



NORTH AFRICA and The MIDDLE EAST





Algeria

▶ Threats against Mr. Abdennour Ali-Yahia¹

On 5, 6 and 7 December 1999, **Mr. Abdennour Ali-Yahia**, lawyer and President of the Algerian League for the Defence of Human Rights (LADDH), was visited three times at his home by two police superintendents, one of whom belonged to the General Direction of National Security (DGSN).

The officers went to his house to inform him of death threats that had allegedly been made against him due to his commitment to peace, without saying anything more about the identities of the perpetrators.

The policemen proposed to Mr. Ali-Yahia to either accept being put under permanent police protection, or sign a certificate in which he would free the State of any responsibility in the event of a murder attempt against him. Mr Ali-Yahia refused their proposals.

¹ See press release of 15/12/1999

▶ Harassment against militants helping families of disappeared people

Relizane:

- Assault of Mr. Belhaoua²

Strangers knocked on **Mr. Belhaoua's** door (a member of the LADDH, Relizane section) on the night of 27 July 2000. The following night, a person was caught knocking violently on his door, and was handed over to the national Gendarmerie. The man was identified as Mohamed Boufhara, a member of the Self Defence Groups (GLD) - civil groups armed by the State since 1993 and responsible for numerous murders and acts of violence in the region - but he was immediately released.

Following this, pressure was exerted against Mr. Belhaoua so he dropped the charges.

- People taken in for questioning during demonstrations

On 22 March 2000, in Relizane, about forty demonstrators on the Place de la Wilaya (Prefecture) were taken to the police station to be interrogated. After the interrogations, they were made to sign a form which many of them, not being able to read, could not understand. A week before, several people had been arrested during a similar gathering of families of the disappeared.

² See urgent appeal DZA 004/0008/OBS 081



- Arrest of Mr. Smain³

Mr. Mohamed Smain, responsible for the Relizane section of the LADDH, was arrested on 23 February by the Frontier Police as he arrived at Oran Airport. Mr. Smain was returning from a trip to Paris during which he met various leaders of international human rights organisations, including the FIDH, of which the LADDH is a member. During his stay in France, Mr. Smain heard that an arrest warrant had been issued against him.

Mr. Smain was taken to the police station of Es Senia, in Oran, where he was interrogated and then taken to the *sûreté*. He was transferred to Relizane on the evening of 24 February, and then taken before an investigating magistrate who released him. All his identity papers (passport, driving licence, etc.) were confiscated. The Prosecutor appealed this decision.

This arrest comes after continued harassment against Mr. Smain over a period of several months. His activities in Oran and Relizane for families of the disappeared, as well as his actions to uncover the truth about the violations perpetrated in Algeria, are recognised internationally as well as nationally, and are the reasons for his being targeted by the authorities. In addition, he assisted international NGOs during their mission of investigation in Algeria in May and June 2000.

In May, he had already been interrogated for an entire day by the *Gendarmerie* as he was returning from a mission during which he had taken photographs of a mass grave discovered a few days earlier at Oued-el Djemaa. His photography equipment (video camera and film)

were confiscated. The leader of the militia pressed charges against Mr. Smain for his involvement in the case.

After giving an interview to the press on the discovery and exhumation of mass graves by the *Gendarmerie* and the militia of Fergane (ex-Mayor of the city) on 3 February 2001, legal proceedings were started against him by the *Gendarmerie* for libel. On 8 February, Mr. Smain was taken in for questioning and interrogated by the *Commandant*, aided by the *chef de brigade de la Recherche*.

On 20 February, as he was leaving for France, Mr. Smain was taken in for questioning at Oran Airport. The security services and customs officers took his passport and documents and photocopied them. Mr. Smain remained in the custody of the customs officers for an hour and a half. He was finally released 10 minutes before his flight was due to take off, and was given back his documents. At no time was he informed of a warrant for his arrest.

In Oran⁴:

- Arrest of Mr. Lahmar Abbou Amine

On 15 November 2000, in Oran, **Mr. Lahmar Abbou Amine**, the son of a disappeared, was arrested during a gathering of relatives of families of the disappeared of Oran and Relizane.

