

Democracy and Human Rights in the Mediterranean Partner States of the OSCE: Algeria, Egypt, Israel, Jordan, Morocco and Tunisia



October 3, 2003

**Briefing of the
Commission on Security and Cooperation in Europe**

WASHINGTON : 2003

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The Helsinki process, formally titled the Conference on Security and Cooperation in Europe, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. As of January 1, 1995, the Helsinki process was renamed the Organization for Security and Cooperation in Europe (OSCE). The membership of the OSCE has expanded to 55 participating States, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia.

The OSCE Secretariat is in Vienna, Austria, where weekly meetings of the participating States' permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations. Periodic consultations are held among Senior Officials, Ministers and Heads of State or Government.

Although the OSCE continues to engage in standard setting in the fields of military security, economic and environmental cooperation, and human rights and humanitarian concerns, the Organization is primarily focused on initiatives designed to prevent, manage and resolve conflict within and among the participating States. The Organization deploys numerous missions and field activities located in Southeastern and Eastern Europe, the Caucasus, and Central Asia. The website of the OSCE is: <www.osce.org>.

ABOUT THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance by the participating States with their OSCE commitments, with a particular emphasis on human rights.

The Commission consists of nine members from the United States Senate, nine members from the House of Representatives, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair rotate between the Senate and House every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

In fulfilling its mandate, the Commission gathers and disseminates relevant information to the U.S. Congress and the public by convening hearings, issuing reports that reflect the views of Members of the Commission and/or its staff, and providing details about the activities of the Helsinki process and developments in OSCE participating States.

The Commission also contributes to the formulation and execution of U.S. policy regarding the OSCE, including through Member and staff participation on U.S. Delegations to OSCE meetings. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from participating States. The website of the Commission is <www.csce.gov>.

**DEMOCRACY AND HUMAN RIGHTS IN
THE MEDITERRANEAN PARTNER STATES OF THE OSCE:
ALGERIA, EGYPT, ISRAEL, JORDAN, MOROCCO
AND TUNISIA**

OCTOBER 3, 2003

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The briefing was held at 1 p.m. in Room 2255 Rayburn House Office Building, Washington, DC, Ronald J. McNamara, Deputy Chief of Staff, Commission on Security and Cooperation in Europe, moderating.

Panelists present: Frank Smyth, Washington Representative, Committee to Protect Journalists; Karen Hanrahan, Director of Advocacy for Middle East and North Africa, Amnesty International USA; and Joe Stork, Washington Director of the Middle East, and North Africa Division, Human Rights Watch.

Mr. McNAMARA. Good afternoon and welcome.

My name is Ron McNamara, and I am serving as the Deputy Chief of Staff of the Commission on Security and Cooperation in Europe.

Today's briefing is being held in advance of a series of meetings that will take place next week in Rome, hosted by the Italian Parliament in conjunction with the OSCE Parliamentary Assembly.

On October 11, a day-long forum on the Mediterranean will take place in Rome. Sessions will be held on strengthening security in the Mediterranean and developing the OSCE Mediterranean dimension.

Democracy and human rights, the topic of today's briefing, is part of the agenda for the Rome meeting.

By way of background, there has been a Mediterranean dimension of the Helsinki Process from the outset. Throughout the negotiations that proceeded and produced the Helsinki Final Act, issues relating to the Mediterranean were discussed. The result was a section of the Final Act entitled "Questions Relating to Security and Cooperation in the Mediterranean."

Under the rubric of Non-Participating Mediterranean Countries, Algeria, Egypt, Israel, Lebanon, Libya, Morocco, Syria and Tunisia contributed to relevant discussions in the security dimension. These discussions were held in recognition of the relationship between security in Europe and in the Mediterranean region.

The Mediterranean dimension of the Organization for Security and Cooperation in Europe was reconstituted in the mid-1990s under the designation Mediterranean Part-

ners for Cooperation. Countries included were Algeria, Egypt, Israel, Morocco and Tunisia. Jordan subsequently joined as a partner.

Over the years, the OSCE has convened a score of seminars, conferences and fora focused on the Mediterranean. In fact, the OSCE and the Government of Jordan will host a seminar later this month on the comprehensive approach to security, the OSCE experience and its relevance to the Mediterranean region.

Additionally, a contact group was established in the mid-1990s to provide an opportunity for participating States and the six Mediterranean Partners to maintain dialogue on pertinent Mediterranean issues. Periodic meetings of the group are typically held at the ambassadorial level.

Turning to the subject of today's briefing, let me make absolutely clear that none of the Mediterranean Partners for Cooperation have committed themselves to any of the OSCE commitments.

I would also note that while the Helsinki Commission has followed the evolution of the Mediterranean dimension of the OSCE, we do not have analysts monitoring the human rights or democratization situation in these states, thus, the convening of today's briefing.

I would note that partner countries are party to a wide range of international conventions on human rights.

In checking one widely-used indicator for freedom, I found that only one country has consistently been deemed to be free. Another has emerged as free, and the remainder, with one exception, have progressed from not free to partially free.

Introducing the panelists for today's briefing in the order of their presentations: Frank Smyth is Washington representative for the Committee to Protect Journalists; Karen Hanrahan is director of advocacy for Middle East and North Africa Amnesty International, USA; and Joe Stork is the Washington director for the Middle East and North Africa Division of Human Rights Watch.

In keeping with established procedures governing Commission briefings, an unofficial transcription of today's proceedings will be posted on the Helsinki Commission's Web site, <www.csce.gov>. Typically that is within 48 hours or so, so by at the beginning of next week.

Following the presentations of the panelists, we will open the floor for questions from the audience. I ask that you identify yourself, any affiliation you have, and concisely state your question as well as the member or members of the panel to whom it is directed. In the interest of time, I ask that you refrain from making statements and stick to your question.

Thanks to the panelists for their participation this afternoon. We look forward to their discussions as well as input in the form of questions from our audience.

So we will start with Mr. Smyth.

Mr. SMYTH. Thank you.

Good afternoon, ladies and gentlemen. My name is Frank Smyth, and I am the Washington, D.C. representative of the Committee to Protect Journalists [CPJ]. I am pleased to have this opportunity to speak with you today.

CPJ continues to monitor and document a pattern of media restrictions in the countries that are the focus of today's discussion. However, due to time constraints, I will concentrate my talk on two countries, Tunisia and Morocco, each of which has the dubious

distinction of being among the only Arab countries that, according to CPJ's records, currently imprison journalists for their work.

What is more, I decided specifically to deal with press freedom abuses in Tunisia and Morocco, because both countries are considered close, dependable allies of the United States.

In the Arab world, where journalists have long suffered under repressive regimes, Tunisia's press freedom record has stood out as particularly appalling. Since President Zine El Abidine Ben Ali's ascent to power in 1987, Tunisian journalists who have criticized the regime have been harassed, threatened, imprisoned, physically attacked, and censored. Two Tunisian journalists are currently in prison: Zouhair Yahyaoui and Hamadi Jebali.

Yahyaoui, a 34-year-old Internet journalist, has been in jail since June 2002. He was sentenced to 2 years in prison for allegedly publishing false information and using, "stolen communication lines," to post to his Web site <<http://www.tunezine.com>>.

But Yahyaoui's only offense was to post chat forums and articles critical of the Tunisian Government and President Ben Ali. One item that angered Tunisian authorities was an open letter from Yahyaoui's uncle, dissident judge Mkohtar Yahyaoui, to the president decrying the lack of judicial independence in the country. In the weeks before his arrest, Yahyaoui posted an on-line poll satirizing President Ben Ali's 2002 referendum, which allowed him to run for an unprecedented fourth presidential term.

Since his arrest, Yahyaoui has staged numerous hunger strikes to protest inhumane prison conditions, prison guards have confiscated his books and writing materials, and Yahyaoui has told his family that the guards often tamper with his food, making it inedible.

Jabali, a former editor of *Al-Fajr*, the weekly newspaper of the banned Islamist Al-Nahda Party, was sentenced to one year in prison in 1991 after *Al-Fajr* published an article calling for the abolition of military courts in Tunisia. A year later, while still in jail, he was tried and sentenced to an additional 16 years in prison by a military court, accused of belonging to the outlawed Al-Nahda Party. Jebali was convicted of "aggression with the intent of changing the nature of the state," and, "membership in an illegal organization."

CPJ has noted an alarming and disturbing trend in Morocco as well, a country that one does not usually associate with chronic press freedom problems. Since May, five Moroccan journalists have been detained in connection with their work, and two remain in prison: Ali Lmrabet and Mohammed Al-Herd.

This sharp deterioration in press freedom seems due in part to Morocco's attempts to confront terrorism. The thrust of the crackdown began after the May 16 terrorist attacks in Casablanca, which killed 44 people. An anti-terror law passed soon after the attacks has been repeatedly used to detain reporters who have written about militancy in the country.

Lmrabet, the owner and editor of two maverick weeklies, the French-language *Demain* and its Arabic-language sister publication *Douman*, was jailed on May 21 after a court found him guilty of "insulting the king," undermining the monarchy and challenging the territorial integrity of the state.

He was sentenced to 4 years in prison and fined 20,000 Moroccan dirhams, or about \$2,000. On appeal, the sentence was reduced to 3 years. The court also ordered the two weeklies closed. Lmrabet's conviction stemmed from articles and cartoons published in the two magazines, including an interview with Abdullah Zaazza, an opponent of Morocco's

monarchy who called for the self-determination of the people of Western Sahara, an article about the royal court's finances, and a cartoon that criticized public displays of reverence to the monarchy as well.

Lmrabet staged a 50-day hunger strike to protest the legal case against him.

Al-Herd, editor of the weekly *Al-Sharq*, was detained along with several other journalists under Morocco's new anti-terror law. Al-Herd was arrested on June 12 and charged with "extolling the actions that comprise terrorism."

Abdel Majid Ben Taher, the *Al-Sharq* editor, and Mustapha Qashnini, editor of the weekly *Al-Hayat Al-Maghribiya*, were also taken into custody and similarly charged.

