

Arab Organization For Human Rights



Introduction to AOHR report for 1987

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A. O. H. R
17, Midan Aswan - Muhandessin
Giza - Cairo
EGYPT

Geneva Office: A. O. H. R
P.O.Box 82
1211 Geneva 28
Tel: 022/91 61 82
Tlx: 23 423 OIK CH
Fax: 91 03 61

HUMAN RIGHTS INSTRUMENTS

Although actual application, rather than mere promulgation, is the criterion on which progress in the legislative sphere should be assessed, the continued inability of the Arab world to formulate a covenant or charter expressing the Arab concept of the important cultural and ethical values of human rights is clearly indicative of apathy and discord. At the end of 1987, yet another year had passed in which the members of the League of Arab States were unable to reach agreement on the draft Arab Charter of Human Rights. A similar lack of progress was also observed in regard to the Islamic Charter.

However, if accession to the international instruments can be regarded as a yardstick, limited progress was achieved in so far as the People's Democratic Republic of Yemen acceded to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, thereby increasing to 10 (still less than half) the number of Arab States parties to those Covenants that were proclaimed 20 years ago.

Nevertheless, it must be said that Arab governmental logic still distinguishes between the ratification and application of international covenants and conventions. In Egypt, the only Arab State to ratify the Convention against Torture, a series of cases of torture was discovered and its ruling party thwarted several attempts by the People's Assembly to establish fact-finding committees on this matter. The sole outcome was that a representative of the parliamentary opposition put questions to the Minister of the Interior who denied that torture had been practised. The Government of Democratic Yemen (the latest Arab State to ratify the Covenants this year) holds the unenviable record of the largest number of death sentences handed down in a single case in modern Arab political history.

The past year did not witness any significant amendments to bring national legislation into line with international standards. In fact, the Egyptian Government rejected a State Security Court judgement dismissing charges against striking railway workers on the grounds of Egypt's ratification of the International Covenant and had no qualms about demanding their retrial. The Syrian and Iraqi Governments have not rescinded laws that are applicable, with retroactive effect, to acts committed prior to their promulgation, in violation of article 15 of the International Covenant on Civil and Political Rights which both Governments ratified without reservation. The Iraqi representative at the United Nations had no scruples about defending the "political apostasy" laws, under which any person leaving the Baath to join other political parties is liable to the death penalty, on the grounds that they were designed to promote party discipline and were not actually applied.

Another inconsistency in the Arab position can be found in the fact that Arab States, after announcing their accession and commitment to international human rights instruments, do not hesitate to obstruct human rights organizations. In 1987, the Governments of Iraq, Syria, Oman and Algeria jointly prevented the Arab Organization for Human Rights from obtaining consultative status with the Economic and Social Council of the United Nations. The Egyptian Government also refused to license the Egyptian Organization for Human Rights to operate from its headquarters in Cairo and the Tunisian authorities - before the recent change - harassed the Tunisian Organization for the Defence of Human Rights and detained its Secretary-General. Some Arab regimes even resorted to the stratagem of establishing semi-governmental human rights organizations.

CONSTITUTIONAL SAFEGUARDS, STATES OF EMERGENCY AND EXCEPTIONAL LEGISLATION

There has been no improvement in the situation in regard to constitutional safeguards in the Arab world. The Kingdom of Saudi Arabia and the Sultanate of Oman still lack any form of constitutional instrument; the Bahraini Constitution has been suspended since 1975; some provisions of the Kuwaiti Constitution have been suspended for more than a year; and Egypt, Syria, Iraq and Jordan are still applying emergency or martial law acts. In 1987, the Sudan joined the list of Arab States applying emergency acts that threaten constitutional guarantees of human rights. A state of emergency was also declared in Tunisia for a period of one month from 26 January 1987.