Around 300 people had gathered in front of the *Palais de Justice* of Oran, and were dispersed without warning by police forces. Two women and a child were injured. Four women were arrested, and released soon after. Mr. Abbou Amine, Mr. Lahmar Abbou Nouredine's son, who has

³ See urgent appeals DZA 003/0005/OBS 047; DZA 003/0005/OBS 047.01

⁴ See urgent appeals from DZA 002/0003/OBS 015 to DZA 002/0003/OBS 015.05



disappeared, was arrested as he was trying to help his mother, who was being handled roughly by a policeman. He was kept in the police station, and was the object of a committal order on the morning of 16 November.

On 18 November 2000, he was condemned to a year in prison by the Oran Court for physical and verbal violence against a policeman.

The trial was held without regard for the right to a fair and equitable trial, Mr. Abbou Amine being summarily judged in 10 minutes. His lawyer - appointed at the last minute - asked for a postponement in order to prepare his defence, but the President of the court turned down his request.

An appeal against this decision was lodged. On 19 December, Mr. Abbou Amine was released following the decision of the Oran Appeal Court. His condemnation to a year in prison, pronounced on 18 November, was reduced by the Appeal Court to one month in prison. Having already purged his sentence, Mr. Abbou Amine was released.

▶ Legal proceedings against several members of the families of the disappeared

On 22 March, in Oran, demonstrators were surrounded by two police vans. The forces attacked several members of the families of the disappeared, and took 17 women to the police

station. Five of them, allegedly leading the group of demonstrators, were detained for several hours; one of them, **Fatima Aim**, was detained until 25 March. All of them were summoned before the Investigating Magistrate on 25 March, and then before Oran Court on 21 May, for obstructing traffic and disturbing public order. The hearing was postponed until 4 June. The Observatory had mandated a mission for this occasion. Several times, the judge interrupted the defence attorneys when they reminded the court that these women were peacefully demanding their right to know the truth, since the cases of the disappeared were not being dealt with by the legal system.

Fatima Ben Moussa, Rahmouna Bourahla, Faouzia Guene, Badra Leban and Fatima Aim were released.

In Algiers:

On 17 June 2000, a demonstration of families of the disappeared was violently dispersed. Almost a hundred women, summoned to Hussein Dey Court in Algiers, had decided to start a march to the Algiers Maison de la Presse when they heard that the hearing on the cases of the disappeared was postponed until September. During the march, a woman recognised a policeman wearing civilian clothes in the procession, and a fight broke out. Policemen then violently dispersed the demonstration; several women were beaten and at least three of them were seriously injured.



Egypt

▶ The OEDH and its members targeted

Suspension of the OEDH publication¹

The Egyptian Organisation for Human Rights (EOHR) received, on 19 January 2000, a circular, number 1484, signed by the Cairo Police Department, informing them of the decision to suspend 14 newspapers. This decision was based on decree number 592 of 20 September 1999 by the Cairo Prefect.

Among the targeted newspapers was the OEDH publication entitled *Human Rights*. This bulletin, created in 1986 for the members of the EOHR, aimed at informing the readers of the activities of the association, and more widely, at raising awareness of human rights.

The publication of the OEDH bulletin has since stopped.

Legal proceedings against Mr. Hafez Abu Sa'ada²

Mr. Hafez Abu Sa'ada, Secretary-General of the OEDH, has been falsely charged before an Emergency Supreme Court for State Security (ESSSC).

He is accused of accepting, in 1998, a cheque for U.S. \$ 25,000 via the British Embassy without prior authorisation from the authorities.

According to official information, his case is to be examined on the grounds of military decree number 4/1992, enacted in 1992 by the Prime Minister, which provided for a prison sentence of at least seven years. This decree is based on the legislation linked to the State of Emergency, which forbids the payment and receipt of donations without prior authorisation from the authorities.

The charges against Mr. Hafez Abu Sa'ada are linked to the criticism coming from EOHR with regard to the state of freedom in Egypt, and notably to the publication of a report on human rights violations committed during the summer 1998 in the village of Al Koshesh³, which has a Christian majority.

The first investigations linked to this case led to the detention of Mr. Hafez Abu Sa'ada from 1 to 6 December 1998.

