

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