Exceptional legislation and measures to restrict freedoms remain in force and have even been strengthened in a number of Arab States, while others are continuing their endeavours to impose further such restrictions. Since our last report, Iraq has promulgated further legislation under which any person insulting the President, the Government or the Party is liable to imprisonment for life, or even the death penalty if the offence is committed with the blatant intent of fomenting sedition. The number of criminal offences punishable by the death penalty is thereby increased to 29, a figure that is virtually unparalleled anywhere in the world, in spite of the fact that article 6, paragraph 2, of the International Covenant on Civil and Political Rights stipulates that sentence of death may be imposed "only for the most serious crimes".

This report covers the extensive debate that is taking place concerning attempts to promulgate further exceptional legislation restricting freedoms in Egypt (the Anti-Terrorism Act and the Press Regulatory Act). In this connection, it is noteworthy that international law restricts the scope of application of emergency acts. In fact, article 4, paragraph 1, of the International Covenant on Civil and Political Rights specifies that, in time of public emergency which threatens the life of the nation, the States Parties to the Covenant may take measures derogating from their obligations under the Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law. The rights from which no derogation is permitted include the right to life from which no one should be arbitrarily deprived (article 6), the right to freedom of thought, conscience and religion (article 18) and the right not to be subjected to torture (article 7).

However, it is well known that the proclamation of states of emergency with all the special courts that they entail can last for long periods of time; for example, since 1963 in Syria and since 1967 in Jordan.

With regard to the special courts, we find the sole glimmer of light emerging in Tunisia where, after the deposition of the former President Habib Bourguiba, the authorities have been considering the abolition of the State Security Courts and have reviewed the Code of Criminal Procedure in such a way as to guarantee some safeguards for accused persons.

VIOLATIONS OF CIVIL AND POLITICAL RIGHTS IN THE ARAB WORLD

This report covers the continuation and proliferation of serious violations of civil and political rights throughout the region, as illustrated by executions, political assassinations, disappearances, detentions and torture. The report also reveals the lack of safeguards in political trials and in cases involving freedom of opinion. These violations are not confined to practices on the part of Arab authorities; political groups have also played a prominent

role therein not only in the Arab countries facing exceptional situations, such as Lebanon, but throughout the region.

There has been a notable increase in the number of death sentences passed for political offences in several Arab countries. In Iraq, 29 young persons were executed (only seven of these executions were acknowledged by the Government). In Syria, sources indicated that 28 political detainees had been executed without trial at Tadmur (Palmyra) Prison. In Kuwait, death sentences were carried out on eight persons accused of sabotage and the establishment of an opposition organization. In Tunisia, death sentences were passed on seven members of the Islamic Tendency Movement and actually carried out on two of them. In Mauritania, three death sentences were carried out in December 1987 on persons accused of attempting to overthrow the regime. In the same month, the State Security Court of Democratic Yemen passed death sentences on 35 political detainees (including 19 sentenced in absentia), of whom five have actually been executed. In Somalia, nine persons were executed for instigating religious disturbances.

The report also covers numerous cases of political assassination. Three attempts were made (two successfully) to assassinate Libyan dissidents abroad, bringing the number of cases in which the Libyan authorities were involved to 37 since the resolutions of the Third Congress of Revolutionary Committees in 1980 concerning the physical liquidation of political opponents. Two Iraqi dissidents were assassinated in Pakistan where they had sought political asylum. A Palestinian dissident, the artist Waji al-Ali, was also assassinated and the Algerian opposition has accused the Algerian secret police of the murder of Ahmed al-Mseili, a lawyer of Algerian origin domiciled in France.

The Arab region also witnessed numerous attempted assassinations by political groups. In Egypt, attempts were made on the lives of two former Ministers of the Interior and a journalist, and police raids revealed the existence of a long list of writers and intellectuals who were targeted for assassination. At Sana'a, the Yemeni President and a number of eminent personalities were the prospective victims of an unannounced assassination attempt. In Lebanon, the series of political assassinations continued with the murder of the former Prime Minister Rashid Karami and numerous well known politicians and writers. The acts of political violence involving Iranian pilgrims and Saudi security forces at Mecca during the last pilgrimage season led to the death of hundreds of Iranian and Arab Muslims. Israel ended the year with a large-scale massacre in which 30 persons died and hundreds were wounded as a result of its sanguinary repressive measures.

