and Assistant Secretary of State for Democracy, Rights, and Labor Lorne Craner visited Bahrain, Qatar, and Kuwait in June. However, the administration otherwise refrained from public criticism of the human rights records of allies, sometimes pointedly. For instance, while the State Department’s *Country Reports on Human Rights Practices for 2001* for the most part presented a comprehensive account of violations in individual countries, Assistant Secretary Craner, in the press briefing introducing the report on March 4, repeatedly dodged questions about U.S. policy towards Saudi human rights practices and Israeli violations of international humanitarian law.

Counter-terrorism initiatives included increased economic aid and military assistance to Jordan and Yemen, and the U.S. did not comment on the postponement of elections in both countries. U.S. Army Special Forces trained counterparts in Yemen, and on November 3 an unmanned aircraft deployed by the U.S. Central Intelligence Agency fired a missile at a car driving in the Marib region of Yemen, killing five occupants including Salim Sinan al-Harithi, an alleged al-Qaeda leader and wanted in connection with the October 2000 bombing of the USS Cole in Aden harbor.

According to press reports, the U.S. government bypassed extradition and other legal procedures and secretly transported “dozens” of persons suspected of terrorism links to third countries, including Egypt and Jordan. The *Washington Post* quoted a U.S. diplomat as saying, “After September 11, these sorts of movements have been occurring all the time. It allows us to get information from terrorists in a way we can’t do on U.S. soil.” In a move that strained U.S.-Canadian relations, Maher Arar, a Syrian-born engineer and Canadian citizen traveling back to Canada, was detained at a New York airport on September 26, on suspicion of alleged al-Qaeda membership. On October 10, he was deported to Syria without informing Canadian authorities or providing an explanation. Canadian Prime Minister Jean Chretien said on October 17 that his government had lodged a protest with the U.S., complaining that although Arar had a Canadian passport the U.S. “deported him to Syria rather than to Canada.” As of mid-November, Arar was imprisoned and under investigation in Syria, where Canadian diplomats had access to him.

In advance of a possible war with Iraq, the U.S. military presence in the region steadily increased. In addition to an estimated five thousand to six thousand U.S. troops in Saudi Arabia, there were some nine thousand in Kuwait, another 4,200 in Bahrain, and about 3,300 in Qatar, as of October. Smaller numbers were deployed at military bases in Oman and the United Arab Emirates. The rapid expansion of the once-secret U.S. air base at al-Udeid, twenty miles south of Qatar’s capital Doha, was widely reported, along with increasing speculation that it might serve as a replacement for the Combined Air Operations Center at Prince Sultan Air Base in Saudi Arabia. A U.S. Air Force commander at Udeid, Col. Tim Scott, told reporters in October that the U.S. and Qatar were “negotiating to allow the base to be used in any operation against Iraq.”

According to the annual report of the U.S. Library of Congress on arms sales to developing countries, released in August, the Middle East remained the largest arms market, accounting for more than 45 percent of all developing country purchases. In the 1998-2001 period, the U.S. was the source for more than 70 percent of all Middle East country purchases, and arms transfer agreements with Middle Eastern countries accounted for more than 79 percent of all U.S. arms sales to developing countries. The leading purchasers for this four-year period were the United Arab Emirates, Israel, Egypt, and Saudi Arabia.

ALGERIA

HUMAN RIGHTS DEVELOPMENTS

Political violence declined overall but continued to claim an average of 125 lives monthly, most of them civilians. Frequent protests in the Berber-majority Kabylie region, not all of them peaceful, led to arrests and, at times, harsh repression by the security forces. Demonstrations and riots erupted frequently in other regions, in protest of poor living conditions, repression, corruption, and the impunity enjoyed by security forces, officials, and those with influence. Between March and April, some fifty prisoners died in a series of uprisings and fires set by inmates of several prisons protesting against harsh conditions and the jailing of pre-trial defendants for long periods rather than releasing them on bail.

In the aftermath of the September 11, 2001 attacks on the U.S., Algeria, in its first report to the United Nations Counter-Terrorism Committee, welcomed the new global efforts as “corroborating its own consistently argued position on the nature of terrorism . . .” Algeria, the report stated, had “long suffered the ravages of terrorism, often in the face of indifference” from the international community.

As in previous years, officials claimed that Algeria’s armed groups were on their last legs. Army chief-of-staff General Mohamed Lamari told the London-based *el-Moushahid as-Siyassi* in June that the number of armed Islamists nationwide had dropped to seven hundred and that “the end of these criminal groups is imminent.” Authorities refused, however, to end the ten-year-old state of emergency that granted the Interior Ministry special powers to forbid public gatherings and detain individuals without charge.

While security in the major cities had improved, rebel groups that had spurned President Bouteflika’s 1999 offer of amnesty continued to massacre civilians in rural areas and smaller cities. These groups were also believed responsible for placing deadly bombs in public places. The province of Chlef was particularly hard-hit, with at least 120 persons slain between July and October, including twenty-six in an August 16 attack and twenty-one on October 24, both in isolated villages. A bomb blast in a busy market in Larbâa killed thirty-eight persons on July 5. The perpetrators of such attacks rarely, if ever, provided specific claims of responsibility or

justifications for their acts. Active groups included the Armed Islamic Group, which had for several years been indiscriminately targeting civilians, and the Salafist Group for Preaching and Combat, which was better known for attacks on military targets.

There was a noticeable decline in reports of human rights violations committed by the security forces compared to the mid-1990s. But the pattern of violations suggested that any decline was caused more by the drop in political violence than by stronger safeguards against abuse. While there were no new confirmed “disappearance” cases, police wearing plainclothes continued to arrest young men and hold them incommunicado beyond the legal twelve-day limit and without informing their families. While reports of torture were down in absolute numbers, prisoners were still at high risk of being tortured by their interrogators.

Impunity remained a paramount concern. President Bouteflika pledged more than once to bring to justice the security force members accused of using excessive force in putting down Berber protests in 2001, which left more than ninety dead. The president kept his promise to withdraw some of the controversial gendarme units stationed in the Kabylie, but little was done to bring offenders to justice. Similarly, despite pledges by a new presidential human rights commission to resolve the issue of the “disappeared” by the end of 2002, no progress had been achieved as of mid-November.

The Berber protest movement focused on demands for recognition of cultural and linguistic rights, and an end to repressive and corrupt behavior by the security forces. On the question of regional political autonomy the movement housed diverse viewpoints.

In elections held May 30, the National Liberation Front, the ruling party during Algeria’s three decades of one-party rule, captured 199 out of the 389 seats in the lower house of parliament. Three legal Islamist parties won a total of eighty-two seats, although the Interior Ministry had disqualified tens of their candidates on the grounds that they belonged to an “illegal organization,” namely the Front Islamique du Salut (FIS). (Authorities banned the FIS in 1992 after it performed strongly in the first round of legislative elections. A military-backed coup canceled the second round of those elections to prevent the FIS from capturing a parliamentary majority.) Wafa, a party expected to capture strong support among Islamist voters, could not participate in 2002, since the Interior Ministry had refused it legal recognition two years earlier, saying it was too close to the FIS.

During the campaign period, authorities prevented two Berber-dominated political parties that favored an election boycott from holding rallies and meetings in public venues, explaining that these were reserved for the parties competing in the vote. State-controlled television also denied coverage to the pro-boycott movement, but it covered the range of participating parties and candidates.

In parts of the Kabylie, the vote was marred by acts of intimidation, vandalism, and disruption committed by activists associated with the pro-boycott Coordination Inter-Wilaya, a collective of local Berber activist groups and councils in several provinces. However, the turnout was extremely low even in those parts of the Kabylie where no disruptions were reported, and reached only two percent for the region as a whole.

In local elections held October 10, the National Liberation Front, together with its ally the Democratic National Rally, won control of a majority of town councils and provincial assemblies. Again, pro-boycott activists in the Kabylie tried to dissuade voters through acts of intimidation and violence.

In a March 12 speech to the nation, President Bouteflika addressed some Berber grievances without responding to others. He decreed that Tamazight, the Berber tongue, would become a “national” language, a concession that fell short of the demand that it become an “official” language, like Arabic. The president also announced that twenty-four gendarme agents and five officers had been charged with homicide or improper use of their firearms for their conduct during the Kabylie unrest. “The trials will take place in complete openness,” he declared, “without any ambiguities or aspects left untreated The state will not yield to impunity.” However, in the months following this strong statement, it was possible to verify only two or three cases where security force agents had been bought to trial. These included the October 29 conviction by a military court of gendarme Merabet Mestari. Merabet was sentenced to two years in prison for involuntary homicide in the killing of student Massinissa Guermah, the incident that triggered months of protests in the Kabylie in 2001. In isolated instances, gendarmes, police, and members of government-organized civilian defense patrols were prosecuted for human rights abuses; however, the feared Military Security agency continued to be above any kind of public accountability for its conduct, notably its torture of suspects under interrogation.

Both the unrest and the repression in the Kabylie sharpened during March, despite the president’s speech. There were frequent sit-ins, marches, clashes, and acts of vandalism against public property. Residents complained of “retaliatory” and “punitive” raids by security personnel, who ransacked and looted homes, cars, and businesses, and punched and clubbed passersby in the street. Seven youths died in various incidents between March 21 and April 1, and scores were seriously wounded by live and rubber bullets, teargas, and beatings. Authorities arrested some three hundred people during March, including demonstrators and the leaders of the protest movement. Many were quickly tried and sentenced to up to two years in prison on charges such as participating in an illegal gathering, damaging public property, incitement to riot, blocking traffic, and distributing subversive tracts. The arrests and trials sparked further sit-ins and rallies to demand their release. These continued sporadically in the region until President Bouteflika on August 5 amnestied all those who had been arrested in connection with the protests in the Kabylie up until that point. However, both the protests and the arrest of demonstrators and their accused leaders continued after August.

On March 14, police in Algiers forcibly blocked a march called by the Berber-based Socialist Forces Front, turning back cars with out-of-town license plates and briefly arresting scores of marchers. Nine months earlier, authorities had banned all demonstrations in the capital “until further notice.” However, in other parts of the country, political demonstrations often took place without incident, such as an April 20 march by some one hundred thousand in Tizi-Ouzou.

On April 2, an uprising in a prison near Constantine resulted in the death of some twenty inmates in unclear circumstances. Throughout April and early May,

prisoners staged disturbances and set fires in several facilities across the country. Nearly fifty were killed, including about twenty in an April 30 mutiny in Serkadji prison. Among the leading grievances expressed were the courts’ preference to detain suspects pending trial and the often-lengthy pre-trial detention that resulted. Mohand Issad, who headed a presidential commission on judicial reform, blamed the disturbances also on prison conditions, including “overcrowding . . . unacceptable food and disastrous medical conditions.” In press interviews in May, he asked, “When detainees are piled on top of one another in small cells, when juveniles are next to adult criminals and healthy persons next to sick ones, what should you expect?” President Bouteflika said on October 30 that authorities had “heard” the prisoners “cries of distress.” He promised improvements in prison conditions and urged judges to respect the “exceptional” character of pre-trial detention in Algerian law.

There was no progress in elucidating the fate of the estimated seven to ten thousand persons who “disappeared” between 1993 and 1998 at the hands of the security forces and their paramilitary allies. On October 28, Major General Mohamed Touati, a presidential advisor, called “disappearances” an “unfortunate and prickly issue that must be addressed by the governing institutions,” marking the first time a senior officer of the army had publicly acknowledged the problem.

The president’s National Consultative Commission for the Promotion and Protection of Human Rights, founded in 2001, told Human Rights Watch on November 6 that it had 4,743 dossiers submitted by families regarding persons presumably “disappeared” by state agents, and that it continued to receive previously unreported cases. Commission President Moustapha Farouk Ksentini said he believed the real total of “disappearances” was “7,000 to 10,000, possibly even 12,000.” In a June 28 interview with the online journal *Algeria Interface*, Ksentini said, “The question of ‘disappearances’ must be definitively resolved before the end of the year If we reach the conclusion that the State is guilty, we will say so clearly The truth must become known, whatever it may be. The honor of the country and its institutions are at stake. The horrible things from the last few years must never be repeated.”

Ksentini acknowledged to Human Rights Watch on November 6, however, that neither the government nor his own commission had thus far satisfactorily elucidated a single case of “disappearance.” Nevertheless, authorities continued to make unsubstantiated claims during the year that the government was “clarifying” cases that families had brought to its attention. On March 10, Justice Minister Ahmed Ouyahia said on Algerian radio that some six hundred “disappeared” had in fact joined terrorist groups, out of a total number that he put at 3,200 to 3,300. He did not elaborate.

While there were no new confirmed cases of persons abducted and “disappeared” in 2002, security forces continued to make arrests in a manner that violated Algerian law and that put the detainee at risk of “disappearing.” The arresting force often wore plain clothes and declined to identify itself. The detainee was then often held in garde à vue detention beyond the twelve-day legal limit that applies to “terrorism” and “subversion” cases, although flagrant violations of this law were less frequent than in the mid-1990s. During garde à vue, relatives were unable to obtain

any official information about the person's whereabouts. For example, ex-prisoner Omar Toumi of Algiers went on an errand on January 26 and failed to return to his family. His family contacted the police but received no official confirmation he had been detained until mid-February. Toumi was eventually brought to court and charged with security offenses. Omar's brother Saïd has been "disappeared" since being arrested in 1994 at his workplace by armed men, some of them in uniform.

Persons taken into detention, whether for security or common criminal offenses, were at risk of being tortured by their interrogators. Beatings and the "chiffon"—placing a rag soaked in dirty water or household chemicals over the nose and mouth to induce choking—were the most commonly reported torture methods. The use of electric shocks was also reported on occasion in different detention centers. Ahmed Ouali and his father Mohamed and uncle Fouad were all arrested on January 12 near their homes in el-Harrach and brought to a detention center run by the Military Security agency. The three later told defense lawyer Mahmoud Khelili that their interrogators subjected Ahmed, a former FIS activist, to the "chiffon" and electric shocks and bound him by a rope suspended from the ceiling. Fouad suffered similar mistreatment. The two brothers were charged with membership in a terrorist organization and placed in pre-trial detention. Mohamed, who was beaten during interrogation, was released without charge.

Hoceine Rachdi of Relizane was arrested on October 2 and tortured by agents of the Military Security who applied electric shocks to his ears, according to a relative interviewed by Human Rights Watch. The relative said that family members could still see traces of torture on Hoceine's face and hands during an October 14 visit with the prisoner, who was being held on suspicion of aiding a terrorist organization.

Boubaker Kamaz, a former security prisoner who lives in Constantine, was arrested January 9. Kamaz told his lawyer that during his fourteen days in incommunicado detention—two days longer than the legal limit—he was chained to a chair, beaten, whipped, and gagged with a "chiffon." The investigating judge rejected his demand for a medical examination, a decision that was reversed on appeal. When a doctor finally saw Kamaz on May 2, nearly four months after the abuse occurred, he noted scratches from the wrist and ankle restraints. In a rare departure from the usual practice, the trial judge on October 20 acquitted Kamaz on charges of belonging to a terrorist group, apparently after accepting the medical report as grounds for doubting the evidentiary value of Kamaz's confession.

State-controlled television and radio remained government mouthpieces, ignoring or downplaying major demonstrations and massacres that were covered on locally available European and Arab stations. A bright spot was the live broadcasting of sessions of parliament. Private newspapers, in spite of repressive press laws, often criticized government actions, publishing eyewitness accounts of the gendarmerie's suppression of demonstrations, and accusing officials and state institutions of corruption, nepotism, and incompetence. They exercised more self-censorship concerning the army's role in politics.

A number of reporters, cartoonists, and editors at Algeria's private daily newspapers were summoned for questioning by the police or investigating judges in response to complaints filed by the Defense Ministry regarding published articles

and political cartoons. Those who were charged risked the longer jail terms and larger fines provided by the 2001 amendments to laws on libel. However, journalists who were sentenced to prison terms during 2002 appealed their convictions and none was actually incarcerated during the first ten months of the year.

Khaled Nezzar, Algeria's defense minister from 1990 to 1993, sued ex-army officer Habib Souaïdia for libel in a Paris court for having declared on French television that Algeria's "generals" had killed "thousands of people" during the political violence of the 1990s. Souaïdia is author of a book on Algerian army abuses entitled *The Dirty War*, published in 2001 in France, where he resides. The weeklong trial in July featured some thirty witnesses, including persons tortured by the security forces and relatives of persons murdered by armed groups. The court ruled in September against the plaintiff, saying that history, rather than the court, was a better venue to resolve the dispute.

In separate cases, French courts also dismissed complaints against Nezzar filed by torture victims who claimed that Nezzar bore command responsibility for the torture they allegedly suffered at the hands of his subordinates. The French courts decided to close the cases after Nezzar submitted in April to questioning by police who were investigating the complaints. The court ruling was based on the grounds that the evidence directly linking the ex-minister to acts of torture was not sufficiently compelling. In Algeria, meanwhile, a court on April 30 sentenced Souaïdia in absentia to twenty years in prison for having said in a press interview that he had been in touch with a dissident group of ex-officers in exile and if there were a revolt against Algeria's rulers he would come back "to take up arms against the generals."

The new government formed after the May legislative elections included five women ministers, including the renowned women's rights activist Khalida Mes-saoudi as spokesperson. However, there was no progress made during the year toward modifying the 1984 Family Code, which grants women inferior rights in divorce, inheritance, custody of children, and other matters.

DEFENDING HUMAN RIGHTS

Human rights defenders collected and published information openly in major Algerian cities. However, their work was hampered by selective acts of harassment and prosecution and by the fear of many victims and witnesses to come forward to provide testimony.

Mohamed Smaïn, spokesperson for the Algerian League for the Defense of Human Rights (Ligue Algérienne de défense des droits de l'Homme, LADDH) in the western city of Relizane, was sentenced to one year in prison and a fine by a court of appeals on February 24 on charges of libeling a former mayor, el-Hadj Fergane, and members of an armed self-defense group he headed. Smaïn had long accused Fergane and his colleagues of carrying out "disappearances" and assassinations in the region during the mid-1990s. In February 2001, Smaïn had alerted the press to an earth-digging operation, at which Fergane was allegedly present, to transfer the contents of a mass grave near Relizane to another location. Smaïn was free pending his appeal of the verdict to the Supreme Court, which had not ruled

by the time this report went to press. In September, Smaïn's passport and driver's license, confiscated in 2001, were returned to him. Repeated efforts by Human Rights Watch while in Relizane in November to obtain comment from Fergane were unsuccessful.

Organizations built around relatives of "disappeared" persons continued to collect previously unreported cases from 1993 to 1998. They held regular sit-ins in Algiers, Oran, Relizane, and Constantine to demand the return of their relatives or information about their fates. These were tolerated on some occasions and forcibly dispersed on others. On March 18, police dispersed relatives of the "disappeared" who were attempting to gather in front of the United Nations office in Algiers and arrested Abderrahmane Khelil, an activist with the LADDH and SOS-Disparus, an advocacy group launched by relatives of the "disappeared." He was released without charge after a few hours. Police also used force to break up sit-ins by relatives of the "disappeared" before the headquarters of the president's human rights commission on June 23 and July 3, and to turn back a march of some fifty relatives toward the president's office on November 6.

Khelil and a friend, Sid Ahmed Mourad, were arrested on May 19 near an Algiers university campus where they had gone on behalf of the LADDH to investigate the arrest of students the day before. They were jailed until May 26, when a court gave them a six-month suspended sentence for "inciting an unarmed demonstration," even though they had not arrived at the scene of the demonstration in question until the following day.

Foreign human rights organizations continued to receive visas selectively and sporadically. Between February 2001 and August 2002, no request to conduct missions from Human Rights Watch, Amnesty International, the International Federation of Human Rights, or Reporters without Borders was approved. However, the organizations were able, on occasion, to send researchers and trial observers when they needed no entry visa due to their nationalities. In September 2002, both Human Rights Watch and Reporters without Borders received entry visas for the first time since May 2000 and January 2001, respectively, and both organizations carried out research missions in October.

Algeria 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 did not accept a request for an invitation from the Working Group on Enforced and Involuntary Disappearances. However, it allowed a visit in September by the rapporteur on freedom of religion or belief.

The International Committee of the Red Cross (ICRC) continued its program of visiting inmates in prisons administered by the Justice Ministry, and opened an office in the capital. The organization was permitted also to visit prisoners in garde à vue detention in police stations. However, detainees held in facilities run by the military—where the most severe abuses were thought to take place—remained off-limits.

THE ROLE OF THE INTERNATIONAL COMMUNITY

European Union

The government of Algeria made progress in rehabilitating its image internationally in late 2001 and in 2002. An overall drop in political violence, President Bouteflika's offer of partial amnesty to the rebels, and his strong anti-terror position following the September 11, 2001 attack on the United States helped to upstage human rights concerns that had kept many Western governments from deepening relations with Algiers.

The president met with President Bush twice during 2001. On November 30 of that year, he hosted Jacques Chirac in the first visit by a French head of state since 1988. One month later he was in Brussels for the initialing of an Association Agreement with the European Union.

Europe remained the chief source of Algeria's imports and the main consumer of its exports, mostly natural gas and oil. France was the state most influential in shaping E.U. policy toward Algeria. It was also the leading source of Algeria's imports and home to the largest Algerian community outside Algeria.

The E.U.-Algeria Association Agreement was formally signed on April 22, after four years of mostly stalled negotiations. It focused on tariff reductions, but also included an article that called "respect for human rights" an "essential element" of the agreement; this article was common to the E.U.'s agreements with its Euro-Mediterranean partners. The Algeria pact won the European Parliament's endorsement on October 10, but before taking effect it had still to be approved by the national parliaments of Algeria and the E.U. member states.

The E.U. was quieter on human rights issues than in 2001, when the outbreak of unrest in the Kabylie prompted a more vocal response. The E.U.'s constituent bodies made no comment on the legislative elections held on May 30. But on June 5, on the occasion of the first of the twice-yearly meetings between Algerian officials and the E.U. "troika," Spanish Foreign Minister Josep Pique, the delegation head, said the troika had noted a "clear improvement" in respect for democracy and human rights. He provided no specifics.

Pique added that the delegation had raised the issue of "disappearances," but he did not disclose whether headway was made on the issue. Officials of the European Commission told Human Rights Watch that the troika had requested, at each bilateral meeting since 1999, concrete information on a regularly updated list of some thirty "disappearance" cases, but, as of October 2002, had yet to receive from Algerian authorities verifiable information on the whereabouts or status of any of those cases.

The Algeria Strategy Paper under the Euro-Med Partnership for 2002-2006 identified "consolidation of the rule of law and good governance" as one focus of E.U. assistance. In January, the European Commission signed a contract to disburse €8.2 million over six years for police reform, and also provided aid to a variety of nongovernmental organizations and independent media. However, the E.U.'s program hit a rough spot in January 2002, when Algerian authorities denied visas to two commission officials who were about to conduct a technical mission to Algeria

to assess potential partners within civil society. Algeria, which stated that it had not been duly consulted in advance of the mission, subsequently issued visas and the mission took place in April.

When giving its assent to the Association Agreement, the European Parliament overwhelmingly adopted a strong ancillary resolution identifying “points of reference for assessing compliance with the human rights clause” of the pact. These goals included resolving the problem of the “disappeared,” “ending all forms of impunity,” “guarantee[ing] a truly independent justice system,” and allowing access for U.N. rapporteurs and human rights organizations.

United States

The U.S. and Algeria drew closer during 2001 and 2002, a result of increased cooperation in fighting terrorism, growing bilateral trade, and U.S. private investment in Algeria, mostly in the hydrocarbon sector.

While U.S. direct aid to Algeria remained minimal, the two countries engaged in a fourth round of joint naval exercises in January and several senior U.S. officials traveled to Algeria following President Bouteflika’s two meetings with President Bush in 2001. In December of that year, Undersecretary of State William J. Burns met with President Bouteflika; a Central Intelligence Agency (CIA) delegation came in February to discuss security cooperation. Despite these opportunities, U.S. officials did not publicly raise human rights concerns. Criticism, when it came, was mild. Burns, speaking in Washington on January 30, cautioned all the Maghreb countries about “heavy-handed governance that aims to suppress dissent, but often has the effect of prolonging it.” State Department spokesman Richard Boucher commented on May 30, “We have seen progress in Algeria toward greater democracy, and we urge President Bouteflika and his government to continue efforts to improve and strengthen freedom of expression, responsive government, and a transparent political process.”