Denial of registration⁴

In May 2000, the Egyptian Organisation asked for its official registration on the basis on the new law on associations (law 153, passed in May 1999). However, the Constitutional Court having declared, on 3 June 2000, that this law was against

¹ See urgent appeal EGY 001/0001/OBS 001

² See jointly press release with Amnesty International, Article 19, Euro-Mediterranean Network for Human Rights, Human Rights Watch and the Observatory, 15/02/2000

³ The first charges pressed against the EOHR were based on the "acceptance of funds coming from a foreign country with the intention to commit actions likely to harm Egypt, acceptance of financial donation without prior authorisation from the relevant authorities, and dissemination of false information abroad with intent to harm the national interests of Egypt" [free translation]. See the Observatory Annual Report 1999

⁴ See urgent appeal EGY 003/ 0008/OBS 075



the Constitution, the EOHR had to make another request based this time on the former law (law 32 of 1964).

This request was made after the EOHR had been assured by the Ministry of Social Affairs that the request that had been made according to law 153 had been accepted, and that a registration number ("461, année 2000") had been attributed.

However, on 30 July, the EOHR was informed of the decision by the Ministry of Social Affairs (decision 5804) to postpone the examination of its registration request following a refusal by the Security Services. The Ministry did not specify the reason for this rejection, nor did it indicate which Security Services had blocked the procedure. Nothing was said either about the date to which the examination of the registration request would be postponed.

The Observatory would like to recall that, since its creation in 1985, the EOHR has been trying in vain to obtain official registration. Since then, its situation has been one of legal vagueness, being neither authorised nor forbidden.

▷ Law on associations⁵

On 3 June 2000, the Constitutional High Court judged that the Civil Associations Act 153 of 1999⁶ was not in accordance with the Constitu-

tion, since the law was adopted by the People's Assembly without first being presented to the Shura Council. The Shura is the highest Chamber of Parliament responsible for examining the conformity of laws with the Constitution.

The Constitutional Court mentioned three other points concerning: the provisions on disputes which must be referred to a civil and non-administrative jurisdiction, the authorisation system to which the NGOs are submitted, and finally the penal sanctions to which the active voluntary workers in NGOs are liable.

A new bill was created; it uses the provisions of law 153 aiming at restricting the freedom of action of NGOs by submitting them to greater control from the authorities.

For example, according to article 3 of this bill, any organisation that is already registered must give up its current status and be re-registered in accordance with the new law.

Article 11 provides that obtaining legal status for an NGO depends on its mandate's conformity with the authorities' "norms", which allows for restrictive and arbitrary interpretation.

Article 16 gives the authorities the power to forbid associations from having any affiliation with organisations based abroad, and article 17 forbids associations from receiving foreign funds unless they have prior authorisation to do so from the Ministry of Social Affairs.

Article 42 gives authorities the power to dissolve an NGO without prior legal investigation.

⁵ See urgent appeal EGY 032/ 9905/OBS 032. 02

⁶ See the Observatory Annual Report 1999. This law was passed by the Parliament in the night of 26 to 27 May 1999. It gave authorities a free hand to control the creation, the registration and the suspension of associations (art. 3, 6 and 8), to reject applications to their board of management (art. 34), to quash their decisions, to dissolve them because of an offence ↻

↻ 6 (art. 23) - offences which are very vaguely defined (art. 42). Besides, this law also allowed the authorities to refuse authorisation to the associations to receive foreign funds (art. 17) and to be part of international networks (art. 16). In short, the law organised the authorities' stranglehold on civil society.



Finally, Article 75 provides that any breach of the provisions of this law may bring about a fine of up to 10,000 Egyptian pounds, and up to one year in prison.

This bill is to be submitted to the Egyptian Parliament in March 2001.



Legal proceedings against Dr. Ibrahim⁷

On 30 June 2000, **Dr. Saad El Din Ibrahim**, Director of the Ibn Khadouln Center for Development Studies and Professor of Political Sociology at the Cairo American University, was arrested; his home was searched and some of his documents were confiscated.

On the same day, the Investigation Bureau of State Security searched the Ibn Khadouln Center and arrested two of its members: Financial Director **Nadia Abdel Nour** and member **Ossama Hamad**. They also confiscated account books belonging to the Centre, as well as floppy disks, computers, a safe, and a few brochures.