In the areas of chronic political violence in Lebanon, southern Sudan, the Kurdish region of Iraq, Somalia and the Sahara, the right to life continued to be violated in an odious and repetitive manner.

Arbitrary arrests and detentions occurred on a large scale in a number of Arab countries and were particularly widespread in Democratic Yemen, Egypt, Tunisia, Syria and Iraq. Most of the victims belonged to Islamic, leftist and nationalist organizations and were arrested under the terms of emergency acts and other exceptional legislation. In some cases, members of the families of wanted persons were held hostage as a means to induce the fugitives to give themselves up.

It is well known that, under article 9 of the International Covenant: "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are

established by law". "It shall not be the general rule that persons awaiting trial shall be detained in custody ...". "Anyone arrested or detained on a criminal charge shall be brought promptly before a judge ...".

Torture, that pernicious bane that troubles the conscience of mankind, is still practised on a wide scale in the Arab world. Reports received by AOHR have revealed extremely serious cases in Syria and Amnesty International has listed 25 methods of torture that the Syrian authorities use on their opponents in rooms specially equipped for that purpose. These methods, which sometimes prove fatal, are not applied solely to Syrian nationals; they are also used against Palestinians and Lebanese living in areas of Lebanon under Syrian military control. Torture is also practised widely in Iraq.

AOHR has received repeated complaints of torture, sometimes involving the death of the victim, in Democratic Yemen. Other reports indicate the same phenomenon in Morocco, Tunisia, Bahrain and the Yemen Arab Republic. In Egypt, the torture of political detainees has continued in spite of the prosecution of more than 40 officers and their subordinates for engaging in acts of this type. In occupied Palestine, the victims of torture in prisons include children. In the Israeli-controlled security zone in South Lebanon, acts of torture are committed primarily in detention centres with a view to obtaining information on the activities of the Lebanese resistance.

A serious deterioration has been observed in prison conditions in the Arab world. Reports that AOHR has received from Iraq give an appalling description of "Qasr al-Nihaya", one of the 103 officially acknowledged prisons, in which four inmates are confined in a cell 150 cm long and 50 cm wide. Reports received from Syria reveal a lack of medical care that has led to a deterioration in the health of some prisoners. Tadmur (Palmyra) Prison has a particularly bad reputation in this respect. Complaints received from Algeria indicate that prisons are overcrowded to the extent that more than 100 prisoners are confined in a room measuring only 60 m² and the inmates are subjected to all forms of ill-treatment, including sexual abuse of both men and women. Moroccan prisons are also overcrowded beyond their absorption capacity and some reports indicate that 1,200-1,700 prisoners are sometimes confined in Lalou Prison at Rabat, which was designed to accommodate no more than 300-400 persons. On occasion, up to 3,000 persons have also been confined in Aghbila Prison, which was built to hold a maximum of 600 prisoners. In spite of the ill-treatment and the deterioration in the health of the prisoners that such overcrowding entails, the Prisons Administration has taken a momentous decision to the effect that prisoners must bear the cost of the medicines prescribed for their treatment. Similar problems are also experienced in Egyptian prisons and this report refers to a number of cases of hunger strikes and revolts, which culminated in the disturbances at Tanta Central Prison as a result of harsh and degrading treatment and the deteriorating situation of the prisoners.

However, it is well known that article 10 of the International Covenant stipulates that all persons deprived of their liberty must be treated with humanity and with respect for the inherent dignity of the human person.

The right to take part in the conduct of public affairs is still disregarded in many Arab countries, some of which have never held elections while others have dissolved their parliamentary institutions. In many countries, this right is still exercised in a purely formal manner, since the executive authority enjoys extensive legislative powers even in the absence of parliamentary institutions the role of which, in some cases, is restricted to the endorsement of governmental decrees.