But the tenor of relations during 2002 was revealed more by the Department of State’s counter-terrorism chief Francis X. Taylor, who declared upon his arrival in Algiers on June 27, “Algeria is one of the most tenacious and faithful partners of the United States Algeria has cooperated with us in every domain.” Under Secretary of State Marc Grossman visited Algiers on November 6 and said in a press conference that the U.S. was supporting Algeria’s fight against terrorism “with some joint training and also with other help that we can provide.” Grossman met that day with Prime Minister Ali Benflis and Foreign Minister Abdelaziz Belkhadem. There was no public indication that he raised human rights issues in those discussions; however, in his press conference Grossman said the U.S. was prepared to help train Algerian judges so that they would be “independent . . . courageous . . . [and] make decisions on the basis of the law.”

The only forceful public comment made by the U.S. on the subject of human rights in Algeria remained the annual country reports on human rights practices, released in March. The U.S. Agency for International Development funded some training programs for human rights and other civil society organizations. The State Department’s Democracy Commission Small Grants Program awarded \$18,000 to

three human rights groups to organize a conference on the “disappeared.” The National Endowment for Democracy, a congressionally funded private foundation, also provided grants to independent human rights groups.

On March 27, the State Department added the Salafist Group for Preaching and Combat to its list of foreign terrorist organizations, a designation it had already given to the Armed Islamic Group.

The U.S.-government-run Export-Import Bank, which provided loans and guarantees to assist U.S. investment abroad, had an exposure in Algeria on September 30 of U.S. \$1.84 billion, second in the region only to the bank’s exposure in Saudi Arabia of \$1.88 billion.

The U.S. shifted its policy in favor of licensing private sales of night-vision equipment for counter-insurgency use by the Algerian government, according to various press reports published since late 2001. The equipment had been among the nonlethal materiel the U.S. had previously declined to license because of concerns about the human rights practices of the government. The State Department declined to comment when Human Rights Watch sought confirmation of this reported change in policy.

EGYPT

HUMAN RIGHTS DEVELOPMENTS

The government intensified its crackdown on real or suspected political opponents, tightened its control over civil society institutions, and clamped down on freedom of speech and expression. Thousands of political suspects remained in prolonged detention without trial under emergency legislation in force almost continuously since 1967, and there were a series of grossly unfair trials before military or state security courts in which defendants had no right of appeal to higher tribunals. The torture and ill-treatment of political detainees remained common, and the government continued to impose the death penalty.

The authorities carried out hundreds of arrests during 2002 of suspected government opponents, targeting principally alleged members of banned Islamist groups. The arrests were widely perceived as part of a wider crackdown on groups espousing Islamist ideologies in the wake of the September 11, 2001, attacks in New York and Washington, D.C. Minister of Interior Habib al-Adli told journalists in February: “There should be a clear distinction made between human rights and crimes. I have no mercy for criminals who give themselves the right to threaten the nation’s well-being.” Many of those arrested were held under emergency legislation, in some cases allegedly tortured, and subsequently either released without charge or referred to trial before special courts that failed to meet international fair trial standards.

A small number of those arrested allegedly belonged to Talae’ al-Fatah (Van-

guards of the Conquest), a banned Islamist group believed to be an offshoot of al-Gihad al-Islami (Islamic Jihad). The vast majority of the Islamists targeted, however, were alleged members of the banned al-Ikhwan al-Muslimun (Muslim Brotherhood), scores of whom were arrested in several operations carried out by state security personnel. Eight prominent members of the group were arrested on January 25 after allegedly participating in a secret meeting in the al-'Agouza district of Cairo. They included several university professors and doctors as well as an engineer. They were detained for fifteen days pending further investigation. A further twenty-eight people reportedly linked to the Muslim Brotherhood were arrested on July 12 in Cairo and elsewhere. They were charged with planning to stage a demonstration "allegedly to support the Palestinian cause and to criticize the government's policy in handling that issue," according to Interior Ministry officials. They were detained for fifteen days pending investigation. On July 21, thirty-four other alleged Muslim Brotherhood members were also held for fifteen days pending investigation. They were arrested the previous day near Cairo and accused of membership of an illegal organization, possessing literature promoting the group's ideology, and harming national unity. Among them were students, university lecturers, doctors, engineers and other professionals. It was not known how many of them remained in detention at this writing.

Violent clashes erupted in Alexandria on June 28 during parliamentary by-elections, as security and police personnel reportedly prevented Muslim Brotherhood supporters from reaching the polling stations to cast their votes. The two seats in the al-Raml constituency being contested had remained unfilled after the 2000 parliamentary elections. In the first round of the 2000 election, two Muslim Brotherhood candidates had defeated candidates representing the ruling National Democratic Party (NDP); the Ministry of Interior then annulled the results, stating that voting had been marred by irregularities. The election went ahead in June 2002 following an administrative court ruling and NDP candidates achieved a landslide victory. Some 150 Muslim Brotherhood supporters were arrested during the election-related clashes. Many of them were released shortly thereafter, but 101 were charged and brought to trial.

Scores of demonstrators were also arrested following protests against Israeli and U.S. government policies toward the Palestinians. On April 9, several thousand demonstrators, many of them university students, held a demonstration in Alexandria to coincide with the visit to Egypt of U.S. Secretary of State Colin Powell. Clashes broke out between the demonstrators and riot police, who reportedly used tear gas and water cannons to disperse the crowds. One demonstrator was killed in the clashes, allegedly after riot police used shotgun pellets, and scores of others were injured. Some seventy student demonstrators were arrested and held under emergency legislation for up to ten days, accused of damaging public property and illegal assembly. They were later released without charge. In mid-May, several activists affiliated with the Egyptian Popular Committee for Solidarity with the Palestinian Intifada were also arrested in Cairo's Tahrir Square. They were reportedly distributing lists of U.S. goods and products and urging members of the public to boycott them. The authorities accused them of disrupting public order and held them for one day before releasing them without charge.

The government continued to refer civilian political suspects to military courts, the vast majority of them on charges of membership in banned Islamist groups and related offences. The trial of twenty-two people accused of membership in the Muslim Brotherhood opened before the Supreme Military Court in Haikstep on December 24, 2001. Most of the defendants were university professors, engineers, doctors, and businessmen, arrested the previous month after staging peaceful protests against U.S. military strikes in Afghanistan. The charges against them included attempting to recruit members to the Muslim Brotherhood and inciting the public against the government. On July 30, the court sentenced sixteen defendants to prison terms of between three and five years and acquitted the remaining six. In a statement issued after the verdict, the Muslim Brotherhood accused the government of targeting its members as part of a crackdown on Islamists carried out under U.S. pressure. In a separate case, noted above, 101 alleged Muslim Brotherhood members and supporters were brought before the state security court in Alexandria between September 2-4, charged with illegal assembly, rioting, assaulting police personnel, and obstructing voting following violent clashes with police and security forces during parliamentary by-elections in the city. On October 22, sixty-six of the defendants received three-month prison terms but were released since they had already served the time; the remainder were acquitted.

Fifty-one alleged members of a previously unknown Islamist group, Tanzim al-Wa'd (Organization of Promise), were convicted by the Supreme Military Court on September 9 following a trial that began in December 2001. They were among ninety-four defendants arrested principally in May 2001, initially accused of illegally collecting funds for Chechen separatists and the Palestinian group Hamas, and held for several months without trial. In October 2001, the authorities announced that the defendants would be referred to trial and charged additionally with plotting to assassinate senior government officials, Muslim and Christian religious figures, writers, and others, and plotting to organize military training for their members in Chechnya with the intention of perpetrating terrorist acts in Egypt. The defendants included several foreign nationals, among them three Russian nationals from Dagestan, while the Egyptian defendants included two prominent mosque preachers and two others who had received flight training in the U.S. Initially, seven of them were tried in absentia, but the trial was extended following the extradition of one of the suspects from Azerbaijan in April. Those convicted received prison terms ranging between two and fifteen years, and the remaining forty-three were acquitted. During the trial, a number of defendants said that they had been tortured under interrogation. They had no right of appeal before a higher tribunal and could only appeal for a review before the Military Appeals Bureau.

On October 20, the trial of twenty-six defendants charged with membership in the banned Hizb al-Tahrir al-Islami (Islamic Liberation Party) opened before an Emergency Supreme State Security Court in Cairo. The defendants were among scores of suspects arrested in early April in Cairo, Giza, and Alexandria governorates, accused of belonging to a banned group aiming to "obstruct the legal system and to undermine state institutions" and to establish an Islamic caliphate. The majority was released following several weeks of incommunicado detention. The twenty-six referred to trial, among them three Britons—Ian Nisbett, Majid Nawaz,

and Reza Pankhurst—also faced additional charges of attempting to recruit new members to the Islamic Liberation Party and possession of anti-government literature. During the opening session of the trial, some of the defendants stated that they had been tortured during interrogation to obtain confessions from them, including through beating and electric shocks. The trial was ongoing by late November. If convicted, the defendants faced maximum prison terms of fifteen years and had no right of appeal to a higher tribunal.

Police and security personnel continued to routinely torture or mistreat detainees, in some cases leading to death in custody. A number of political suspects on trial before military or state security courts during 2002 on charges of membership in banned political groups and related offenses alleged that they had been tortured during interrogation while in the custody of State Security Intelligence (SSI). (See below.) Ordinary criminal suspects held in police custody also stated that they had been tortured to extract confessions from them. At least five deaths in custody were reported in 2002. According to the Egyptian Organization for Human Rights (EOHR), at least twelve detainees died under torture at police stations between January 2001 and June 2002. In a report released in May, the EOHR detailed eleven other cases of torture at the hands of the police during the same period.

In a positive development, the authorities referred a number of police personnel accused of torturing and causing the death of suspects in their custody to trial in four separate cases in 2002. For example, the Cairo Criminal Court on July 14 sentenced three police officers to five-year prison terms in connection with the case of Ahmad Taha Yusuf, who died in February after being tortured at Wayley police station in the city. On August 8, a Cairo Criminal Court sentenced two police officers to three-year prison terms each in connection with the death of Sayed Khalifa 'Isa, arrested on suspicion of car theft on January 26. He died in early March after being repeatedly beaten and reportedly subjected to electric shocks at a police station in Madinat Nasr.

Authorities did not investigate the vast majority of allegations of torture, however, and new cases continued to be reported. In November, two local NGOs reported the deaths in custody in July of Nabih Muhammad al-Shahin and his cousin Muhammad Muhammad 'Abdul-Fattah, who were reportedly tortured at Zefta police station and Wadi Natrun prison. They were arrested in June in connection with a street fight. It was not known whether the authorities had opened a criminal investigation into their deaths.

Egypt's Child Law gave police broad powers to arrest children found begging, homeless, or skipping school, and police regularly detained these children for days without food and bedding in cells with adult criminal suspects and subjected them to beatings and sexual abuse and violence.

Egyptian courts sentenced at least fifty-eight people to death and the authorities carried out nineteen executions between November 2001 and November 2002, according to Amnesty International. All the sentences were imposed for ordinary criminal offenses, including murder, rape, and drug trafficking.

On June 10, a state security court in Alexandria sentenced Magdi Anwar Tawfiq to ten years in prison with hard labor after convicting him of spying for Israel's intelligence agency, Mossad. He had been arrested in September 2001 and accused

of communicating with the Israeli consulate in the city, allegedly with the intent of offering information related to Egypt's political and economic interests, and his trial opened on May 11. He had no right of appeal to a higher tribunal. In a separate espionage case, Sherif al-Filali, also charged with spying for Mossad, was convicted by the Emergency Supreme State Security Court in Cairo and sentenced to fifteen years' imprisonment in late March. He had no right of appeal to a higher tribunal. The court had previously acquitted Al-Filali of the charge in a first trial in 2001, but a re-trial was ordered in accordance with emergency laws after President Mubarak's office refused to endorse the verdict. (See *Human Rights Watch World Report 2002*.) His co-defendant, a Russian army officer, was sentenced in absentia to twenty-five years in prison.

The government continued to prosecute individuals for their exercise of freedom of expression. A Cairo misdemeanors court sentenced Shohdy Surur, a web designer for the English language newspaper Al-Ahram Weekly, to a one-year prison term on June 30 after he was found guilty under Egypt's publication laws of violating "public morality." He was arrested in November 2001 after he posted a poem on the Internet written by his late father, Naguib Surur, in the early 1970s. The poem, political in nature, was said by the prosecution to be sexually explicit. Shohdy Surur was released on bail pending appeal, but on October 14 the appeals court upheld the sentence, since, according to Egyptian law, Surur was required to be present at the hearing. Surur was abroad at the time, and had not returned to Egypt by late November.

The government also prosecuted individuals for exercising their right to freedom of conscience and religion. On September 28, a Cairo state security court sentenced Sayed Tolba Abu 'Ali, an employee of Egypt's Atomic Energy Authority, to a three-year prison term with hard labor on charges of blasphemy through the propagation of "ideas contrary to Islamic principles." A female co-defendant received a one-year prison term, and nineteen others, said to be followers of Sayed Tolba, were given one-year suspended sentences. The authorities arrested Sayed Tolba on March 21 in Madinat Nasr, seizing letters and a videocassette in which he allegedly claimed he was a messenger of God. The defendants had no right of appeal before a higher tribunal.

The government continued to prosecute individuals on grounds of their actual or perceived sexual orientation. On December 19, the Cairo Juvenile Appeal Court for Misdemeanors upheld the conviction handed down to a seventeen-year-old for "habitual debauchery," but reduced his original three-year prison term to six months. The boy was one of fifty-three defendants tried in 2001 in the so-called Queen Boat case, in which the authorities charged the defendants with "debauchery" under the Combat of Prostitution Law, and had already spent seven months in detention, including four months held with adult prisoners. (See *Human Rights Watch World Report 2002*.) Of the twenty-three adult men convicted by the Emergency State Security Court for Misdemeanors, twenty-one received prison terms ranging between one and two years, and two others were sentenced to three and five year terms. In May, President Mubarak endorsed the verdicts against the latter two but rescinded those against the twenty-one, who were then released on bail. Their cases, together with those of their twenty-nine co-defendants who had been acquitted

ted by the court, were referred to prosecutors once again for review. A new trial for all fifty-two defendants opened on July 27 before an ordinary criminal court, and was ongoing at this writing. In a separate case, four other alleged homosexuals were convicted of “debauchery” on February 3 by the Court of Misdemeanors in Cairo and sentenced to three-year prison terms each. During their trial, some of the defendants said they had been beaten and otherwise tortured while in police custody. In the third week of September they were acquitted on appeal and released.

DEFENDING HUMAN RIGHTS

On June 3, the National Assembly passed a new law regulating the activities of an estimated sixteen thousand nongovernmental organizations (NGOs) in Egypt, and the law was ratified by President Mubarak two days later. Law 84 of 2002 was intended to replace the controversial Law on Civil Associations and Institutions (Law 153 of 1999), which was overturned by Egypt’s Supreme Constitutional Court in June 2000 on procedural grounds. (See *Human Rights Watch World Report 2002*.) The new version of the law contained an amendment, welcomed by a number of local human rights groups, allowing administrative courts to hear cases arising from disputes between NGOs and the authorities. However, it retained most of the stringent regulations imposed on the activities of NGOs contained in the original law. These included obliging NGOs to seek prior approval from the relevant government authorities for some of their key activities, such as seeking funding from abroad, becoming affiliated to organizations outside Egypt, and holding elections for board members. The law also contained new provisions giving the government even greater powers over NGOs, notably article 42 which authorized the Ministry of Social Affairs to dissolve NGOs without recourse to a court ruling. Among the grounds for dissolution were the participation of NGOs in political or trade union activity deemed prohibited by the authorities and the receipt of foreign funding without prior approval. The new law was condemned by both local and international human rights groups, as well as by funding institutions within the European Union.

On July 29, the Supreme State Security Court sentenced Saadeddin Ibrahim, director of the Ibn Khaldun Center for Development Studies in Cairo, to a seven-year prison term at the end of a second trial that opened on April 27. The trial, widely perceived as politically motivated and aimed at silencing real or potential criticism of the Egyptian government (see *Human Rights Watch World Report 2002* and *2001*), followed a decision by the Court of Cassation overturning previous verdicts against Ibrahim and twenty-seven co-defendants and ordering a re-trial. The defendants had been released on February 7, 2002, but a travel ban on Ibrahim, preventing him from seeking medical treatment abroad, had remained in force pending the re-trial.

In the second trial, marred by irregularities described below, Ibrahim was once again found guilty of receiving donations without prior official permission, disseminating false information designed to undermine Egypt’s stature abroad, and defrauding the European Union. Nadia ‘Abd al-Nour, the center’s chief accountant,

was convicted on the fraud charge and sentenced to two years’ imprisonment, as in the original trial. Two other employees of the center had their two-year prison terms for fraud reduced to one-year suspended sentences and were released shortly thereafter. Two other defendants had their five-year prison terms for bribery and forgery reduced to three years, while the remaining twenty-two sentences remained unchanged.

The outcome of the second trial was widely condemned by local and international human rights groups, as well as by member states of the European Union and the United States, and by U.N. human rights mechanisms. The trial was also marked by serious procedural irregularities, including denying the defense team adequate time to prepare its case and the failure of the presiding judges to respond to applications by defense lawyers for leave to challenge the constitutionality of the legislation under which two of the charges against Ibrahim were brought. The judges failed to respond to pleas for proceedings to be suspended to enable Ibrahim, diagnosed as suffering from a degenerative neurological disorder, to travel abroad for medical treatment. His health was reported to have deteriorated markedly during his incarceration. The authorities also refused to allow representatives of international human rights groups to visit Ibrahim and his co-defendants in prison.

In a victory for free expression, the verdict in the second trial was quashed on appeal on December 3 and a new trial, to be heard before the Court of Cassation, was scheduled for January 7, 2003. Ibrahim and three co-defendants serving custodial sentences were released pending the new trial.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

During the year, Egypt’s human rights record was under scrutiny by a number of the United Nations’ human rights mechanisms. In October, the U.N. Human Rights Committee considered Egypt’s combined third and fourth periodic reports on the implementation of the International Covenant on Civil and Political Rights. It welcomed positive developments in improving the status of women, the introduction of human rights training and awareness programs in educational institutions and for law-enforcement officials, and the creation of human rights divisions within certain government ministries. The committee expressed concern about the continuing state of emergency in the country and called for a review of the necessity of maintaining it. It also called for a review of the “very large number of offenses” punishable by death, with a view to abolishing the death penalty. The committee criticized “the persistence of torture” perpetrated by law-enforcement personnel and “the general lack of investigations into such practices, punishment of those responsible, and reparation for the victims.” It also “noted with alarm that military courts and state security courts had jurisdiction to try civilians accused of terrorism although there were no guarantees of those courts’ independence and their decisions were not subject to appeal before a higher court.” Among other things, the committee called on Egypt to refrain from punishing “private sexual

relations between consenting adults” and to review legislation governing the activities of NGOs to enable them to operate “without obstacles.”

In November, the Committee against Torture considered Egypt’s fourth periodic report on the implementation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Among other things, it welcomed the enactment of legislation banning flogging in prisons and measures taken to regulate procedures for unannounced inspections to places of detention. The committee criticized the absence of mandatory inspections of prisons by an independent body, the numerous complaints of torture and ill-treatment, including of minors, and the absence of prompt and impartial investigations into torture and related deaths in custody. It made a series of recommendations, among them the abolition of incommunicado detention, enabling victims of torture to obtain full redress, ensuring that prisons under state security jurisdiction be subjected to mandatory inspection, and holding minors separately from adult detainees and protecting them from abuse. The committee also urged Egypt to abolish the use of administrative detention, to grant those convicted by military courts the right of appeal before a higher tribunal, to allow human rights NGOs to “pursue their activities unhindered,” and to agree to a visit by the special rapporteur on torture. In his March report to the Commission on Human Rights, the special rapporteur had detailed scores of cases of alleged torture and ill-treatment, including two cases of death in custody, which he had transmitted to the government between May and November 2001.

In her February report to the Commission on Human Rights, the secretary-general’s special representative on human rights defenders, Hina Jilani, expressed concern about procedural irregularities in the state security trial of Saadeddin Ibrahim and his co-defendants. She warned 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 she expressed concern about the use of laws to restrict sources of funding for human rights defenders and to impose related penalties. Jilani said her April 2001 request to visit Egypt remained pending, and she had received no response from the government by July when Jilani submitted her report to the General Assembly.

The special rapporteur on the promotion and protection of the right to freedom of opinion and expression, Abid Hussain, said in his January report to the Commission on Human Rights that he had received an invitation to visit from the Egyptian government, but by the end of November the visit had not taken place. In his report, the special rapporteur detailed several cases transmitted to the government, among them the referral of twenty-two alleged Muslim Brotherhood members to a military court. (See above.)

During a visit to Egypt in February, High Commissioner for Human Rights Mary Robinson met with relevant government officials and representatives of human rights and other NGOs. Among the issues of concern reportedly raised by Robinson was the continuing state of emergency and its adverse effect on human rights protection in the country, particularly in allowing the trial of civilians before military and state security courts.

On May 6, 2002, Egypt ratified the International Labor Organization’s Conven-

tion concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (ILO Convention 182).

European Union

On November 29, 2001, the European Parliament passed a legislative resolution giving its assent to the conclusion of the Euro-Mediterranean Association Agreement between Egypt and the E.U., which had been signed in June 2001. On the same day, the European Parliament passed another resolution expressing concern about aspects of Egypt’s human rights record. The resolution stated that “despite substantial efforts, progress still needs to be made . . . with regard to human rights, freedom of expression and freedom of religious conscience,” and in strengthening the role of civil society. It called on Egypt to take steps to ensure greater respect for fundamental rights and to abolish the death penalty. The resolution urged the European Council and the European Commission “to devise practical arrangements for regular assessments” to improve “regular and impartial monitoring of developments in the field of human rights and the extent to which human rights activists are free to act and speak out in defense of the rights of others.” During a visit to Egypt by External Affairs Commissioner Chris Patten in October, Foreign Minister Ahmad Maher announced that the Association Agreement would be forwarded to the People’s Assembly for ratification during its forthcoming session. The agreement provided for a budget of 351 million euros for the period 2002-2004, of which twenty million euros were earmarked for support to social development and civil society in 2003.

On July 4, the European Parliament passed a resolution expressing concern at the Egyptian authorities’ decision to retry fifty-two Egyptian men charged with “debauchery” and related offenses (see above), noting that this contravened article 14 of the ICCPR, since the defendants had already been tried in an earlier trial. The resolution urged the government to halt “all prosecution of citizens on grounds of homosexuality and to protect their individual freedoms.”

Commissioner Patten denounced in a July 30 statement the guilty verdict handed down to Saadeddin Ibrahim and his co-defendants in the Ibn Khaldun case (see above), and he criticized the continued use of state security courts to hear such cases. He said that the “questionable procedures used in the conduct of this high profile trial, the decision to retry these defendants after a successful appeal, the deteriorating health of the principal defendant, and the harsh outcome of the new trial must concern those who most support Egypt in its ambitious program of economic, social and political reform.” An E.U. Presidency statement issued on the same day also expressed “its surprise at the hurried fashion in which the sentence was handed down, which can throw doubt on the respect due . . . this trial.”

In a September 5 debate on the human rights situation in Egypt, European Parliament member states expressed concern about the continued imprisonment of Saadeddin Ibrahim and some of his co-defendants, as well as the prosecution of alleged homosexuals on grounds of their sexual orientation, the arrest of suspected Islamist activists, and the continuing restrictions on NGO activity. Several member states stressed that respect for human rights was an integral part of the Association

Agreement between Egypt and the E.U., and that “the democratic clause in article 2 is not a luxury, nor is it an option.” Commissioner Patten strongly condemned the government’s handling of the Ibn Khaldun case, which he said had caused “evident damage to Egypt’s international reputation.” He reiterated that the commission “has no evidence of financial or other wrongdoings by Dr. Ibrahim or his co-defendants with respect to the two NGO contracts managed by them,” detailed in an affidavit submitted during the defendants’ appeal. Following the debate, the European Parliament passed a resolution reiterating its condemnation of the conviction of Ibrahim and his co-defendants following a second trial in July, urging President Mubarak “to use his powers to obtain the release of Dr. Ibrahim and his colleagues pending a fair and final judgment.”