In August, Al-Herd was sentenced to 3 years in prison, while Ben Taher and Qashnini, who were released pending trial, were each sentenced to a year in prison. Ben Taher and Qashnini are still free pending appeal, while Al-Herd remains in prison.

The court also suspended both weeklies for 3 months. The charges against all three men came in response to an article published in the May 5–20 edition of *Al-Hayat Al-Maghribiya* by an Islamist activist that was reprinted on June 5 in *Al-Sharq*. In the article, the author discussed the history of the Islamist movement in Morocco and its alleged relationship with the country's intelligence services.

One other journalist in Morocco was given a one-year suspended prison sentence, and CPJ has documented other cases of harassment and abuse.

While both Tunisia and Morocco are considered allies of the Bush administration, in its eagerness to encourage democratization in the Middle East, the United States cannot turn a blind eye to these flagrant human rights abuses. After all, the United States must remember that the fundamental right of a free press is a crucial element to democracy.

Thank you.

Mr. McNAMARA. Thank you very much.

Ms. Hanrahan?

Ms. HANRAHAN. My name is Karen Hanrahan from Amnesty International.

I would like to thank the Commission for asking me to speak today. I have been asked to address the human rights situation in all of the Mediterranean Partners, and specifically address issues of freedoms of religion and speech, torture, trafficking, anti-Semitism, due process, minority rights and torture.

That is a huge amount of information and just in thinking about some of these, I have generated about 17 pages of thoughts. I will try to keep this much shorter than that.

We have very detailed reports on all these countries at <http://www.amnesty.org>, our web site. I also have two reports outside in the hall released this month, one on Israel and one on Algeria. I also have a copy of Amnesty's 2003 annual report segment on these countries.

Although Amnesty International does not take a position on whether these Mediterranean Partners should be admitted to OSCE, we find that this is an important opportunity to encourage the Mediterranean Partners to strengthen their commitment to promoting and protecting human rights in their countries.

As Mr. McNamara said, all these countries are parties to binding treaties and mechanisms, most of which they disregard. Although there have been some improvements in the human rights situation in some of these countries, progress has been very slow and sometimes negated by measures implemented since September 11, 2001, in the name of fighting terrorism.

There is also, importantly, a discernible inconsistency between the human rights rhetoric of the governments of these countries and the reality for the citizens.

The human rights situations in these countries vary significantly and they tend to fall along a spectrum of progress. But most of these governments talk about different measures they have taken, including legislative changes and other measures, but the reality for citizens is that these measures are often ineffective or not implemented.

It is therefore very important to examine closely whether these countries are willing—and most importantly, even able—at this point to adhere to human rights requirements of OSCE membership.

It is important to look beyond government statements, the new state institutions that are being created and legislative changes to examine whether these changes are being effectively implemented and whether they are having any impact for the citizens of these partner countries.

A few issues are common to all of the Mediterranean Partners that Amnesty International is particularly concerned about. These include continued impunity for perpetrators of past and ongoing human rights violations, torture and ill-treatment of detainees, which is still quite widespread, and the increase in human rights violations since September 11, 2001, usually in the name of fighting terrorism, including arbitrary arrest and detention, lack of due process, unfair trials and persecution or limits on freedom of religion and expression.

I will try to address only a few issues in each country.

In Algeria, the human rights situation, although improved since the mid-1990s, remains a serious concern to Amnesty International.

A large number of people continue to be killed each month by armed groups of security forces and state-armed militias, with civilians bearing the brunt of the violence. Torture is still prevalent and widespread. Investigations into human rights abuses are rarely carried out, which maintains a climate of impunity and general confusion.

The Algerian authorities have been talking quite a bit lately about improving the human rights situation in their country, pointing to a series of reforms planned, some of them implemented in areas such as legislation and structured state institutions. Some of these initiatives over the last 3 years have contained positive elements. For example, legislative changes in 2001 should, in theory, have improved safeguards that protect detainees from torture and secret detention. Like previous safeguards in the law in Algeria, however, they remain largely unimplemented and ineffective.

Again, this issue is specifically addressed in our report outside.

Algerians generally continue to believe that the government's authority is severely constrained by an unaccountable and secretive military establishment, which is influential. The resulting popular frustration has planted the seeds of unrest among the population, resulting in an increase in demonstrations, which the government has severely cracked down on, resulting in very serious human rights violations.

In the past couple of years, Algeria has hosted three international meetings related to counter-terrorism and organized criminality. Official statements made at the time of these meetings indicated that Algeria was seeking support for its view that the counter-terrorism approach it has followed in the last decade had been vindicated in the wake of attacks on September 11 in the United States. Some of these measures, including legislative amendments from previous years and ratifications of instruments, such as the Arab Convention for the Suppression of Terrorism, present a serious threat to human rights.

Therefore, Algeria's counter-terrorism approach was criticized by Amnesty International and others as a pretext to justify mass human rights violations. Despite such violations, the United States has publicly declared support for Algeria's counter-terrorism policy.

Again, torture is widespread and systematic. It is usually linked to what authorities describe as terrorist activities. Like most of the Mediterranean Partners, Algeria continues to react very harshly and to crack down on any anti-government sentiment, particularly demonstrators. About 10 unarmed civilians, including a 14-year-old boy, were killed by security forces in March and April of last year in the context of the waves of anti-government demonstrations. Some civilians were reported to have been shot and killed with live ammunition. Others were said to have been beaten or stabbed to death. Some were believed to have died after being hit by rubber bullets or tear gas grenades aimed at their head.

There are also some positive developments in Algeria. Basically the Algerian Government is trying to send a message internally and externally that they are making changes, and are therefore at least paying lip service to human rights, which could be positive or negative. Again, it depends on how deeply you look. Again, it is very important to look deeper, beyond the rhetoric, because the answer is in the details and the actual reality on the ground.

Also, in the last 2 or 3 years, there has been opening of space for debate on human rights issues. Despite the obstacles faced by human rights defenders and civil society, there is increasingly room opening up.

There is also a new official human rights body that has been created, most recently a mechanism to address past disappearances, although again the legitimacy and effectiveness of these entities are questionable.

Egypt is another ally of the United States. Amnesty International is very concerned about the continued violation of international human rights law by the Egyptian Government. Similar to Algeria, Egypt has boasted of its special skills in fighting terrorism. It has been doing this for many years. The Egyptian authorities feel that the events on September 11 have vindicated their actions and persecution of civil society and other groups in their country, particularly Islamist groups.

The state of emergency legislation that has been in existence since the 1980s continues to provide a legal framework that enables and legitimizes human rights violations, including arbitrary arrests and detention, unfair trials, lack of due process, torture, impunity and persecution of religious groups, human rights defenders and other civil society groups.

Torture continues to be systematic and widespread in detention centers, which again is a theme across most of these countries that we are talking about today. There remains an atmosphere of impunity, and authorities have failed to investigate such reports of torture.

The most common torture methods reported were electric shock, beatings, suspension by the wrists or ankles and various forms of psychological torture, including death threats and threats of rape or sexual abuse of the detainee or a female relative.

The U.N. Committee Against Torture and the U.N. Human Rights Committee have both expressed concern at the persistence of torture in Egypt.

Lack of due process also remains a problem in Egypt. There is a continued use of exceptional courts where it is not necessary. Without going into all of the specifics—again, we have reports on this on our Web site—freedom of religion remains a problem in Egypt.

There are still restrictions on freedom of religion and various groups are still persecuted based on their religions.

The government maintains tight control over all Muslim religious institutions in a proclaimed effort to combat terrorism and extremists. Thousands of individuals are imprisoned because of alleged support for or membership in Islamist groups, who are accused of seeking to overthrow the government.

Because I am almost out of time, I will end with one last country, and that is Israel. Again, we have a new report that came out on September 8 that addresses restrictions on freedom of movement and the human rights abuses that these are causing in the Occupied Territories.

We are also quite outspoken about violations of human rights committed by Palestinian groups. I will not be discussing those today because the Palestinian Authority is not listed as one of these Mediterranean Partners.

Amnesty International is seriously concerned about the ongoing violations of human rights and international humanitarian law in the Occupied Territories. Such violations arise usually in the Israeli Defense Force's, or IDF's, continued incursions into areas under the jurisdiction of the Palestinian Authority.

Such violations also arise in the massive restrictions on Palestinian freedom of movement, that result from closures, curfews and other obstacles to the movement of people, food and medical supplies and other goods in the area. Many people refer to the result of such restrictions as a "*de-development*" of the Occupied Territories.

The IDF continues to make mass arrests of Palestinians, and reports of torture and ill-treatment—particularly during detention—are widespread, including beatings, being handcuffed and tied in uncomfortable positions for prolonged periods, threats to detainees and relatives, and sleep deprivation.

Local human rights organizations write continually and extensively on the issue of torture in the Occupied Territories, both committed by the Palestinian Authority, their security forces and by Israeli security forces.

Amnesty International is also concerned about the continued existence and expansion of Israeli settlements in the West Bank and Gaza, as well as all of the related infrastructure. These settlements are a violation of the prohibition on discrimination, they violate international humanitarian law and their presence is contributing to mass violations of human rights.

Israel's policy of settling civilians in the West Bank and Gaza contravenes at least two fundamental principles of international humanitarian law, Article 49 of the Fourth Geneva Convention and Article 65 of the Hague Regulations, which address the temporary nature of the occupation and the prohibition on transferring civilian populations into occupied territory.

The settlements have also led to unreasonable, discriminatory, and disproportionate restrictions imposed by the IDF on the movement of about 3.5 million Palestinians inside the Occupied Territories. This includes city enclosures, curfews, checkpoints, and other obstacles to movement of people and goods, usually done in the name of security. Such measures, Amnesty International feels, can be categorized as collective punishment and a disproportionate response against the entire Palestinian population.

As I mentioned before, many people refer to what is happening in the Occupied Territories as a *de-development* of the Palestinian economy, health and ability to maintain an adequate livelihood.