During the year, parliamentary elections were held in Egypt, Algeria and Djibouti, although there was no further talk of elections in Jordan where the present Parliament was retained for another two years.

Whereas the elections in Algeria and Djibouti did not give rise to any tangible reactions, given the fact that the candidates were all from a single party and bearing in mind the well known restrictions on freedom of expression in those countries where the press is Government-owned, the situation was different in Egypt where freedom of expression is exercised within the framework of a multi-party system. As a result, the Egyptian elections were beset with numerous problems.

This report gives an account of various ways in which the Egyptian authorities intervened by ordering large-scale detentions on the eve of the elections on the pretext of ensuring the smooth functioning of the electoral process, and by replacing a constitutionally contestable law by an earlier law the unconstitutional nature of which had already been clearly established. The Administrative Court ruled that the new objection that had been raised against that law was admissible. The manner in which the executive authority interpreted the results of the elections excluded many members of the opposition whose entitlement to sit in the People's Assembly was confirmed by the Administrative Court and the Egyptian opposition also lodged several complaints of election rigging which are being investigated by the courts.

Freedom of expression and freedom of association were restricted in a number of Arab countries. In addition to the constraints imposed by censorship throughout the region, many newspapers and magazines were banned, some writers were forbidden to exercise their profession, others were detained and one of the Arab world's principal associations of writers was dissolved.

It is quite obvious that these constraints as a whole are incompatible with the provisions of article 19, paragraph 2, of the International Covenant on Civil and Political Rights which stipulates that: "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice".

The report gives numerous examples of infringements of freedom of expression in the Arab world. In Egypt, the ban on some religious magazines was continued and restrictions were placed on the sale of non-periodical publications which had provided scope for the dissemination of political, literary and scientific material. Journalists supporting the opposition were faced with many problems when covering public affairs such as the elections and copies of the Al-Ahali newspaper and magazine were seized on the eve of the presidential referendum. The Ministry of the Interior also expressed its wish to close the clubs that had been established by university teaching staff on the grounds that they contravened the Regulation of Associations Act. The Ministry of Social Affairs refused to register the Egyptian Organization for Human Rights on the grounds that its statutes referred to political issues. In Jordan, some journalists were barred from writing and the authorities dissolved the League of Jordanian Writers. In Tunisia, the authorities repeatedly suspended the publication of numerous newspapers and imprisoned a number of politicians who had organized peaceful demonstrations. In Morocco, freedom of caricatural expression was denied, the ban on several magazines and newspapers was continued, other Moroccan publications and books were prohibited, and some national newspapers were seized or suspended from publication for various periods of time. For the first time in the history of

the United Arab Emirates, the authorities detained a female journalist on charges that included the publication of various articles in an Arab magazine.

Violations of freedom of expression even extended to Arab groups outside the Arab world. The most flagrant example of this occurred in the United States where the information office of the Palestine Liberation Organization at Washington was closed and the Congress adopted a resolution calling for the closure of the PLO mission to the United Nations at New York.

The question of respect for the rights of minorities in the Arab world is still giving rise to concern. Article 2 of the International Covenant stipulates that no distinction should be made on grounds of race, colour, sex, language, religion, political opinion or social origin. Regardless of the reasons given for the deterioration in the situation of some minorities or the extent to which Arab Governments should be held responsible for the present problems, the end result is that some minorities are still being subjected to widespread violations of citizenship rights, forced displacement, confiscation of property and acts of violence, particularly in Iraq, the Sudan and Mauritania.

The plight of the Palestinian people remains acute, since Israel is still obstructing all international endeavours to ensure their enjoyment of the right to self-determination and has intensified its acts of repression in violation of their legitimate right to express their rejection of the occupation and affirm their national identity. The confrontation reached a peak in December 1987 when 30 Palestinians were killed and 300 wounded during a series of military actions against unarmed civilians. Observers regarded this as the largest number of victims of Israeli repression in the occupied territories since 1967. Hundreds of Palestinians were arrested and some deported in total disregard of international public opinion and the numerous expressions of protest. Even Israel's main ally, the United States, refrained from using its customary veto to block the Security Council resolution condemning these deplorable events.