United States

The U.S. remained Egypt’s largest provider of foreign military and economic assistance, estimated at U.S.\$2.1 billion. However, with the noteworthy exception of a public decision in August not to consider additional aid following the conviction of Saadeddin Ibrahim, the Bush administration refrained from making U.S. assistance in any way conditional on improvements in Egypt’s poor human rights record.

In January, the U.S. announced an accelerated assistance plan of U.S.\$959 million, which it said was aimed at helping the Egyptian economy’s recovery in the aftermath of the September 11, 2001, attacks on the U.S. An estimated U.S.\$202 million was released at the end of June, the bulk of which was aimed at supporting the Egyptian government’s measures in combating money laundering. In a statement on July 1, the U.S. ambassador to Egypt, David Welch, said that the U.S. government supported “the efforts of the Egyptian government in preventing the flow of money to terrorists and criminal groups.”

On August 15, the Bush administration announced that it would not consider further aid to Egypt in response to the July 29 conviction of Saadeddin Ibrahim, who held dual Egyptian-U.S. citizenship, and his co-defendants. Earlier, a State Department spokesperson said the administration was “deeply disappointed” at the verdict, and that it would “continue to follow Dr. Ibrahim’s case closely” and press its concerns with the Egyptian authorities. U.S. officials made clear, however, that Egypt’s annual \$2.1 billion of military and economic assistance was “not in danger.” The Bush administration also did not comment on the politically motivated arrests and unfair trials of scores of alleged Islamist opponents of President Mubarak’s government.

In its *Country Reports on Human Rights Practices for 2001*, released in March 2002, the State Department said that Egypt’s record “remained poor with respect to freedom of expression and its continued referral of citizens to trial in military or State Security Emergency courts, among other areas.” It criticized the use of emergency legislation to restrict basic rights, and said, “In combating terrorism, the security forces continued to mistreat and torture prisoners, arbitrarily arrest and detain persons, hold detainees in prolonged pre-trial detention, and occasionally engage in mass arrests. In actions unrelated to the anti-terrorist campaign, local

police killed, tortured and otherwise abused both criminal suspects and other persons.” It also said that prison conditions remained poor.

In its *Annual Report on International Religious Freedom for 2002*, released in October, the State Department said that “there was a continued trend toward improvement in the Government’s respect for religious freedom,” but that certain abuses and restrictions remained. It said that the government “continued to prosecute for unorthodox religious beliefs and practices under the charge of ‘insulting heavenly religions.’”

Secretary of State Colin Powell visited Egypt in early April as part of a wider Middle East tour. Talks held with President Mubarak and government officials focused on the revival of the Middle East peace process in the context of the deteriorating security situation in Israel and the Palestinian Authority areas. The continued violence between Israelis and Palestinians also dominated talks between President Mubarak and President Bush when the former visited Washington, D.C., in early June.

RELEVANT HUMAN RIGHTS WATCH REPORTS:

The State of Egypt vs. Free Expression: the Ibn Khaldun Trial, 01/02

IRAN

HUMAN RIGHTS DEVELOPMENTS

Human rights progress in Iran was caught in a continuing political power struggle between popularly elected reformers, who controlled both the presidency and Parliament, and clerical conservatives, who exercised authority through the office of the Leader (held by Ayatollah Ali Khamenei), the Council of Guardians, the judiciary, and the armed forces. Despite landslide electoral victories in every major election from 1997 to 2002, the reformers were unable to dislodge repressive policies favored by the clerical leadership, including far-reaching restrictions on freedom of expression, association, and political participation.

The Council of Guardians repeatedly blocked bills passed by the Parliament in such areas as women’s rights, family law, the prevention of torture, and electoral reform. The judiciary, deployed as one of the conservative’s strongest weapons, further undermined the rule of law with arbitrary closures of newspapers and imprisonment of political activists.

Two notable political events illustrated the conflict between reformers and conservatives. On July 8, a leading cleric, Ayatollah Jalaluddin Taheri, announced his resignation as Friday Prayer Leader of Isfahan. Friday Prayer Leaders, appointed by the Leader of the Islamic Republic, were the senior religious authorities in their

cities and districts. In his widely circulated letter of resignation, the Ayatollah, declaring that he would flee what he could no longer tolerate, issued a ringing denunciation of the clerical establishment. He accused Iran's clerical leaders of directing and encouraging "a bunch of club wielders" and of "marrying the ill-tempered, ugly hag of violence to religion." He observed that the centers of power were "unchecked and unbridled ...neither reproached by the executors of justice nor reproved by the law." This criticism of lack of accountability, corruption and lawlessness, coming from someone of impeccable religious credentials at the heart of the establishment, struck a deep chord. The conservative establishment sought to limit the damage by ordering official news outlets to restrict their coverage of the Ayatollah's statement, an order that was only partially successful.

A second major political development revealed how structural contradictions within the Islamic Republic perpetuated the political conflict between reformers and conservatives. In September, President Khatami presented new bills to Parliament designed to override obstacles to his reform agenda. One new bill sought to increase the president's power to issue warnings when state institutions exceeded their constitutional functions. President Khatami had issued numerous such warnings over the years to protest the arbitrary closures of newspapers or the jailing of his supporters, but his warnings had been ignored. The bill was accompanied by another designed to curb the powers of the Council of Guardians to veto electoral candidates. By the end of the year, the bills had passed the Parliament easily, but their endorsement by the Council of Guardians was unlikely.

Attacks against the independent news media persisted. They had begun in April 2000 with a speech by the Leader identifying the reformist press as "bases of the enemy." They continued in November 2001, when the daily *Nation (Mellat)* was closed by order of the head of the Tehran Press Court, Judge Said Mortazavi. He accused the newspaper of cultural bias and of ignoring warnings. The closure followed a pattern, repeated throughout the year, in which the judiciary ignored the press law requirement for a public court hearing in front of a jury before any order to close.

On December 15, 2001, Mohammad Salamati, editor of *Our Era (Asr-e Ma)*, the mouthpiece of a group called Mojahedine of the Islamic Revolution Organization, was sentenced to twenty-six months in jail for views he expressed in the journal. The judge of the press court where he was tried ignored the jury's recommendation to commute the sentence. Salamati's sentence was reduced to seventeen months on appeal in March, and suspended after the intervention of the Ministry of Culture and Islamic Guidance. The magazine remained closed at this writing. In December 2001 and January 2002, provincial newspapers in Tabriz, Hormuzgan, Luristan, and Zanjan were closed and editors received prison terms of up to eighteen months for inciting public opinion and insulting Islamic sanctities. Other closures in January included specialist film magazines accused of offending moral decency. In April, the Tabriz general court revoked the publication license of *Shams-i Tabriz* weekly and sentenced publisher Ali Hamed Iman to seven months in jail and seventy-four lashes. Charges against Iman included publishing lies, stoking ethnic tensions, and insulting Islamic sanctities and officials.

A further wave of closures began in May. The judiciary banned the influential

reformist newspaper *Foundation (Bonyan)*. Then it closed the pro-reformist newspaper Iran for twenty-four hours. The court gave no reason for the paper's suspension, but it was believed the decision was related to an allegedly blasphemous article suggesting that the Prophet Muhammad enjoyed listening to women sing and play music.

In July, the judiciary shut the leading reformist newspaper in Iran, *New Day (Norouz)*, for six months. The paper's director, Mohssen Mirdamadi, a senior reformist personality and a member of Parliament, was sentenced to six months in jail, though he had not yet begun serving the sentence at this writing. *Norouz* was the most important of the remaining reformist dailies and acted as the voice of the biggest reform political faction, the Participation Front. Mirdamadi was also fined and banned from press activities for four years. Another press court banned *New Day (Ruz-e Now)* merely because its name was similar to *Norouz*.

The Tehran daily *Mirror of the South (Ayineh-e Jonub)*, launched nationwide only a week previously, was closed in July for allegedly publishing articles contrary to the law and spreading propaganda against the Islamic revolution. A press court subsequently banned the *Daily Report (Guzarish-i Ruz)*, which had previously been ordered closed temporarily. The judiciary also threatened to prosecute Iran's official Islamic Republic News Agency for printing a statement by the recently banned opposition party, the Iran Freedom Movement (IFM). Further closures followed and by the end of the year the number of newspaper and magazines closed since April 2000 had reached over eighty-five titles. Any pretense that legal principles would be observed in regulating the press disappeared. Iran's press courts acted as a law unto themselves, issuing closure orders by decree without legal basis.

Iran's courts also restricted independent political activity through a series of political trials of supporters of the National Religious Alliance (NRA), a loose alliance of reform minded activists, who had been detained in March and April 2001. In November 2001, more than thirty members of the IFM, a fifty-year-old political party, went on trial before the Tehran Revolutionary Court, accused of acts against national security and planning to overthrow the government. They had been among those detained in March and April 2001.

Six of the IFM detainees—Abolfazl Bazargan, Mohammad Tavasoli, Hashem Sabaghian, Khosro Mansourian, Mohammad Naeimpour, and Alireza Hendi—were held in detention until March 2002 and released while the trial was in session. Many of the defendants were held incommunicado for months and coerced into making incriminating statements. At trial, the prosecution presented no credible evidence that the IFM defendants had engaged in anything other than legitimate, peaceful political activity. In July, the court sentenced more than thirty defendants to prison terms. Senior figures in the IFM received sentences of between eight and ten years. The court also ordered the complete dissolution of the party. Ibrahim Yazdi, the leader of the banned party, returned to Iran in April from medical treatment in the United States. He, too, was facing criminal charges based on his political activities, although his trial had not started at this writing.

In a related case, fifteen NRA activists were tried before the Tehran Revolutionary Court in January on charges of seeking to overthrow the government. Ezzatollah Sahhabi, arrested in December 2000, was held in an unknown location. The

other fourteen, arrested in March 2001, were held incommunicado, most often in solitary confinement, in a Tehran detention center known as Prison 59. Nine of the detainees—Mohammad Maleki, Mohammad Hossein Rafiei, Alireza Rajaei, Reza Alijani, Mohammad Basteh Negar, Mahmoud Omrani, Massoud Pedram, Morteza Kazemian, and Mohammad Mohammadi Ardehali—were released on bail in 2001. The other five—Taghi Rahmani, Habibollah Payman, Reza Raeis-Toussi, Saeid Madani, and Hoda Saber—remained in Prison 59 until March 2002 and were only released after paying large bail sums. One detainee, Saeid Madani, paid one billion rials, a sum equivalent to more than U.S.\$500,000 at the official exchange rate.

Prison 59, located in a Revolutionary Guard military installation in Eshratyab in central Tehran, is an unregulated detention facility outside the official penal system. All of the detainees, many of whom were elderly, complained of harsh treatment while in detention, including being beaten by their captors and, for much of the time, being held in small cells where they could only lie in a cramped position.

Detention conditions for several elderly prisoners were a cause of particular concern. Ezzatollah Sahhabi, more than seventy years old, was hospitalized twice with heart attacks. His medications were adjusted, but he was not permitted to meet with his own doctor. Another prisoner, Dr. Habibollah Payman, sixty-six, a dentist, suffered from severe kidney and urinary tract problems, but was given only limited toilet access. He was forced to use the drinking vessel in his cell to relieve himself, rinsing it out when given access to the bathroom. Dr. Raeis Toussi, sixty-five, a law professor at Tehran University, had one interrogation session that lasted more than twenty-four hours and three that exceeded eighteen hours each, all of which exacerbated a serious back injury. He was held in solitary confinement for 168 days. During the detentions, the judiciary blocked access to the detainees and prevented President Khatami from sending an observer to visit them.

A third trial arising from the March and April 2001 arrests involved Habibollah Peyman, leader of the Militant Muslims Movement (Junbashi Musalmanan-i Mubarez). His closed-door trial began in Tehran on April 7. He, too, was released on payment of substantial bail, after spending more than a year in detention, much of it incommunicado in solitary confinement. His lawyer complained that he was deprived of access to prosecution documents relating to the case. There was no outcome in this trial at this writing.

In other political proceedings, the conservative-dominated judiciary convicted several politicians allied with President Khatami. In January, Member of Parliament (M.P.) Hossein Loghmanian was sentenced to ten months in prison. He had been convicted for insulting the judiciary in a speech he gave to Parliament, criticizing the arbitrary closure of newspapers, and protesting the imprisonment of political prisoners. Leader of the Islamic Republic Ayatollah Ali Khamenei pardoned the jailed reformist M.P. after a walkout by members of Parliament.

Two prominent jailed journalists, Emadedin Baqi and Akbar Ganji, remained in prison. Four other prisoners—Mohssen Youssefi Eshkevari, Ali Afshari, Khalil Roshtamkhani, and Saeid Sadre—continued serving sentences for their participation in the March 2000 Berlin conference. (See *Human Rights Watch World Report 2001*.) In April, another prominent reformist journalist, Ahmed Zeid Abadi, received a twenty-three-month jail term for spreading propaganda against the state and

insulting officials. He had been detained two years previously for seven months. He remained free on bail pending appeal.

On July 2, a court in Hamedan announced that it had summoned Hashem Aghajari, a leader of the Mojahedine of the Islamic Revolution Organization (MIRO), to face charges of insulting religious sanctities. The charges followed a celebrated speech he made in June criticizing the clergy's role in politics and urging disobedience of senior clerical leaders on religious grounds. MIRO was an important strand of the coalition of reformist groups in the Parliament and Aghajari's blunt comments indicated growing frustration among some reformists over the lack of progress. In November, a Revolutionary Court sentenced Aghajari to death for blasphemy and insulting the clergy. His lawyer filed an appeal against the sentence in December.

Behrouz Geranpayeh, the head of the National Institute for Opinion Polls, was detained in October and held incommunicado for more than a month while under interrogation after publishing a poll showing the majority of Iranians favored restoring relations with the United States. In November, two heads of private research institutes that had conducted the poll, Abbas Abdi and Hossein Ali Ghazian, also prominent reformist figures, were arrested. They faced charges of "collaboration with U.S. elements and British Intelligence" and of conducting "psychological warfare" aimed at overthrowing the government.

Other notable incidents of arbitrary detention included that of Siamak Pourzand, a seventy-three-year-old journalist seized outside his sister's house in November 2001. He was then held in an unknown location before being brought to trial, in secret, in March. With their disregard for pre-trial safeguards, the proceedings flagrantly violated fair trial standards. The journalist was released in November, but remained under threat of prosecution.

In June, an Iranian dancer, Mohamad Khordadian, who had been living in Los Angeles for twenty-two years before returning to visit his family, was arrested on charges of corrupting public morality. At his trial he received a ten-year suspended prison term and was banned from returning to the United States. In September, an actress, who kissed a film director at a film festival, was also prosecuted for corrupting public morality. These high-profile prosecutions exemplified attempts by hardline conservatives to generate public concern over a supposed decline in public morality, of which they were the self-appointed guardians.

Senior Shi'a religious leaders and their supporters who dissented from the ruling clerical establishment remained targets of official persecution. A telling incident occurred in Qom in December 2001, at the funeral for Grand Ayatollah Mohammad Shirazi, a leading clerical figure who questioned the form of government in the Islamic Republic. At the funeral, his body was seized by security forces and interred in Hazrat-i Masumeh mosque, the major shrine in the city. He had expressed his wish to be buried on the grounds of his house, but the authorities apparently feared that his tomb might become a rallying point for clerical opposition.

Grand Ayatollah Hossain Ali Montazeri, the former designated successor to Ayatollah Khomeini as Leader of the Islamic Republic, remained under house arrest in Qom, although his ideas continued to circulate widely.

Iran's religious and ethnic minorities remained subject to discrimination and persecution. Representatives of the predominantly Sunni Muslim Kurdish minority protested the appointment of a new governor of Kurdistan province from the Shi'a majority. The authorities overlooked Sunni candidates for the post put forward by Kurdish parliamentarians. The lack of public school education in Kurdish language remained a perennial source of Kurdish frustration.

The banned Kurdish opposition party, the Peoples Democratic Party of Iran (PDKI), which had engaged in armed opposition to the government, announced that the Iranian government had executed Karim Toujali in Mahabad on January 24, 2002. Toujali had sought political asylum in Turkey, but had been unsuccessful in his claim. Turkish police then forcibly returned him to Iran. In October, another PDKI prisoner, Hamzeh Ghaderi, was executed in Orumieh. The PDKI claimed that another five supporters were executed with Ghaderi. Other PDKI supporters reportedly remained in jail facing execution.

The ten Jewish Iranians sentenced to prison in Shiraz in 2000 were released in October after appeals for their release by the representative of the Jewish community in Parliament, Maurice Motamed. Some of the prisoners had served longer than their allotted sentences. Throughout the year, Motamed also drew attention to institutional discrimination against religious minorities, including continued limits on access to educational opportunities and employment. In August, in a bold move, he proposed a bill calling for equivalence in the amount of *Diyeh* (blood money) between Muslims and non-Muslims. The *Qisas* (retribution) system of criminal law specifies penalties for various crimes which differ according to the religion of the victim and the perpetrator. In general, non-Muslims are subject to harsher penalties and enjoy fewer protections than Muslims. Motamed's bill, which remained under consideration at the end of the year, would remove these discrepancies although it would not apply to Iran's largest religious minority, followers of the Baha'i faith.

Baha'is also continued to face persecution, including being denied permission to worship or to carry out other communal affairs publicly. At least four Baha'is were serving prison terms for their religious beliefs. Bihnam Mithaqi and Kayvan Khalajabadi, imprisoned since 1989, were informed in January that their sentences would run until 2004. Musa Talibi, imprisoned in 1994, was held in Isfahan. It was not clear whether his death sentence had been commuted. Zhabihullah Mahrami, imprisoned since 1995 and convicted of apostasy, had his death sentence commuted in March.

The campaign by conservatives against moral decline, noted above, was accompanied by an increase in public executions and corporal punishment. In October, the authorities carried out public executions of five men convicted of a series of attacks on women in Tehran. Their bodies were hoisted on mobile cranes and driven through the city. In Hamedan, on October 15, two thieves convicted of more than thirty robberies each had four fingers amputated in a public ceremony.

With the collapse of the Taliban government in Afghanistan, hundreds of thousands of Afghan refugees who had been living in Iran began to return. The United Nations High Commissioner for Refugees (UNHCR) expressed concern that Iranian authorities were exerting pressure on Afghan refugees to leave, a charge denied

by the Iranian government. Some one million Afghan refugees remained in Iran at this writing.

Shadowy underground paramilitary forces, linked to hardline conservative clerical leaders unwilling to relinquish their continuing grip on power, continued to be implicated in violent unrest. Sporadic clashes in the streets between crowds and riot police supported by Basij, religious paramilitary forces, occurred at various times throughout the year. One clash took place in October 2001 following Iran's elimination from the soccer World Cup. Although these clashes and demonstrations often took on a political complexion, they tended to be small and easily contained by the authorities.

Several thousand people marched in Tehran in July in what was becoming an annual event to commemorate a 1999 raid by paramilitary forces on student dormitories at Tehran University. At least four students detained in 1999—Ahmed Batebi, Mehrdad Lohrassbi, Akbar Mohammadi and Manouchehr Mohammadi—remained in prison serving long prison terms. There were sporadic clashes with police and hardline vigilantes, but no serious disturbances. The major student organization that supported the reform movement had urged its members to stay away from the march for fear of provoking a clash with hardliners.

Students nationwide protested the death sentence imposed on Hashem Aghajari in November. Protests subsided when senior clerical leaders threatened the students. On November 22, Ayatollah Khamenei issued an ultimatum stating that students should "return to their homes" or "the people will intervene" against them, a thinly veiled threat to unleash the same paramilitary forces that the authorities had used in July 1999 to crush student protests.

DEFENDING HUMAN RIGHTS

Access to the country for independent human rights investigators remained restricted, although the government did declare its willingness to admit U.N. special rapporteurs to the country. There continued to be lively discussion of human rights issues in the press and in Parliament, although independent local human rights groups were not permitted to function.

Several lawyers known for their defense of human rights were targets of prosecution. Mohammad Dadkhah, part of the defense team of the Iranian Freedom Movement, was sentenced to five months in prison in May. He was also banned from practicing law for ten years.

The judiciary confirmed the sentences of several lawyers associated with reformist causes, including cases relating to the assassinations of writers and intellectuals in 1998. One lawyer, Nasser Zarafshan, was sentenced to five years in prison and fifty lashes. The bar association described the flogging sentence as indefensible and unjustifiable. The appeal was dismissed. Zarafshan had probed the involvement of Ministry of Intelligence officials in the 1998 murders and claimed in the press that there were more victims of these killings than had been mentioned in the trial of officials involved in the killings.

THE ROLE OF THE INTERNATIONAL COMMUNITY

European Union

European and Iranian officials met repeatedly throughout the year to extend cooperation in a range of areas, including counter-terrorism, trade, and the promotion of human rights. The E.U. remained committed to a policy of engaging with Iranian leaders, while at the same time giving human rights a high profile in its public discourse about the relationship. E.U. Commissioner for External Affairs Chris Patten told the BBC that the dialogue was aimed at bolstering Iranian reformists, such as elected president Mohammad Khatami. "It can't seriously be anybody's idea of a good way of promoting stability in the region to think that we should isolate and cut Iran off forever," he said. "If you don't talk to the reasonable people, you fetch up with fewer reasonable people to talk to."

The improvement of relations with the E.U. remained vulnerable to interference by hardliners opposed to such normalization. In March, the planned visit to Berlin of Speaker of Parliament Hojatolislam Mehdi Karrubi was canceled when Chancellor Gerhard Schroeder declined to receive him, a decision that many observers believed resulted from political machinations by Iran's conservative judiciary. Schroeder was displeased with the apparently punitive transfer of Said Sadr to a remote and notorious prison near the Afghan border in advance of Karrubi's visit. Sadr, an Iranian employee at the German embassy in Tehran, had been imprisoned in Iran since the controversial Berlin Conference in 2000. Shortly before his planned trip, Karrubi apparently had angered hardliners by telling German journalists that he was trying to secure Sadr's release; the judiciary responded by transferring Sadr to the remote prison, derailing the visit.

In a move likely to please the Iranian government, the E.U. recognized the Mojahedine Khalq Organization (MKO) as a terrorist group on May 3. The MKO was based in Iraq and launched armed attacks against Iranian targets. It was described as a foreign terrorist organization by the U.S. State Department. The E.U., however, did not include the affiliated National Council of Resistance in its designation.

On June 17, the E.U. placed human rights at the top of a list of four areas in which it wanted to see improvements through its policy of engagement with Iran: (1) human rights and fundamental freedoms; (2) non-proliferation; (3) terrorism; and (4) the Middle East peace process.

In September, Iran approved a new British ambassador. The move ended an eight-month diplomatic dispute following Tehran's rejection in January of David Reddaway, described by conservative newspapers in Iran as a Zionist and a spy. It was an indicator of the importance given to Iran by the E.U. and the U.K. that embarrassing incidents of this nature were not permitted to stall the momentum of engagement. British Foreign Secretary Jack Straw traveled to Iran in October to further advance the relationship but was met by an upturn in political and public executions, interpreted by many as another example of the conservatives using their control over the judiciary to seek to influence Iran's foreign policy.

United Nations

In April, during the fifty-eighth session of the U.N. Commission on Human Rights, a draft resolution criticizing the situation in Iran was defeated by a roll-call vote of twenty to nineteen, with fourteen abstentions, marking the first time in more than fifteen years that a resolution criticizing Iran's human rights practices did not pass at the commission. It brought to an end the mandate of the U.N. special representative on human rights in Iran and was seen as a major victory for Iranian diplomacy. The Iranian government regarded the special representative's mandate as political and repeatedly blocked his access to the country, despite the balanced and constructive tone of his reporting over many years.

In July, Iran said it would give immediate access to United Nations thematic rapporteurs to allow them to examine its human rights record. Iran's ambassador, Mohammed Reza Alborzi, told High Commissioner for Human Rights Mary Robinson that specialists would "be welcome." By the end of the year no visits had taken place.

United States

Possibilities for an improvement in U.S.-Iranian relations based on the shared goal of removing the Taliban from power in Afghanistan were not realized due to continuing U.S. concerns over Iranian support for terrorism. Such concerns were exemplified by the seizure of the *Karine A*, caught smuggling weapons from Iran to the Palestinian Authority.