Also, the ongoing construction of the separation barrier that is being built—making incursions inside the West Bank—has confiscated and divided Palestinian lands. This barrier will worsen restrictions on freedom of movement and continue to deprive Palestinians of rights.

There are a number of other issues that I could discuss, but I think I am just going to stop there. Thank you all for listening.

Mr. McNAMARA. Thank you very much.

Mr. Stork?

Mr. STORK. Let me add my voice of thanks for the invitation and for convening this event. Human Rights Watch does not take a position on issues such as whether partner countries in this instance should be incorporated into bodies like the OSCE. We do certainly encourage all manner of dialogue, persuasion and, let me say it, pressure, to help bring about improvements in civil, political and other human rights.

We have seen this kind of process work in a very timid way—for instance, in the context of the EU Association Agreements that have been concluded with a number of these very same countries. I think if the OSCE goes down this route, once those agreements are concluded, you can count on Human Rights Watch and other human rights organizations to try to use those engagements as ways to raise these issues in a consistent way and bring about these improvements.

Let us distinguish between different categories of rights. There are civil and political rights, for instance: the right to freedom of speech, freedom of association, due process rights associated with fair trial and so forth. There are issues related to bodily integrity: the right to life for instance, the right not to be killed in summary fashion, the right not to be tortured, things of this sort. There is a whole host of social and economic rights, which Human Rights Watch, for instance, certainly recognizes as human rights on the very same level as civil and political rights, although our own focus has been on the civil and political, bodily integrity rights.

One thing that encapsulates the area we are talking about, the Middle East–North Africa, generally speaking, including, but not only the countries that are on the partners list, is that a number of the violations—not all of them, by any means, but a number of the rights violations in the bodily integrity category and in the civil and political rights category stem from the fact that there are internally (that is within borders of the individual countries), situations of serious unrest, popular unrest, and consequent repression. Very often the unrest is consequent to the repression.

Not all of the violations we consider under country X, country Y and so forth fall in this category. A good number of them do.

In some instances—and here I cite Israel, the Palestinian territories, and Algeria in particular—this dynamic of unrest and repression occasionally rises to the level of armed conflict, where you have come into play humanitarian law considerations, namely the Geneva Conventions and so forth.

In the case of Israel, because it is a military occupation, international humanitarian law, Geneva Conventions, rules and obligations come into play, in terms of the responsibilities of the occupying power vis-a-vis the rights of the people being occupied: in the language of the Geneva Conventions, protected persons.

I am going to leave any particulars to questions that you may want to raise about that. But I just want to set that out, in terms of trying to frame the discussion here.

Like Karen, I want to stress the fact that I think globally, but nowhere more than in the Middle East-North Africa region, the dynamic—that we have seen a very serious regression, in terms of human rights protections and respect for basic rights, in terms of the war against terrorism and the counter-terrorism efforts.

So that you have the phenomenon of emergency legislation that runs through many—not all these partner countries, but many of them. Security courts, military courts, for instance being used to try people who are very often guilty of nothing except expressing themselves peacefully in opposition to the government.

In other cases, they may be used against people who are guilty, or at least accused of, crimes of violence. But again, the issue—there are serious issues about whether those proceedings should go forth in security courts or military courts where many due process protections are lacking, as opposed to ordinary criminal courts.

So that is one set of concerns—that this unrest-repression dynamic, within the larger envelope of the so-called war on terror, has set up—we are heading down a very slippery slope, I think, in the region.

I want to stress the fact that torture remains a very serious problem in the region, in fact, without exception, all of them, although to various degrees obviously within those partner countries.

Finally, in terms of some theme issues, before I turn to particulars of some of the partner countries, the issue of impunity—that is, a failure to hold people accountable for the crimes they commit, including crimes that are committed in the name of the state, on behalf of the government. Here I have in mind torture in Egypt, for instance. I will talk specifically about that.

Torture in Egypt, like elsewhere, is not a new problem. But on the other hand, torture in police stations, as well as in political security units of the security forces, has not always been as pervasive as it is today. It is not like this is a problem that has always been with us. What can we do about it?

What we can do about it is try to hold people accountable. What we have in Egypt is a situation, for instance, where people, as it happens for the most part Islamists, who are brought in, in some cases, at least suspected of, if not in fact responsible for, acts of violence. We are talking about tens of thousands of people, arbitrarily arrested in many cases, held for a long detention without trials, and tortured, particularly in interrogation.

When this was happening, in the early and mid-1990s, and there was no response on the part of the Egyptian Government, in terms of holding officials accountable for deaths in detention that were—that could be, that were credibly attributed to torture by the security forces, we now have a situation in Egypt where, in fact, we do have this pervasiveness, where this is going on, a routine occurrence in police stations around the country.

I do not want to pretend that this is a totally new problem. That is not what I am saying. But what I am saying is that it has become a problem on the scale it is because of this problem of impunity.

The problem of unaccountability for crimes committed on behalf of state security—usually on the behalf of state security operations or state security offices, is something that runs in every single one of the partner countries without exception.

In terms of what I called before the downturn for human rights in the region—as a result of the emphasis on counter-terrorism, Morocco is a good case in point where you have a country that, in fact had taken some very significant steps forward. You have a situation where parliamentary elections, for example, have been progressively cleaner,

more honest, and the results more representative of what appears to be the will of the voters. You find people on the whole in Morocco much less afraid to speak out today on issues, even criticize the government, than they were 10 years ago, say, or 20 years ago.

Despite the very serious problems that Frank outlined, and to which I completely subscribe, there is a new press law—again, I think it is one of these post-September 11 phenomenas—that is extremely regressive.

In May of this year, Morocco experienced some horrific attacks in Casablanca, where scores of people were killed and many more injured, terror attacks directed against Moroccan civilians. What we have now is a number of consequences in terms of widespread arbitrary arrests of people and trials that certainly leave a lot to be desired in terms of basic due process rights.

But you also have—and this is very frightening, I have to say—a couple of cases of people who have simply disappeared into the system. They were picked up by the security forces months ago, and since then nobody knows what has happened to them. One can only imagine.

This has not been a problem recently in Morocco. It was a very serious problem under King Hassan. You know, it is one of those major steps forward coming out of Hassan's rule in the 1990s, where not only the state stopped carrying out these kinds of violations, these crimes against humanity, to put the right label on it, but where you actually had Moroccan human rights groups coming together around the issue of accountability, for the disappeared and so forth.

So this is a very serious problem.

In Algeria, as Karen mentioned, disappearances. There, we are talking about numbers that stagger the mind. We are talking about the state itself, as top state officials have recently acknowledged, that upwards of about 7,000 people remain unaccounted for, most of them having been last seen in the hands of the security forces, an issue that nobody—there has been not one single investigation, not one single prosecution in Algeria for any of these acts.

There are now new efforts, simply because it is an issue that would not go away, thanks to the efforts of Algerian NGOs, Algerian Mothers of the "Disappeared" and so forth. It is an issue that would not go away. The state is setting up a commission now to try to arrange for compensation and so forth.

But I have a feeling that Algerians, who are on the front lines on this issue, are not going to be bought off with compensation. They also want to see officials held accountable.

Again, the problem in Algeria, a good case, again, like Egypt, where impunity matters. It matters very much. Because, indeed, you are seeing less people—there appear to be fewer people in jail. Fewer people are being arrested. Fewer people are being killed now than there were 5 years ago in the political violence. But it is still going on. Fewer people disappearing. There have only been two cases that we know of in the last 2 years of people who have been picked up by security forces that remain unaccounted for. Compared to 7,000, yes, that is an improvement. But the fact is that disappearance or disappearing people is something that no Algerian official has been called into court on, has been held accountable for.

Similarly, torture, in terms of numbers of victims—the number has gone way down in Algeria. Because the violence has gone down, the number of arrests have gone down. The number of people being interrogated has gone down. But if you are picked up in Algeria, and particularly if you are picked up on suspicion of "terrorism," or belonging to a banned

organization or any of the other vague penal code labels that can be used to pick you up, then there is a very good chance that you are going to be tortured in interrogation. Again, the problem is that security officials are not being held to account for this.

It is a very serious problem in Israel, to be quite blunt about it, again in terms of issues like the use of excessive force, the wrongful deaths of Palestinians, using Palestinians as human shields in military operations. Again, there is very little or no investigation by the IDF, by the Israeli security forces, into these incidents in a serious and transparent way.

I cannot resist concluding with a little story I heard when I was in Algeria a couple of years ago, but it pertains to the Algeria-Tunisia comparison. Algeria, most of us would recognize, has in many ways been a human rights basket case, to be quite frank. Tunisia has been a little more obscure, and has played the good guy role, in terms of a U.S. ally, as a European—particularly French—ally. It has gotten pretty much of a pass on its human rights record, completely undeserved. I mean, if there is one country in the region where anyone can talk about zero tolerance for basic rights of free speech and freedom of association—zero tolerance—it is Tunisia.

When I was in Algeria, I heard this story of at least two dogs, one heading to Tunisia from Algeria, the other to Algeria from Tunisia, meeting at the border. The one coming from Algeria was quite ragged and bitten and so forth; he was a mess. The one from Tunisia was quite dapper, well groomed and so forth.

The Algerian dog said, “Well, I know why I am going to Tunisia. Why in God’s name are you coming to Algeria?” And the Tunisian dog said, “So I can bark.”

That is a very serious problem in Tunisia, as Frank’s comments illustrated. That is freedom of speech and freedom of association. In Egypt, the government just in the last couple of weeks used a new NGO law governing the right to association, to ban efforts by a group called the New Women’s Research Center for one, the Land Center that works on land tenure issues and rights of tenant farmers and so forth.

Most recently a consortium of groups, human rights NGOs, came together to deal with the issue of torture. The government has refused to recognize them as legal entities. That basically means any activities they carry out, they are liable to be picked up and hauled into jail.