The situation of the Palestinians in and outside the Arab region was affected by fluctuations in the relations of the PLO with some Arab regimes (such as Jordan, Syria and Lebanon) and also in the relations between various organizations within the PLO in the wake of the 18th session of the Palestine National Council at Algiers. This report covers the closure of the PLO information office at Washington, the threat to close its offices in Jordan, Morocco and Egypt (where its office had been reopened) and the abrogation of the Cairo Agreement, concluded in 1969 between the PLO and the Lebanese Government, which regulated the rights and obligations of the Palestinian resistance in Lebanon. The report also gives an account of numerous violations committed against Palestinian forces in Syria and Lebanon, which culminated in the so-called "war of the camps" in which, during the lengthy blockade imposed by the Amal movement, the inhabitants of the camps were placed in the heart-rending predicament of having to eat grass and insects. They even sought religious dispensation to eat the corpses of their dead.

VIOLATIONS OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The AOHR report reveals distressing facts concerning the violation of economic, social and cultural rights and trade-union freedoms in most Arab countries, all of which are members of the International Labour Organisation and 10 of which have ratified the International Covenant on Economic, Social and Cultural Rights. The report also refers to the Saudi Government's violation

of the rights of expatriate Arab and foreign workers through its promulgation of retroactive legislation concerning social security.

Workers have been arrested, dismissed from their jobs and subjected to pressure. Trade-union freedoms have been disregarded and dialogue has been abandoned as a means to settle labour disputes.

The right to strike is denied in many Arab countries and, in practice, is frequently withdrawn in the countries in which it has been legally recognized. Although the Egyptian judiciary upheld the legitimate right of railway workers to strike on the basis of Egypt's ratification of the International Covenant, the executive authority denied that right and refused to accept the judgements dismissing the charges against the striking workers.

In 1987, the Arab world in general showed considerable concern for the rights of children, whose welfare was promoted by some national and regional institutions. However, no tangible progress was made in regard to respect for the fundamental rights of women even though, by virtue of their ratification of international instruments, ten Arab countries had undertaken to achieve full equality of rights between men and women.

During the year, the academic freedom of members of the teaching profession was infringed in a number of Arab countries. Most of the staff who had been dismissed from their posts at Yarmouk University without legal justification or a fair hearing are still unemployed. The Egyptian Ministry of the Interior placed restrictions on clubs established by university teaching staff on the grounds of their involvement in public affairs. In the State of Kuwait, the dean of the Faculty of Arts was recently arrested and indicted for publishing a book of which the authorities disapproved.

Notwithstanding the provisions of long-standing international instruments, such as the ILO convention concerning the right of workers to establish trade-union organizations of their own free will to defend their interests and protect their rights, to obtain a fair share of the fruits of their labour and to engage in collective bargaining with employers to improve their terms and conditions of employment by all lawful means, including the right to strike, and in spite of the fact that the Arab countries are all members of the United Nations and its specialized agencies, particularly the ILO, and have ratified many of these international covenants and conventions, most of these countries have unfortunately disregarded trade-union freedoms.

In several respects, the position of the Arab countries is highly inconsistent in regard to two fundamental ILO conventions on which trade-union freedoms are largely based. These are the Freedom of Association and Protection of the Right to Organise Convention No. 87 of 1948 and the Right to Organise and Collective Bargaining Convention No. 98 of 1949.

All forms of trade-union organization or activity are totally prohibited in the Kingdom of Saudi Arabia and in some of the Gulf States, such as the Emirates and Qatar, which are nevertheless members of the ILO. These countries are therefore faced with a fundamental contradiction between their current practices and the principles to which they are committed as members of the international community.