President Bush's characterization of Iran, Iraq, and North Korea as an "axis of evil" during his January 29 State of the Union address caused anger in Iran across all factions within the clerical leadership. It fueled expectations among parts of public opinion that the U.S. would intervene directly in Iran, as it had in Afghanistan, and change the government. The government and many Iranians resented this implied interference in their affairs.

In July, President Bush issued a subtler statement that, though barely reported in the U.S., sparked much debate in Iran. It came a few days after clashes between students and police in Tehran on the anniversary of the 1999 student demonstrations and the resignation of a prominent cleric, Ayatollah Jaleddine Taheri, who had accused the Iranian authorities of corruption and repression. In his written statement, President Bush expressed solidarity with the students, saying, "their government should listen to their hopes." In a targeted phrase, the president urged Iran's un-elected leaders to abandon policies that denied Iranians the opportunities and rights of people elsewhere. In singling out un-elected leaders for criticism the President appeared to be differentiating between factions within the Iranian power structure. This more measured approach to Iran made the U.S. government's statements an important influence on human rights conditions in the country for the first time in many years.

The U.S. continued to block Iran's access to loans from international financial institutions. For example, in September, the U.S. blocked the private-sector financing arm of the World Bank, the International Finance Corporation, from investing

U.S.\$2 million in an Iranian company. The World Bank had planned to lend Iran hundreds of millions of dollars, but the U.S. effectively blocked the deals.

In March, the U.S. State Department's *Country Reports on Human Rights Practices for 2001* called the Iranian government's human rights record "poor" and detailed significant restrictions on citizens' right to change their government. In September, the U.S. Commission on International Religious Freedom identified Iran, together with eleven other states, as countries of particular concern with respect to violations of the rights to freedom of religion.

Iranians worried about U.S. military action in nearby Afghanistan and threatened action in Iraq, but they were also interested in the administration's strong rhetoric supporting democracy and human rights in Iran. The openness of Iranians to the U.S. was seen in September when the state news agency, IRNA, published the results of a public opinion poll showing that 75 percent of Iranians favored a dialogue between Iran and the United States, and almost 50 percent approved of U.S. policy toward the country. The judiciary responded by closing down the institute that conducted the poll and prosecuting the poll's director and the director of the news agency that published it. Some conservative leaders even called for the criminalization of advocating dialogue or normalization with the United States. However, the reformists appeared emboldened by the public mood. President Khatami admonished the critics of dialogue and expressed his own willingness to enter into discussions with the United State without preconditions.

IRAQ AND IRAQI KURDISTAN

HUMAN RIGHTS DEVELOPMENTS

The Iraqi government continued to commit widespread and gross human rights violations, including the extensive use of the death penalty and the extrajudicial execution of prisoners, the forced expulsion of ethnic minorities from government-controlled areas in the oil-rich region of Kirkuk and elsewhere, the arbitrary arrest of suspected political opponents and members of their families, and the torture and ill-treatment of detainees. In a national referendum in mid-October, which excluded the three Kurdish-held northern provinces, President Saddam Hussain received a "one hundred percent approval from a one hundred percent turnout" for another seven-year term of office, according to 'Izzat Ibrahim al-Douri, deputy head of Iraq's Revolutionary Command Council. An amnesty for Iraqi prisoners was announced within days of the referendum.

Relations between the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), which retained control over most of the northern provinces of Sulaimaniya, Arbil, and Duhok, improved as they began to implement a 1998 U.S.-brokered peace agreement. While both sides continued to maintain separate administrations in areas under their control, the former unified parlia-

ment, the Kurdistan National Assembly, met for the first time since the outbreak of intra-Kurdish fighting in 1996. KDP and PUK officials accused Iraqi government agents and Kurdish Islamist groups of perpetrating acts of sabotage in the region, including the deliberate targeting of civilians. Human rights abuses were committed by Kurdish opposition groups, including by Islamist groups in the context of clashes with PUK forces.

Economic sanctions imposed on Iraq by the United Nations Security Council in 1991 remained in force. The government accepted the terms of Security Council Resolution 1409 restructuring the sanctions by introducing a Goods Review List for potential "dual-use" items and "fast-track" procedures for humanitarian goods. Following several months of United States threats of military action, the government announced in early October it would allow U.N. weapons inspectors access to the country without conditions. On November 8, the Security Council unanimously adopted Resolution 1441, calling on Iraq to comply with a significantly stricter inspection regime or face "serious consequences."

Human Rights Developments in Government-Controlled Iraq

On October 20, Iraq's Revolutionary Command Council issued Decree 225, granting a general amnesty to political detainees and army deserters, as well as those at large in the country and those abroad. Two categories of detainees did not benefit: those charged with or convicted of murder where "no reconciliation has been reached with the families of the murdered," and those detained for debt-related charges. Shortly after the announcement of the amnesty, described by the authorities as "full and final and complete," Minister of Justice Mundhir al-Shawi clarified that those held in connection with espionage for the U.S. and the "Zionist entity" would also be excluded. On the same day, thousands of inmates were released from Abu Ghraib prison and other places of detention throughout the country, with government officials declaring that Iraq's prisons had been emptied.

No official figures were made public on the number of releases. However, many Iraqis reported to Human Rights Watch that their relatives, detained in various parts of the country for political reasons, had not been released. In an unprecedented development, families whose detained relatives remained unaccounted for staged a protest outside the Ministry of Information on October 22, demanding information on their relatives' fate and whereabouts. There was a widespread perception that few political detainees had in fact been released, the majority who benefited being those held in connection with common law offences, including scores of foreigners. In the ensuing days, a number of former inmates described to foreign journalists the appalling conditions in which they had been held and the torture and ill-treatment to which they had been subjected during their incarceration.

Government opponents and relatives of political detainees continued to report numerous executions of political suspects and those convicted of ordinary criminal offenses, as well as former army personnel suspected of disloyalty to the authorities. Scores of civilians detained in Abu Ghraib prison were apparently executed in early March, among them five Shi'a Muslims from al-Najaf province who were

arrested in December 2001 after reportedly failing to cooperate with the authorities in the capture of army deserters. Their bodies were returned to their families later in March. Ten other suspected government opponents were also executed in Abu Ghraib in June, among them Jabbar Sadeq 'Ali and 'Abd al-Salam Hadi Jawad, both from Basra. The bodies of these victims were apparently not returned to their families, and were buried by the authorities in a Baghdad cemetery. A number of armed forces personnel were also reportedly executed by firing squad in Baghdad, Mosul, and other cities in March, among them 'Abd al-Haq Isma'il and 'Abd al-Hussain Jassim.

The government continued to implement its "Arabization" policy of forcibly expelling Kurdish, Turkman, and Assyrian families from their homes in areas under its control in Kirkuk, Khaniqin, Sinjar, and other areas, and replacing them with Arab families brought from southern Iraq. The vast majority of those expelled were Kurds, who were moved to Kurdish-held areas in the northern provinces, with a smaller number expelled to southern Iraq. In September, Human Rights Watch interviewed scores of expelled Kurdish and Turkman families, some within days of their expulsion. Officials forced them to leave their homes with very few personal possessions, and stripped them of all documentation except for their identity cards. In the majority of cases, one immediate reason for expulsion was their refusal to sign the so-called nationality correction forms, which were introduced by the government in 1997 to force non-Arabs to alter their ethnic identity by registering as Arabs. Other reasons included their refusal to join the Ba'th Party or the failure of male family members to undergo military training for the Jerusalem Army (Jaysh al-Quds) or, in the case of children age twelve through seventeen, for Saddam's Cubs (Ashbal Saddam). Many reported that the government continued to ban the use of non-Arab names when registering newborns, and that in some cases they pressured non-Arabs to adopt Arab names upon marriage. In April, the authorities were reported to be giving additional incentives, such as plots of land, to Arabs resettled in Kirkuk who brought the remains of dead relatives for reburial in the city's cemeteries. Government officials told the U.N. special rapporteur on Iraq (see below) in April that registration by ethnic minorities as Arabs was "optional and not compulsory," and that the confiscation of lands belonging to expelled families was for "agricultural purposes."

In January, 507 Iraqi prisoners of war captured during the 1980-1988 Iran-Iraq war were repatriated from Iran under the auspices of the International Committee of the Red Cross (ICRC), together with 188 Iraqi servicemen detained in Iran since 1991. The ICRC also assisted in the repatriation of other individual cases: a Kuwaiti civilian repatriated from Iraq on March 30, six Iraqi civilians repatriated from Saudi Arabia on April 7, and two Iraqis repatriated from Kuwait on July 8. The latter had been detained in Kuwait's Central Prison "for reasons unconnected to the 1991 Gulf war." The Iraqi government continued to limit ICRC prison visits to the foreigners' section at Abu Ghraib prison in Baghdad, where a total of 775 inmates were being held, according to ICRC information released in October.

At a press briefing on November 30, 2001, U.N. Humanitarian Coordinator for Iraq Tun Myat said that the "oil-for-food" program was "beginning to show signs of ageing," having expanded from its original aims of providing food and medicine

to the Iraqi population into dealing with sectors such as electricity, water, sanitation, housing, education, agriculture, and nutrition. He said that "the life of an average inhabitant of the country had definitely improved," but that progress in providing fresh water, sanitation, and electric power remained priorities. Myat highlighted as major problems the amount of holds on goods in various sectors and continuing difficulties in securing visas and work permits for the program's staff. U.N. Secretary-General Kofi Annan's November 12 report to the Security Council said, "[T]he trend of malnutrition among children under the age of five, albeit still at a relatively high level, has been arrested and reversed" in the areas under government control. The report said that acute malnutrition had gone from 11 percent in 1996 to 5.4 percent in 2002, while chronic malnutrition had dropped from 32 percent to 24 percent in the same period. Myat attributed continuing problems in this area to lack of clean water and poor sanitary conditions, rather than shortages of food or medicine. He added that "much remained to be done to rehabilitate the infrastructure". In his September 25 report to the Security Council on the implementation of the "oil-for-food" program, Benon Sevan, executive director of the U.N. Office of the Iraq Program (OIP), said that the level of holds had peaked by mid-July to U.S.\$5.43 billion worth of contracts, but that the level had fallen to U.S.\$3.74 billion by mid-September following procedures introduced in May.

U.N. agencies and other humanitarian organizations continued to express concern about the humanitarian situation in Iraq. The U.N. Children's Fund (UNICEF) on October 7 stated that declining essential public services, environmental pollution, and access to safe water remained areas of concern, and that the humanitarian situation remained dire despite improvements in the "oil-for-food" program. In its annual report, released in June, the ICRC said that the effects of economic sanctions on public infrastructure and services "continued to take a heavy toll on public health and on the nutritional status of the population. The result was high infant and child mortality, a reported increase in maternal mortality and a decline in life expectancy."

Human Rights Developments in Iraqi Kurdistan

The two principal Kurdish opposition groups in Iraqi Kurdistan, the KDP and the PUK, maintained their control over most of the three northern provinces of Arbil, Duhok, and Sulaimaniya. Each group continued to administer their respective areas through separate administrative, legislative, and executive structures. There was progress in implementing the provisions of the 1998 Washington Accord. On October 4, the unified Kurdistan National Assembly met for the first time since 1996. At a subsequent session on November 12, a joint committee was appointed to prepare for parliamentary elections in Iraqi Kurdistan, to take place within nine months.

During a mission to Iraqi Kurdistan in September, Human Rights Watch found that the overall human rights situation in the region had markedly improved relative to previous years. Both the KDP and PUK administrations promulgated laws and adopted decisions aimed at the protection of fundamental civil and political rights, including freedom of expression and of association. However, representa-

tives of several Islamist and Turkman political parties told Human Rights Watch that political activity by their members and supporters remained curtailed. Perceived sympathizers of Islamist groups, in particular, were said to be liable to arbitrary arrest and detention without trial.

Both the PUK and the KDP continued to grant access to its prisons to representatives of the ICRC, who reported that in the first half of the year they had visited almost five hundred detainees in twenty-three different places of detention. As of early September, the ICRC had registered an estimated total of 2,700 detainees held by all sides in Iraqi Kurdistan. Hygiene, services, and overall treatment of detainees in the prisons improved. However, a number of political suspects held by both the PUK and the KDP told Human Rights Watch in September that interrogators routinely beat or otherwise mistreated them during questioning. At the Asayish (security) prison in Sulaimaniya, several detainees accused of complicity in acts of sabotage endured prolonged solitary confinement, in one case for some six months. Detainees also experienced long pre-trial detention and inordinate delays in trial proceedings. At the Asayish prison in Arbil, for example, several suspects charged with theft upon their arrest in September 1996 still had not been convicted or acquitted six years later.

The security situation in Iraqi Kurdistan remained precarious. PUK and KDP officials said that Iraqi government agents and members of Kurdish Islamist groups carried out acts of sabotage. Between November 2001 and October 2002, there were at least five bomb attacks targeting public places, such as restaurants, parks, and summer resorts in Arbil, Sulaimaniya, and elsewhere. Several people were injured when assailants threw two hand grenades at a crowd celebrating the New Year on December 31, 2001, in Sulaimaniya. PUK officials later announced the arrest of three suspects in connection with the attack. In a June 26 incident, an explosive device detonated at a restaurant in Bruska Park in Arbil, injuring nineteen and killing an eight-year-old boy. No group claimed responsibility for the attacks on civilian targets, but PUK and KDP officials attributed most to Ansar al-Islam (Supporters of Islam—see below), along with several incidents involving actual or attempted suicide bombings and actual or attempted assassinations. The latter included the attempted killing on April 2 of PUK Prime Minister Barham Saleh outside his home in Sulaimaniya. Five of his bodyguards, as well as two gunmen, were killed in the attack. In a statement issued by its Shura Council on April 3, Ansar al-Islam denied involvement in the incident, but the PUK later released the name of three suspects it had apprehended, saying evidence linked them to the Islamist group.

In December 2001, the Islamist group Jund al-Islam (Soldiers of Islam) was dissolved and reconstituted under a new name, Ansar al-Islam. Its armed fighters remained in control of the villages of Biyara and Tawela, and their vicinity, near the border with Iran. Armed clashes between their forces and those of the PUK continued into November 2001 (see *Human Rights Watch World Report 2002*), but in mid-December Ansar al-Islam announced a ceasefire. Peace talks between the two sides took place between December and March, but were suspended in April following the attempted assassination of the PUK prime minister. (See above.) No major armed clashes ensued, but relations between the two sides remained tense.

On May 4, the leader of Ansar al-Islam, Mullah Fateh Krekar, issued an amnesty

for PUK fighters. In the areas under its control, Ansar al-Islam continued to perpetrate human rights abuses, notably the arbitrary arrest and detention of suspected PUK sympathizers and others accused of contravening the strict Islamic code imposed by the group. In September, Human Rights Watch interviewed a number of former detainees held and tortured by Ansar al-Islam. They suffered beatings, burning of the skin with acid, and prolonged suspension from the limbs. Most were eventually released after their families paid sums of money. By September, at least forty families had fled the villages of Biyara and Tawela to the nearby town of Halabja as a consequence.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

On November 29, 2001, Security Council Resolution 1382 extended the “oil-for-food” humanitarian relief program for Iraq for a further six months and introduced a Goods Review List (GRL), effective May 30. The GRL designated items that Iraq was prohibited from importing without Security Council approval, thereby facilitating the processing and approval of contracts for all other goods. In December 2001, the Iraqi government rejected the GRL, saying it would not agree to any amendments to the 1996 Memorandum of Understanding (MOU) that established the “oil-for-food” program. U.N. Office of the Iraq Program (OIP) Executive Director Benon Sevan visited Iraq between January 14 and February 10 to review the implementation of the program in both the government-controlled and Kurdish-controlled regions.

On May 14, the Security Council adopted Resolution 1409, extending the “oil-for-food” program for a further six months and introducing a revised GRL and new procedures for expediting the processing and approval of contracts for humanitarian supplies and equipment. The three hundred-page GRL contained items deemed to have potential military purpose or “dual-use,” including telecommunications and computer equipment, chemical compounds, and vehicles. The Iraqi government accepted the terms of the resolution on May 16. However, in his May 29 briefing to the Security Council, Sevan called attention to a shortage of funds in the U.N.-controlled escrow account after a pricing dispute led to a significant reduction in Iraqi oil exports. In September, Sevan informed the Security Council that oil exports had “dropped from an average of over 2 million barrels per day in the year 2000, to under one million barrels per day in recent months.” On October 28, the Sanctions Committee of the Security Council approved a list of six thousand items for “fast-track” approval by the OIP. These new procedures came into effect on November 1.

On May 31, the secretary-general appointed Ramiro Armando de Oliveira Lopes da Silva as U.N. Humanitarian Coordinator for Iraq, replacing Tun Myat, whose term ended in late June. Lopes da Silva took up his post in Baghdad on July 20.

Several rounds of high-level talks between officials of the U.N. Monitoring, Verification and Inspection Commission (UNMOVIC) and Iraqi officials took place in March, May, and July, focusing on the question of weapons inspections as well as

on outstanding issues between Iraq and Kuwait. In late September, Iraq held talks in Vienna with UNMOVIC and the International Atomic Energy Agency (IAEA) on practical arrangements for the resumption of inspections, and an agreement was announced on October 1.

The Security Council held an open debate on Iraq on October 16 and 17, in which Secretary-General Kofi Annan supported the passage of a new resolution “so that there are no weaknesses or ambiguities” with regard to the return of weapons inspectors to Iraq. On November 8, the Security Council unanimously adopted Resolution 1441, giving Iraq a “final opportunity to comply with its disarmament obligations” and setting up “an enhanced inspection regime with the aim of bringing to full and verified completion the disarmament process” in accordance with Resolution 687 (1991) and subsequent resolutions. Co-sponsored by the U.S. and the U.K., the resolution required Iraq to confirm its intention to comply with the resolution’s terms within seven days of adoption, and to provide a complete declaration of all aspects of its chemical, biological, and nuclear weapons programs within thirty days. It also required Iraq to provide weapons inspectors “immediate, unimpeded, unconditional and unrestricted access” to any sites in Iraq, and warned that any “further material breach” of its obligations would result in “serious consequences.” The resolution instructed UNMOVIC to resume inspections within forty-five days and to report to the Security Council sixty days thereafter. On November 13, Iraq announced it would comply with the resolution.

The Iraqi government continued to deny entry to Yuli Vorontsov, the secretary-general’s high-level coordinator for the return of missing property and missing persons from Iraq to Kuwait. In December 2001, the Security Council urged Iraq “to abandon its stance of declaring no knowledge of the fate and whereabouts” of the estimated 605 Kuwaiti and third-country nationals unaccounted for since the 1991 Gulf war, and to cooperate with Vorontsov. The Iraqi government responded by renewing its demand for clarification of the fate of some 1,137 Iraqis whom it said were also missing since 1991. In March, Vorontsov said that the government must “sooner or later” disclose information about these cases. In his April 15 report to the Security Council on the implementation of Resolution 1284, the secretary-general welcomed renewed pledges made by Iraq and Kuwait at the March summit of the League of Arab States in Beirut to resolve the fate of the missing detainees. However, in August, the Security Council expressed concern that Iraq “has yet to match its words on the fate of missing persons with tangible deeds and cooperation,” urging the government to “fully implement the decisions of the Beirut Summit” in this regard. On October 19, Iraq began returning, through U.N. auspices, the Kuwaiti archives removed by its forces during the 1990 occupation of Kuwait. Iraq acknowledged possession of the archives and other Kuwaiti property in June. On October 28, Vice-President Taha Yassin Ramadan declared that Iraq “is detaining no Kuwaiti prisoners.” None were apparently among the thousands of inmates released from prison as a result of the October 20 general amnesty.

In a resolution adopted on December 19, 2001, the General Assembly condemned systematic and widespread human rights violations perpetrated in Iraq, and called upon the government to cooperate with U.N. human rights mechanisms, in particular by giving the special rapporteur access to the country.

The special rapporteur on Iraq, Andreas Mavrommatis, visited Iraq between February 11 and 15, after being granted access by the government for the first time since his appointment in 1999. During his visit, the rapporteur met with the ministers of foreign affairs, interior, justice, and labor and social affairs, as well as with members of the judiciary, police officials, and religious leaders. He also made brief visits to Abu Ghraib prison and a women’s prison in the Baghdad area. In his March 15 report to the Commission on Human Rights, the rapporteur said that he had raised with Iraqi officials the widespread use of the death penalty and its application to less serious crimes, the use of special courts, allegations of torture, procedures for punishing law enforcement officials accused of abusing detainees in their custody, prison conditions, the forced expulsion of ethnic minorities to the Kurdish-held northern provinces, disappearances, religious freedoms, and the general humanitarian situation in the country. The rapporteur urged the government, among other things, to implement a moratorium on executions, reduce the number of crimes punishable by death, improve prison conditions, establish “a system of independent prison visitors,” abolish special courts, end discriminatory policies against ethnic or religious groups, and clarify the fate of missing persons.

In an April 19 resolution, the Commission on Human Rights welcomed the rapporteur’s visit but condemned continuing violations saying, “[T]here has been no improvement in the situation of human rights in the country.” The commission renewed the rapporteur’s mandate for another year and called on Iraq to allow him further visits, to implement his recommendations, and to allow “the stationing of human rights monitors throughout Iraq.” In his August 20 interim report to the General Assembly, the special rapporteur described the information received from the government since his February visit as neither “very detailed” nor “comprehensive,” and added that “some of the most important information requested, in particular with regard to the right to life and the death penalty, had not been received.”

European Union

On May 16, the European Parliament adopted a resolution on the human rights and humanitarian situation in Iraq, as well as issues relating to regional security and disarmament. The resolution condemned the “regime of terror against all levels of society” and the continued perpetration of gross human rights violations. The resolution urged the government to abide by its international treaty obligations and to comply with relevant Security Council resolutions. It called for the deployment of human rights observers in Iraq and the creation of an international commission to investigate disappearances throughout the country. It also called for the establishment of an ad hoc international tribunal under U.N. auspices “to bring those Iraq regime officials responsible for serious violations of international humanitarian law” to justice. As a preliminary step, the resolution proposed the formation of an “Office of Inquiry for human rights violations” in order to “prepare . . . the necessary evidence.” It also urged the council and the commission to freeze “illegal financial assets of the Iraqi leadership” inside the E.U. and “refus[e] access of leading members of the Iraqi regime to the E.U.”

In a November 6 briefing to the European Parliament on the situation in Iraq,

the E.U. High Representative for the Common Foreign and Security Policy (CFSP) Javier Solana reaffirmed the E.U.'s insistence on the elimination of weapons of mass destruction. He said that the E.U.'s objective "was not to seek a change of regime as such, but rather to work for a solution through the U.N. and multilateral negotiations."

United States

In his State of the Union speech on January 31, President George W. Bush announced an expansion of the scope of the "war against terrorism," launched in the aftermath of the September 11, 2001, attacks on the U.S., naming Iraq, Iran, and North Korea as constituting an "axis of evil, arming to threaten the peace of the world." Focusing on Iraq, President Bush said that it "has plotted to develop anthrax and nerve gas and nuclear weapons for over a decade . . . and has something to hide from the civilized world." On February 6, Secretary of State Colin Powell told a congressional hearing that "[t]he President is examining a full range of options" to bring about Iraq's compliance with U.N. resolutions, including those regarding weapons inspections. While declining to spell out whether such options included military intervention, Powell reiterated that "[w]e still believe strongly in regime change in Iraq" and that the U.S. "might have to do it alone."

On September 19, President Bush submitted a draft resolution to the U.S. Congress requesting authorization for the use of force against Iraq. The resolution, passed by the House of Representatives and the Senate on October 10 and 11 respectively, gave President Bush the authority to use force "as he determines to be necessary and appropriate," without requiring U.N. or further congressional approval.