Dr. Ibrahim was first accused, among other things, of receiving funds from foreign countries,

tampering with election documents, and propagating false information harmful to the interests of Egypt. On 6 August 2000, he was accused by the Prosecutor of the State Security Court of spying for the United States, according to the terms of the 1981 State of Emergency legislation; for this, he could be brought before a military court. Those accusations are allegedly linked to his participation in a seminar organised in 1994 by the American Defence Secretariat, in co-operation with Egyptian intellectuals.

On 10 August 2000, Dr. Ibrahim and Nadia Abdel Nour were released on bail.

Dr. Ibrahim was also forbidden to leave the country, and the investigation remains open. As for the Ibn Khadouln Center, it remains closed.

On 18 November 2000, Dr. Ibrahim was prosecuted. The Observatory commissioned an observer to attend the hearing, which was postponed until 20 January 2001. During this hearing, witnesses were heard, and he was notified that the charges against him for spying had not been dropped, and that a second investigation had been opened. The next hearing was held on 22 February 2001.

⁷ See urgent appeals from EGY 003/0008/065 to EGY 003/0008/065.02



Israel

▷ Threats¹

Four members of the Palestinian Group for the Protection of Human Rights (PHRMG), based in Jerusalem, received written and verbal (telephone) threats, the aim of which was to persuade them to resign from their posts within the organisation.

The first letter was received on 5 February 2000, and two others followed on 6 February. They were sent to the personal addresses of the members of the organisation and signed "Committees Against Corruption", a structure which was previously unknown to the PHRMG. On 7 February, members of the PHRMG received anonymous phone calls in their homes.

The letters included slanderous accusations against the organisation and its Director, **Mr. Bassem Eid**. For example: "Bassem Eid has close and friendly relations with Jews and foreigners, particularly since he worked in B'tselem, centre of Mossad (Israeli secret services). Corruption is rife in his office... More information will be revealed in the next few days about the shady character of Mr. Basseim Eid. This diabolical creature will surely get the end he deserves".

¹ See urgent appeal ISR 001/0002/OBS 008



Jordan

▶ Harassment¹

On 5 September 2000, **Mr. Nidal Mansour**, Editor-in-Chief of the weekly newspaper *Al Hadath*, and the President of the Centre for the Protection of Journalists' Freedom, was expelled from the Jordanian Association of Journalists (a trade union). It is mandatory to be a member of this association to be able to work as a journalist. According to the association's Vice-President, this measure was taken, "because he had not worked full-time as a journalist". One day before, the Disciplinary Council had recommended that Mr. Mansour be forbidden to work as a journalist for one year because he received foreign funds for his organisation, which is a violation of Jordanian law. Mr. Mansour denied those accusations, and declared he would appeal before the High Court.

The High Court confirmed Mr. Mansour's expulsion from the Association by quashing his appeal. On 16 August, three other journalists, **Mr. Bilal al-Tal**, **Mr. Mahassen Imam** and **Mr. George Hawatmeh**, were also expelled from the Jordanian Association of Journalists for similar reasons.

▶ People taken in for questioning²

On 17 December 2000, several people were taken in for questioning as they were on their way to a gathering in Mann city to ask for the release of several militants detained by the General Intelligence Services (GIS), after demonstrations organised in October 2000 to show solidarity with the Palestinian Intifada.

The following people were stopped by three police cars: **Mr. Nai'im Madani**, lawyer and member of the Professional Union General Freedoms Committee Bureau, and the Jordanian section of the Arab Organisation for Human Rights, **Mr. Akram Kraishan**, Vice-President of the Arab Organisation for Human Rights, **Dr. Hisham Bustani**, member of the Freedoms Committee at the Dentists Union Bureau, **Dr. Ibrahim Alloush**, university professor, **M. Muwafaq Mahadin**, writer and journalist, and **M. Sami Abu Hilaleh**, journalist.

The policemen handcuffed the six activists, pointed their guns at them, took them to the mayor's offices, where they were informed, without further explanation, that they were not allowed to go to Mann city. The six people were then released.

¹ See urgent appeal JOR 001/0009/OBS 093

² See urgent appeal JOR 002/0012/OBS 131



Lebanon

▶ Legal proceedings against Mr. Mughraby¹

At the beginning of May 2000, the Observatory was informed that a legal action was opened by the Beirut Prosecutor against **Mr. Muhamad Mughraby** for, "libel against the judicial system". Mr. Mughraby, lawyer and member of the Beirut Bar, is known in legal circles for his commitment to the fight against corruption.

