

# ***ARAB ORGANIZATION FOR HUMAN RIGHTS***



## ***Human Rights Situation In The Arab World***

### ***Introduction to AOHR report for 1989***

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## HUMAN RIGHTS IN THE ARAB WORLD

### INTRODUCTION

The human rights situation at the international and Arab levels in 1989 differed from that in previous years.

At the international level, the countries of Eastern Europe witnessed fundamental developments in a number of issues relating to human rights, as illustrated by the termination of the political monopoly of power and the promotion of political pluralism, as well as the right to take part in the conduct of public affairs and to enjoy freedom of opinion, expression and movement. These developments created a new international awareness of human rights issues and led to a far-reaching review of concepts and doctrines that had prevailed for almost three quarters of a century, thereby setting the stage for a more balanced approach to human rights.

The Arab World was not unaffected by these developments and extensive debates were held in a number of Arab countries on the subject of the termination of the political monopoly of power and permission for a wider variety of political forces to play a role in public life. Attention was focused on political pluralism and freedom of the information media. A few Arab countries took practical steps to give tangible legislative and political expression to these aspirations and, at the same time, the framework of inter-Arab relations underwent significant changes that had repercussions on various aspects of human rights issues. The general trend towards the peaceful settlement of problems between some countries of the region helped to avoid bloodshed in a number of disputes. The establishment of regional groupings and closer bilateral relations also promoted freedom of movement among the member countries of those groupings and throughout the region as a whole.



However, in spite of their significance, these developments merely added a tinge of optimism to the situation in the region, which otherwise remained generally dismal. On the whole, most of the Arab countries remained afflicted with widespread violations of civil, political, economic, social and cultural rights and one of the many peoples constituting the Arab nation continued to suffer from a categorical denial of its right to self-determination. Although the international and regional developments had some positive effects on the human rights situation in the region, they also had some highly adverse repercussions. In so far as the lifting of restrictions on freedom of movement in the Soviet Union and Eastern Europe formed an intrinsic part of the developments in that region of the world, the phenomenon of the emigration of Soviet and East European Jews to Israel ultimately furthered the Zionist racist plan to bring in foreign settlers to displace the Palestinian people. It also intensified Israel's aggressiveness towards the Arab World.

Moreover, the establishment of the Arab Co-operation Council and the granting of assurances concerning the freedom of Arab labour mobility did not prevent the Egyptian labour crisis in Iraq.

Since these developments form part of a process that has not yet been completed and may well lead to more profound changes in a number of concepts, with even more far-reaching future consequences, persons concerned with human rights issues in the region must undertake an in-depth analysis of these developments and their repercussions with a view to enhancing their positive aspects and mitigating any adverse effects that they might entail.

The AOHR annual report for this year is divided into three parts, instead of the two-part format that was adopted in the preceding reports. Part I deals with the principal human rights issues in the region from an "overall" standpoint and gives an



indication of the general trends. Part II deals with the "country files" and contains 22 reports on the human rights situation in the countries of the region, including occupied Palestine. Part III, which has been introduced for the first time in this year's report, is entitled "The Arab Human Rights Movement: Institutions and Objectives". In the absence of adequate reports on the various aspects of this important subject, this part constitutes a preliminary report. We hope that the critical comments of our readers will provide an opportunity to develop this subject further in future reports.

### The constitutional and legal framework

The principal developments in regard to accession by Arab countries to international human rights instruments can be found in the steps taken by Algeria and Libya. Algeria ratified the International Covenant on Civil and Political Rights, the Optional Protocol thereto and the International Covenant on Economic, Social and Cultural Rights and also signed the Convention against Torture. For its part, Libya acceded to the Optional Protocol, the Convention against Torture and the Convention on the Elimination of All Forms of Discrimination against Women.

The number of Arab countries having ratified the two International Covenants now amounts to eleven (1) and the number having ratified the Convention against Torture has risen to four (2). The accession of Libya and Algeria to the Optional Protocol constitutes the first Arab step in this direction.

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(1) Algeria, Democratic Yemen, Egypt, Iraq, Jordan, Lebanon, Libya, Morocco, the Sudan, Syria and Tunisia.

(2) Algeria, Egypt, Libya and Tunisia.



Although the continued reluctance of some Arab regimes to accede to these international instruments, in spite of all the endeavours that have been made to that end, is a disturbing phenomenon, it is even more disturbing to note that accession by Arab countries to these conventions has had little effect on their domestic legislation. The fact that most Arab countries have manifestly failed to adapt their domestic legislation in a manner consistent with their ratification of these conventions has sometimes created a certain degree of incompatibility between their domestic legislation and their international obligations. This discrepancy can be seen even in the limited number of direct obligations which such conventions impose of the States parties thereto.

This is evident from the report of the Committee on the Elimination of Racial Discrimination, issued at its thirty-seventh session on 23 June 1989, which indicated that 11 Arab countries had not fulfilled their obligation to submit reports to the Committee on years ranging from 1982 to 1989. The countries concerned were Lebanon, Somalia, Tunisia, the Sudan, Syria, Jordan, the Emirates, Kuwait, Morocco, Iraq and Algeria. This state of affairs is all the more disturbing given the fact that only 16 Arab countries have acceded to that Convention.

The discrepancy is even more notable in the attitude of the Arab countries towards the submission of reports on economic, social and cultural rights. Of the 11 Arab countries that have acceded to the Covenant, seven have totally failed to submit reports (1) and four others have failed to report on some specific provisions (2).

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(1) Lebanon, Libya, Morocco, Egypt, the Sudan, Democratic Yemen and Algeria.