In a September 12 speech to the U.N. General Assembly, President Bush announced his government's intention to "work with the U.N. Security Council for the necessary resolutions" to ensure that Iraq granted unrestricted and unfettered access to weapons inspectors and complied with earlier resolutions. He warned, however, that in the event of non-compliance, "action will be unavoidable." He also called on the Iraqi government to "cease persecution of its civilian population," to "end all support for international terrorism," and to account for all personnel missing since the 1991 Gulf war. On the same day, the White House released a document on Iraq, entitled *A Decade of Deception and Defiance*, which detailed U.S. charges of "Saddam Hussein's defiance of the United Nations." The document said that this defiance included "among other things: continuing to seek and develop chemical, biological, and nuclear weapons[,] . . . brutalizing the Iraqi people, including committing gross human rights violations and crimes against humanity . . . [and] supporting international terrorism . . ."

The U.S. administration continued to hold talks with representatives of the Iraqi political opposition abroad, and to provide financial and technical support to a number of these groups. Under the auspices of the State Department, the administration in July launched the "Future of Iraq Project," aimed at finding "practical steps for planning the future of Iraq after Saddam Hussein." State Department spokesman Richard Boucher said on July 12 that the U.S. was "sponsoring finan-

cially a series of workshops" over several months to examine issues related to Iraq's economy, law and order, the judicial system, health and education, and the environment.

In its *Country Reports on Human Rights Practices for 2001*, released in March 2002, the State Department said that the Iraqi government "committed numerous political and other extrajudicial executions" of suspected political opponents. It said that Iraq's human rights record "remained extremely poor" and that the authorities "continued to deny citizens the basic right to due process." In its *Annual Report on International Religious Freedom for 2002*, released in October, the State Department said that the government "continued its systematic and vicious policies against the Shi'as," severely restricting their religious practices and perpetrating "a brutal campaign of murder, summary execution, arbitrary arrest, and protracted detention against Shi'a religious leaders and adherents." The State Department, in its 2001 report on patterns of global terrorism, released in May, also said that the Iraqi government "continued to provide training and political encouragement to numerous terrorist groups, although its main focus was on dissident Iraqi activity overseas."

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

HUMAN RIGHTS DEVELOPMENTS

The violence that erupted beginning in September 2000 intensified in 2002. Civilians increasingly paid the price for repeated, egregious violations of international humanitarian law by the Israel Defense Forces (IDF) and Palestinian armed groups. At least 1,949 Palestinians and 637 Israelis were killed between September 2000 and late October 2002, the majority civilians, including 292 Palestinian and seventy-nine Israeli children. New patterns of abuse arose, and old ones intensified. Pernicious practices that had been diminishing were revived.

Israel and the Occupied West Bank and Gaza Strip

Prime Minister Ariel Sharon's coalition government held the severely weakened Palestinian Authority (PA) responsible for all armed attacks by Palestinians. Following the destruction of the World Trade Center in September 2001, Israeli government ministers consciously imitated the language of U.S. foreign policy. Israeli authorities characterized all armed Palestinian activity as terrorism, and justified Israeli military actions in the Occupied Territories as a part of the global "war on terrorism."

In February, the Israeli government re-introduced into the Knesset the “Illegal Combatants Law,” a measure initially designed to legitimize retroactively the continued detention of Lebanese hostages Sheikh 'Abd al-Karim 'Obeid (abducted from Lebanon in July 1989) and Mustafa al-Dirani (abducted from Lebanon in May 1994). The Knesset passed the law, which enabled the military to hold individuals arbitrarily and indefinitely on the basis of assumption rather than proven guilt, on March 7, 2002.

As Israeli military operations escalated in December 2001, so did the number and gravity of violations committed by the Israel Defence Forces. Repeated militarized “arrest raids” into PA-controlled areas in late 2001 grew in size and intensity until, in March 2002, the IDF mobilized some thirty thousand troops for Operation Defensive Shield, reportedly Israel’s largest military operation since the 1982 invasion of Lebanon.

During the operation, Israeli soldiers repeatedly used indiscriminate and excessive force, killed civilians willfully and unlawfully, and used Palestinian civilians as human shields. IDF troops also inflicted damage to homes, businesses, and government offices; looted and stole in the course of searches; coerced civilians to assist military operations, and detained at least 4,500 Palestinian men and boys, many of whom reported ill-treatment during arrest and interrogation. From March 29 to April 19, the Israeli authorities impeded the entrance of outside observers, including journalists, human rights activists, United Nations representatives, and the International Committee of the Red Cross (ICRC). These violations reflected patterns of abuse that—partly reflecting the effective impunity enjoyed by Israeli soldiers—had progressively worsened since September 2000.

Israeli security forces continued to resort to excessive and indiscriminate use of lethal force, causing numerous civilian deaths and serious injuries. In Jenin, Human Rights Watch documented twenty-two civilian killings during the IDF military operations in April. Many of them were killed willfully or unlawfully, and in some cases constituted war crimes. Fifty-seven-year-old Kamal Zghair, a wheelchair-bound man, was shot and then run over by IDF tanks on April 10 as he was moving in his wheelchair—equipped with a white flag—down a major road in Jenin. Thirty-seven-year-old Jamal Fayid, a quadriplegic, was crushed to death in the rubble of his home on April 7 after IDF soldiers refused to allow his family to remove him from their home before a bulldozer destroyed it. Under international law the Israeli authorities were required to criminally investigate these and other killings to ascertain individual responsibility. At this writing, the IDF had not responded to repeated requests from Human Rights Watch for information as to whether these killings were investigated.

After five suicide bombings in four weeks (described below), Prime Minister Sharon announced on June 18 that the IDF would re-occupy the West Bank and Gaza Strip “as long as terror continues.” Israeli troops re-occupied all major population centers except Jericho, and instituted the heaviest restrictions on civilian movement in the Occupied Territories to date. On August 7, Israeli authorities announced their willingness to withdraw from Bethlehem in return for strong Palestinian security measures against armed militants. Israeli troops withdrew from central Bethlehem at the end of August, but returned on November 22.

IDF killings of unarmed Palestinian civilians continued throughout the year. Casualties were aggravated by Israeli policies marked by insufficient regard for civilian life. These included a policy of employing deadly force against civilians to enforce protracted and at times haphazardly implemented curfews. On June 21, four civilians, including three children, were killed as they attempted to buy food in the Jenin market: An initial military inquiry said that local soldiers had “erred.” Municipal driver Ahmad al-Qureini was shot and killed by Israeli soldiers on August 10, despite the fact he had permission to travel during curfews. A subsequent IDF investigation stated his vehicle had lacked the flashing light required for proper municipal identification, despite Associated Press video footage of the incident that showed the flashing light.

Israeli authorities intensified their policy of “liquidations,” killing individuals whom they accused of planning or carrying out attacks on Israeli military targets or civilians. Israeli forces used snipers, helicopter-fired missiles, tanks, and explosive devices to carry out the killings, many of which appear to have been undertaken in circumstances where the target could have been arrested. According to LAW, the Palestinian Society for the Protection of Human Rights and the Environment, some 148 individuals were killed in these “liquidations” between November 9, 2000 and August 31, 2002. At least forty-six civilian bystanders were also killed. On July 23, 2002, fourteen civilians were killed and some 140 injured in the “liquidation” of Hamas military leader Salah Shehadeh. Eight of the fourteen were children. Israeli political and military authorities had approved the operation, which involved the dropping of a one-ton bomb in a crowded civilian residential area, in violation of Israel’s obligation under international humanitarian law to minimize civilian casualties. An IDF inquiry held the next day determined the means of attack had been “inappropriate.” The operation was described by Prime Minister Sharon as “a great success.”

On January 24, LAW and the Public Committee Against Torture in Israel (PCATI) petitioned the Israeli High Court of Justice to outlaw the “liquidations” policy. The court gave the state forty days to reply to a series of questions regarding the policy’s legality. At the time of writing, Israeli authorities had not replied. After July, such killings continued even in those areas where the IDF exerted direct control, and thus had greater capacity to make arrests.

During military operations, Israeli soldiers routinely coerced Palestinian civilians, including children, to perform life-endangering acts that assisted military operations. The practice, known as the “neighbor procedure,” violated the fundamental international humanitarian law principle of civilian immunity, violated multiple provisions of the Fourth Geneva Convention, and recklessly exposed civilians to danger. By April, there were widespread, documented cases in which IDF soldiers explicitly used Palestinian civilians to shield themselves from Palestinian fire. In one case documented by Human Rights Watch, seven men and one fourteen-year-old boy were forced by IDF soldiers to stand on the balcony of a house in the Jenin refugee camp to deter Palestinian gunmen from firing at the IDF soldiers. The eight were compelled to stand in front of the soldiers when the soldiers fired at Palestinian gunmen, the soldiers’ resting their rifles on the civilians’ shoulders. In another case, Faisal Abu Sariya, a forty-two-year-old teacher, was forced to both

shield and assist IDF troops from April 4-6 in the Jenin refugee camp, until he was shot by Israeli forces.

On May 7, in response to a petition by seven local human rights organizations, the IDF informed the High Court of Justice that it would immediately prohibit its forces from using civilians as hostages or human shields. The IDF also committed to investigate the use of the “neighbor procedure,” and to clarify to commanders that it could not be used in circumstances that might physically endanger civilians. Despite repeated requests, the IDF did not make a copy of the order or results of the investigation available to human rights groups. After the death of Ahmad Abu Mohsen while being forced to assist IDF soldiers in a military operation in Tubas on August 14, the same seven organizations petitioned the High Court to ban the procedure’s use. On August 18, the High Court issued a temporary injunction preventing use of the “neighbor procedure” until a final decision was made. At the time of writing, reports of the procedure’s use continued.

IDF operations caused extensive, and often repeated damage to civilian buildings and infrastructure in PA areas, including the partial or complete destruction of roads, sewage networks, water supplies, and electrical grids. In at least Jenin, Nablus, and Ramallah, severe damage appeared to exceed any requirement of military necessity. According to the U.N. Office for the Coordination of Humanitarian Affairs, Israeli military operations between March and May caused some U.S.\$342 million worth of damage to physical and humanitarian infrastructure in the West Bank. On July 24, 2002, immediately before its summer recess, the Knesset approved an amendment to the “Law for Handling Claims Related to IDF Activity in Judea and Samaria.” The amendment sharply curtailed the ability of civilians to obtain compensation for damage or injury caused by negligent or unlawful acts of the Israeli security forces.

The IDF continued to resist appeals to investigate wrongful deaths or other violations by Israeli soldiers. On October 15, the Israeli newspaper *Ha’aretz* reported some 220 military police investigations had been opened since September 2001. Only thirty of these were reportedly related to weapons-related charges. Investigations were not conducted according to international norms of timeliness, thoroughness, and impartiality.

The Israeli authorities also tightened long-standing restrictions on freedom of movement in the West Bank and Gaza Strip. These restrictions were so severe and widespread as to constitute collective punishment. Palestinian movement on primary roads and the majority of secondary roads was banned for much of 2002, enforced via cement blocks, boulders, earth ramparts, and some 150 to 180 military checkpoints. An IDF program to reduce harassment was introduced at key checkpoints mid-year.

These crippling movement restrictions were accompanied by extensive IDF-imposed curfews from late June 2002. Formerly concentrated in the Hebron area, in the first week of July some 850,000 Palestinians were under curfew; by late September this number stood at some 550,000, concentrated particularly in the northern West Bank. Notification of curfew impositions and liftings were often inconsistent and erratically enforced.

Throughout the year IDF forces blocked access to emergency medical assistance

on numerous occasions and for long periods, often in circumstances that appeared to violate Israel’s obligations under international humanitarian law. Israeli soldiers also attacked ambulances and harassed or ill-treated emergency medical personnel, alleging armed Palestinian groups used ambulances to transport weapons and personnel. As of November, the IDF had made public evidence of only one such case, on March 27, 2002, involving a Palestinian ambulance reportedly carrying explosives near Ramallah.

The humanitarian situation in the Occupied Territories deteriorated significantly as a result of the cumulative impact of damage to civilian infrastructure, movement restrictions, and ongoing violence. When visiting the region in October, the head of the International Committee of the Red Cross (ICRC) described the humanitarian situation as “the most dire since 1967.”

Economic activity, already severely curtailed, came to a virtual standstill and humanitarian agencies became increasingly responsible for provision of food, medication, and other essential goods and services in the West Bank and Gaza. According to the U.N. special coordinator for the Occupied Territories, by August 31 unemployment stood at 50 percent in both the West Bank and Gaza. More than 55 percent of inhabitants in the West Bank and 70 percent in Gaza lived under the poverty level of two dollars of consumption per day. By November 1, Israeli authorities had transferred \$42 million of the estimated \$681 million of frozen tax transfers owed by Israel to the PA.

In addition to the logistical challenges imposed by severe movement restrictions, humanitarian organizations complained of increased harassment of staff by IDF soldiers and increased difficulty in gaining permission for expatriate staff to enter Israel.

Israeli forces continued to demolish punitively the homes of families of alleged suicide bombers or other members of armed Palestinian groups. According to B’T-selem, more than eighty-one homes had been punitively demolished from January 1 to November 17, 2002. These acts violated international humanitarian law provisions prohibiting collective punishment. Other dwellings were destroyed for alleged security purposes. According to the Gaza-based Palestinian Center for Human Rights (PCHR), 613 dwellings were destroyed by IDF forces in Gaza from September 2000 to September 25, 2002, leaving more than four thousand individuals homeless. The PCHR reported some seventeen thousand dunums of agricultural land were forcibly cleared during the same period.

Israeli authorities also confiscated Palestinian lands to expand Israeli settlements and for the construction of bypass roads. On May 20, the Israeli group Peace Now reported that fifteen new settlement sites had been established since the election of Prime Minister Sharon in February 2002 in contravention of international humanitarian law. In August, Peace Now reported that eight new settlements had been established in that month alone. On September 19, outspoken settlement supporter Effie Eitam was appointed minister of national infrastructure. Two weeks later, Defense Minister and Labor leader Benyamin Ben-Eliezer ordered the dismantling of some eighteen unauthorized settlement outposts, the majority uninhabited, before resigning from government on October 28.

More land was confiscated, and de-facto borders re-defined, as Israel began the

construction of a “security fence” over 116 kilometers of the northern West Bank, along—but not contiguous with—the Israeli border. Over ten thousand Palestinian inhabitants were expected to be affected as their villages became caught within the proposed fence.

On September 3, the Supreme Court upheld the forcible relocation of two family members of an alleged suicide bomber from the West Bank to Gaza for two years. The court’s decision limited the application of the punishment to individuals who themselves constituted a security danger to the state. The determinations were made in administrative proceedings, based on secret evidence unavailable to the defendants and their counsel. Similarly, the right to trial was denied to Nahad Abu Kishaq, whose Israeli citizenship was revoked by the minister of the interior on the basis of Kishaq’s alleged involvement in Hamas attacks against civilians.

According to B’Tselem, Israeli settlers in the Occupied Territories killed at least twelve Palestinian civilians from January to October 2002, and injured dozens more. Settlers attacked Palestinian homes, fields, cars and other property, and blocked major roads with unofficial checkpoints. On July 28, settlers from Kiryat Arba in Hebron killed two Palestinian children and injured at least fifteen others as they attacked and burned houses in Hebron following the funeral of two settlers killed by Palestinian gunmen two days earlier. Settler attacks against Palestinian civilians and civilian property were rarely prevented or halted by the Israeli authorities, and were particularly acute during the October-November olive harvest season.

Israeli military prisons and detention centers overflowed as a result of mass arrests conducted in March-April. Local organizations estimated at least 4,500 Palestinian civilians, including children, were arrested for questioning during Operation Defensive Shield, and a steady stream of arrests continued throughout the year. Reports of ill-treatment were widespread, including kicking, beating, squalid conditions, and deprivation of food and drink. On September 4, the Public Committee Against Torture in Israel reported that there appeared to be a “gradual reversion to the use of torture” despite the September 1999 High Court decision outlawing its use. While the extent of their use was unclear, methods outlawed by the High Court but reportedly used during interrogation included exposure to extremes of temperature, sleep deprivation, the requirement to remain in an enforced position for extended periods, and intense psychological pressure. According to media reports some 1,600 Palestinians were detained on security-related grounds at the end of the year. Nine hundred of them were held in administrative detention, without charge or trial.

On June 5, 2002, the Knesset passed legislation cutting by 24 percent national child allowances for children whose parents had not served in the army. The cuts disproportionately affected Palestinian Arab citizens, the majority of whom were exempt from military service and whose children are the poorest in Israel. The new cuts exacerbated inequalities in educational spending that Human Rights Watch documented in its December 2001 report, *Second Class: Discrimination against Palestinian Arab Children in Israel’s Schools*. The High Court issued a temporary injunction against the cuts on October 14, prior to a full hearing on the issues scheduled for mid-November.

The Israeli Labor Party withdrew from the governing coalition on October 30. Sharon’s resulting minority government set an early election date for January 28, 2003.

Palestinian Authority Territories

As Israeli military operations increased, armed Palestinian groups mounted the deadliest series of attacks against Israeli civilians in decades. On December 1, 2001, a series of attacks on a Jerusalem pedestrian mall were followed the next day by a Hamas attack on a Haifa city bus. These incidents collectively represented the worst twenty-four hours of civilian attacks in Israel since 1996, but were followed by some six weeks without attacks after President Arafat successfully pressured armed groups to observe a ceasefire.

On January 27, the al-Aqsa Martyrs’ Brigades, a network of Fatah-affiliated armed groups, carried out their first suicide attack against Israeli civilians, a tactic already frequently used by Hamas, Islamic Jihad, and, from October 2001, the Popular Front for the Liberation of Palestinian (PFLP). Violence against Israeli civilians peaked in March, when eighty civilians were killed and some four hundred were injured in twelve separate attacks, the most deadly of them was the March 27 bombing of Netanya’s Park Hotel, in which twenty-nine civilians were killed and one hundred were injured.

Despite repeatedly condemning suicide bombings and other deliberate attacks on civilians, President Arafat and other PA officials consistently failed to move decisively against those who ordered or organized such attacks. A culture of impunity resulted. While senior Hamas, Islamic Jihad, and PFLP members continued to openly admit their responsibility in ordering such attacks, senior Fatah officials distanced themselves from those carried out by the al-Aqsa Martyrs’ Brigades—but failed to cut clearly Fatah’s ties with the Brigades. Debate within the Palestinian community over the legitimacy of suicide attacks against civilians increased from May, when a group of some 150 intellectuals published a petition in the East-Jerusalem based newspaper, *al-Quds*, opposing their use. Attacks declined in frequency after May, but did not stop completely.

In addition to attacks on military targets, armed Palestinians continued to shoot at settlements and to use firearms and roadside bombings against Israeli settlers in the Occupied Territories. On January 15, architect Avi Boaz, seventy-one, was abducted from his car at a police checkpoint near Bethlehem and shot some thirteen times by gunmen of the al-Aqsa Martyrs’ Brigades. Although some militants justified such attacks by saying that residents of illegal settlements were legitimate military targets, such attacks directly violated international humanitarian law, which makes clear that civilians are to be protected unless they directly participate in armed hostilities.

The Palestinian Legislative Council criticized the participation of children in armed activities as reaction to growing community concern after several incidents in Gaza in which Palestinian boys aged under sixteen were killed as they attempted to attack settlements on April 24. Hamas and Islamic Jihad published statements publicly requesting children not to take part in such activities, but the groups failed

to specify the age at which they considered participating in military activities to be legitimate. In contrast, the al-Aqsa Martyrs' Brigades recruited at least three children to carry out suicide attacks against Israeli civilians. In September, the Palestinian Journalists' Association sought to ban media coverage of children participating in political demonstrations.

Armed Palestinians killed at least twenty-two alleged collaborators with Israel. PA officials declared a one-month official amnesty for collaborators on July 10, promising leniency and fair trials for those that gave themselves up. A convicted collaborator, Hossam Hissi, was shot by Gazan prison authorities the same day while "trying to escape." According to media reports, individuals suspected of collaboration were sometimes required to prove their loyalty by carrying out attacks against Israeli military targets or civilians; according to uncorroborated documents released by the Israeli security forces, officials of the Palestinian General Intelligence Service may have also ordered or carried out the vigilante killing of collaborators. The PA failed to bring to justice those responsible for such killings.

PA control over the territory delegated to it under the Oslo Accords became weaker throughout the year as Israel's destruction of PA infrastructure undercut the PA's ability to deliver civilian and security services. Internal and external pressure on President Arafat to reform PA structures continued to build steadily throughout the year. On May 28, Arafat finally signed several laws long-sought by human rights advocates, including the Basic Law and the Judicial Authority Law. In June, Arafat announced parliamentary elections would be held in January 2003. Palestinian groups worked hard to define practical reform steps and indicators of success, while the E.U. and U.S. joined with Japan and international financial institutions to ensure international support for the process via an International Palestinian Reform Task Force. At the time of writing, tentative preparations for elections, scheduled for January 20, had begun.

The PA system of justice deteriorated further under the pressure of a fracturing political climate, ongoing military operations, and the destruction of court records and infrastructure. Proceedings in civilian courts virtually ground to a standstill. Even state security and military courts, which failed to meet minimum international fair trial standards and usurped many of the functions of the civilian courts, operated at best erratically throughout the year. At least thirteen persons were sentenced to death after summary trials. On April 4, five men and one boy were sentenced to death by the State Security Court on charges of collaboration with the Israeli General Security Service, while another man was sentenced to fifteen years hard labor. The boy's sentence was commuted to life imprisonment. On June 5, one month after Arafat signed the Judicial Authority Law, the Gaza State Security Court sentenced Faisal Abu Teilakh, twenty-six, and Sa'id al-Najjar, twenty-nine, to death for the rape and murder of Islam Mahmoud al-Khatib, a seven-year-old. The men were convicted and sentenced after a three-hour hearing. Both men were executed the following day. Haidar Ghanem, a Gaza-based fieldworker for B'Tselem, was sentenced to death on charges of collaboration on October 28. State Security Court verdicts were not open to appeal.

The cumulative damage suffered by PA prisons and other detention facilities aggravated still further the chaotic and arbitrary conditions under which PA detainees were being held. Individuals continued to be held in makeshift detention

facilities, often without charge or trial. The PA continued to hold Ahmed Sa'adat, leader of the PFLP and other members of Palestinian armed groups without charge or trial. In May, during the period Arafat was confined for thirty-four days in his compound by the IDF, the PA convicted four of five men alleged to have organized or carried out the killing of Israeli tourism minister, Rehavam Ze'evi, in a show trial. The five men, plus Arafat adviser Fu'ad Shubaki, were transferred under U.S. and U.K. international supervision to Jericho prison on May 1. The Palestinian High Court ordered Sa'adat's release on June 3 on the basis of a lack of evidence against him. PA officials did not comply with the court order.

Strains within and between the PA and members of armed Palestinian groups saw an increase in incidents of internal politically-motivated violence, as well as a rise in the use of lethal force by Palestinian police. On May 14, PA Minister for NGOs Hassan Asfour was hospitalized after being severely beaten by masked men, reportedly as a result of internal political rivalries. On September 22, the home of Nabil Amr, Palestinian Legislative Council member and reform proponent, was shot at by unknown men in a drive-by shooting. One week later, Arab newspapers reported that Fatah General Secretary Mahmud Abbas had received death threats as a result of rumours that he was a potential candidate for prime minister, a position some members of the Palestinian Legislative Council had advocated as a potential mechanism for executive reform. The proposal was officially dropped following a ten-day Israeli siege of the Ramallah government compound in October. On October 8, Hamas members reportedly captured and killed riot police chief Colonel Rajah Abu Lehiya in revenge for the killing of two Palestinian demonstrators exactly one year before.

DEFENDING HUMAN RIGHTS

Israeli restrictions on freedom of movement and entry hampered the ability of human rights defenders to collect and disseminate information. Human rights defenders from a variety of nongovernmental organizations were denied entry or re-entry into Israel, including Human Rights Watch, the Palestinian Center for Human Rights, and the International Rehabilitation Council for Torture Victims. Palestinian lawyers continued to be prevented from gaining access to clients held in detention facilities inside Israel.

Israeli security forces detained several Palestinian and Israeli human rights activists. On January 2, prominent activist Dr. Mustapha Barghouti was arrested twice by Israeli security officials and severely beaten. He was released without charge and sought treatment for a fractured right patella the same day. Abed Rahman al-Ahmar, an employee of the Palestinian Human Rights Monitoring Group, was released on May 23 after more than one year in administrative detention. Yasser Ali Mohammad Dissi, an employee of al-Haq, was detained by the IDF on March 30 during a search of al-Haq's offices, and placed under a three-month detention order on April 13. He was released from the Ansar-3 detention center after the order's expiry on July 2, one week after he was injured in a prison protest for more humane conditions of detention.