Now none of the people involved have been picked up and hauled into jail. Maybe they never will be. But you can imagine if you were involved in starting up an organization of this sort: you had tried to send in your articles of incorporation, your list of board members, and so forth, and comported with all of the rules, and then the government says, “No, we are not going to give you legal recognition.” It has all kinds of consequences, not the least being you do not know when, like Saadeddin Ibrahim, for instance, a couple of years ago, you are going to be picked up and put in the slammer because you happen to make what the state regarded as an ill-timed remark about the president.

Let me stop there.

Mr. McNAMARA. Thank you very much, sir.

As I have indicated, we will open the floor to any questions that you have. Please approach the microphone, and if you could identify yourself and any affiliation you have and the question and to whom you would like to address that question.

It is a Friday afternoon, I can tell.

Mr. VAN HORNE. Bill van Horne with Congressman Cardin’s office, Ranking Member of the Commission, two questions.

One, interested in rule of law, particularly. You talked about human rights violations. If the panelists could discuss, in the different countries, what kinds of independent court systems particularly are set up. Is there an independent review given when there are allegations of human rights violations outside the military court system?

Then secondly, Jordan was not mentioned. If we could just get Jordan on the record—concerns with the Jordanian Government.

Thanks.

Mr. STORK. Yes, Jordan was not mentioned because, to be quite honest, we have not been doing much work on Jordan. But one should not take that as a free pass. We also have not been doing much work on Libya, for instance, either.

Jordan is like Morocco, in that we see there were definitely some gains made over the recent period. But again, particularly in the post-September 11 period, you had the parliament dissolved. You had various laws like a really terrible draconian press law instituted by decree. I am glad to say that particular law, the press law, has been amended or perhaps has actually been suspended by a new law very recently now that there have been elections and the parliament is back.

Jordanian human rights activists still talk about Jordan as what they call *mukhabarat* state. In other words, you talk about the king—and this is on the books—I mean there are laws about how you can talk about the king or the royal family and the state and the intelligence services—*mukhabarat*—in Jordan as in many other countries, that are then used in a similarly arbitrary fashion to pick people up.

Sometimes people do not get brought before a court, either civil courts, criminal courts or military/security court. They just get taken down to the intelligence station, and then a little chat ensues. The suggestion is that you forgot that red line. You better keep your eye on that red line the next time you decide to speak out.

I do not like, when dealing with human rights, to get into making comparisons and saying, “This country is worse than this or this country is not as bad as that one.”

But I certainly think the leadership under King Abdullah in Jordan certainly talks a good talk. It remains to be seen how they walk the walk.

They have moved in a very positive direction in some respects. But there has been slippage, particularly in areas like freedom of association; and when the issue is Palestine, when the issue is, for instance, groups—whether it is syndicates like the journalists’ syndicate, or simply political groups or NGO-type groups that come together, demonstrating in solidarity with Palestinians in the Occupied Territories, for instance, calling for Jordan to cut its relations with Israel—these are groups that have been targeted by the Jordanians for just raising issues that they do not want to see raised. As for rule of law, the independence of the judiciary, one would have to examine this on a country-by-country basis.

In Egypt, for instance, there is relative independence of the judiciary that leads the government to use the military courts to try civilians, to use special security courts, and so forth, because there are fewer due process protections. There is a much greater likelihood—not 100 percent. I mean, individuals have been acquitted in military courts; not very many, but there have been some cases. But the state stands a much better chance of getting its way using those courts. In those courts, there is basically no right of appeal except where the president can intervene and issue a pardon. There is no higher court, no higher judicial body.

I think you really would have to look country by country. In Tunisia, there is much less freedom of the judiciary.

Ms. HANRAHAN. I will address Jordan specifically. Again, both Joe and I had a chance to meet with King Abdullah when he was here. He does talk a good talk. There are signs of improvement. He did hand out a list of things that Jordan is doing to improve the human rights situation, many of which his wife, the queen, is heading up. However, there are still a number of problems.

Again, particularly since September 11, and particularly in the name of fighting terrorism, there are new laws related to the war on terrorism. They limit freedom of expression and assembly and lead to persecution of all sorts of groups in Jordan.

Again, torture is also still a problem in Jordan, particularly in detention. In addressing this, the king says he is more familiar with the army, and not so much with the police. So he has not been involved in what happens during detention. So he is not familiar with whether torture happens or not, so steps have not been taken to stop torture.

Torture is still happening when it comes to detainees. In particular, torture is used to extract confessions. Those are most of the reports that we have received regarding torture.

Due process is also a problem. Many prisoners of conscience are held without charge or trial for prolonged periods. Jordan uses prolonged incommunicado detention, particularly since September 11. So it is in the name of fighting terrorism that a lot of these problems occur.

Jordan still uses exceptional courts; the state security court, which is staffed almost entirely by military judges, which again goes to the rule of law issue too.

Honor killings are still a problem. We know that the king and his wife have tried to make changes, bring the issue to the parliament, change the legislation to change the punishment for men who commit these killings—for people who commit honor killings. The reality is that although there was a change in the punishment in I believe it was Article 340 of the penal code, that has not really been effective, for a variety of reasons, in actually curbing honor killings.

Also, members of parliament have resisted these changes. But this problem goes beyond just law. It goes into particular practices and traditions that might take a long time to change.

So those are just a few issues in Jordan.

Rule of law, for me, is a huge topic. Being a lawyer, for me, rule of law includes the issue of impunity and accountability that we have been talking about. In most of the countries here, as I said before, there is a problem with impunity; particularly with state officials and security personnel; they are not held accountable for the human rights violations that they commit. It is a problem in all of these countries. Rule of law also includes legislation and change in laws. Again, you need to analyze it on a country-by-country basis. The answer is in the different details of each country.

The laws have been changed in some ways. But they are often just not effective. They are sometimes more for external approval rather than for internal effectiveness.

Independence of the judiciary—I think Joe addressed that issue. But there are still a lot of exceptional courts, military courts or similar courts that are—that were originally created under emergency legislation or used for certain purposes and they are still used for purposes for which they do not need to be used. Trials in those courts are not usually up to international standards for fair trials.

Legal institutions, there are a number of countries that have jumped on the bandwagon in creating national human rights institutions. It is another way of getting approval from the international community. Again, in reality, it depends. Sometimes, they

are more effective; other times less effective. You have to look at each institution, look at its mandate, look at who appointed the members.

For example, I know that in Algeria the mechanism they are setting up now to address the issue of disappearances was set up by presidential decree. The president appoints all of the members. So there could be problems—lack of independence, lack of impartiality.

This is unlike, for example, in Afghanistan. Before working for Amnesty International, I lived in Afghanistan working for the U.N. They have an independent national human rights institution that is quite independent. That institution looks completely different from a number of the national institutions created in some of these countries.

So really it takes looking at each country. But rule of law—again, sorry to be vague, but it is better in some countries than in others. It requires in-depth research about the effectiveness and the reality on the ground.

Mr. STORK. Yes, if I could add two very quick points.

First on Jordan: I think Jordan is one country where the regime, the government, the king, for whatever reason, is taking a very forward-looking stance on rights issues, including women's rights. If there is a country out there that the OSCE would want to think about engaging with, it would be Jordan, just in terms of taking them seriously on that and getting them into a relationship where there is a way of holding their feet to the fire, as it were, on these issues.

Frankly, I see no point at all in dealing on these terms with the Tunisian Government. They have shown their stripes. The reformability of those characters, I think, is next to nil. One cannot write Tunisia off altogether, and I am not saying there should be no engagement with Tunisia. But if you are thinking strategically, and if you are thinking in terms of limited numbers and being selective and also rewarding good talk and good steps, that Jordan would be a place to look.

Secondly, just on rule of law, of course, we are dealing with countries where they take rule of law seriously inasmuch as they pay lip service to it, and most of the repression is exercised in the name of the law. Egypt, for instance, passed a new law governing associations. It is extremely restrictive, as it happens, that allows the government to veto who is on your board of directors, allows the government to examine your financial books at will. It is completely arbitrary, unnecessary and unwarranted, but it is the law.

When people get picked up in Egypt for various offenses, there is a paragraph of the penal code that is cited justifying the arrest—so the problem is not just the law, as your question indicated. The issue of independence of the judiciary is a very critical factor, in terms of how that law is applied.

Mr. SMYTH. Yes, if I could add just very briefly in terms of rule of law in Tunisia, it has been a police state for some time. We have even seen Members of Congress, particularly on the Senate side, making glowing remarks about Tunisia's alleged reforms in the name of democracy, which certainly do not contribute to pushing Tunisia to respect human rights, and particularly the situation effecting journalists today.

In terms of Morocco, as Joe pointed out, there was an opening after the transition in the monarchy. But we have seen a regression now in recent years with the imprisonment of a number of journalists, as I noted.

In terms of the other Arab nations, our main concern, among other things, is criminal defamation laws, which allow journalists to be prosecuted criminally for allegedly libeling heads of state and others in society.

In Israel and the Palestinian Authority, we have an ongoing problem with denial of access for journalists through a variety of situations, along with harassment, censorship and other issues.

Mr. McNAMARA. Any additional questions?

Mr. GORE. I am Chad Gore of the Helsinki Commission staff. A simple question, actually.

Now that we have gone through the bad news, could you name names of who are the people that we should be looking to as the future good guys in this region?

I mean, King Abdullah just got a little bit of credit for talking the talk and maybe he will walk the walk. Who else is there that is maybe outside government that leads, prospective NGOs, the old Tunisian human rights organizations and Young Lawyers' Association and so forth, that we could be engaging with now to develop a relationship for future positive steps?

Mr. STORK. If you are talking about outside, yes, I think a number of countries—Bahrain for instance, is not on your list here; it is not one of your perspective partners. But there, in fact, there have been some very positive developments from what was a very negative situation just a couple of years ago.

Again, countries like Jordan, like Morocco. We are talking about top down, reform was dispensed by the king. In all three cases, it can be taken back by the king just as easily, and in some cases has been. But you do have fairly active civil societies.

Egypt—again many prospective NGO partners, dealing with rule of law issues, which would be, I would think, right up the OSCE alley, so to speak.

Certainly on the Palestinian and Israeli side, again, NGOs, groups of bar associations and so forth that have pretty good positions on the issues and so forth.