(2) Iraq, Jordan, Tunisia and Syria.



The constitutional and legal framework regulating human rights has not developed greatly in most countries of the region. However, the few changes that have been made have proved highly significant from the standpoint of some of their positive or negative consequences.

On the brighter side of the picture, the positive developments are attributable to constitutional amendments and changes in the legal systems of a number of Arab countries. In Algeria, the constitutional amendments resulting from the referendum held on 23 February included several provisions to terminate the monopoly of power and stimulate the flagging process of transition towards political pluralism. New constitutional provisions were also introduced to promote human rights and fundamental freedoms, including a guarantee of the individual and collective right to defend human rights, the prohibition of the seizure of any printed matter except under the terms of a court order, the prescription of criminal penalties for offences against the physical and moral integrity, freedoms and rights of the human person, the strengthening of the independence of the judiciary, and the abolition of the political role of the army.

In Jordan, the new Government that was formed after the elections decided to suspend the application of martial law, pending its constitutional abolition. On 19 December 1989, the Prime Minister announced that the Government was studying the legal and economic consequences of the application of martial law during the last 22 years. A few days later, the Council of Ministers took a further step towards the abolition of martial law when it decided, on 27 December 1989, to revoke the competence of the military courts to hear a large number of cases. The Council also decided to form a ministerial committee to study the remaining provisions of martial law. In the latest development in 1989, the Jordanian Prime Minister announced that his Government intended to abolish martial law, together with



the procedures that its application entailed, within a period of four to six months. He explained that all the emergency legislation would be reconsidered with a view to its abrogation or amendment. Jordanian officials, and even the Jordanian monarch himself, gave repeated assurances that political pluralism would be permitted and that a national charter would be drafted under which political organizations would be legalized. It was also promised that a study would be made of the legislative act promulgated in 1957, under which the establishment of political parties was prohibited.

In Democratic Yemen, the vague tendency towards political pluralism, which was first observed in the early part of the year, was transformed into a tangible resolution, adopted by the Central Committee of the ruling Socialist Party at the end of the year, calling upon its Politburo to determine the basic steps to be taken for the promulgation of a Political Parties Act with a view to the introduction of political pluralism. Democratic Yemen and the Yemen Arab Republic also signed a draft joint constitution permitting such pluralism and, in Somalia, a committee was established to formulate constitutional amendments permitting political pluralism and the existence of a legal opposition. Similar promises were made in Iraq. Lebanon, which constitutes a special case in the field of human rights, also made significant progress in its attempts to solve its longstanding problems through the Taif Agreement which made provision for a number of political reforms.

Unfortunately, developments did not follow the same course in the other Arab countries whose prevailing legal frameworks, which are largely detrimental to human rights and freedoms, were either perpetuated or, in the case of the Sudan, deteriorated drastically following the coup d'état of 30 June which led to the suspension of the 1989 Constitution, the vesting of emergency powers in the Revolutionary Command Council for National Salvation, the expansion of the powers of military commanders to include detention, dismissal



from office, confiscation of property and land, the prohibition of any political opposition and the punishment of political offences with one to ten years' imprisonment, or even the death penalty in cases involving armed resistance. The separation of authority was abolished through the dissolution of the Constituent Assembly and the granting of power to the Revolutionary Command Council to take legislative and executive decisions at the highest level, to promulgate and amend decrees, and to appoint the Council of Ministers and vest it with executive, judicial and constitutional powers.

### The right to life

In spite of the cessation of two formal states of war in the Arab World in 1988 (Libya/Chad and Iraq/Iran), during 1989 the region remained the scene of widespread acts of violence in which the loss of life ranged from dozens in some areas to tens of thousands in others. The causes, as well as the perpetrators and the manifestations, of these acts of violence also varied widely.

The causes ranged from political motives, with the aim of preserving or seizing power and sovereignty, to social motives stemming from intercommunal, tribal, ethnic or racial conflicts. The acts of violence were not committed solely by the regular armed and security forces; irregular forces, armed militias and various clan and tribal forces also bore a share of responsibility in this respect.

Acts involving large-scale loss of life were concentrated in the Sudan, Somalia, Mauritania and Iraq, in addition to Lebanon which was faced with a critical situation in the 15th year of its civil war due to the absence of a legitimate authority and the manner in which General Michel Aoun, the head of the military government, escalated his so-called "war of liberation" against Syria.



The phenomenon of the violation of the right to life was not confined to armed conflicts between governments and various political forces or among those forces themselves. It also assumed numerous other conventional forms illustrated by: measures to repress peaceful expressions of opinion, as in the case of the suppression of the demonstrations (known as the "bread riots") in Jordan in which about 11 persons lost their lives; the strikes by iron and steel workers in Egypt in which one of the workers was killed; the 14 July demonstrations in Somalia in which the number of persons killed amounted to 1,500 according to sources in the Somali opposition and 450 according to some human rights organizations (the Somali Government admitted that 23 persons had been killed, not counting the collective death sentences carried out by the authorities in the wake of the disturbances); and the deaths of two students during the suppression of demonstrations held at Khartoum University in the Sudan towards the end of the year in support of a demand that a student be brought to justice for killing one of his colleagues.

Many lives were also lost as a result of acts of torture or assaults on citizens by security forces. In 1989, AOHR noted 14 such cases in Morocco, two in Libya, four in Egypt, one in Democratic Yemen, two in the Yemen Arab Republic, one in Saudi Arabia and another in Iraq. The harsh conditions in some Arab prisons and detention centres also led to the deaths of a number of their inmates, including at least 11 children who died of suffocation after being detained by the Somali authorities, and a detainee in Morocco who died during a group hunger strike in protest against their conditions of detention.