In another group of Arab countries (Syria, Egypt, Jordan, Kuwait, Libya and Algeria) in which the right of association is legally recognized, trade unions can sometimes hardly be regarded as independent in so far as they are established by the Governments of those countries on behalf of the workers.

There are numerous instances in which governments or ruling parties have interfered in the establishment or membership of these unions, the appointment of their executives, the holding of their congresses, the running of their financial and administrative affairs, their activities and their regional and international relations. In fact, most trade-union activities are subject to governmental or party supervision and control, as has been confirmed in the reports and observations of the ILO Committee of Experts.

In the case of Egypt, which has a large population, a well-established industrial tradition and a substantial number of trade-unions with a total membership of about two million persons, we find that the "Office of the Socialist Prosecutor" still expresses its opinion, naturally based on security reports, concerning candidates in trade-union elections. The Ministry of Manpower and Training is still able to intervene in the financial and administrative affairs of trade unions and influence their electoral processes from the grass roots to the executive level. Furthermore, there is still a contradiction between the position of the executive authority, which denies the right to strike and prosecutes strikers, and that of the judicial authority, which recognized that right in an important judgement handed down during the year under review.

Trade-union democracy, the factor which makes association effective, is lacking in most Arab countries since workers do not have the right to hold discussions and express opinions at congresses, the role of which is confined to the re-election of leaders. Union members cannot call their leaders to account within the context of a free debate and it is widely acknowledged that their leaders' loyalty to the regime in power takes precedence over their loyalty to the union.

Iraq has set a unique precedent in regard to trade-union freedoms. Although it was among the first countries to ratify a number of international conventions, in 1987 it took the unexpected and highly controversial step of transforming workers into civil servants and abolishing trade unions. Although the Iraqi Government described this as a further achievement by Iraqi workers, other sources regard it as undermining one of the most important of their achievements. In the opinion of AOHR, it entails the abolition of a form of trade-union association that defended those workers' rights.

THE ARAB ORGANIZATION FOR HUMAN RIGHTS

1987 was not a happy year for AOHR. From its very beginning, the Organization had to meet a twofold challenge: the pressure brought to bear by Arab regimes that did not welcome the exposure of violations of human rights in the Arab world, and the task of dealing with those violations.

At the beginning of the year, the Organization was faced with the consequences of the Egyptian authorities' decision to prohibit the holding of its General Assembly at Cairo in November 1986, as a result of which AOHR had to transfer the meeting to Khartoum. It was obliged to enter into a legal dispute with the Egyptian authorities, which is still pending before the Administrative Tribunal of the Council of State. It also had to face pressure from the Arab regimes seeking to prevent it from being granted consultative status with the United Nations Economic and Social Council, in addition to the intensive campaign launched against it by some representatives of Arab Governments before the NGO Committee at the United Nations in February 1987. Finally, in January 1988, it was faced with the Egyptian authorities' refusal to register the Egyptian Organization for Human Rights, which is the Egyptian branch of AOHR.

However, these repeated challenges did not prevent the Organization from consolidating its presence and pursuing its goals. On the contrary, they increased its resolve to continue fulfilling its mission. In fact, the Organization was strengthened by the opening of its office at Geneva in June 1987 and the pressure to which it was subjected brought it increased public support and a wider membership both in and outside the Arab world. The Organization established a presence in new regions and continued its activities in various fields. It supported the Tunisian Organization for the Defence of Human Rights which was subjected to harassment in the latter days of the rule of the former Tunisian President Habib Bourguiba and made representations to the Jordanian authorities to reverse their decision to dissolve the League of Jordanian Writers. It played a role in the endeavours to ensure safeguards for accused persons and attended the major trials of prisoners of opinion in the Arab world, including the torture proceedings in Egypt, the trials of members of the Islamic Tendency Movement in Tunisia and the trials of the leaders of the former regime in Democratic Yemen. It also gave attention to individual complaints, participated in international campaigns and co-ordinated its endeavours with those of similar Arab and international organizations combating various aspects of violations of human rights in the region.

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