Ms. HANRAHAN. Thank you.

In most of our reports, we discuss civil society and NGOs in particular that are doing important work in these areas.

I am generally an optimist. It is hard to believe from this report, but I prefer to speak of the positive developments in countries I prefer to be part of the recommendations and part of the assistance to help countries improve rather than just criticizing them.

I am reluctant actually to name, in terms of governments or countries, any one or two countries that are “the good guys.” I mean, yes, Jordan is very progressive in its talk. But I am reluctant to single out countries whom we should turn to, automatically, to guide us in the region, in terms of democracy and human rights.

I think that all these countries have taken certain steps, at least in the name of promoting and protecting human rights. The United States can look to those specific efforts, and help engage with these countries to make them effective and to pressure them. If they are not effective because the country is not doing it right, well, assist them. We have very good people in USAID and the State Department. The State Department has a whole program on democracy in the Middle East and engaging with countries in the Middle East. It should be about building the capacity of these countries in addition to increasing the political will.

So there just needs to be more of an engagement, at that level, the capacity-building type of engagement, along with the pressure to reform. I do not think that one country or government should necessarily be the only ones who lead this process.

But, yes, civil society, there are amazing organizations who do great things in the face of restrictions and persecution. The governments continue to try to repress these groups

and control them and they just cannot. So they are very strong people, strong organizations, and they have a lot to add to this process.

Mr. STORK. If I could just add a couple of things. One, I am not that familiar, to tell you the truth, with the OSCE mandate and the processes of how you relate as OSCE to the partner countries.

But I would make just a couple of points. One, as Frank alluded to a little earlier, the old Hippocratic motto, "Do no harm." Do not say Tunisia, for instance, is doing a great job on human rights. If you cannot say something useful, in this case critical, do not say anything.

To whatever extent it is within OSCE's mandate and protocol to be able to address criticism either publicly or in *démarches* or to governments that are acting badly among these partners, I would encourage you to do so.

Very similarly, I encourage the OSCE, to the extent that it can, to react to positive developments. Let me give you a very recent example, the National Democratic Party in Egypt, the ruling party of President Mubarak, just this past weekend, held an annual or biannual convention. The slogan was basically civil rights, the new era. They had meetings on the margins, with some Egyptian NGOs and so forth.

It looks like it is greasing the skids for Gamal Mubarak to succeed his father as president, as a reform candidate, as it were, of the NDP.

But nevertheless it might be worthwhile—and you know, perhaps this is an area where we could be of some assistance—to take a look at what the NDP came out with in terms of a party program; see where there are some positive things, and engage them on it.

Do not take them at their word. But say, "We are very interested. We will be looking to establish a dialogue with you. Can we meet and talk about this?"

Let them know that people are watching, are taking notice of these kinds of things and that we do not want to them to remain just at the level of public relations, but actual policy changes.

Mr. McNAMARA. Frank Smyth?

Mr. SMYTH. In terms of people to look to, there are excellent journalists in all of these countries, even a country like Algeria, where dozens of journalists were murdered in the last decade. We are concerned about Tunisia and Morocco because some of the best journalists there are in prison.

But certainly in Algeria, Egypt, Jordan, there are excellent journalists, and also in Israel and in the Palestinian territories. Those are people that certainly we look toward for guidance on their situation and certainly people that deserve support.

Mr. McNAMARA. Just one observation and that is that the OSCE in recent years has made some attempts in terms of capacity building, where representatives or individuals from the governments that are current partners can participate as members of election monitoring activities, for example.

But again, there are many discussions and considerations in terms of the relationship of the partners to the OSCE. Actually, there is a letter circulating among our Commissioners to King Abdullah, picking up on his recent remarks in Washington on democracy and human rights and trying to encourage him to follow through, in terms of reforms related to those particular areas as well.

If there are no additional questions, then again, I would just repeat that a copy of the transcript from today's proceedings will be available on the Commission's web site,

<www.csce.gov>. I heard one of the panelists mention his web site. Certainly others can give a pitch, if you will, for that.

Mr. SMYTH. CPJ is <<http://www.cpj.org>>. I believe this transcript should be up later today.

Mr. STORK. Human Rights Watch is <<http://www.hrw.org>>. I might just point out that on the table outside, I brought a number of copies of our world report chapters on the four partner countries that we have covered, Egypt, Algeria, Morocco, Israel and the Palestinian territories, as well as a couple of recent public interventions we have done on those countries.

Ms. HANRAHAN. Also, just in case you want to just read some of the addresses what we were talking about today, this statement that I gave today, it is more than what I talked about. I will also give that as part of the record. It would not be on our website, though.

Mr. MCNAMARA. Thank you very much.

Mr. SMYTH. Thank you.

[Whereupon the briefing ended at 2:15 p.m.]

**PREPARED STATEMENT OF
KAREN HANRAHAN,
DIRECTOR OF ADVOCACY FOR MIDDLE EAST AND NORTH AFRICA,
AMNESTY INTERNATIONAL**

OPENING REMARKS

I would like to thank the Commission for inviting me to speak today. I have been asked to address the human rights situation in the states participating in the “Mediterranean Partners for Cooperation” to assist in the determination of whether to admit such countries to the OSCE. In particular, I was asked to address the issues of freedoms of religion and speech, torture, trafficking, anti-semitism and xenophobia, due process, minority rights and torture. These are all important topics on which Amnesty International has researched and written a substantial amount. Due to limited time, however, I will be unable to address all of these topics for all of the Mediterranean Partners. You may find full reports on these countries at www.amnesty.org, as well as synopses of the human rights situations in these countries in our 2003 annual report.

Although Amnesty International does not take a position on whether the Mediterranean Partners should be admitted to the OSCE, we see this decision as an important opportunity for the OSCE to encourage the Mediterranean Partners to strengthen their commitment to promoting and protecting human rights in their countries. All of the Mediterranean Partners are parties to a number of binding human rights treaties and mechanisms that they continue to disregard. Although there have been some improvements in the human rights situation in some of these countries, progress has been slow and sometimes negated by measures implemented since September 11, 2001 in the name of “fighting terrorism.” There is also a discernable inconsistency between the human rights rhetoric on the part of these governments and the reality for their citizens. It is therefore important to closely examine whether they are willing or even able to adhere to human rights requirements of OSCE membership. Commission members must look beyond government statements, new institutions and legislative changes to examine the nature of such changes, whether they are being effectively implemented and whether they are having an impact for the citizens of the Mediterranean Partners. In other words, the answer for the Commission is in the details.

There are a few issues that are common to all of the Mediterranean Partners about which Amnesty International is particularly concerned. These include the following:

- Continued impunity for perpetrators of ongoing and past crimes, particularly state officials and security officials;
- Torture and ill-treatment, particularly of detainees; and
- Since September 11, 2001, the increase in new human rights violations and the justification for past and ongoing human rights violations committed in the name of “fighting terrorism,” including arbitrary arrest and detention, lack of due process, torture and limits on freedom of religion and expression

ALGERIA

The human rights situation, although improved since the mid to late 1990s, remains of serious concern. Approximately 100 people continue to be killed each month by armed groups, the security forces and state-armed militias, with civilians bearing the brunt of the violence; torture is still prevalent; and investigations into human rights abuses are rarely carried out, maintaining a climate of impunity and confusion. The legacy of a decade of violence is yet to be concretely addressed, leaving victims and their families without redress and the population without guarantees that the grave human rights abuses they have witnessed in recent years will not be repeated.

The Algerian authorities have been talking increasingly in recent years about improving the human rights situation in their country, pointing to a series of reforms being planned and implemented in areas such as legislation and the structure of state institutions. Some initiatives over the last three years have contained positive elements. Legislative changes in 2001, for instance, should in theory have improved safeguards protecting detainees from torture and secret detention. Like previous safeguards in the law, however, they have remained largely unimplemented and ineffective. Amnesty International addresses this issue in more depth in our most recent report on Algeria, "Algeria, Steps Toward Change or Empty Promises?".

Algerians in general continue to believe that the government's authority is severely constrained by an unaccountable and secretive military establishment whose influence permeates decision-making in the country and who goes unchallenged. One of the key outcomes is a lack of popular confidence in the authorities' stated commitment to change. The resulting popular frustration has planted the seeds of unrest among Algeria's predominantly young population, sparking an increasing number of protests in recent years. The heavy-handed way in which these protests have been repressed has fuelled the discontent further, leading to a situation that remains explosive.

Algeria hosted three international meetings relating to "counter-terrorism" and "organized criminality" during the year. Official statements made at the time of these meetings indicated that Algeria was seeking support for its view that the "counter-terrorism" approach it had followed in the last decade had been vindicated in the wake of the attacks in the United States on September 11, 2001. Some of these measures, including legislative amendments from previous years and ratifications of instruments such as the Arab Convention for the Suppression of Terrorism, present a serious threat to human rights. Algeria's "counter-terrorism" approach was criticized by Amnesty International and others as being a pretext to justify mass human rights violations. Despite such violations, the United States has publicly declared its support for Algeria's "counter-terrorism" policy.

Torture

Torture in state custody remains widespread and is systematic in cases linked to what the authorities describe as "terrorist" activities. The vast majority of such cases reportedly occurred in military compounds run by Military Security, the most secretive and unaccountable of Algeria's security services. Many of those reported to have been tortured had been arrested on suspicion of having links with terrorist armed groups. They were reportedly tortured during periods of secret and unacknowledged detention lasting days or weeks, often in bases belonging to the military security service, the Department of Information and Security (DRS). During these periods of secret detention, the govern-

ment and judicial authorities have systematically denied all knowledge of the detainees and only acknowledged their detention when they were brought to court or released.