Other incidents of this type occurred in Iraq. In the Kurdish resettlement centres, many persons died as a result of ill-treatment, lack of health care and the spread of diseases. According to the report of the United Nations Special Rapporteur on Summary or Arbitrary Executions (February 1990), daily deaths had been reported



on the subject of 13 of which he had entered into communication with the Iraqi Government.

During the year, disregard for the right to life in the region assumed a new dimension in Iraq, where dozens of Egyptian workers lost their lives in large-scale acts of violence, and also in Mauritania, where some black citizens or persons of Senegalese origin were killed in racially motivated acts of murder.

### The right to liberty and security of person

Arrests and various forms of detention were not less widespread than acts of murder and occurred in most parts of the Arab World, with the exception of a few places in which the situation improved to a certain extent. The manifestations of this phenomenon differed from country to country and ranged from arbitrary arrests to long periods of imprisonment, repeated incarceration and the detention of members of the families of wanted persons as a means to induce the latter to give themselves up. Emergency legislation and martial law created wide scope for the abuse of authority.

In Egypt, where the security services employed most of the above-mentioned methods, a rare official announcement in April 1989 provided some highly significant figures which indicated that 12,472 persons had been detained during the three previous years. The announcement also indicated that most of the persons who had been released by the judicial authorities had been reincarcerated. Mass arrests were also made during the same year, mainly among Islamic and some left-wing groups. In Syria, which has gained a reputation for long-term detention, the prisons were crowded with political detainees and prisoners of conscience, some of whom had been incarcerated without trial for more than 20 years.



In Morocco, large numbers of students were arrested following the May disturbances in support of student demands. Jordan also witnessed a wave of arrests following the April demonstrations in protest against the increase in the price of foodstuffs. Most of the sources estimated the number of persons arrested at 50-73. About 65 students were also arrested, at various times during the year, for helping to organize activities in support of the Palestinian uprising.

In the Sudan, following the coup d'état in June 1989, the authorities arrested most of the country's former political and trade-union leaders, as well as hundreds of prominent members of trade unions and professional associations and a number of human rights activists. Most of the sources estimated the number of detainees at about 350, the majority of whom were known by name. Although some of them were subsequently released, at the end of the year AOHR had reason to believe that about 150 remained in detention.

However, the phenomenon of detention was not the sole manifestation of the violation of the right to liberty and security of person. Another more serious phenomenon, namely disappearances, is becoming more widespread in some Arab countries. In Lebanon, the persistence of this phenomenon was attributable to the circumstances of the civil war and, in spite of the concern to which it gave rise, was understandable within the context in which it took place. A less explicable source of concern was found in reports concerning the extent of this phenomenon in two other Arab countries, namely Morocco and Iraq. In its first annual report published four years ago, AOHR referred to a complaint concerning this phenomenon in Morocco. Although the Organization subsequently interviewed the families of some of the disappeared persons, it is as yet unable to make a precise assessment of the extent of this phenomenon. The report of the United Nations Special Rapporteur on Disappearances, which was published in February 1990, refers to 800 cases of alleged



disappearance in Morocco during the period 1975-1987. However, there was a lack of detailed information meeting the criteria laid down by the Working Group on Enforced or Involuntary Disappearances. Towards the end of 1989, one Moroccan association, which is based in France, issued a statement claiming that about 400 civilians and military personnel had been abducted since 1958 and giving the names and details of about 100 of these missing persons.

With regard to Iraq, which is the second of the two most prominent countries in this respect, the report of the United Nations Special Rapporteur on Disappearances indicated that 129 cases relating to the period 1976-1988 had been brought to the attention of the Iraqi Government in 1989. The total number of disappeared persons in Iraq therefore amounts to 3,045. In March 1989, Amnesty International reported that, between 1980 and 1988, large numbers of children had disappeared among the thousands of persons arrested by the Iraqi security forces and intelligence agencies during that period and whose subsequent fate and whereabouts were still unknown.

In spite of the magnitude of the phenomenon of the violation of the right to liberty and security of person in 1989, some positive developments were observed in a number of Arab countries and AOHR hopes that these developments will become more widespread during the coming year so that this deplorable phenomenon can be finally eliminated.

The principal measures that have been taken include amnesty decrees from which several thousand detainees and political prisoners have benefited in eight Arab countries. In Morocco, the monarch promulgated a royal decree in May 1989, which applied to 228 political prisoners and detainees, including civil servants and employees of governmental and semi-governmental institutions who had been sentenced to terms of imprisonment for participating in the disturbances that took place in April 1989 and in the incidents known



as the "Casablanca riots", which occurred in June 1981. The amnesty also applied to 50 political detainees, some of whom were members of prohibited political organizations such as the "Ilal Amam" [Forward] movement. In Tunisia, during the month of June, the National Assembly approved a general amnesty that had been proposed by President Zine El Abidine Ben Ali on 9 April and which applied to 5,416 detainees. This general amnesty also covered the political and civil rights of persons who had been convicted on the grounds of their political opinions or affiliations prior to 7 November 1987 (i.e. before the removal of President Bourguiba). Although all these detainees had been released, their political and civil rights had not been reinstated.