This accusation relates to Mr. Mughraby's declarations during press conferences on 14 October 1999 and 19 April 2000, and during a workshop on 24 February 2000 on the causes of corruption within the Lebanese judicial system. The Prosecutor referred to the Order of Lawyers so that the case against Mr. Mughraby would be judged according to the procedure of article 79 of the Legal Profession Code.

On 19 May, the Order of Lawyers determined that the Prosecutor did not need to obtain a waiver of immunity to prosecute Mr. Mughraby, since the offences were not within the framework of his work as a lawyer. Mr. Mughraby appealed against this decision, according to the law relevant to this matter.

At least seven other legal proceedings have been open against Mr. Mughraby for similar reasons.

▶ Obstruction to the freedom of assembly²

A conference on the theme of *Lebanese people detained in Syria*, organised by students, could not be held as planned on 17 February 2000, in the university or in a neighbouring cinema, because of pressure exerted on the leaders of these institutions.

Several students had invited the following human rights militants as speakers: **Mr. Ghazi Aad**, member of the association Support of Lebanese in Detention and Exile (SOLID); **Mr. Georges Haddad**, member of the Foundation for Human and Humanitarian Rights (FHHRL); and **Mr. Elie Abou Aoun**, member of the association "New Human Rights".

This conference was held following the First Euro-Mediterranean Meeting of Families of the Disappeared, organised by the FIDH in Paris, from 8 to 11 February 2000.

¹ See urgent appeal LBN 001/0005/OBS 033

² On this case, the Observatory addressed a letter to the Lebanese authorities.



Morocco

▷ Arrests¹

On 13 June 2000, the following people were arrested: **Mr. Amine Abdelhamid**, Vice-President of the Moroccan Association for Human Rights (AMDH), and leader of the Moroccan Labour Union (UMT); **Mr. Abderrahim Handouf**, Secretary-General of the National Federation of the Agriculture Sector affiliated to the UMT; and about ten demonstrators.

These arrests happened following a peaceful demonstration of unemployed people - skilled - who were planning on organising a long march in the streets of Rabat in order to reaffirm their right to work, and demand the regularisation of the legal situation of their association.

The police were deployed massively into the streets of the capital, and notably surrounded the offices of the UMT.

Everyone was released on 14 June 2000, on the grounds of a decision by the Royal Prosecutor of the First Instance Court of Rabat, so that the case could be closed.

On the evening of 18 June, the rapid intervention forces (CMI) assailed the headquarters of the UMT, broke in through the back door, and attacked the unemployed people who had been on a hunger strike for eleven days, as well as several members of the National Moroccan Association of the Qualified Unemployed (ANDCM).

The CMI used tear gas and hit several people with clubs, bringing about the evacuation of forty injured people to the hospital.

They stopped cordoning off the UMT offices on the evening of 19 June.

Between the evening of 18 June and 19 June, 22 members of the ANDCM were arrested. On 2 July 2000, three were sentenced to two months in prison, and 19 others to a two month suspended sentence. They appealed this decision, and the hearing is to be held in March 2001.

▷ Legal proceedings²

The peaceful gathering that was organised on 9 December 2000 by the AMDH in Rabat to demand the creation of an independent commission to establish the truth on the disappeared, and which coincided with the fifty-second anniversary of the Universal Declaration of Human Rights, was violently dispersed.

The police were unnecessarily brutal against the demonstrators, and arrested many of them. Members and people in charge of the Truth and Justice Forum and of the AMDH, including its President **Abderrhmane Benameur** a very senior lawyer, were held in custody for 24 hours. Thirty-six people, who were also held in custody, were prosecuted on the grounds of article 17 of the 15 November 1958 Code on public freedoms dealing with non-armed gatherings, disturbing

¹ See urgent appeals from MAR 001/0006 OBS 051 to MAR 001/0006 OBS 051.02

² See urgent appeal MAR 002/0012/OBS 126



public order, and of article 11 on non-authorized demonstrations. Among these people were members of the central office of the AMDH: Mr. Benameur, **Mr. Abdel Amine**, **Mr. Benabdesselam**, as well as a member of the AMDH administrative commission, **Mrs. Roussi** (sister of a disappeared), and several section members.