Just two examples are Brahim Ladada and Abdelkrim Khider, both shopkeepers in their early thirties living in the northeastern coastal town of Dellys. These men were repeatedly tortured in March of last year while in secret and unacknowledged detention at a DRS base near Algiers. They were allegedly forced into making statements, dictated to them by their torturers, in which they confessed to having links with both an armed group and an Algerian human rights lawyer living in exile in Switzerland. The two men were allegedly stripped naked and kept in this state throughout the 12 days that they spent at the DRS base. On several occasions, they were reportedly beaten with batons and plastic pipes and also tortured by the so-called chiffon method, in which a rag is forced into the mouth and dirty water, containing detergent and other impurities, is poured through it.

Impunity

Amnesty International is also gravely concerned about the continued impunity and lack of accountability for past crimes in Algeria. The January 2000 amnesty of approximately 1,000 armed group members and the subsequent extra-legal application of clemency measures for armed groups, for instance, have prevented the truth from emerging about grave human rights abuses and ensured impunity for the perpetrators, thus depriving tens of thousands of victims of their right to redress.

Although President Abdelaziz Bouteflika recently established an ad hoc mechanism to look into the issue of “disappearances” in Algeria that occurred between 1993 and 2000, the decree defining the new mechanism’s mandate is yet to be published and Amnesty International is concerned that the mechanism appears to have limited powers. Furthermore, no concrete measures have been taken to bring to justice those responsible for other human rights abuses committed by the security forces, state-armed militias or armed groups since 1992, including thousands of cases of extrajudicial executions, deliberate and arbitrary killings of civilians, torture and ill-treatment.

Freedom of Expression

Like most of the other Mediterranean Partners, the Algerian government continues to react illegally against those who express anti-government sentiment, particularly demonstrators. Some 10 unarmed civilians, including a 14-year-old boy, were killed by the security forces in March and April last year, in the context of waves of anti-government demonstrations. Some of the civilians killed were reported to have been shot dead with live ammunition. Others were said to have been beaten or stabbed to death, and some were believed to have died after being hit by rubber bullets or tear-gas grenades apparently aimed at protesters’ heads. Scores of protesters were arrested during or following these demonstrations and detained for several months.

Freedom of Religion

Amnesty International has been unable to conduct recent research on freedom of religion in Algeria. However, the U.S. Department of State’s 2002 International Religious Freedom Report states that Algeria’s 10-year civil conflict has pitted self-proclaimed radical Muslims against moderate Muslims and approximately 100,000 civilians, “terrorists,” and

security forces have been killed during the past 10 years. The report goes on to state that (i) the Constitution declares Islam to be the state religion but prohibits discrimination based on religious belief, (ii) the Government generally respects religious freedom in practice but there are some restrictions, (iii) although Islam is the only state-sanctioned religion and the law limits the practice of other faiths, the Government follows a de facto policy of tolerance of non-Muslim faiths by not inquiring into the religious practices of individuals and (iv) the majority of cases of harassment and security threats against non-Muslims come from radical Islamists who are determined to rid the country of those who do not share their extremist interpretation of Islam.

Trafficking

Hard data on the number of trafficking victims is lacking for Algeria but the law does not specifically prohibit trafficking in persons. The U.S. Department of State has stated in its 2003 report on Trafficking in Persons that illegal immigrants from West and Central Africa transit through Algeria to destinations in Europe and that some may be forced into prostitution while awaiting onward travel. There were incidents of women and girls being kidnapped by terrorist groups for the purposes of rape and servitude during 2002.

Positive Developments

The Algerian government is trying to send a message both internally and to the outside world that progress is underway towards consolidating the rule of law and democracy in Algeria. Again, it is important to closely examine the actual effectiveness of the government's measures.

One of the most noticeable positive developments in the last two or three years has been the opening up of the space for debate on human rights issues. This is partly as a result of an increased willingness on the part of the authorities to engage with them and partly to the determination of human rights activists, who have been instrumental in forcing the concerns of victims of human rights abuses and their families onto the public agenda. Several human rights organizations have undertaken new initiatives in recent years in spite of the difficulties that continue to hamper their work, including harassment by government authorities of their members, government restrictions on public meetings and an acute lack of resources.

Another development has been the establishment of a new official human rights body, the National Consultative Commission for the Promotion and Protection of Human Rights set up by presidential decree in March 2001. Since its members were appointed by presidential decree in October 2001, the Commission has made efforts to show greater willingness to listen to families of victims of human rights violations by the state, notably the families of the "disappeared." Although the body has no investigative powers and is mandated to act only in an advisory role to the President, it is to be hoped that this positive attitude can be translated into recommendations to resolve human rights concerns and address victims' needs in accordance with international standards.

EGYPT

Amnesty International is concerned about the continued violation of international human rights law by the Egyptian government. The State of Emergency legislation that has been in existence since the early 1980s continues to provide the legal framework that

enables and legitimizes human rights violations, including arbitrary arrest and detention, unfair trials, lack of due process, torture, impunity and persecution of religious groups, human rights defenders and other civil society groups.

Similar to the situation in Algeria, since September 11, 2001, Egyptian officials have boasted about the effectiveness of their “special” measures used in fighting terrorism and have promoted themselves as participants in the “war on terror.” Egyptian authorities are attempting to legitimize such illegal measures as arbitrary arrest and detention, torture and ill-treatment, unfair trials, incommunicado detention and other forms of persecution.

Torture

Torture continues to be systematic and widespread in detention centers throughout Egypt and the authorities have consistently failed to investigate reports of torture. The most common torture methods reported were electric shocks, beatings, suspension by the wrists or ankles and various forms of psychological torture, including death threats and threats of rape or sexual abuse of the detainee or a female relative. The UN Committee against Torture and the UN Human Rights Committee have both expressed concern at the persistence of torture.

Although several security officers were tried in connection with two deaths in custody that occurred in 2002, allegedly as a result of torture, many other such cases remain uninvestigated. Marks found on the bodies of detainees who died in police custody were consistent with traces left by electric shocks and other forms of torture, according to forensic evidence presented in several trials. Sayid Khalifa ‘Isa died in March of last year after reportedly being tortured at the police station of the second precinct of Madinat Nasr. A forensic report noted signs on Sayid Khalifa ‘Isa’s body consistent with torture, including marks on his penis from electric shocks.

Due Process

Scores of people continue to face trial before exceptional courts, such as state security courts established under emergency legislation. They are charged with offences that should be handled in ordinary courts, including membership in illegal organizations, contempt for religion, espionage and corruption. The procedures of these courts fall far short of international standards for fair trial. For example, defendants do not have the right to a full review before a higher tribunal. Many detainees have been held in administrative detention for prolonged periods and several detainees have reported that they were tortured and/or coerced into making confessions.

Freedom of Religion

People continue to be at risk of human rights violations in Egypt for exercising their right to freedom of religion. Although the constitution and some laws and decrees prohibit discrimination based on religion, in practice, religious freedom is still restricted in Egypt. Although the Constitution provides for freedom of belief and the practice of religious rites, the Egyptian government continues to restrict this right. Religious practices that conflict with Islamic law (Shari’a) are prohibited. Although the Constitution provides for equal public rights and duties without discrimination due to religion, the government continues to discriminate against non-Muslims.

The Government continues to prosecute for unorthodox religious beliefs and practices under the charge of “insulting heavenly religions.” In March of last year an (Emergency) State Security Court for Misdemeanours, which allows no right of appeal, sentenced Amin Youssef and ‘Ali Mamduh to three years’ imprisonment for “contempt of religion”; six others, including Amin Youssef’s wife, received one-year suspended prison terms. Amin Youssef and ‘Ali Mamduh, both prisoners of conscience, were convicted for holding private religious gatherings and advocating modifications to basic Islamic rules.

The government maintains tight control over all Muslim religious institutions in a proclaimed effort to combat extremists. Thousands of individuals are imprisoned because of alleged support for or membership in Islamist groups accused of seeking to overthrow the Government.

Anti-Semitism

Amnesty International has not conducted recent research on anti-Semitism in Egypt. The U.S. Department of State reports that anti-Semitic articles and editorials are published in privately owned papers and, to a lesser extent, in the Government press, and have increased since 2000 following the increase in violence in Israel and in the occupied territories. The Government reportedly has advised journalists and cartoonists to avoid anti-Semitism. However, government officials insist that manifestations of anti-Semitism in the media are a direct result of Israeli government actions against Palestinians and do not reflect historical anti-Semitism. The Anti-Defamation League has recently stated that “while anti-Semitism continues to be a serious problem in Egypt, we have seen a diminishment in the level and intensity which we find very encouraging...”[1]

Trafficking

Amnesty International has not conducted independent research on trafficking in Egypt. However, the State Department’s 2003 Trafficking in Persons Report states that evidence suggests Egypt is a transit country for persons being trafficked from East Africa and South Asia to Europe and from the former Soviet Union to Israel.

ISRAEL

Amnesty International is seriously concerned about the ongoing violations of international human rights and humanitarian law in the occupied territories. Such violations arise in the Israeli Defense Force’s (IDF) continued incursions into areas under the jurisdiction of the Palestinian Authority (PA), as well as in the massive restrictions on Palestinians’ freedom of movement that result from closures, checkpoints, curfews and other obstacles to the movement of people, food, medical supplies and other goods.

Hundreds of unarmed Palestinians, including more than 100 children, were killed by the Israeli army last year in random and reckless shooting, shelling and bombings or as a result of excessive use of force, including in enforcement of curfews. Hundreds of others were killed in armed clashes with the Israeli army and at least 35 were killed in targeted assassinations, which often also resulted in the deaths of uninvolved bystanders. The ongoing policy of assassinations of members of Hamas and other Islamist groups continues to result in civilian deaths and injuries. Some Palestinians have also been killed when the IDF demolished their homes on top of them.

Torture

The IDF continues to make mass arrests of Palestinians and reports of torture and ill-treatment during detention are widespread, including beatings, being handcuffed and tied in uncomfortable positions for prolonged periods, threats to the detainee and their relatives and sleep deprivation. Local human rights organizations continue to write extensively on torture of Palestinians by the IDF and other Israeli security forces (in addition to torture committed by the Palestinian Authority).