In Jordan, five royal amnesty decrees promulgated during the year provided for the release of detainees and Iraq continued to proclaim the validity of the comprehensive amnesty promulgated in the latter part of 1988. For its part, Syria released several hundred Palestinian detainees. In December, the leaders of the two Yemens declared a comprehensive amnesty in respect of all Yemeni citizens who had incurred penalties on the grounds of their past political activity. At the beginning of 1990, the Egyptian authorities announced that the situation of political detainees would be reviewed following the dismissal of the former Minister of the Interior.

#### The treatment of prisoners

Violations of the rights of detainees and prisoners remained widespread in the region. The various forms of the violations monitored by AOHR included torture, solitary confinement, the withholding of some meals and the prohibition of visits, in addition to the standard complaints concerning deplorable conditions of detention, overcrowding, insufficient food, inadequate health care, poor ventilation, lack of cleanliness and the prevalence of diseases.



The hunger strikes to which a number of detainees resorted, and some of which continued until death, provided a vivid indication of the harsh conditions in many Arab prisons.

The most noteworthy complaints received by AOHR during the year emanated from Mansoura Central Prison in Democratic Yemen; the Sawaqa Desert Prison in Jordan; Suakin Prison on the Red Sea and Shala Prison in Darfur in the Sudan; Lalou, Aghbeilia, Kenitra, Safi and Marrakesh Prisons in Morocco; Abu Za'bal and Tura Prisons in Egypt; and the military prisons in Iraq.

#### The right to a fair hearing

The right to a fair hearing was among the rights violated in many of the major political trials in the Arab World in 1989. AOHR monitored dozens of the most deplorable examples. In a trial lasting 26 minutes, a Sudanese leader was sentenced to 40 years' imprisonment (he was subsequently retried) and, in a secret trial in which the defendant was not granted the right of defence, a military court sentenced a prominent Sudanese trade unionist to the death penalty. In another trial in which adequate legal safeguards were not observed, a Saudi Arabian court passed death sentences (which were carried out) on 16 persons. In Egypt, the President of the Republic exercised his prerogative, as Military Governor, and demanded the retrial of defendants who had been acquitted by the judiciary.

In Democratic Yemen, 14 persons from Hadhramaut were prosecuted in sham trials in August 1989 which were reported to have been shrouded with the utmost official secrecy. The defence counsels protested at many of the procedures, such as the vague manner in which the indictments were formulated in general terms that gave no indication of the material and moral elements of the offences, the fact that they had not been permitted to interview the defendants or



examine the case files before the trials began, the admission in evidence of statements that the defendants had made under torture, and the denial of permission to call witnesses for the defence. In Iraq, about 22 persons were executed secretly with any details being revealed concerning the charges brought against them or the trial proceedings. Reports received by AOHR also referred to the execution, in the middle of the year, of 700 young men convicted of evading military service. No mention was made of the observance of safeguards during their trials. In Somalia, one person was sentenced to death in March 1989 after being tried by a State security court presided over by a government minister and without being granted an opportunity to appeal. Other persons were executed without trial by security officers on the coast at Jesira following demonstrations in July 1989.

#### Freedom of opinion and expression

Overall freedom of expression in the region remained curtailed and ambiguous. The curtailment was attributable to the large number of restrictions that were maintained in force, particularly in the field of publication, in most of the Arab countries. The ambiguity was due to political developments in some countries of the region in which freedom of expression lost ground in some areas but made headway in others. In general, however, the balance in 1989 tipped in favour of greater freedom of expression in the region as a whole.

AOHR monitored important developments, some of which were positive and others negative, in six Arab countries in 1989. The overall picture remained unchanged in the other Arab countries. The most notable negative developments in this connection took place in the Sudan where the authorities who came to power in the June coup d'état banned more than 40 newspapers, arrested dozens of



journalists, dissolved their trade union and prohibited all manifestations of freedom of expression.

Numerous positive developments were noted in Jordan, Democratic Yemen, Tunisia and Algeria. In Jordan, the Government renounced its control over the press and placed the management of the newspapers in the hands of elected boards of directors (11/12/1989). The June 1987 decision to dissolve the League of Jordanian Writers comprising 380 members was revoked (15/12/1989) and the ban that had been imposed on some mosque preachers was lifted. In Democratic Yemen, the Minister of Culture lifted the embargo that had been placed on Arab and foreign publications for the last 22 years during which only publications advocating socialism were permitted to be distributed in the country. The embargo was maintained solely on publications seeking to disseminate anti-religious or biased political ideologies. In Tunisia, the Government agreed to permit the Islamic Nahda opposition movement to publish its Al-Fajr magazine after two previous applications to this end had been rejected. It also permitted the Communist party to publish a magazine entitled Al-Badeel.

In Algeria, the new Constitution of which emphasized pluralism, the People's Assembly (Parliament) approved the promulgation of an Information Act reflecting this new state of affairs and terminating the monopoly of information that had been exercised by the Government and the National Liberation Front (FLN). However, the new Act gave rise to considerable controversy concerning a provision to the effect that publications must appear in the Arabic language and the Algerian President therefore referred the Act back to the People's Assembly for further discussion. At all events, the exercise of freedom of opinion and expression made substantial headway towards diversification and pluralism and two opposition newspapers were published for the first time.



Freedom of political association and the right to take part in the conduct of public affairs

These two rights are enshrined in the International Covenant on Civil and Political Rights, article 22 of which recognizes the right to freedom of association with others, including the right to form political parties and trade unions, while article 25 recognizes the right of every citizen, without distinction, to take part in the conduct of public affairs. This participation implies, in particular, the right of every citizen to vote and stand as a candidate in elections and to have access, on general terms of equality, to public service in his country. These two rights are dealt with in the same section of this report in view of their interrelationship and their decisive role in furthering the cause of democracy - the burning question in the region in 1989.