Israeli nongovernment organizations faced increased use of intimidatory tactics

by the Israeli authorities. On August 5, the Israeli newspaper *Ha'aretz* reported that the prime minister had requested the attorney general to examine possible legal steps against Israeli peace group Gush Shalom, after the group had warned fifteen soldiers that it was compiling evidence of violations of the laws of war for potential use in a national or international tribunal. In mid-August, the attorney general's office notified Gush Shalom that such letters "could be in violation of extortion laws" but that the office would not initiate legal proceedings "for the moment." On August 11, the Legal Center for Arab Minority Rights learned from media reports that it was to be investigated by the Israeli Registrar of Associations for alleged breaches of the Associations Law. The registrar did not engage in any initial process of clarification with Adalah, nor did he inform it of his decision until August 18.

The PA continued to allow human rights organizations to operate in the territory under its authority, but continued to deny human rights workers access to prisons and unofficial detention facilities. Three members of the Grassroots International Protection for the Palestinian People were kidnapped on September 18 and held hostage by former members of the PA security services. The three were released without harm the following day. A representative of the International Committee of the Red Cross was kidnapped on November 7, allegedly by the same group, and later released without harm.

THE ROLE OF THE INTERNATIONAL COMMUNITY

On December 5, 2001, the High Contracting Parties to the Fourth Geneva Convention met and issued a detailed declaration in which they reaffirmed the convention's applicability to the Occupied Territories, including East Jerusalem. The U.S. did not attend. On June 26, a Belgian appeals court ruled that the case against Prime Minister Sharon, and others, brought by survivors of the 1982 Sabra and Shatila massacres in Lebanon, could not proceed because the defendant could not be tried in absentia. The plaintiffs appealed the decision on July 3. A complaint in Belgium filed against President Arafat on November 26, 2001 had yet to be heard.

United Nations

The secretary-general and high commissioner for human rights consistently criticized violations of human rights and international humanitarian law. The secretary-general regularly emphasized that there would be no lasting security without a political settlement, a position he emphasized both individually and in his capacity as a member of the "Quartet," a diplomatic group comprised of the E.U., Russia, the U.N., and the U.S. The special rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967, John Dugard, submitted reports in March and August.

On December 14, 2001, the Security Council debated a resolution condemning violence on the ground and supporting the establishment of an international monitoring mechanism. The resolution failed to pass as a result of a U.S. veto. Similar language was incorporated into a resolution of the fifteenth resumed meeting of

the Tenth Emergency Special Session of the General Assembly on December 20, 2001.

The U.N. Security Council passed five resolutions on the situation in Israel and the Occupied Territories from January to November 2002. As Israeli incursions into PA-controlled areas accelerated, the Security Council passed Resolution 1397 on March 12, which for the first time affirmed "a vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders." After Operation Defensive Shield was launched on March 29, Resolution 1397 was followed by 1402 on March 30, which called for a ceasefire and the withdrawal of Israeli troops from Palestinian cities. On April 4, the council passed Resolution 1403, which demanded the implementation of 1402.

On April 5, the Commission on Human Rights requested the high commissioner for human rights to organize an urgent mission to report on the deteriorating human rights situation in the Occupied Territories. The mission was called off on April 19 because it "would not be facilitated by the Israeli authorities." The same day, the Security Council passed Resolution 1405, which emphasized the "dire humanitarian situation" of the Palestinian population in the Occupied Territories and welcomed the secretary-general's initiative to develop a fact-finding team regarding events in the Jenin refugee camp. While the Israeli government originally consented to the fact-finding team under U.S. pressure, it expressed progressively broader objections to the team's mandate and composition. The secretary-general disbanded the team—which had already begun preliminary information-gathering—on May 3, 2002.

On May 19, a resumed meeting of the Emergency Special Session requested the secretary-general to present a report on events in Jenin and other cities. The report, collated from existing sources of information without the cooperation of the Israeli authorities, was released on August 2. Although recognizing the limitations inherent in the secretary-general's mandate, human rights groups criticized the report for making limited reference to the obligations of the parties under international law, reaching few clear conclusions about violations of that law, and failing to raise the issue of accountability for serious violations that may have been committed.

As the year continued, the U.N., like other international organizations, became increasingly responsible for providing humanitarian assistance to the civilian population. The United Nations Relief and Works Agency for Palestine Refugees (UNRWA) experienced a nine-fold increase in its hardship caseload, despite facing increasingly severe problems with the movement of staff and goods. Catherine Bertini, the secretary-general's personal humanitarian envoy, reported in mid-August that a "serious humanitarian crisis" existed in the West Bank and Gaza, linked closely to restrictions on freedom of movement. Bertini said Israeli authorities had committed to address "some of the most immediate constraints," but noted the existence of a wide gap between official policies and their implementation. In September, the U.N. Office for the Coordination of Humanitarian Activities reported that some twenty U.N. staff had been denied permission to enter Israel.

On September 25, during Israel's siege of Arafat's compound, the Security Council passed Resolution 1435. The resolution demanded Israel cease its activities

in Ramallah, and withdraw to the position it occupied in September 2000. The resolution also reiterated a call for a complete halt to all acts of violence. The U.S. abstained from voting, but did not veto the resolution. Israel publicly refused to comply with the resolution, although it withdrew from the compound four days later under intense U.S. pressure.

On October 4, the U.N. Committee on the Rights of the Child issued its concluding observations on Israel's first periodic report. Amongst its many recommendations the committee encouraged the creation of a focal point for children, called for the allocation of sufficient resources to implement current legislation, and emphasized the need for Israel to fully comply with international humanitarian law in the Occupied Territories.

European Union

While E.U. leaders at times used forceful language on the violence in Israel and the West Bank and Gaza, E.U. political actions continued to be subordinated to U.S. policy interests, a reflection of weak E.U. influence in Israel, and of differences among E.U. member states.

The E.U. remained the pre-eminent donor to the Palestinian Authority and other key humanitarian institutions. From January to October, 2002, the E.U. provided an estimated total of €219 million to Palestinian organizations and projects, as well as €70 million to the UNRWA. E.U. funding continued to provide emergency budgetary support for the PA at €10 million per month.

E.U. funding to the PA became the subject of controversy in late April, when Israeli officials alleged that it had been used to fund armed activities against Israel. The European Commission asked Israel for proof of its allegations on May 8. On June 20, External Affairs Commissioner Chris Patten announced a joint E.U.-IMF inquiry had found there was "no evidence [that] E.U. funds [were] used for other purposes than those agreed. There is no reason to state that E.U. money has financed terrorism or bought weapons."

In January 2002, the E.U. wrote to the Israeli prime minister to protest the IDF's destruction of some U.S.\$15 million worth of E.U. funded projects, including schools, irrigation and sewage schemes, and forestry projects. E.U. officials explicitly reserved "the right to claim reparation in the appropriate fora." E.U. criticism of Israel's isolation of President Arafat and heavy use of force grew still sharper after February 8, when an IDF helicopter fired missiles into Arafat's offices while E.U. Special Envoy Moratinos met with Arafat.

In February and October, the E.U. took preliminary steps to require importers who sold goods made by Israeli manufacturers to either provide proof that the products were not made in the Occupied Territories, or deposit funds against any future tariffs. Despite pressure from the European Parliament, which on April 10 voted 269 to 208 to suspend the Euro-Israeli Association Agreement, the E.U. failed to call a special meeting of the Association Council or to undertake other concrete association-related actions to influence Israeli policies.

E.U. leaders continued to urge the resumption of political and security negotiations between Israel and the Palestinians throughout 2002. In December 2001 and

early 2002, E.U. statements emphasized the continued legitimacy of President Arafat as leader of the PA, criticized IDF incursions in PA areas, urged Palestinian leaders to end attacks against civilians, and re-affirmed the applicability of the Fourth Geneva Convention to the Occupied Territories. E.U. members abstained on the resolution on violations of human rights in the Occupied Territories at the Commission on Human Rights, but from April E.U. leaders highlighted the humanitarian consequences of IDF military activities. From July, the E.U. began to play a leading role in the "International Taskforce on Palestinian Reform," in its capacity as a member of the Quartet. A draft peace plan was proposed by the Danish Presidency on September 4 and discussed by Quartet members on September 17. The plan was presented to Israeli and Palestinian authorities, and was under discussion at this writing.

United States

U.S. policy on Israeli and Palestinian issues was inconsistent for much of 2002. Affected by differences between the State Department, White House, and Defense Department, policies were directly influenced first by the rhetoric and actions of the "war on terrorism," and later by the proposed war against Iraq.

Israel remained the largest recipient of U.S. bilateral aid. Under the provisions of the 2002 Foreign Operations Appropriations Bill, Israel received \$720 million in economic support, \$60 million assistance for migrants and refugees resettling in Israel, \$2.04 billion in military financing, and an unspecified amount under the heading "Nonproliferation, Anti-Terrorism, Demining and Related Programs."

U.S. assistance to the Palestinians comprised some \$100 million to UNRWA and \$75 million in U.S. Agency for International Development (USAID) projects in 2002.

The IDF continued to employ U.S.-supplied weaponry in military operations, including Apache and Cobra helicopters, F-16 fighter aircraft, munitions, and M-16 automatic weapons. In September 2002, the State Department Authorization Bill signed into law by President Bush provided an extra \$100 million in military assistance to Israel, under the title of war reserve stockpiles. The same bill provided \$50 million in Palestinian emergency disaster relief projects. Special Envoy Anthony Zinni and other U.S. officials made multiple visits to the region, many of them disrupted by violence. The most prominent was Secretary of State Powell's visit in mid-April, at the end of Operation Defensive Shield. Powell reiterated U.S. demands that Israel withdraw from Palestinian cities and proposed a mid-year multilateral peace conference. The proposal lapsed after June 24, at which time President Bush delivered a speech demanding reform of Palestinian institutions and new Palestinian leadership: "When the Palestinian people have new leaders, new institutions and new security arrangements with their neighbors, the United States of America will support the creation of a Palestinian state whose borders and certain aspects will be provisional until resolved as part of a final settlement in the Middle East."

The United States' pursuit of reform, via the Quartet, was coupled with an emphasis on the humanitarian situation in the West Bank and Gaza Strip. U.S.

efforts continued to be hampered by strong public perception of bias in favor of Israel, aggravated by the administration's refusal to meet with senior Palestinian leaders despite frequent meetings with Prime Minister Sharon. On August 5, Israel and the United States signed a bilateral treaty preventing the citizens of either country from facing charges in the International Criminal Court. On August 28, Israel informed the U.N. secretary-general that it did not intend to become a party to the ICC statute, and therefore had no legal obligations arising from its December 31, 2000 signature.

U.S. reactions to reported Israeli violations of international humanitarian law continued to emphasize Israel's right of self-defense without clear reference to international humanitarian law standards. The U.S. continued its stated opposition to Israel's policy of "liquidations," reiterated on November 5, after the U.S. targeted killing of an alleged al-Qaeda associate in Yemen. U.S. language on Palestinian civilian casualties strengthened somewhat toward the end of the year. On October 7, a Department of State spokesperson described the U.S. as "deeply troubled" by the civilian casualties caused by an IDF attack in Gaza, and called on the Israeli authorities to act with "the utmost care to avoid harm to civilians," particularly when conducting operations in heavily populated areas. U.S. language was not, however, accompanied by public steps to pressure Israel to meet its obligations under international humanitarian law.

RELEVANT HUMAN RIGHTS WATCH REPORTS:

Erased in a Moment: Suicide Bombing Attacks Against Israeli Civilians, 11/02

Jenin: IDF Military Operations, 05/02

In a Dark Hour: the Use of Civilians During IDF Arrest Operations, 04/02

SAUDI ARABIA

Following the attacks on New York and Washington on September 11, 2001, Saudi Arabia faced the most sustained international scrutiny in its modern history. Despite massive media attention and liberal access granted to Western journalists, detailed information about human rights violations remained elusive. The continuing absence of a local human rights movement and the government's policy of keeping the kingdom closed to investigators from international human rights organizations contributed to the information shortage, as did the Interior Ministry's effective use of harassment and intimidation to keep human rights victims and their advocates silent. Interior Ministry operatives also pressured families of perceived critics and in several documented cases security officials detained close relatives without charge.

HUMAN RIGHTS DEVELOPMENTS

The broad features of the kingdom's human rights landscape remained unchanged. Saudi Arabia lacked independent national institutions to question, criticize or hold accountable the all-powerful executive branch of government controlled by the royal family. The appointed Consultative Council (*majlis al-shura*) had a limited role and was no substitute for an elected parliament with independent oversight powers. Political groups of any kind were not permitted and demonstrations were banned. Meetings and public assemblies required permission of the authorities. Procedures to obtain legal status for nongovernmental organizations (NGOs) remained cumbersome and opaque, with independent groups unable to establish themselves. The department of statistics disclosed on August 9 that 50 percent of the Saudi population was under the age of fifteen. It remained unclear how authorities were prepared to accommodate this educated and potentially restive population in the coming years, since students were not permitted to organize groups to articulate their concerns.

Freedom of expression, including press freedom, was limited, and authorities took punitive measures against journalists and others viewed as too outspoken. The King Abdul Aziz Center for Science and Technology controlled access to the Internet. Users were unable to reach sites that authorities blocked for political or "moral" reasons. There were no independent women's rights organizations to give voice to gender issues, such as discrimination in the legal and education systems and sharp restrictions on women's freedom of movement. Similarly, the kingdom had no NGOs to advocate for the rights of religious minorities—notably, Shiite and Ismaili Muslims who faced serious discrimination—or the kingdom's estimated six million to seven million foreign workers. Senior government officials refused to give credence to reports of human rights violations and reacted defensively when such information was publicized internationally.

On the positive side, the newly adopted code of criminal procedure came into force on May 1. The law represented an important step toward greater transparency in the administration of the criminal justice system by specifying legal procedures and due-process rights. Notably, it prohibited torture and other forms of ill treatment, stated clearly that persons arrested or detained must be promptly informed of the charges against them, and acknowledged the right of criminal suspects to the assistance of lawyers during investigation proceedings and trial. It also provided for oversight of prisons and other places of detention by members of the Public Investigation and Prosecution Department to ensure that no one was detained or imprisoned in an unlawful manner.

Some of the code's provisions were at odds with international human rights standards, such as article 33, which stated that suspects must establish their innocence to the satisfaction of non-judicial authorities within the first twenty-four hours of arrest or face the prospect of long-term detention. Despite the code's various deficiencies, it nevertheless provided important benchmarks for assessing the practices of internal security and police forces, public prosecutors, and other officials. But without an active network of human rights lawyers or an effective civil

rights association serving citizens and foreign residents alike, it remained to be seen how compliance with the code will be monitored and how violations of it will be addressed. It also remained unclear how the government planned to educate the public about the new law. Saudi citizens interviewed by Human Rights Watch during the year had no knowledge of the code or the specific rights it guaranteed.

Westerners continued to be targeted and killed in mysterious car bombings, which the government maintained were not the work of Saudis. On June 20, British banker Simon Veness died in Riyadh when his car exploded on the way to work. Nine days later, also in Riyadh, an American couple discovered a bomb under their car before it detonated. On September 29, German worker W. Maximilian Graf was killed in Riyadh when his car exploded. Prince Nawwaf bin Abdulaziz, director of the General Intelligence Department, called it an “isolated” incident and not “a terrorist [act] against foreigners in the kingdom.”

Torture under interrogation of political prisoners and criminal suspects continued. One Saudi prisoner, released in 2002 after being held for six years without charge or trial by the Interior Ministry’s General Directorate of Investigation (popularly called *mabahith* in Arabic), said that as a condition of release he was forced to sign a pledge that he would not speak or write to anyone about what he witnessed. In a document provided to Human Rights Watch he described how detainees were tortured, including “beating with sticks, whips, and electric cables; use of a revolving electric chair until the victim loses consciousness and begins to vomit; sleep deprivation for long periods, up to one week; and forcing the victim to stand on one leg and raise one arm for extended periods.” He also alleged that prisoners were subjected to “sexual harassment by threat or the actual practice [of] inserting an iron rod in the rectum,” and held in “solitary confinement for more than four months, in some cases in a windowless room less than two meters square and without ventilation.” Human Rights Watch also received credible information concerning the physical and psychological torture meted out to five Britons and one Canadian imprisoned as suspects in bombings of Westerners that began in November 2000. (See below.) Techniques included: continuous sleep deprivation for up to ten days; abrupt slapping on the face and punches to the body; forcing them to stand while their hands were shackled to the top of a door; hanging them upside down, with their hands and feet shackled; and threats to harm their relatives if they did not agree to sign dictated confessions.

In September, British citizen Ron Jones, a forty-nine-year-old accountant, initiated legal action to sue the Saudi government for false imprisonment and torture during his sixty-seven days of detention in 2001. He was injured in a bombing in Riyadh in March 2001; within twenty-four hours Jones was removed from his hospital bed and detained by the Interior Ministry as a suspect, according to *The Guardian* (London). “They said they knew I was part of the bombing circle, that I had planted the bomb, and that if I didn’t admit it they would torture me until I confessed,” Jones told the newspaper.

Secret and wholly irregular trials of Saudis and foreigners continued. In some cases, it appeared that the defendants themselves were not aware that a trial was in progress, since they were asked to do no more than verify that a signed confession was their own. In February, Prince Nayef said that the case of seven foreigners—five

Britons, one Canadian, and one Belgian charged with the anti-Western bombings—was “before the judiciary.” He provided no additional details. Human Rights Watch learned that the defendants were secretly tried and sentenced without the notification or presence of their Saudi defense lawyers. Nor were the lawyers informed when the Court of Cassation and the Supreme Judicial Council (SJC) reviewed and approved the sentences—reportedly eight years for Belgian Raf Schyvens, eighteen years for Britons Pete Brandon, James Cottle, James Lee, and Les Walker, and the death penalty for Briton Alexander Mitchell and Canadian William Sampson. In a special written appeal to the SJC after it upheld the sentences, the lawyers made clear that they had no opportunity to defend their clients while the legal proceedings were underway; that the only evidence presented was coerced confessions obtained under torture; and that judges ignored defendants’ claims of coerced confessions and did not request investigations. The lawyers also pointed out that similar car bombings of Westerners continued after the arrest of their clients, citing the June 20 attack that killed a Briton in Riyadh.

Deputy Interior Minister Prince Ahmed bin Abdulaziz revealed on June 13 that some of the suspects in the 1996 bombing of the Khobar Towers, in which 19 U.S. Air Force personnel were killed, were tried in a court of first instance. He did not disclose the dates of the trial or the names or number of defendants. He provided few details other than that the group “did not include non-Saudi nationals.” The prince said the “sentences will go to a higher court, then to the Supreme Judicial Council and then to the king for approval,” adding vaguely that the verdicts would be “announced at the appropriate time.”

Authorities continued to detain without charge relatives of perceived critics. Kamil al-Ahmed, the younger brother of Saudi activist Ali al-Ahmed, who founded the U.S.-based nongovernmental Saudi Institute in 2000, was arrested at his home in Safwa on September 13, 2001. He was held without charge in a mabahith detention facility in Dammam. More recently, internal security forces detained the son of Dr. Said bin Zuair, an academic and political prisoner who has been held without charge since March 1995. The son, Saad, had campaigned for his father’s release, speaking on the widely watched al-Jazeera television station on several occasions and writing about the case in Internet discussion forums. He was arrested on July 4 at Riyadh airport, reportedly en route to Qatar for an interview on al-Jazeera. He was taken to al-Ha’ir prison, where his father was also being held. As of this writing, there was no information about any legal basis for his arrest.

The rights of Saudi women and girls remained captive to the kingdom’s patriarchal social-cultural traditions as well as conservative interpretations of *shari’a* (Islamic law). Women did not enjoy freedom of movement and required permission from their fathers, husbands, or other close male relatives to travel inside the kingdom or abroad. Some 3,500 members of the Committee to Promote Virtue and Prevent Vice, or religious police, enforced the mandatory dress code for women. In May, the Commerce Ministry confirmed that it was coordinating with the religious police to clamp down on local factories that made *abayas* (the traditional formless black cloaks that were regulation public attire for Saudi women) that officials considered *risqué*. The garments were reportedly becoming popular in some Saudi cities. Authorities were prepared to confiscate and destroy the new *abayas* and take

“punitive measures” against their owners, according to a May 2 story in *Arab News*.

The ongoing ban on women driving caused economic hardship in some families and tremendous inconvenience for young graduates of teacher colleges assigned to schools in outlying districts. The government began in November 2001 to issue photo identification cards to women for the first time, although it did so “very quietly without any publicity in the press or the state-run radio and TV,” Agence France-Presse reported on December 2, 2001. Women reportedly required the written permission of a spouse or other male guardian to obtain the cards. Some Saudi women dismissed the move as “window dressing” for the West, making no real difference in their lives. “You still need your husband’s or male guardian’s permission to apply for a job, be admitted to a hospital, and travel anywhere inside or abroad. Without their approval, you cannot do anything,” one Riyadh-based educated mother of three told Human Rights Watch. The national policy of gender segregation limited education and employment opportunities for women and girls, although they were enrolled in numbers proportionate to men and boys at all levels of the education system, including universities. Women were not permitted to study engineering and were barred from attending the prestigious King Fahd University of Petroleum and Minerals, which trained a male student body of some seven thousand for jobs in the energy industry.

Blatant gender discrimination meant that Saudi women and girls (Saudi law sets no minimum age for marriage) were not permitted to marry non-Muslims and could not pass on their Saudi citizenship to their children from non-Saudi fathers. Foreigners married to or divorced from Saudi men faced an added discriminatory burden: They were not permitted to enter the kingdom to visit their children without the written permission of the fathers, who had to file a “statement of no objection” with the Interior Ministry as a condition for granting a visa, according to the U.S. State Department January 2002 report on international parental child abduction.

The tragic fire at an overcrowded and unsafe public school for girls in Mecca on March 11, in which fifteen were killed, precipitated a public uproar in the kingdom and unprecedented critical press coverage of the religious police and the General Presidency for Girls Education (GPGE), the conservative agency responsible for policymaking and administration of female education. A March 25 royal decree forced GPGE head Ali bin Murshid al-Murshid into early retirement and merged the GPGE with the Ministry of Education, ending its historic autonomy. But senior government officials appeared reluctant to take on the religious police, whom eyewitnesses criticized for hampering rescue efforts at the school because the fleeing girls were not properly attired in the customary abayas and head coverings. On March 24, Interior Minister Prince Nayef implicitly defended the religious police, stating: “The fire was extinguished by the civil defence [force] within five minutes.” He then criticized the Saudi press for inaccurate reporting: “Have those who reported the incident been competent and responsible? Sorrowfully no. Every correspondent wanted to satisfy his newspaper [by] exaggerating.” On April 9, Prince Saud bin Fahd, deputy chief of intelligence, said: “Investigations into the fire incident proved that the [religious police] had done nothing wrong.”

The public controversy surrounding the Mecca fire had broader implications for

the local press. Prince Nayef met with newspaper editors and “scolded them for crossing lines concerning religion,” the Associated Press reported from Riyadh on April 24, citing a source who attended the meeting. This informal control of the press from the top, influencing coverage and content, was noted by Saudi journalism professor Suleiman al-Shammari, whom the Associated Press quoted as saying: “The government acts like the media’s doorman, especially when it comes to foreign policy, opening and closing the door when it wishes.”

Muhamed Mukhtar al-Fal, editor in chief of the daily *al-Madina*, was dismissed from his post in March, reportedly on orders of the interior minister. The action came after the newspaper published “The Corrupt on Earth,” a poem of Saudi writer and poet Abdel Mohsen Mosallam. The poem lambasted corrupt judges, stating in part: “Your beards are smeared with blood. You indulge a thousand tyrants and only the tyrant do you obey.” Mosallam was arrested on March 18, eight days after the newspaper published his poem. He was held for eighteen days without charge in a mubahith office in Riyadh and was not mistreated during his detention. As of this writing, he was blacklisted, unable to publish in Saudi newspapers, and banned from traveling. Al-Fal was not reinstated to his post but was not banned from writing.