Due Process

Last year, more than 1,900 of those Palestinians arrested by the IDF were held in administrative detention for up to one year. They were not charged with any offence and were held on the basis of “secret evidence” which neither they nor their lawyers were allowed to see or to challenge in court. Around 1,000 other people who were arrested were charged with involvement in attacks against Israelis and more than 3,800 were tried by military courts in trials that fell short of international fair standards.

Settlements and Freedom of Movement

Amnesty International is also deeply concerned about the continued existence and expansion of Israeli settlements in the West Bank and Gaza Strip, as well as all related infrastructure. The settlements are a violation of the prohibition on discrimination; they violate international humanitarian law; and their presence is contributing to mass violations of human rights. Israel’s policy of settling its civilians in the West Bank and Gaza contravenes two fundamental principles of international humanitarian law: the temporary nature of occupation and the prohibition on transferring civilian populations into occupied territory.

The settlements have also led to unreasonable, discriminatory and disproportionate restrictions imposed by the IDF on the movement of three and a half million Palestinians inside the Occupied Territories through the use of closures, curfews, checkpoints and other obstacles to movement of people, medical supplies, food and other goods. Such measures can be categorized as collective punishment and a disproportionate response against the entire Palestinian population. Such measures have led to what many refer to as the “de-development” of the Occupied Territories because of the severe effect they have had on the Palestinian economy, health and ability to maintain an adequate standard of living. The ongoing construction of the separation barrier that is being built inside the West Bank confiscates and divides Palestinian land, imposes additional restrictions on freedom of movement and continues to deprive Palestinians of their rights.

Impunity

Since the beginning of the Palestinian uprising (the Al-Aqsa Intifadah), more than 2,200 Palestinians have been killed, most of whom were unarmed civilians, including approximately 400 children. Tens of thousands others have been injured by the IDF’s use of live ammunitions, bombs, missiles and other weapons. To date only a handful of soldiers have been brought to justice and none convicted of murder or for breaching open fire guidelines. The lack of investigations into such crimes and failure to prosecute soldiers has created an atmosphere of impunity an unaccountability amongst soldiers.

Freedom of Religion

Amnesty International has not conducted substantial recent research on religious freedom in Israel. However, the U.S. Department of State's Bureau of Democracy, Human Rights, and Labor has stated the following about religious freedom in Israel: (i) Israeli law provides for freedom of worship, and the Government generally respects this right in practice, (ii) the Government has recognized only Jewish holy places under the 1967 Protection of Holy Sites Law and Muslim groups complain that the Government has been reluctant to refurbish mosques in areas where there is no longer a Muslim population, (iii) the Government generally continued to permit Muslim citizens to make the Hajj during the period covered by this report but, for security reasons, the Government imposed restrictions on its Muslim citizens who performed the Hajj, including requiring that they be over the age of 30, (iv) the Government does not allow Hajj pilgrims to return if they leave the country without formal permission, (v) government funding to the different religious sectors is disproportionate and only two percent of the Ministry of Religious Affairs budget goes to the non-Jewish sector and (vi) government resources available to Arab public schools are less than proportionate to those available to Jewish public schools.

Trafficking in Persons

The U.S. Department of State's June 2003 Trafficking in Persons Report states that Israel is a destination country for trafficked persons. Women from Moldova, Russia, Ukraine, and other countries in the former Soviet Union are trafficked to Israel for the purpose of commercial sexual exploitation. Persons in search of work are trafficked into situations of coerced labor, where they endure physical abuse or other extreme working conditions. Construction firms and other businesses have brought male laborers from China and Bulgaria into Israel to work under conditions equivalent to debt bondage or involuntary servitude. Many low-skilled foreign workers in Israel have their passports withheld, their contracts altered, and suffer non-payment of salaries of varying degree and duration. The Government of Israel does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so.

JORDAN

Although the Jordanian government has taken steps to advance the human rights situation in their country and purports to be a leader in the region for democracy and human rights, Amnesty International is still concerned about the lack of progress in a number of key areas.

Freedom of Expression

Following the 11 September 2001 attacks in the United States, Jordan, like many other states, made changes to its legislation in order to take steps to prevent such acts. The new laws on "terrorism" and the limitations to the freedom of expression, promulgated after the September 11th attacks without passing through the Jordanian parliament, were part of an already worrying trend in Jordan. Already in August 2001, laws had been promulgated limiting rights of assembly and the right of access to legal counsel to political opponents. Such laws have led to a severe crackdown on the freedoms of expression and association. Human rights violations resulting from the crackdown include the arrest and detention of government critics. Although those detentions lasted a relatively

short period of time, they serve chill freedom of expression, especially when those targeted face charges with penalties including large fines and jail sentences. For example, Dr. Ibrahim Alloush, principal editor of the Free Arab Voice and a University Professor in Amman, was arrested on March 2003, allegedly because he was outspoken in his condemnation of the U.S. attack on Iraq and Jordan's role in that attack. Fawaz Zurayqat, a businessman and station manager of Arab Television (ATV), was detained on 3 March 2003 and held without charge at the headquarters of the General Intelligence Department, also due to his opposition to the impending war on Iraq and on U.S. sanctions against Iraq. Also in March, a number of individuals were arrested by security forces for protesting the war in Iraq. Disproportionate force was used to break up such demonstrations and several protesters were reportedly beaten.

Torture

Amnesty International has concerns regarding continued reports of the torture and ill-treatment in Jordan of detainees to extract "confessions". Although the Jordanian Penal Code provides protective guidelines on the use of confessions, including that the authorities and court obtain the confession without force or duress. These types of inconsistencies between legal code provisions and the actual treatment of individuals is not uncommon.

Jordan also continues to sentence people to death and to execute people, often after they have received unfair trials, and often when confessions are extracted under torture. Ali Jabbar Taher 'Ali could be executed at any time after the decision by the Court of Cassation (appeal court) in June to uphold the death sentence passed against him after an apparently unfair trial in January 2003. And there are other similar cases.

Due Process

Prisoners of conscience are sometimes held without charge or trial. Jordan continues to use prolonged incommunicado detention where detainees are deprived of their rights to due process. Since September 11, 2001, security forces have arrested and held incommunicado hundreds of individuals, including peaceful demonstrators, members of religious groups and media professional. Lawyers are permitted access to their clients only upon transfer to court. Article 66(1) of the penal code stipulates that public prosecutors may forbid access to detainees.

Jordan continues to utilize exceptional courts such as the State Security Court (SSC), staffed almost entirely by military judges, to try offences related to publishing and freedom of expression which were previously tried before ordinary courts. Jordanian authorities continue to justify the continued use of such an exceptional court rather than ordinary courts by pointing out the need to conduct speedy investigations and trials for the offences within the jurisdiction of the court.

Honor Killings

Amnesty International is also concerned about the ongoing practice of "honor" killings in Jordan and the failure of the government to alter the discriminatory laws that minimize punishment for men who commit such killings. There were at least 22 honor killings in 2002, five of which were of children. In 2003, there have been at least 12 such killings.

The parliamentary amendments made in December 2001 to Article 340 of the Penal Code, under which men who murdered wives/female relatives on grounds of adultery would no longer be exempt from penalty, were insignificant, particularly because the penalty could still be reduced if the victim was found in an “adulterous situation.” Also defendants usually invoked Article 98 rather than Article 340 because the former reduces sentences for crimes committed in a “fit of rage” caused by an unlawful or dangerous act on behalf of the victim. At least ten men who had killed women for reasons of “honour” benefited from Article 98 during 2002.

All the above concerns have regularly been raised with the Jordanian authorities, but in recent years AI has not been receiving answers to these concerns. Substantive TGs sent to the authorities including the Prime Minister and Queen Rania, the head of the Royal Human Rights Committee but no answers were received.

Freedom of Religion

Amnesty International has not conducted substantial new research on religious freedom in Jordan. The State Department’s International Religious Freedom Report states that, although the Constitution provides for freedom of religion, provided that religious practices are consistent with “public order and morality,” the Jordanian government continued to impose restrictions on freedom of religion. Members of unrecognized religious groups and religious converts from Islam face legal and societal discrimination as well as bureaucratic difficulties in personal status cases. The Government prohibits non-Muslims from proselytizing Muslims. Relations between Muslims and Christians in the country generally are amicable.[2]

MOROCCO

Amnesty International is concerned about what it sees as a step backwards since September 11, 2001 in what has otherwise been a positive trend in Morocco and Western Sahara towards the improvement of promotion and protection of human rights.

There has been a sharp rise in the number of reported cases of torture or ill-treatment in Morocco over the past two years. Amnesty International has recorded scores of allegations of torture or ill-treatment, primarily against political detainees. Islamists accused of involvement in or planning acts of violence and the Sahrawis perceived to be actively in favor of independence for Western Sahara have been the primary targets of such treatment.

Amnesty International is concerned about the promulgation on May 28, 2003 of a new law on “combating terrorism” that amends the Penal Code and Criminal Procedure Code by adding new provisions and amending others. In particular, the law extends the legal limits for pre-arraignment detention, when detainees are most at risk of torture or ill-treatment, and widens the scope of applicability of the death sentence.

Impunity

The compensation process for victims of “disappearance” and arbitrary detention in previous years and their families continued. However, despite the authorities’ stated commitment to address current and former human rights violations, no additional steps were taken to resolve the cases of grave abuses committed between the mid-1960s and the early

1990s, notably the “disappearance” of several hundred people, the majority of them Sahrawis.

For example, Hamudi ould Mohamed-Lahbib ould Baba Biri was among many Sahrawis arrested by the Moroccan security forces in Erbeib, near Smara in Western Sahara, on July 10, 1976. His wife, Safiya L’mbarek, was arrested five days later. After reportedly being tortured, the security forces took her, on two separate occasions, to see her husband, whom she alleged had also been tortured. She had neither seen nor heard news of her husband since that time, despite repeated attempts to seek clarification regarding his whereabouts from the Moroccan authorities. Over 26 years later, the fate of Hamudi ould Mohamed-Lahbib ould Baba Biri remained unknown and a thorough, impartial and independent investigation had not been opened into his “disappearance”.