It is well known that these interrelated rights are not enjoyed in most Arab countries. In fact, more than three quarters of the Arab countries have prohibited the establishment of political parties, either totally as in the case of the Gulf and some other States or through a ban solely on opposition parties or through the granting of a legal monopoly to a single party or to a formal coalition led by a single party. Of the remaining quarter, in which opposition parties are permitted (Egypt, the Sudan, Tunisia, Morocco and Lebanon), two countries are facing a severe crisis. In Lebanon, the question has become irrelevant due to the resort to arms and the hegemony exercised by the militias during the civil war and, following the June coup d'état in the Sudan, the authorities there dissolved the existing political parties and associations (except those of a religious nature) and prohibited the establishment of new parties. In the three remaining countries, the legal opposition has been hampered by numerous restrictions and, in two of them (Egypt and Tunisia), socio-political forces have been denied freedom of association.



The picture is more or less the same with regard to the right to take part in the conduct of public affairs. This right is totally unrecognized in Mauritania, Saudi Arabia, Qatar and other Gulf States or has been suspended after making a certain degree of progress, as happened in Bahrain (1975) and Kuwait (1986). In other Arab countries, it has been confined exclusively to the ruling party, with or without the formal participation of a weak coalition. Of the five countries that permit political pluralism: Lebanon has been unable to hold elections since the beginning of the civil war; the authorities in the Sudan have dissolved the Constituent Assembly (Parliament); Egypt and Tunisia have introduced a system of electoral lists and the ruling party has legally obtained an overwhelming majority of the parliamentary seats in the former and all the seats in the latter, thereby negating the right of others to participate; in Morocco, towards the end of the year, the current term of the Chamber of Representatives was extended for a further two years following a popular referendum in which 99.9 per cent of the electorate voted in favour of this measure.

In the light of this situation, the changes that were made in the legal frameworks governing the exercise of this right in 1989 are extremely significant and give rise to numerous questions. In Algeria, in the month of July, the People's Assembly passed a bill of law permitting political pluralism, as a result of which more than 10 political parties obtained official recognition by the end of the year, and preparations are now being made for parliamentary elections, on a pluralistic basis, in 1990. In Democratic Yemen, the ruling Socialist Party approved a multipartite system and announced that the first legal opposition party had been established. In Jordan, where pluralism was being considered but had not yet been introduced by the end of the year, one of the region's fairest elections in recent decades was held and enabled the opposition to win about half the seats in the House of Representatives. However, the Yemen Arab Republic's approval of a joint constitution



recognizing the principle of pluralism, the formation of a committee in Somalia to amend the Constitution in order to permit pluralism, the declarations of the Iraqi leaders concerning pluralism, and the Taif Agreement concerning political reforms in Lebanon, remain promises that are likely to be put to the test in 1990.

At all events, these intentions were not viewed with unanimous satisfaction throughout the Arab World, since many political forces entertained justifiable doubts concerning their sincerity and prospective benefits. In Iraq and Somalia, for example, the sincerity of these intentions is questionable in the light of their inconsistency with the authorities' past practices and, in Tunisia and Egypt, the benefits of the results achieved through these steps are doubtful. In fact, the Tunisian elections gave the ruling party all the parliamentary seats by virtue of the system of electoral lists and, in Egypt, candidates who had been successful in the elections but had not obtained seats in the People's Assembly derived little consolation from the large number of legal opinions upholding their legitimate grievances. The Assembly, which has an overwhelming governmental majority, affirmed that it was an independent body entitled to exercise full discretionary power, within the context of the separation of authority, on the basis of legal interpretations that remain highly controversial.

Having made an extremely careful study of this phenomenon, AOHR has adopted a more positive attitude based on the fact that, regardless of the degree of sincerity of the declared intentions, they constitute a response to a rising current of opinion in the Arab region in keeping with a world-wide trend the implications of which the Arab regimes must take into account. Moreover, most of these developments occurred in the wake of momentous events with which the ruling political elites were unable to deal without support from larger sections of Arab public opinion. Finally, although some of



these developments may seem superficial, they contain the elements of an irresistible dynamic force.

### The rights of the Palestinian people

In 1989, the violations of the rights of the Palestinian people continued to constitute a unique phenomenon in the field of human rights in view of the persistent denial of the right of this entire people to self-determination, as can be seen from the ludicrous Israeli proposals concerning forms of autonomy designed to separate the people from its homeland and deprive it of its chosen representatives. This is also evident from the form and extent of the violations that are being committed, on an individual and collective basis, against the civil, political, economic, social and cultural rights of the Palestinian people. The evolution of this phenomenon is also unique in so far as the Israeli Government has obstinately clung to outmoded policies which the international community has long condemned and is seeking to eliminate. Under this international pressure, even South Africa, the only other country pursuing similar policies, was forced to manifest a degree of flexibility during the year. However, Israel, with the support of the United States, continued to extol the "liberal nature" and "ethical aspects" of its occupation, cherishing the colonial and expansionist dream of a Greater Israel.

With regard to civil and political rights, the principal violations to which the Palestinian people in the occupied territories has been subjected concern the right to life. Although the death penalty, provided for in the Emergency Regulations promulgated during the British Mandate, was legally abolished in the occupied territories by Israeli Military Order No. 268 of 1968, a constantly increasing number of Palestinians have been killed by Israeli occupation forces since that time and the highest death toll



in the occupied territories was recorded in 1988 and 1989 following the outbreak of the uprising (intifada). Estimates of the number of persons killed range from about 700 according to Israeli sources to 1,000 according to Palestinian sources.