The government did not respect the rights of religious minorities in the kingdom, whether these communities were Saudi or expatriate. In April 2000, Ismaili Shiite Muslims in the southern province of Najran protested the storming and closure of a mosque, leading to violent clashes with Saudi security forces and mass arrests. In December 2001, Ismaili elders in Najran issued a public statement, charging that ninety-three Ismailis remained imprisoned and seventeen of them faced the death penalty, adding that they were being held “for opposing the condition of degradation, repression and humiliation that is practiced against them and their tribesmen by Saudi authorities because of their faith.” Subsequent unconfirmed reports said the death sentences had been commuted to life imprisonment. On January 9, 2002, the *Wall Street Journal* published an article from Najran discussing discrimination against the Ismaili minority. It quoted tribal leader Sheikh Ahmed Turki al-Sa’ab, who said: “We love our country, but we believe that the government is making a mistake against us.” Although this was his only quote in the article, he was reportedly arrested on January 15 and on April 23 sentenced to seven years imprisonment and flogging. On February 25, the *Wall Street Journal* reported that two other Ismaili tribal leaders, Sheikh Hamad Ali Daseeny, a retired geologist, and Hamad Qulayyan al-Zbaidy, had been detained on February 4.

Members of the kingdom’s Shi’a Muslim minority, numbering about one million—six percent of the Saudi population—continued to assert that the government practiced severe forms of discrimination against them, including toleration of hate speech from the pulpits of Sunni Muslim mosques and from educators in public schools. The Interior Ministry targeted outspoken peaceful critics, harassed them in interrogation sessions, and threatened them with sanctions including loss of their jobs.

Christian residents of the kingdom were not permitted any public display of their faith. The government did not allow churches of any Christian denomination to occupy public space, in sharp contrast to the large number of churches allowed

in nearby Dubai. Asian and African Christians suspected of proselytizing Saudi Muslims were arrested and imprisoned in harsh conditions, and pressured to convert to Islam as a condition of release. Two U.S.-based groups, International Christian Concern and Middle East Concern, publicized the arrest and detention between July and September 2001 in Jeddah of eleven foreign nationals—from India, Eritrea, Ethiopia, and the Philippines. They reportedly were held for practicing their religion in their homes. One of them, Dennis Moreno-Lacalla, a Filipino who worked in the kingdom for sixteen years, was arrested in Jeddah in August 2001 and held without charge until his release seven months later. He said that he witnessed the flogging of three Ethiopian Christians—Tinsaie Gizachew, Bahru Menguistu, and Gebeyahu Tafera—in January 2002, reporting that the men were “kicked, suspended with chains, and lashed 80 times with a steel rod cable about one inch in diameter,” punishment that left them bleeding and in severe pain.

The government took action to move the kingdom slightly closer to compliance with international labor standards when Minister of Labor and Social Affairs Dr. Ali al-Namlah authorized on April 17 the creation of “labor committees” at companies with one hundred or more employees, although foreign workers were barred from committee membership. International Labor Organization (ILO) Director General Juan Somavía described it as “a milestone in the labor history of Saudi Arabia.” The ILO also reported that a second expert team completed consultations with the Labor Ministry in April concerning a new labor law, which it said would be submitted to the kingdom’s appointed Consultative Council (*majlis al-shura*) “in the near future.”

Despite this positive development, foreign workers in the kingdom—particularly Arabs and South Asians in low-wage occupations, including women domestic workers—remained extremely vulnerable to poor working conditions and other abuse at the hands of their employers, who typically held their passports and official residence permits (*iqama*, in Arabic). With these documents essentially confiscated, these workers had limited freedom of movement. They were unable to leave the country unless their employment sponsors requested an exit visa, and were subjected to arrest and steep fines if stopped without residence permits in their possession. Foreigner workers comprised about 65 percent of the private sector labor force, the U.S. State Department’s Bureau of Economic and Business Affairs reported in February.

DEFENDING HUMAN RIGHTS

The absence of freedom of association, coupled with strict limits on freedom of expression, left Saudi citizens and other residents of the kingdom without the ability to report openly about human rights conditions. There were no independent rights organizations, including women’s rights groups, despite signing the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 2000. The U.N. special rapporteur on the independence of judges and lawyers, during an official mission to Saudi Arabia in October (see below), reported that the government was “proposing the establishment of a national human rights institution.”

Some Saudi citizens who suffered rights abuses, or collected information about such abuses, communicated to the outside world in clandestine fashion for fear of punishment at the hands of authorities. Human Rights Watch received information in 2002 from individuals who were summoned to the Interior Ministry and questioned at length about publicizing human rights abuses and contacting international human rights groups. Such harassment and intimidation enforced their silence, leaving them frightened and fearful of arrest or dismissal from their public-sector jobs.

The kingdom remained closed to international human rights organizations during the year. As of this writing, Saudi authorities did not respond to Human Rights Watch’s longstanding requests to visit. Amnesty International was similarly denied. In December 2001, Lieutenant-General Ali Hussein al-Harithi, head of the Interior Ministry’s General Directorate of Prisons, told *al-Sharq al-Awsat* newspaper that Amnesty International and other groups were welcome to visit at “any time.” He added: “We have nothing to hide or fear. [They] will find that the reality of our prisons and inmates does not conform with what is rumored or said about them.” A Human Rights Watch letter to the government following up on these remarks went unanswered.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

Pursuant to an invitation first extended in 2000, the first official visit to Saudi Arabia by a U.N. special rapporteur took place in 2002. Dato’ Param Cumaraswamy, special rapporteur on the independence of judges and lawyers, conducted an official mission October 20-27. He met with senior government officials and examined law, policy, and practice in the kingdom’s administration of justice. He offered preliminary observations in a statement to the press in Riyadh on October 27, noting that the justice system was “currently in a stage of transition.” Cumaraswamy said that there was “some resistance on the part of some judges to the presence of lawyers in their courts” and that the kingdom lacked “a culture of legal representation in the courts but this may soon be rectified.” He expressed concern about “the frequent reliance on confessional evidence before the courts to prove an offense” and “the lack of compliance with some international standards of due process,” including “the right of anyone deprived of their liberty by arrest or detention to be promptly brought before a court to ensure the legality of their continuing detention.” He said he learned that women represented about half the graduates of university law faculties and that there were “no restrictions on them appearing as lawyers before the courts.” He stated that “[m]ore women should be encouraged [to] seek admission to the legal profession and practice before the courts.” The special rapporteur was scheduled to report his findings at the fifty-ninth session of the Commission on Human Rights in March 2003.

U.N. High Commissioner for Refugees (UNHRC) Ruud Lubbers conducted his first mission to Saudi Arabia October 11-14. He had meetings with senior government officials to discuss Rafha refugee camp and the kingdom’s possible accession

to the 1951 Refugee Convention. On October 14, he visited Rafha camp, where 5,200 Iraqi refugees have remained in limbo since the end of the 1991 Gulf war, neither resettled nor repatriated to Iraq. The United Nations High Commissioner for Refugees (UNHCR) said in an October 15 press release that Lubbers told the refugees that UNHCR wanted “to help them find a solution to their long exile” through resettlement in third countries or local integration, if they did not wish to return to Iraq. He noted that the camp was “a remote site” and that the refugees were afforded “only occasional access to the nearby town.”

As part of its obligations under the U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the government submitted an initial report to the U.N. Committee against Torture. The committee considered this report during its twenty-eighth session in April and May 2002, and issued concluding observations and comments on May 28. Among the subjects of concern, the committee noted the lack of criminal sanctions in Saudi domestic law for the crime of torture; corporal punishment, including flogging and amputation of limbs; prolonged incommunicado detention, including lack of access to legal and medical assistance; minimal judicial supervision of pre-trial detention; and prolonged pre-trial detention and denial of consular access to detained foreigners for extended periods. The committee also found that the powers of the religious police were “vaguely defined by law, and that their activities may violate the Convention.” It concluded that Saudi Arabia failed “to provide effective mechanisms to investigate complaints of breaches of the Convention [against Torture],” stating that “as a practical matter” compensation to individuals for violations of the convention was “rarely obtained,” thus limiting “full enjoyment of the rights guaranteed by the Convention”.

United States

Despite political tension in the aftermath of the September 11 attacks, the U.S. and Saudi Arabia maintained close economic and military ties. Shared economic interests included improvement of the stability and reliability of the international oil market. The kingdom’s “capacity to mitigate [oil] supply disruptions in any region,” was noted by Alan P. Larson, under secretary of state for economic, business and agricultural affairs, in an April 22 speech.

The bilateral trade relationship was substantial. In 2001, the kingdom exported \$13.3 billion to the U.S., mostly crude oil and other petroleum products. Saudi Arabia remained the largest market in the Middle East for U.S. products, importing \$5.9 billion. The kingdom’s defense spending “increased by 50.8 percent in 2001, reversing a 30 percent decrease between 1998 and 2000,” according to *Allied Contributions to the Common Defense*, published in June by the U.S. Department of Defense (DOD). DOD’s Defense Security Cooperation Agency reported on September 26 that in fiscal year 2001 the U.S. government’s Foreign Military Sales (FMS) program delivered \$2.03 billion to Saudi Arabia and concluded FMS agreements of another \$587 million. Arms exports from U.S. companies in the same period totaled \$1.02 billion. Formal military ties included a U.S. Military Training Mission to assist Saudi forces with procured U.S. weapons and a similar training

mission with the kingdom’s National Guard. An estimated 6,600 U.S. military personnel, mostly air force, and an undisclosed number of aircraft, were stationed in Saudi Arabia.

Official statements from both governments de-emphasized bilateral political tensions during the year concerning Afghanistan, the Israeli-Palestinian conflict, and the U.S.-led campaign to use military force to overthrow the government of Saddam Hussein. There appeared to be a tacit agreement to highlight mutual interests, such as counterterrorism, trade, and energy sources. The U.S. repeatedly made clear that it was willing to assist Saudi Arabia in its longstanding bid to join the World Trade Organization, and that it hoped for a positive outcome from the Saudi government’s protracted negotiations of a \$20 billion natural gas exploration and development deal with seven international energy companies, four of which were U.S.-based: Exxon Mobil, ConocoPhillips, Marathon Oil Corporation, and Occidental Petroleum Corporation. The other multinationals were BP, Royal Dutch/Shell, and TotalFinaElf.

Senior U.S. officials maintained a distinct public silence about the royal family’s autocratic rule and the persistent pattern of serious human rights violations in the kingdom. Meanwhile, representatives of both governments affirmed publicly that ties remained strong. Crown Prince Abdullah, de facto head of state, made an official visit to the U.S. and met with President Bush on April 25 at his ranch in Texas. The president said that the meeting “confirmed the strong relationship” between the U.S. and the kingdom. He added: “And we’re constantly working with him and his government on intelligence-sharing and cutting off money.” On August 12, U.S. State Department spokesman Philip Reeker said: “[W]e’ve been very pleased with the level of Saudi cooperation in the international campaign against terrorism.” His comments came after Iran arrested and transferred to the kingdom sixteen Saudi citizens, all alleged al-Qaeda members. On September 20, the Saudi embassy in Washington stated that the government had “blocked more than \$700 million in suspected terrorist assets.”

Bush administration officials scrambled to distance themselves from the controversial July 10 briefing given by Rand Corporation analyst Laurent Murawiec to the U.S. Defense Policy Board, which provides advice to the U.S. Defense Department. He charged that Saudi Arabia was “active at every level of the terror chain” and “supports our enemies and attacks our allies.” U.S. Defense Secretary Donald Rumsfeld said on August 6 that Murawiec’s analysis “did not represent the views of the government; it didn’t represent the views of the Defense Policy Board.”

On October 7, the State Department issued the 2002 *International Religious Freedom Report*, which found, as in past reports, that freedom of religion did not exist in Saudi Arabia, the government prohibited the public practice of non-Muslim religions, and “continued to detain non-Muslims engaged in worship services.”

RELEVANT HUMAN RIGHTS WATCH REPORTS:

Human Rights in Saudi Arabia: A Deafening Silence, 12/01

SYRIA

HUMAN RIGHTS DEVELOPMENTS

Syria's nascent civil society and human rights movement absorbed a severe blow as government action eroded already limited rights to free expression and association. Between March and August, ten advocates of democratic reform were sentenced to prison terms ranging from two to ten years, convicted on vaguely worded criminal charges such as "attempting to change the constitution by illegal means" and "spreading false information." Activists affiliated with one independent human rights group were also summoned for trial before the military court in 2003. Given the prominence of some of those imprisoned and the legacy of repression under former President Hafez al-Asad, there could be no doubting the intimidating effect of these measures on other proponents of political reform and human rights in Syria.

As Syrians courageous enough to speak out and openly criticize the state were being prosecuted and imprisoned, authorities continued to release political prisoners from a previous era, including individuals implicated in anti-government violence. In late November 2001, a presidential pardon released 113 political prisoners, some of whom had been imprisoned for up to twenty-two years, including members of the banned Muslim Brotherhood, the Iraqi wing of the Ba'ath party, and the Syrian Communist Workers Party. Among the released Muslim Brothers were three arrested in 1980, Sheikh Imad Ranko, Sheikh Mahmoud Othman, Sheikh Hisham Majzoub, and Sheikh Khaled Chami, arrested in 1982. A military tribunal reportedly had condemned Chami to death, a sentence later commuted to life imprisonment by presidential decree. On August 11, 2002, Haytham Na'al was released in poor health after serving twenty-seven years of a life sentence. He and other members of the Arab Communist Organization were detained in 1975 and tried for alleged involvement in bombings. Some of the defendants were sentenced to death and executed; two others, Imad Shiha and Faris Murad, remained imprisoned, reportedly in poor health.

Despite granting them permission to enter the country, authorities arrested Syrian citizens returning from many years in political exile. In one case, Mohammed Hasan Nassar, an exile who left Syria in 1980 and lived in Jordan, died after being taken into custody on his return, according to the London-based Syrian Human Rights Committee (SHRC). It reported that Nassar was gravely ill and his family had secured permission from the Syrian embassy in Amman for his return, but he was arrested on February 17 at the border. On March 23, Nassar's body was delivered to his family in a village near Aleppo and buried the next day. SHRC reported the detention of three other exiles: Nawras Hussein al-Ramadan, a teacher who fled Syria in 1980 and worked in the United Arab Emirates, on February 13 upon arrival at Damascus airport; Dr. Muhammad Ghazi Hobaieb on April 16 after he arrived at Damascus airport from Saudi Arabia, where he worked as a medical doctor; and

Moussa Zain al-Abdeen on August 12 at a border checkpoint after returning from over twenty years of exile in Saudi Arabia, where he worked as a teacher. As of this writing, Ramadan continued to be held incommunicado. Dr. Hobaieb was released on May 14, but was ordered to leave Syria within one week, and Abdeen was released in late October.

Syria secretly gained custody of Mohamed Haydar Zammar, a Syrian-born German national suspected of recruiting three of the September 11 hijackers. According to various press reports, Zammar was clandestinely arrested in Morocco and transferred to Syria with the knowledge of the U.S. government but without notification of German authorities. The *Washington Post*, citing one unnamed U.S. official, reported on June 19 that the U.S. did not have "direct access to Zammar" but "the Americans have been submitting questions for him to the Syrians, and some of the answers have helped gauge the credibility of detainees in U.S. custody."

Ten Syria democracy activists who had been arrested in August and September 2001 were tried and sentenced. Two of them were independent members of parliament, Mamoun al-Homsi and Riad al-Seif, and were sentenced in the Damascus criminal court to five years imprisonment, in March and April, respectively, for "attempting to change the constitution by illegal means," among other charges. Their convictions were upheld on appeal. The other eight defendants, including two lawyers, two medical doctors, and one engineer, were tried in the State Security Court, whose decisions cannot be appealed. Notably, Syria's government-controlled professional associations did nothing on behalf of these defendants.

Of the other eight defendants, Riad al-Turk, the seventy-two-year-old lawyer and veteran political activist who was imprisoned without charge and held incommunicado from 1981 to 1998, was sentenced to a prison term of two and a half years on June 26 for "attempting to change the constitution by illegal means." (Turk received a presidential pardon and was released on November 16 for "humanitarian reasons.") The remaining seven defendants—all of whom were active in the country's popular independent civic forums and human rights organizations—were sentenced between June and August.

On June 24, Habib Saleh, a businessman who founded a civil forum in Tartous, was convicted of "opposing the aims of the revolution" and "inciting ethnic and sectarian strife," and sentenced to three years imprisonment. On July 31, Aref Dalila, a prominent economist and university professor, was found guilty of "attempting to change the constitution by illegal means" and sentenced to ten years. He was a founding member of the Committees for the Revival of Civil Society, an advocate of economic reform and a critic of official corruption. Also on July 31, Dr. Walid al-Bunni, a physician who helped launch the independent Human Rights Society of Syria (HRSS) in 2001, was convicted of the same criminal offense as Dalila and sentenced to a prison term of five years. On August 19, lawyer Habib Issa, spokesperson for the Jamal al-Attasi Forum for Democratic Dialog and a founding member of HRSS, was sentenced to five years for charges that included "attempting to change the constitution by illegal means" and "publishing false information." He served as a defense lawyer for Riad al-Seif.

The last three defendants were sentenced on August 28. Dr. Kamal Labwani, a physician, was sentenced to three years for inciting armed rebellion. He was an

active member in the independent Committees for the Defense of Human Rights in Syria. “You’re a doctor, so learn to go to your clinic and not interfere in politics,” one State Security Court judge told Labwani, the BBC reported. Fawaz Tello, an engineer, was found guilty of “attempting to change the constitution by illegal means” and sentenced to five years. He was an active member of the Forum for Democratic Dialog and the HRSS. Hassan Saadun, a retired teacher, an activist in the civil society movement, and a founding member of the HRSS, was convicted of spreading false information and sentenced to two years.

Authorities also targeted other activists affiliated with the HRSS. In June, the group’s head, seventy-year-old lawyer Haythem al-Maleh, was barred from practicing law for three years pursuant to action taken by the disciplinary council of the Damascus bar association. In August, Maleh and three other members of the HRSS—Muhamed Farouq al-Homsi, Muhamed Kheir Bek, and Ghasoub Ali al-Mallah—were ordered to appear in the military court on January 18, 2003. All four were charged with unauthorized distribution of the HRSS’s occasional magazine *Tayarat*, which was printed in Lebanon. Maleh, Homsi, and Kheir Bek faced additional charges, including joining a political association of an international character without government permission, and publishing material that advocated sectarian strife. Additional charges against Maleh and Homsi included forming a human rights group without Ministry of Social Affairs and Labor approval, and Maleh was separately accused of disseminating false information abroad.

The cases of “disappeared” Syrian citizens, Palestinians, and other foreign nationals, many dating back to the 1980s, remained unresolved. Human Rights Watch received information indicating that the names of some “disappeared” Syrians had recently been entered in civil registers as deceased, and that various branches of the internal security apparatus advised relatives to check these registers. There was concern among Syrian activists that authorities might employ this method more widely to “solve” the cases and thereby facilitate settlement of legal matters, such as marital status and inheritance without families learning the circumstances of the death of their relatives.

Families of the “disappeared” maintained hope that their loved ones were still alive in Syria, and the outcome of one case indicated that this hope was not necessarily misplaced. A Palestinian—who asked Human Rights Watch to withhold his name—was released on December 13, 2001, after having been “disappeared” in Damascus in May 1988. He had been held incommunicado for fourteen years in a prison at a training base, near Damascus, of the Palestinian group Fatah the Intifada, led by Abu Musa (Musa Muhamed Maraghah) and Abu Khaled al-Amleh. He reported that he was held in an underground cell under a false name, tortured, and denied medical treatment, newspapers, and a radio. He reported that at the time of his release at least fifteen additional prisoners languished in solitary confinement at the camp, which was guarded by Syrian forces, and that some of them had “gone insane” as a result of torture.

Lebanese nongovernmental organizations continued to campaign vocally for answers about “disappeared” Lebanese, including those believed to be in Syrian custody. Some sixty members of the Committee of the Parents of Lebanese Disappeared or Detained in Syria made a highly publicized visit to Damascus on July 22. They traveled in a bus with signs that read: “You can resolve our ordeal and return

our loved ones to us,” and “We have the right to know whether they are dead or alive.” Senior Syrian military officers met the bus at the border and escorted it to the Interior Ministry in Damascus, where the parents presented to Interior Minister Ali Hammoud the names of 176 Lebanese believed to be victims of arbitrary detention or “disappearance” at the hands of Syrian authorities. The minister indicated to the families that he needed three months before he could respond to them. On November 2, forty-eight members of the committee set out again for Damascus for a previously arranged appointment with the interior minister, only to be turned back at the border. One participant informed Human Rights Watch that an officer told the families that the minister might not be available for an entire month and said they should “go back to Lebanon and try to speak to your officials.”

Political activists in Lebanon continued to demand the withdrawal of all Syrian forces from the country and organized demonstrations throughout the year, many of which the internal security forces dispersed forcibly. In a speech on March 19, Rev. Selim Abou, rector of St. Joseph University in Beirut, criticized Syria’s influence in the Lebanese army. He said “to military domination is added a political control which is increasingly heavy,” and predicted, “soon it will need only to interfere in the appointment of janitors who can, after all, be excellent informants.” The army responded with a statement the next day, Reuters reported, warning Abou to “exercise precision and objectivity before airing such opinions, which cause despair and mislead students and young people, rather than teaching national consciousness and respect for the army’s patriotic role.”

Major General Ghazi Kanaan, who headed Syrian military intelligence in Lebanon and was long a symbol of Syrian hegemony there, left his post in October, reportedly to assume other duties in Damascus. Colonel Rustom Ghazali, who long served as Syria’s senior military intelligence operative in Beirut, replaced him. The Associated Press reported on October 9 that Kanaan met in Beirut with Lebanese President Emile Lahoud and Prime Minister Rafik Hariri before his departure and was awarded “a civilian medal of appreciation for his work in Lebanon.”

DEFENDING HUMAN RIGHTS

The government maintained its pressure on the country’s fragile human rights movement through a combination of intimidation, criminal prosecution of leading activists, and imprisonment. Some human rights activists reported to Human Rights Watch that they had been “invited” by the political section of state security for discussions about their work. In addition, some of them said that internal security operatives sent oral messages, through intermediaries, threatening them with detention if they did not cease their activities. One prominent activist said that he was summoned for questioning on a regular basis.

Despite the harassment, rights activists continued to issue public statements, speak to the press, and organize open meetings across the country, some of which internal security forces members attended. “We inform people through word of mouth. If we keep the numbers small, there is no harassment,” one activist told Human Rights Watch.

Syria remained a closed country for international human rights organizations.

Amnesty International last had official access in 1997 and Human Rights Watch in 1995; the government did not reply to written requests for access from both organizations.

THE ROLE OF THE INTERNATIONAL COMMUNITY

European Union

The European Union (E.U.) and its member states did not undertake vigorous public advocacy on behalf of beleaguered Syrian advocates of human rights and political reform, despite substantial leverage. Syria and the E.U. maintained a strong trade relationship, with 66 percent of Syria's exports destined for E.U. member states, including 62 percent of its crude oil and other petroleum products, the European Commission reported in December 2001. Some 34 percent of Syria's total imports were from the E.U. states, with Italy, Germany, and France the lead sources.

Since 2000, the E.U. concluded seven Financing Agreements with Syria for economic-reform projects as part of the Euro-Mediterranean Partnership. Programs formulated in 2001 included assistance for reform in the health sector and improvement of water and sewage systems in two Palestinian refugee camps and nearby Syrian villages. The European Commission stated in January 2002 that aid plans for 2002-2004 focused on "economic modernization and reform," with priorities in the areas of "institutional development, industrial modernization, human resource development and trade enhancement." It added that grants to Syria from the E.U. budget were "complemented by loans from the European Investment Bank, generally aimed at large economic infrastructure projects."

On August 8, the E.U. Presidency issued a declaration of concern about Syria's "limited progress" on political and economic reform since Bashar Asad assumed the presidency in 2000. It noted that the E.U. had previously expressed concern about "politically motivated arrests and trials of prominent members of civil society for peacefully exercising their right to freedom of speech," and said it "deeply regret[ted]" the recent prison sentences for Syrian activists, and urged the release of "all political prisoners."