Torture

There were reports last year that scores of detainees have been tortured or ill-treated in custody in order to extract confessions or to force them to sign statements that they rejected or denied. Many of the reports related to the large number of Islamists being held in secret detention and accused of involvement in or planning violent acts, and numerous demonstrators charged with public order offences in Western Sahara.

Following their arrests in May and June of last year, three Saudi Arabian nationals and seven Moroccans, including the wives of two of the Saudi Arabians, were put on trial in proceedings that opened on October 28 of last year. They faced various charges, some of which carried the death penalty, in connection with an alleged plan to blow up NATO warships in the Straits of Gibraltar and of plotting attacks on cafés and public buses in Marrakesh. Some were allegedly held in secret detention for up to a month. In the case of the three Saudi Arabians, defense lawyers claimed that the authorities tried to cover up this serious breach of procedures by logging a false arrest date of June 12 in official records rather than the correct dates of May 12 and 13. Many of the detainees alleged that they were tortured and ill-treated during interrogation in secret detention in order to make them sign “confessions” whose content they rejected and denied. Techniques reported included suspension, beatings and threats of rape. In addition, they were allegedly threatened with further torture immediately prior to appearing before the examining magistrate in order to coerce them into repeating their “confessions”.

Freedom of Religion

Amnesty International has not conducted recent research on freedom of religion in Morocco. However, the U.S. Department of State’s recent report on international religious freedom states that, although the Constitution provides for freedom of religion and, although Islam is the official state religion, Jewish and Christian communities openly practice their faiths. However, the report goes on to state that the government places restrictions on Christian religious materials and proselytizing, and several small religious minorities are tolerated with varying degrees of official restrictions. The government monitors the activities of mosques and places other restrictions on Muslims and Islamic organizations whose activities are deemed to have exceeded the bounds of religious practice and become political in nature.

Trafficking

The U.S. Department of State's June 2003 Trafficking in Persons Report states that Morocco is a country of origin and transit for trafficked persons. Internal trafficking of girls from rural areas to cities for domestic servitude as child maids is widespread. The reports goes on to state that the Government of Morocco fully complies with the minimum standards for the elimination of trafficking. They participated in several high-level meetings with the EU and the governments of Italy and Spain to strengthen migration policies and procedures to Europe. They work with NGOs and supported numerous anti-trafficking public awareness campaigns. Morocco has no law that specifically prohibits trafficking but the government utilizes a number of statutes covering kidnapping, forced prostitution, and coercion against traffickers. The Moroccan Council of Ministers announced that it had adopted a law that will increase punishments against traffickers.

TUNISIA

Hundreds of political prisoners, most of them prisoners of conscience, remain in prison. Many had been held for more than a decade after unfair trials. Several political prisoners, including prisoners of conscience, were conditionally released before the end of their prison terms. Political prisoners released this year and in previous years continued to face a range of administrative measures, some of them arbitrary, curtailing their civil and political rights. A number of political opponents, or alleged political opponents, of the government were imprisoned last year after unfair trials, including some who were resident abroad and who were arrested on their return to Tunisia. Repression of human rights defenders and civil society activists continued and the authorities further clamped down on information and communication technologies. Torture and ill-treatment were reported in police stations, state security buildings and prisons; those responsible were generally not brought to justice.

Torture

Torture and ill-treatment of both criminal and political detainees continues to be reported and security forces are not held accountable for such crimes. Allegations of torture committed during 2002 and in previous years has not been investigated.

In June of last year, Zouheir Yahiaoui, operator of an online news and discussion forum on Tunisia, and two of his colleagues were reportedly tortured at the Ministry of the Interior. Zouheir Yahiaoui, aged 34 and nephew of former judge Mokhtar Yahiaoui, was arrested on June 4 in Tunis. At the Ministry of the Interior, where he was secretly detained for 24 hours, he was suspended by his hands from the ceiling repeatedly for several hours prior to being interrogated by members of the State Security Department. The following evening he was transferred to Gourjani detention center where he was kept handcuffed to a chair for one night and part of the following day and forced to sign a false confession. His lawyers were not able to see him until one week after the arrest. He was convicted of spreading false information and misuse of Internet facilities and sentenced to two years and four months' imprisonment, reduced to two years on appeal.

Persecution of Human Rights Defenders and Civil Society Activists

As in previous years, human rights defenders, civil society activists and their families continue to be subjected to arbitrary restrictions, police assaults or harassment, including physical assaults. Public meetings have been banned or broken up by police, phone lines were cut and Internet and e-mail connections were disrupted. Several human rights defenders and civil society activists were the subject of defamatory campaigns in the government-controlled press.

Due Process

Scores of people were sentenced after unfair trials before civilian and military courts last year. These included people arrested in previous years and prisoners already serving a sentence for the same charges. Others were Tunisians living abroad who were arrested on their return to Tunisia and tried before military courts for alleged “terrorist” activities abroad. Lawyers were often prevented from visiting their clients or were not given full access to their clients’ files.

In January, Mounir Ghaith, Abdelbasset Dali and Bechir Ben Zayed, three Tunisian nationals living in Italy who had been arrested in 2001, were tried before a military court in Tunis, together with 31 other co-defendants who were tried in absentia. Bechir Ben Zayed was sentenced to 10 years’ imprisonment while Mounir Ghaith and Abdelbasset Dali received eight years each. Those tried in absentia received prison sentences of up to 20 years. All were charged with belonging to a “terrorist organization operating from abroad.” The trial, which was observed by Amnesty International, failed to conform to international standards of fairness. For example, the court did not take into account that the testimonies introduced as evidence were allegedly obtained under duress and no other evidence was produced to substantiate the charges brought against the defendants.

Trafficking

The U.S. Department of State’s June 2003 report on trafficking states that Tunisia is increasingly concerned about trafficking as it has become a key transit country for smugglers.

Concluding Remarks

1. Anti-Defamation League “Egyptian Anti-Semitism ‘Diminished But Still Potent’; Hateful T.V. Series Spurred a Public Debate,” June 2003.
2. U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report 2002.

LETTER OF OCTOBER 8, 2003, TO KING ABDULLAH OF JORDAN
FROM THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

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IN EUROPE**

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October 8, 2003

His Majesty King Abdullah II
King of The Hashemite Kingdom of Jordan
The Royal Hashemite Court
Amman - Jordan

Your Majesty:

We are writing to you as Members of the Commission on Security and Cooperation in Europe, welcoming your remarks concerning democracy and human rights made during your recent visit to Washington. Mindful of Jordan's participation as an OSCE Mediterranean Partner, we respectfully urge you to explore avenues for the establishment of a multidimensional regional framework for the Middle East, encompassing the security, human and economic dimensions.

Your personal leadership, together with willing partners from the region, would be essential in realizing such an ambitious undertaking. Leading by example through implementation of the kinds of democratic and human rights reforms you discussed with human rights activists in Washington could be a catalyst for change elsewhere in the region. We believe this is the time your leadership can play a key role, can be such an agent, in the successful development of a process for the countries of the region similar to that which has brought notable transition and change in Europe.

Jordan's role as a leader in the region was well established by your father, most notably when he signed a Treaty of Peace with the State of Israel in October 1994 that envisioned development of a framework for the region. Jordan's participation in NATO's Mediterranean Dialogue has continued the development of constructive regional ties. The seminar to be held later this month in Aqaba on the comprehensive approach to security, "The OSCE experience and its relevance for the Mediterranean region," organized by the OSCE Secretariat and Jordan, could be a helpful step in furthering discussions on such a multidimensional process.

In 1993, the Helsinki Commission held hearings on the prospects for collective security in the Middle East, and discussed the possible formation of a Conference on Security and Cooperation in the Middle East (CSCME). In a subsequent letter to the Helsinki Commission, El Hassan Bin Talal, the former Crown Prince of the Hashemite Kingdom of Jordan, wrote that he had "been campaigning for several years for the establishment of a CSCME....The Conference on Security and Cooperation in Europe has set up a precedent that we should emulate so that we may be able to ensure the kind of progress which Europe has managed to obtain."

His Majesty King Abdullah II
October 8, 2003
Page Two

At the parliamentary level, the OSCE Parliamentary Assembly will convene a "Forum on the Mediterranean" on October 11 in Rome. Sessions will include: Security and Stability in the Mediterranean; The Euro-Mediterranean Partnership; Developing the OSCE Mediterranean Dimension; and, Democracy and Human Rights. Additionally, there are numerous wide-ranging discussions among non-governmental as well as government officials about a multidimensional process for the Middle East.

While such initiatives may play a useful role in stimulating ideas and discussion, the challenge will be to develop a meaningful framework with willing partner countries from the region committed to working cooperatively and inclusively on issues of common concern. In this regard, the Declaration of Principles which have guided the Helsinki Process could serve as a useful basis upon which to build a framework.

We hold no illusions with respect to the formidable obstacles to progress in overcoming the legacy of the past. Building a new era rooted in principles of democracy, human rights and fundamental freedom is essential if the countries in the region are to move toward prosperity and peace with security.

We welcome your vision and leadership!

Sincerely,



Ben Nighthorse Campbell, U.S.S.
Co-Chairman



Christopher H. Smith, M.C.
Chairman



Sam Brownback, U.S.S.
Commissioner



Benjamin L. Cardin, M.C.
Ranking Member



Saxby Chambliss, U.S.S.
Commissioner

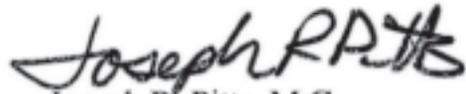


Frank R. Wolf, M.C.
Commissioner

His Majesty King Abdullah II
October 8, 2003
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A handwritten signature in black ink that reads "Robert B. Aderholt". The letters are bold and somewhat stylized, with a cursive-like flow.

Robert B. Aderholt, M.C.
Commissioner

A handwritten signature in black ink that reads "Joseph R. Pitts". The signature is more fluid and cursive than the one to its left.

Joseph R. Pitts, M.C.
Commissioner

This is a U.S. Government publication produced by
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in Europe (CSCE)**.

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