The Israeli occupation forces and armed settlers bear responsibility for these deaths. Although most of the victims died of gunshot wounds inflicted by occupation forces, some of them lost their lives as a result of asphyxiation caused by tear-gas. Initially, the use of firearms was subject to restrictions under which tear-gas and plastic bullets were to be used before resorting to live ammunition. However, some of these restrictions were subsequently lifted and the granting of permission to open fire under certain circumstances led to an increase in the number of fatal injuries.

According to Israeli sources, Ariel Sharon, a minister in the Government, called for the elimination of the leaders of the Palestine Liberation Organization, and primarily the Palestinian President Yasser Arafat. At a Cabinet meeting, he insisted on being informed of the plans that the Minister of Defence had made to eliminate the "terrorist leaders" before he would agree to vote in favour of additional appropriations to the defence budget.

The right to liberty and security of person has also been violated in an unprecedented manner during the uprising. In statements made in October 1989, the Israeli Minister of Defence admitted that 40,000 Palestinians had been detained and Israeli sources added that, of these, 8,000 were administrative detainees. Other statements issued in November 1989 indicated that 1,889 persons were still detained.



Palestinian officials pointed out that the figures quoted by the Israeli Minister of Defence did not include 8,000 Palestinians who had been detained following clashes with the occupation forces prior to the outbreak of the intifada in December 1987. The number of persons detained during the last two years was more than double the number detained since the occupation of the Palestinian territories in 1967.

The occupation authorities have made extensive use of administrative detention, for which provision was made in the Emergency Regulations, on the basis of secret testimonies. For "security reasons", the detainees and their lawyers are not informed of the justification for such detention, although administrative detainees are permitted to lodge an appeal against their detention orders with the Supreme Court, which has the right to examine the secret justification for their detention. It is noteworthy, however, that no administrative detention order was revoked by that Court in 1989 and there were numerous instances in which persons were detained without specific detention orders.

With regard to the legal system, after the outbreak of the intifada the Israeli Legislature abolished the minimum degree of criminal responsibility. The Israeli legal provisions under which minors under the age of 12 could not be held criminally responsible were amended in April 1988, after which even a 5-year-old child could be prosecuted if caught in the act of throwing stones. In fact, the Israeli judiciary no longer shows any concern for the fulfilment of the formal conditions for legal prosecutions, such as a trial in the presence of judges and counsel for the prosecution and the defence, with case files, bills of indictment and a clearly specified time at which all the parties must appear in court.



This is a predominant shortcoming in most cases, as a result of which Palestinian lawyers have declared strikes and boycotted the courts on more than one occasion, appearing only before the administrative appeal and military review boards to protect the rights of persons detained under administrative orders or threatened with deportation.

During the uprising, the occupation authorities have also made extensive use of curfews, which have been imposed repeatedly in the areas manifesting the greatest spirit of resistance and which, in most cases, are placed under a total blockade. The 21 camps in the West Bank and Gaza Strip are the areas that have been subjected most frequently to military blockades and curfews.

In spite of all the Israeli affirmations concerning their "civilized" and "liberal" occupation, it is an established fact that the occupation authorities are inflicting daily physical and mental suffering on the Palestinian people in the West Bank and Gaza Strip both in and outside the prisons and detention centres. Although torture is prohibited under Israeli law, numerous international bodies have confirmed the occurrence of incidents of torture, in varying degrees, in the detention centres. There is virtually unanimous agreement that the worst cases of torture occurred at the Dhahiriya detention centre, particularly in 1989, with a view to the extraction of information from leaders of the intifada and, in some cases, detainees have died as a result of torture. The authorities also deliberately starve detainees and reports by the International Committee of the Red Cross have revealed that the food supplied to the detainees does not contain the minimum amount of calories needed for a normal human being.



Ill-treatment is not confined to detainees. It is also applied to the population as a whole through the methods that the occupation authorities employ to counter acts of civil resistance. Although these methods are not designed to kill, they have highly detrimental effects on the victims. For example, the use of asphyxiating tear-gas containing various toxic substances affects the blood circulation and nervous system and can cause paralysis, miscarriages and congenital abnormalities. Following the wave of international condemnation, the occupation authorities were forced to put about 60 soldiers on trial in 1989 on the charge of exceeding their orders concerning the degree of force to be used against Palestinians. Some of these soldiers were acquitted and others were sentenced to light and, in most cases, suspended sentences not exceeding two months' imprisonment.

Freedom of opinion and expression has also formed the subject of serious violations. Since the outbreak of the intifada, severe repressive measures have been taken against all the newspapers and magazines published in the West Bank. In 1988, 39 Palestinian journalists were placed in administrative detention, of whom only five were brought to trial. In 1989, administrative detention orders were issued against 63 journalists, of whom only eight appeared in court. The occupation authorities also imposed stricter press censorship.

With regard to freedom of association, in addition to the restrictions on political association that have been in force since the beginning of the occupation and which constituted a constant violation of this right, following the outbreak of the intifada, the occupation authorities imposed further restrictions on various trade unions and professional and charitable associations. Research institutions were also affected, such as the Association for Arab Studies which the authorities closed for a whole year in 1988 under the terms of an order which was renewed for a further year in 1989.



The Knesset also considered a draft bill of law designed to hamper the activities of Palestinian charitable associations by restricting their ability to obtain humanitarian aid from popular organizations in various parts of the world. Under this bill, which was given its first reading in the latter part of 1989, the security services would be granted virtually absolute powers to confiscate any amounts of aid received by the Palestinian associations. They would even be empowered to dissolve these associations if they had cause to believe that the aid was derived from "terrorist organizations" or intended to help "terrorists" in the West Bank and Gaza Strip.