The E.U. and Syria continued to engage in negotiations, launched in 1998, to conclude an Association Agreement. This trade pact stated that relations between the parties "shall be based on respect of democratic principles and fundamental human rights as set out in the Universal Declaration of Human Rights, which guides their internal and international policy and constitutes an essential element of [the agreement]." However, the sentencing and imprisonment of the ten Syrian activists (see above) did not interfere with the last negotiating session in Brussels in October, and the E.U. did not indicate their unconditional release as a benchmark for further negotiations.

United States

Terrorism, counter-terrorism, and weapons-related concerns dominated the Bush administration's agenda with Syria during the year. Defense Secretary Donald Rumsfeld stated on April 1 that Syria, in addition to Iran and Iraq, was "inspiring and financing a culture of political murder and suicide bombing." President Bush, on April 4, added that although Syria had "spoken out against al-Qaeda," the U.S. "expect[ed] it to act against Hamas and Hizballah as well" and that it was time for Syria "to decide which side of the war against terror it is on."

In a speech on May 6, Under Secretary of State for Arms Control and International Security John R. Bolton named Syria—along with Libya and Cuba—"as three other state sponsors of terrorism [in addition to Iraq, Iran and North Korea] that are pursuing or who have the potential to pursue weapons of mass destruction or have the capability to do so in violation of their treaty obligations." He cited Syria's chemical warfare program, its "stockpile of the nerve agent sarin," and its "research and development of the most toxic and persistent nerve agent VX." He also charged that Syria was "pursuing the development of biological weapons" and was "able to produce at least small amounts of biological warfare agents." He said that Syria's mobile missiles were capable of reaching "much of Israel, Jordan, and Turkey from launch sites well within the country."

On May 21, Syria was again named as one of seven state sponsors of terrorism in the State Department's patterns of global terrorism annual report. It noted that the government "cooperated with the United States and with other foreign governments in investigating al-Qaeda and some other terrorist groups and individuals." It also stated that Syria had not been "implicated directly in an act of terrorism since 1986," and "continued to adhere to its longstanding policy of preventing any attacks against Israel or Western targets from Syrian territory or attacks against Western interests in Syria." But, as in past years, the State Department charged that Syria continued "to provide safe haven and logistics support to a number of terrorist groups." It named five such groups with offices in Damascus—the Popular Front for the Liberation of Palestine-General Command, Palestine Islamic Jihad, Fatah-the-Intifadah, Popular Front for the Liberation of Palestine, and Hamas—and said that Syria "provided Hizballah, Hamas, PFLP-GC, the PIJ, and other terrorist organizations refuge and basing privileges in Lebanon's Beka'a Valley, under Syrian control." The report also stated "Damascus served as the primary transit point for the transfer of Iranian-supplied weapons to Hizballah."

As a designated state sponsor of terrorism, Syria received no U.S. aid and was subjected to a variety of economic sanctions, although it maintained a trade relationship. Syria imported \$226 million in U.S. products in 2001, outpacing its exports to the U.S. of \$158 million.

Despite the Bush administration's strong criticism of Syria, it did not support the Syria Accountability Act, a bill introduced in the U.S. House of Representatives in April. Among other measures, the proposed legislation called for the withdrawal of all Syrian military, intelligence, and other security personnel from Lebanon; deployment of Lebanese troops in south Lebanon and removal of "all terrorist and foreign forces" there, "including Hizballah and the Iranian Revolutionary Guards";

closure of “all terrorist offices and facilities” in Syria; cessation of the development and deployment of short and medium range ballistic missiles; and an end to the development and production of biological and chemical weapons. It proposed new sanctions, including a ban on all U.S. exports to Syria, except food and medicine, and prohibition of U.S. companies from investing or operating in Syria.

In a September 3 letter to Congressman Robert Wexler, President Bush stated that the U.S. had “both serious differences and areas of common interest with Syria. Managing our complex relationship with Syria requires a careful and calculated use of all the options we have to advance U.S. interests.” The president added that the imposition of new sanctions pursuant to the proposed legislation “would limit our options and restrict our ability to deal with a difficult and dangerous regional situation at a particularly critical juncture. We are pursuing a number of initiatives to reverse [Syria’s] unacceptable behavior.”

RELEVANT HUMAN RIGHTS WATCH REPORTS:

Decree No. 50/100: Human Rights Concerns, 1/02

TUNISIA

HUMAN RIGHTS DEVELOPMENTS

Tunisian authorities exploited the U.S.-led war on terrorism to curtail public liberties and keep critics of all viewpoints under pressure. The repression tightened after April, when Tunisia suffered its first deadly terrorist attack in many years.

Suspected Islamists faced the harshest treatment, with a revival of military court trials for civilian suspects, long prison terms under inhumane conditions, and heavy restrictions that kept ex-prisoners from resuming an ordinary life. Liberal and leftist dissidents encountered arbitrary curbs on their rights to meet, demonstrate, and travel, and were victimized by assaults, vandalism, and theft credibly attributed to plainclothes police. A few spent time in prison or remained in exile.

In parliament in April and in a national referendum in May, the ruling Democratic Constitutional Rally party easily won adoption of constitutional amendments that included new affirmations of certain rights but, more significantly, enabled President Zine el-Abidine Ben Ali to run again in 2004 and 2009. They also granted permanent immunity to the head of state for acts connected to official duties. The amendments were approved by more than 99 percent of the voters—the same official margin by which Ben Ali had won re-election in 1989, 1994, and 1999.

The Islamist Nahda party remained banned, as did the small but vocal Tunisian Communist Workers Party (Parti communiste des ouvriers tunisiens, PCOT). One

recently formed opposition party, the Congress for the Republic, continued to be denied legal recognition, while another, the Democratic Forum for Work and Freedom, was legalized on October 25, eight years after first applying for recognition.

In April, Tunisia suffered the first serious act of political violence in a decade and the first major terrorist attack to be credibly claimed by al-Qaeda since the September 11, 2001 attack on the United States. The target was North Africa’s oldest Jewish synagogue, in Djerba, an international tourist destination. Twenty-one persons, including fourteen Germans, died when a young Tunisian detonated the gas-laden truck he was driving. The attack was condemned by all political forces in Tunisia, including the banned Nahda party.

During 2001 and 2002, authorities increasingly referred suspected Islamists to military courts, particularly those who were arrested after periods spent out of the country. Tens of civilians were charged, many in absentia, under article 123 of the code of military justice for “serving, in times of peace, terrorist organizations operating abroad.” Military courts deprived defendants of fair trial guarantees and their rulings were subject to no appeal except a narrow review by the Court of Cassation.

On January 30, a Tunis military court convicted Béchir Ben Zayed, Mounir Ghaïth, Abdelbasset Dali, and thirty absentee co-defendants of forming an al-Qaeda-linked terror group called Ahl Al-Jamaâ w’al-Sunnah (Adherents of the Islamic Community and the Traditions of the Prophet). Their lawyers claimed the court ignored allegations that testimonies had been obtained under duress, arrest dates had been falsified to hide irregularities, and the prosecution produced no convincing evidence against the defendants. In April, the Court of Cassation confirmed the sentences of between eight and ten years for the three men. One of their absent co-defendants, Jaber Trabelsi, surrendered to authorities in Italy and on June 26 received an eight-year sentence in a military trial closed to the press.

While military trials of civilians were troubling, civilian courts hardly ensured a fair trial in politically tinged cases. A stark example was the February 2 re-trial of Hamma Hammami, spokesman of the PCOT, and co-defendants Samir Taâmallah and Abdeljabbar Maddouri. The three had just emerged from four years in hiding to challenge their convictions in absentia.

Before the judge could open the proceedings, police surged into the crowded courtroom and forcibly removed the defendants, prompting a walk-out by the defense lawyers. The defendants were later escorted into a different courtroom, where they told the judge that police had beaten them. The judge did not respond to these allegations. Nor did he conduct any manner of trial or hear testimony. He swiftly re-imposed the original sentences of nine years and three months on charges that included “maintaining an unauthorized association,” “defamation of the judiciary,” and “inciting the public to violate the country’s laws.” Maddouri received an additional two years for a “defamatory” remark he allegedly uttered that day.

The sentences were later reduced on appeal. After a five-week hunger strike by Hammami’s wife, human rights lawyer Radhia Nasraoui, and the confirmation of the convictions by Tunisia’s highest court on September 2, authorities conditionally released Hammami and Taâmallah on September 4 for “health reasons.” Maddouri was conditionally freed on November 5.

Tunisia's prisons held, at a minimum, several hundred political prisoners. The great majority had been convicted in previous years for mere Nahda membership or participation in Nahda activities, without evidence that they had any connection to acts of violence. During the year, suspected Islamists continued to be arrested or re-arrested for these offenses, sometimes reformulated as the crime of "associating with a criminal gang" in order to bypass the statute of limitations that would have applied to lighter charges.

August marked the tenth anniversary of the conviction in two unfair mass trials before military courts of 265 suspected Nahda leaders and members for an alleged plot to overthrow the state. During 2002, some one hundred remained in prison. These included party leaders like Sadok Chorou, Ajmi El-Ourimi, and Habib Ellouz, who were serving life sentences under harsh conditions. Like some of the other leaders, Ali Laaridh, who was serving fifteen years, endured near-permanent solitary confinement and deprivation of materials for reading and writing.

In January, authorities cited "humanitarian reasons" in conditionally releasing Mohamed Mouada, a leading opposition politician, seven months after re-imprisoning him. Initially sentenced in 1996 to eleven years on trumped-up charges of providing intelligence to a foreign state, Mouada had been conditionally released later that year but then was subjected to continuous surveillance and harassment until his second arrest in 2001. On both occasions, Mouada's imprisonment followed his sharp public criticisms of the president.

Prisons, which since 2001 have been under the authority of the Justice Ministry, remained closed to inspections by independent monitoring groups. Inmates staged frequent hunger strikes to protest overcrowding, poor hygiene, medical neglect, the assignment of prisoners to facilities far from their families, and other abuses. Strikers were sometimes beaten, denied family visits, or placed in isolation.

Abdelwahab Boussaa died in March after a four-month hunger strike. Lakhdar Essdiri died two weeks later, possibly from medical neglect. Boussaa and Essdiri had been serving sentences of sixteen and twenty-eight years respectively for Nahda activities. Habib Saïdi, an inmate in his thirties, died mysteriously in late September, only days before his scheduled release; he was the younger brother of Ali Saïdi, a civil servant and former human rights activist who was murdered under suspicious circumstances in December 2001.

Released political prisoners faced surveillance, house searches, passport confiscations, and onerous measures of control, sometimes court-ordered but often arbitrary. Freed prisoners were often unable to hold jobs due to government pressures on employers and orders that they sign-in frequently with police. In September, Taoufik Chaieb, an ex-prisoner and former high school teacher in Tunis, reported that police pressures on him and employers had forced him from one job to another. Chaieb was also deprived of a passport.

After completing an eleven-year sentence for Nahda activities, Abdallah Zouari defied an order from the Ministry of Interior banishing him to the south of the country, far from his family home in the capital. For his refusal, a court sentenced Zouari on August 23 to eight months in prison, a decision upheld on appeal. Authorities conditionally released Zouari on November 6.

Police also harassed the families of exiled Islamists, questioning them about their relatives abroad and searching their homes.

The state kept tight reins on all broadcast media and daily newspapers. Only small-circulation, independent, and party periodicals criticized the absence of public liberties, and these were confiscated on occasion.

As Internet use continued to expand, authorities imprisoned an online writer for the first time. Zouheir Yahiaoui had been pseudonymously publishing the satirical electronic journal *Tunezine* when authorities arrested him on June 4 at the cybercafé where he worked. They then searched his house without a warrant and confiscated computer materials. Yahiaoui was sentenced on June 20 to one year in prison for disseminating "false" information and sixteen months for theft of telecommunication services in connection with the unauthorized *Tunezine*. In July, an appeals court reduced the total sentence to two years. Yahiaoui is the nephew of dismissed Judge Mokhtar Yahiaoui (see below), whose open letter to President Ben Ali first ran in *Tunezine*.

On June 16, twelve days after Yahiaoui's arrest, *La Presse* reported that authorities had temporarily shut down some Internet cafés that were not complying with the applicable laws. Tunisia's Internet regulations were designed partly to prevent that medium from escaping government controls placed on other means of expression.

While impunity prevailed inside Tunisia, torture victims in exile achieved a victory when one victim persuaded a French judge to issue an international arrest warrant in February for a diplomat stationed in Strasbourg, the first such warrant ever to be issued against a Tunisian. The plaintiff's complaint alleged that the diplomat, Consul Khaled Ben Saïd, had been the supervising police officer in Jendouba in 1996 when agents interrogating her bound her ankles and wrists and beat her with sticks and fists. Ben Saïd disappeared after the warrant was issued.

In addition to the work of human rights organizations, evidence of civil society assertiveness included a one-day nationwide strike by lawyers to protest police intervention during the Hammami trial in February and steps by the General Union of Tunisian Workers to enhance the union's internal democracy.

In January, the government hosted a regional seminar on the Land Mine Ban Treaty in North Africa. The army destroyed one thousand stockpiled antipersonnel mines as part of the event. On October 4, Tunisia submitted its annual report on measures taken to implement the treaty.

DEFENDING HUMAN RIGHTS

As of mid-November, the government had not shut down human rights organizations or imprisoned human rights defenders in 2002, but authorities continued to employ a wide range of repressive measures to hamper their activities. Defenders faced heavy police surveillance, suspicious break-ins and acts of vandalism, travel bans, dismissals from work, harassment of spouses and children, and frequent blockage of telephone and e-mail service.

The two leading human rights organizations, the twenty-five-year-old Tunisian Human Rights League (Ligue Tunisienne des droits de l'Homme, LTDH) and the three-year-old National Council on Liberties in Tunisia (Conseil pour les libertés en Tunisie, CNLT), operated in legal limbo: the former because of a 2001 court

decision nullifying the election of its outspoken executive committee, the latter because its application for legal recognition had been rejected.

Police on many occasions prevented, without explanation, meetings called by rights groups. On May 19, activists heading from Tunis to Jendouba for an LTDH meeting on political prisoners were intercepted and turned back at a checkpoint on the intercity road. On June 2, the day that the LTDH celebrated the opening of a new office in Monastir province, police occupied the premises and changed the locks, ostensibly pursuant to a lawsuit filed by the landlord. On June 16, Monastir police blocked a rally organized in solidarity with the local LTDH section, and on July 23, a court ruled in favor of the landlord and voided the signed lease. On September 10, police thwarted a meeting at CNLT headquarters in Tunis, pushing away members and guests as they arrived.

While the state-controlled press maintained a blackout on criticism of authorities by these organizations and by groups such as the independent Tunisian Association of Democratic Women, pro-government papers engaged in lurid campaigns to defame their leaders. For example, *Le Quotidien* in April lambasted CNLT spokesperson Sihem Ben Sedrine for supposedly cozying up to Israeli diplomats while in Geneva, asking whether “organizations that connive with Zionist terrorism can also be working for the well-being of Tunisians . . . [and] for human rights.”

Discrediting the LTDH appeared to be the goal of the extensive coverage given to the charges of attempted rape filed against LTDH Secretary-General Khemaïss Ksila in September 2001. The pro-government press shed its customary respect for the privacy of victims of sex crimes, in this case divulging the name of the alleged victim and covering in a detailed, one-sided fashion the accusations against Ksila. It even published excerpts of the investigating judge’s inquiry in apparent violation of Tunisian law. Ksila, who had left the country in 2001, was convicted in February 2002 in absentia for attempted rape and sexual harassment and sentenced to a fine and ten years in prison.

On December 29, 2001, the Judicial Disciplinary Council dismissed Judge Mokhtar Yahiaoui from the bench for “insulting the honor of the judiciary” and violating his “professional duties” and his “obligation of professional reserve.” Yahiaoui’s offense was to have published, as a sitting judge in July 2001, an open letter to President Ben Ali denouncing the lack of judicial independence. After persisting in his public criticism and rejecting inducements to retract, Yahiaoui found himself the object of anonymous phone threats, surveillance, confiscation of mail, disruption of phone service, and a ban on leaving the country imposed by the Ministry of Justice in November 2001. On April 5, after leaving a pro-Palestinian rally in Tunis, police forced him into a car without explanation and then, twenty kilometers from Tunis, dropped him off at the side of the road.

The two-year-old travel ban against Moncef Marzouki, a veteran human rights defender, was lifted in late November 2001, days before the visit to Tunisia of French President Jacques Chirac. But the ban against Sadri Khiari, a co-founder of the CNLT and of an unauthorized anti-globalization group, remained in force, preventing Khiari from defending his doctoral dissertation in France.

Human rights lawyers and defenders in Tunisia suffered a suspiciously high

incidence of physical assaults, break-ins, car thefts, and property damage, crimes that were solved by the police rarely if ever. The office of Bechir Essid, the independent president of the national Bar Council, was burglarized and ransacked on the night of October 26-27, 2001. LTDH president Mokhtar Trifi’s law office suffered a similar fate on the night of February 6-7, 2002.

A high proportion of rights activists endured extended blockages of incoming and outgoing phone calls as well as disruptions of e-mail service. They remained unreachable at times when communication with other Tunisians appeared problem-free.

Lassaad Jouhri, a disabled ex-prisoner, was assaulted by five men in downtown Tunis in daylight on August 28. They broke one of his crutches and beat him with it. The men refused to identify themselves as security agents to Jouhri but did so when ordering a uniformed policeman not to intervene. For Jouhri, it was the most severe of the assaults he had suffered in apparent retaliation for his publicizing the plight of prisoners.

The government-sponsored Higher Committee for Human Rights and Fundamental Liberties received members of the public with human rights complaints and had authorization to conduct unannounced inspections of prisons.

Foreign human rights organizations and trial observers visited frequently during 2002. However, a delegation from the International Commission of Jurists (ICJ), arriving to look at the justice system, was turned back at Tunis-Carthage airport June 16 on the pretext that the government had been “insufficiently informed of the mission’s objectives.” Another ICJ delegation was expelled upon its arrival on October 26.

At politically charged trials, police often admitted some foreign observers while turning away others.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

In its report to the Security Council’s Counter-Terrorism Committee, dated December 26, 2001, Tunisia stated that it “did not wait for the events of 11 September 2001 before taking the necessary measures to combat terrorism, as it had already proceeded to combat it within its borders and succeeded in countering it.” Among the measures it listed was the above-mentioned trials in military courts of civilians who had returned from abroad.

The Committee on the Rights of the Child noted some areas of progress in its May 28 response to Tunisia’s periodic report, but said it was “extremely concerned at allegations of violations of the right of the child not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, . . . particularly in relation to children of human rights defenders and political opponents.”

As of mid-October, Tunisian authorities had yet to reply favorably to a long-standing request for a visit by the special rapporteur on the independence of judges and lawyers.

European Union

The European Union (E.U.) continued to underscore its satisfaction with Tunisia's record of economic growth and liberalization, along with the pace of tariff reductions pursuant to the four-year-old Association Agreement between the two parties. The E.U. raised rights concerns from time to time, but in a low-key fashion. At the third bilateral Association Council meeting on January 29, an E.U. statement praised Tunisia's success in reducing poverty and illiteracy but regretted "the absence of progress in certain spheres, notably freedom of expression, assembly, and association." Despite a provision in the Association Agreement expressly addressing human rights, however, the E.U. never suggested that Tunisian rights violations imperiled the agreement or aid programs.

In its Tunisia Strategy Paper under the Euro-Med Partnership for 2002-2006, the E.U. declared, "[t]he impetus for a democratic transition, notably with respect to cooperation with civil society, reinforcing the rule of law and press freedom, seems highly desirable." However, it noted, dialogue via the Association Council and Committee "progressed with difficulty due to Tunisia's impatience with respect to criticism by the E.U. concerning matters of human rights."

The Tunisian government impeded some projects of nongovernmental organizations that had been funded by the European Commission, on the grounds that it had been inadequately informed of them, according to a commission official. However, earlier blockage of European Commission-backed LTDH projects was reported to have eased during the year.

Responding to a parliamentary question, Commissioner in Charge of External Relations Chris Patten said on July 26 that the European Commission had earlier that month "raised in very clear terms the problem of human rights with various Tunisian ministers and high officials." In addition to diplomatic communications, he said, the commission's financial cooperation program with Tunisia emphasized human rights, democratization, and the primacy of law.

The European Parliament adopted a resolution on March 14 criticizing trial and detention conditions for Hama Hammami and his co-defendants. A small group of deputies actively defended Tunisian human rights activists and political prisoners.

France

After it voiced increasing discomfort with repression in Tunisia beginning in 2000, France eased the pressure following the events of September 11, 2001, the re-election of President Jacques Chirac in May 2002, and the ouster of the Socialist-led government by center-right parties in June.

In Tunis on December 1, 2001, Chirac praised Ben Ali's "exemplary" rejection of "intolerance" and "fundamentalism," overlooking his use of such labels as a cover for jailing nonviolent critics and crushing all dissent. "It's clear that if everyone, regardless of the country or the religion, had the same attitude, there would probably be far fewer problems and human rights violations," Chirac told the press. He stated that rights issues were raised in bilateral talks, but added, "I have always strived to do so in a noncontentious manner."

On February 6, then-Foreign Minister Hubert Vedrine of the Socialist Party spoke more bluntly on the conviction of Hama Hammami and his co-defendants. "I am very concerned by the reports I have received concerning the conduct of the trial," he said. "Precisely because of the remarkable economic and social progress it has achieved . . . Tunisia should be widening the space for public liberties."

Vedrine's successor, Dominique de Villepin, was more circumspect in his first months in office. His hosting of Foreign Minister Habib Ben Yahia on July 10 occasioned no public comment on human rights. However, a French Foreign Ministry spokesperson cautiously noted on July 30 and August 2 that France had raised with Tunisia the Hammami case. On September 5, the spokesperson welcomed Hammami's release as a "conciliatory gesture."

Interior Minister Nicolas Sarkozy conducted an official visit on October 31 described as focusing on security cooperation and the plight of Tunisians in France. De Villepin visited on November 14 and met both with Foreign Minister Ben Yahia and President Ben Ali. De Villepin later said he raised human rights in his meetings but neither he nor Sarkozy commented publicly on the subject.

France remained Tunisia's leading trade partner. France's loans and grants surpassed, on a per capita basis, the aid it provided to any other country, and its diplomatic mission in Tunisia was among the largest in that country. However, embassy personnel attended political trials and other human rights events less frequently than diplomats from Great Britain and the U.S., among other countries.

United States

Washington enjoyed warm relations and conducted joint military exercises with Tunisia, although it did not view it as a priority country in the region. Washington's minimal bilateral assistance included U.S.\$3.5 million in Foreign Military Financing and \$1 million in International Military Education Training. According to an embassy letter dated October 7, "None of the military exercises or financing has been associated with security forces implicated in human rights abuses."

The main U.S. contributions to rights promotion were the detailed, hard-hitting chapter in its Country Reports on Human Rights Practices and the work of U.S. embassy staff who actively monitored conditions on the ground by meeting with human rights defenders and attending political trials. But the human rights message was muddled following the events of September 11, 2001 by often unqualified praise given to President Ben Ali's cooperation against terrorism.

Central Intelligence Agency Director George Tenet met with President Ben Ali in Tunis on February 18 and conferred on anti-terrorism measures. On April 19, Secretary of State Colin Powell received Foreign Minister Ben Yahia in Washington. A State Department spokesman that day praised Tunisia as "a strong supporter of our campaign against terrorism" but gave no indication that human rights issues were raised in the meeting.

On July 4, U.S. Ambassador Rust M. Deming reportedly declared: "We have learned a lot from the Tunisian experience in combating terrorism." The ambassador described bilateral relations as "exemplary" in an interview published around the same time in the *Revue Méditerranée*. In a letter to Human Rights Watch of

August 8, Secretary of State Powell stated that the U.S. was continuing to encourage Tunisia “to address serious concerns about human rights.” He said that Ambassador Deming had met on August 5 with then-Minister of Human Rights Fethi Houidi and raised the case of Hama Hammami, among others. Hammami was released one month later.

Undersecretary of State for Political Affairs Marc Grossman visited Tunis on November 5 and met with Prime Minister Mohamed Ghannouchi and other ministers. Embassy sources said he raised human rights issues privately. But in his press conference that day Grossman avoided mention of human rights concerns while hailing Tunisia as a “model of social and economic development” and praising its help in the “global war on terrorism.”