The most notable violations of the economic, social and cultural rights of the Palestinian people concern the right to education, as can be seen from the repeated closure of all the educational institutions. Only a short time after the occupation authorities authorized the reopening of the primary and secondary schools at the end of 1988, they once again ordered their closure on 20 January 1989. In the face of concerted international pressure and criticism of the manner in which the Palestinians were being deprived of education, the authorities were forced to reopen these schools in July 1989. The fact that primary and preparatory-level students were taught for only 23 days, and secondary-level students for only 15 days, in the academic year 1988/89 indicates the extent to which the entire education system was disrupted. The phenomenon of the partial closure of schools continued during 1989 and the universities in the West Bank and Gaza Strip remained closed for the second successive year.

In 1989, the violations of the Palestinian people's right to health, which had been observed since the outbreak of the intifada, were intensified through the imposition of further administrative restrictions and as a result of the increasing numbers of injured persons, which exceeded the limited capacity of the health institutions. The occupation forces continued to impede first aid



services and raid hospitals, in which they beat up medical personnel and patients and arrested large numbers of injured persons whom they took away before the completion of their treatment. In some cases, medical supplies were confiscated from pharmacies in lieu of unpaid taxes, as happened in the village of Beit Sahur.

With regard to economic rights, AOHR recorded numerous violations of property rights through the closure and demolition of houses, the confiscation of private property from homes and shops and the seizure of private vehicles. In some cases, commercial premises were pillaged. AOHR also monitored many other violations of the rights of Palestinian workers, interference with fuel and electricity supplies, restrictions on financial remittances, and protectionist measures against Palestinian farmers.

Finally, there is the question of the emigration of Soviet and East European Jews to occupied Palestine.

Within the context of the promotion of freedoms and human rights in the Soviet Union and the countries of Eastern Europe, restrictions on Jewish emigration were lifted. Although this, in itself, was a positive development, the concerted international and Zionist efforts that were made to exploit these emigrants in order to displace another people suffering from every form of persecution in its homeland, and to confront that people with the option of involuntary emigration or expulsion, were totally incompatible with human rights. It is morally unjustifiable to seek to promote the rights of some groups at the expense of the rights of other groups. Moreover, international law, in the form of the Fourth Geneva Convention, prohibits transfers of population or alteration of the demographic characteristics in the territories of peoples living under occupation. It is morally reprehensible to forcibly deprive hundreds of thousands of Palestinians of their right to return to their homeland while, at the same time, bringing in hundreds of thousands



of non-indigenous persons to settle in Palestine, a country which they may never have even visited before. From the standpoint of human rights, there is no justification for making the issue of exit visas to Soviet Jews conditional on their departure for Israel and preventing their travel to the United States, which is the principal advocate of their right to emigrate and also one of their favourite destinations. This signifies an implicit agreement to their settlement in occupied Palestine.

A careful study of the facts, as well as the objectives underlying the emigration of Soviet Jews to Israel, leads us to believe that we are witnessing a major violation of the rights of the Palestinian people. Israel's leaders have made no attempt to conceal this state of affairs and its Prime Minister has stated quite openly that "large-scale immigration will necessitate a Greater Israel". Senior officials of the Zionist Movement, the Jewish Agency and settlement organizations have indicated that the scale of immigration will be in the order of 500,000 to one million during the next few years. Thousands of immigrants have already been settled in the occupied Palestinian territories and press sources in the United States have reported the granting of US aid, under various designations, to finance that immigration. The US Administration has also adopted a policy of closing the door to Soviet and East European Jewish emigrants and encouraging Palestinians living in the occupied territories to emigrate to the United States. Moreover, the European countries that have condemned this policy have not opened their own doors to Jewish immigrants.

Having considered the adverse consequences for Palestinian rights of the emigration of Soviet and East European Jews, AOHR has reached the conclusion that continued attempts to solve the "Jewish question" at the expense of the "question of Palestine" are dangerous and will create more problems than they solve. They will also plunge the entire region into a new maelstrom of trials and tribulations



comparable to those experienced during the previous waves of immigration into occupied Palestine since the beginning of this century. Being convinced that the formulation of a solution to this problem is an international as much as an Arab responsibility, AOHR has appealed to world public opinion, international organizations and the countries concerned to ensure that these emigrants are admitted to the countries of Western Europe and the United States and not channelled exclusively towards Israel. In particular, they should not be settled in the occupied territories. In keeping with United Nations resolutions, the international community should uphold the right of return of the Palestinians living in the diaspora. AOHR has also made a special appeal to the Soviet Union to give tangible effect to the concern that it has expressed in regard to the settlement of Soviet Jews in the occupied territories.

The rights of Moroccan citizens in the cities  
of Ceuta and Melilla

Before turning to the final section of this introduction, concerning the Arab human rights movement, reference must be made to the wretched situation of Moroccan citizens in the Spanish-occupied cities of Ceuta and Melilla as a result of the application of the so-called "Aliens Act", which is designed to obliterate the Arab and Islamic identity of the Moroccan population of those cities by inducing them to adopt Spanish nationality so that they can acquire some rights.



The Arab human rights movement

Faced with these challenges to human rights in the region, AOHR realized that the need for action exceeded the capabilities of the regional human rights organizations. During the six years of its existence, AOHR has been seeking forces capable of collaborating with it in the promotion of human rights issues threatened by these challenges, but without engaging in political opposition activity which would be incompatible with its statutes, and without renouncing its special vocation as the conscience of the Arab nation.

The Organization made a study of what can be called the Arab human rights movement, which comprises the organizations concerned with human rights in the region, as well as all the organizations, associations and leagues concerned with particular aspects of this issue by virtue of their mandates or the public functions that they are discharging at the country or pan-Arab levels. A preliminary report on this subject, entitled "The Arab Human Rights Movement: Institutions and Objectives", was prepared and is included in this report as a discussion paper.

The report notes that the Arab human rights movement includes both country and pan-Arab institutions, some of which are concerned with human rights as a whole, while others specialize in certain fields, such as issues concerning women or children. By virtue of their vocation, some of them are closely involved in particular human rights issues; for example, the bar associations which are endeavouring to defend the constitutional and legal guarantees of human rights, and the press associations which are concerned with issues relating to freedom of opinion, etc.



With regard to the geographical distribution of the regional human rights organizations, the report also notes that most of them are concentrated in the Maghreb, in which officially licensed organizations, enjoying varying degrees of independence, are operating in each of the five member countries of the Arab Maghreb Union. However, this does not imply full freedom to establish human rights organizations, since one of them is still banned in Algeria and another has been denied permission to hold meetings of its General Assembly in Morocco on three successive occasions. In the Nile Valley region, Egypt has two small organizations based at Cairo and Alexandria, although the authorities have refused to allow AOHR or its Egyptian branch to operate in that country. In the Sudan, a broad-based association, which was established after the April 1986 revolution, lost its legal status, like the other democratic associations and organizations, following the coup d'état in June 1989. With regard to the other Afro-Arab countries (Somalia and Djibouti), we are unaware of any organizations specializing in human rights in or outside those countries.

The countries of the eastern part of the Arab World and the Arabian Gulf do not have any licensed human rights organizations operating in their territory, with the exception of two organizations, one of which is based in the only Arab country lacking a State authority (Lebanon), while the other is a semi-governmental organization based in Iraq. (This was the situation before the Jordanian authorities agreed to permit a local group of AOHR members to establish a branch which was legally licensed to operate in that country). However, dozens of organizations and bodies concerned with human rights in the eastern part of the Arab World are operating outside that region, mostly under the designation of country committees, although some of them constitute branches of political opposition parties which are not recognized within their own countries.



The Palestinian human rights organizations have a distinctive characteristic in this respect, in so far as they are based among the large Palestinian communities living in the diaspora. Institutions such as the Palestinian Red Crescent and the various relief organizations play an important role in their fields of specialization. Inside occupied Palestine, on the other hand, the most noteworthy associations are branches of international organizations licensed to operate there.

At the country level, the Arab World has scores of bodies and institutions concerned with human rights issues. Although the extent of their concern for human rights, as well as their degree of independence from governmental control, differ from country to country, they are playing a significant role in this field. These organizations include 22 bar associations, based in 15 of the 22 Arab countries, and press associations operating in 16 Arab countries. There are also trade union organizations and associations of writers and publishers. Political parties, on the other hand, are found in only a quarter of the countries of the Arab World.

In its study of this movement's objectives, the report notes that the main emphasis was placed on the universally recognized principles promulgated in the Universal Declaration of Human Rights following the schism with which this movement was afflicted during most of the 1960s and 1970s when economic and social rights were accorded priority over civil and political rights. The report also indicates that the dialectics of social relations within the Arab countries, as well as their foreign relations, led to the abandonment of the earlier approach and a search for a more balanced formula that combined civil and political rights with economic, social and cultural rights.



According to the report, this acceptance of the basic universally recognized principles of human rights, as set forth in the International Covenants, and the adoption of some of them as guidelines for the Arab movement, does not necessarily imply that they are interpreted in the same manner by all the Arab human rights organizations, since cultural particularity plays a decisive role in such interpretation. In this respect, the report describes the general background of controversy between the lay and Islamic wings of the Arab human rights movement in regard to a number of important issues.

The report then reviews the role of the Arab movement within the international human rights movement, including the extent of their institutional links and the degree of similarity of their overall objectives.

With regard to their institutional links, the report finds that there are numerous interlinkages between many of the institutions in the Arab movement and institutions in the international movement. On the other hand, however, there is an evident disparity in the nature of their concerns and priorities. For example, whereas the international movement focuses on individual rights and freedoms, the Arab movement attaches greater importance to collective rights. A further disparity can be observed in regard to their concern for social development. Whereas the international movement is more concerned with issues relating to the protection of the environment from pollution and the proliferation of weapons of mass destruction, such issues, in spite of their importance, are still regarded as subsidiary questions by the Arab movement; although they are sometimes raised, they are frequently left in abeyance.



Nevertheless, as pointed out in the report, the existence of these disparities has not prevented close collaboration between the two movements, nor has it precluded an exchange of views and experience. Although the international movement has clearly influenced the Arab movement, the latter has also succeeded in modifying the attitudes of the international movement towards some central issues in the region, including the need to support the rights of the Palestinian people.

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In view of the magnitude of the problems with which we are faced and the small number of pioneering institutions which are endeavouring to tackle them, many hard tasks have yet to be accomplished. It is not enough to possess vast potential for action, nor even good intentions. Diligent and concerted efforts must be made by all. The Arab human rights movement, and primarily AOHR, must intensify its endeavours to further the encouraging prospects looming on the Arab horizon and overcome the obstacles impeding their progress so that, God willing, the Arab peoples and all their members can assume their due and proper place among the community of nations.