The hearing, which was initially set for Monday 11 December 2000 at 1:30 p.m., was postponed to 28 February 2001 following the request of about a hundred lawyers. The Observatory, together with Human Rights Watch, attended this hearing.

▶ Arbitrary detention of Captain Adib³

Appointed in 1998 to the air base of Errachidia in the north of Morocco, **Captain Mustapha Adib** denounced illegal traffic of fuel to his superiors. He was then transferred from one base to the other, and suffered arbitrary punishments. He decided to press charges against his seniors before a civilian court, denouncing the "abusive transfers" and "arbitrary sanctions" of which he was a victim, and asked for the annulment of the disciplinary measures taken against him. This did not help his situation, and Mr. Adib ended up asking to be released from his contract, a request that was also denied.

Capt. Adib was arrested the day after agreeing to be cited in an article concerning corruption within the army that was published in the French daily newspaper *Le Monde* on 16 December 1999.

On 17 February 2000, Capt. Adib was sentenced to 5 years in prison by the permanent military court of Rabat, and was discharged from the army. His trial was denounced and condemned by Moroccan and international human rights organisations as unfair: no defence witness was heard, procedural decisions had been decided in camera, and one of the judges in the trial was one of the senior officers against whom Captain Adib had pressed charges for arbitrary sanctions. Capt. Adib's lawyer then instituted a first appeal in *Cassation* before the Supreme Court, which ended up overturning the first judgement on 24 June 2000, and referred the case to the Military Court.

Capt. Adib's new trial was set to take place on 2 October 2000. According to Lawyers Without Frontiers - Belgium, the Court turned down all the requests from the defence. It refused to call any witnesses, refused to postpone while waiting for the answer from the administrative courts, refused to consider itself incompetent, and even refused to grant a respite to the defence. On 6 October, he was sentenced to two and a half years in prison and was discharged from the Army for insult to the Army and breach of discipline.

Captain Mustapha Adib instituted a second appeal in *Cassation* before the Criminal Court of the Supreme Court. The Observatory, together with Lawyers Without Frontiers - Belgium, attended the hearing that was held on 14 February.

On 21 February, the Chamber delivered its verdict: it rejected Captain Adib's appeal, making his condemnation irrevocable. He has yet to serve almost a year and a half in prison.

³ See urgent appeal MAR 001/0201/OBS 012 and the press release written jointly with Lawyers without Frontiers - Belgium from 21 February 2001



Palestine

▶ LAW and its members targeted

False accusations¹

The General Director of the Palestinian Secret Services (GIA) in the Gaza Strip, **Mr. Toufiq Atiwari**, accused LAW (Palestinian Society for the Protection of Human Rights and the Environment) of disseminating false information in order to set the population against the Palestinian National Authority; these declarations were published on 5 March 2000 by the daily newspaper *Al Hayat Al Jadida*. Mr. Atiwari accused the LAW reports, with regard to the description of acts of torture against students in Birzeit, of being "information fabricated to cast a slur on the reputation of the Palestinian authority and to set the population against it". He notably described LAW as, "an organisation whose existence should be called into question". LAW was denied access to the place where the students were detained.

Threats²

Major Kamal al Sheikh, Commander of the Ramallah police forces, verbally threatened **Mr. Khader Shkirat**, General Director of LAW, during a meeting on 7 August 2000.

The discussion was on the ill treatment and torture often inflicted on people in detention, and

the fact that LAW lawyers are forbidden to visit some of them. During the meeting, Major al Sheikh justified the bad treatment inflicted on the people under arrest by saying: "Finally, it is necessary to hit thieves so they admit their crime". Mr. Shkirat answered that such actions constituted a violation of Palestinian law. The Commander then made aggressive and slanderous comments against the Palestinian human rights organisations, saying notably that, "They do not fight against occupation, and are only loyal to foreign benefactors". He then threatened to arrest Mr. Shkirat. When he ordered his guards to usher Mr. Shkirat out, they tried to handle him roughly.

On 10 August 2000, Khader Shkirat received an injunction from Ghazi Al Jabali, the Chief of the Palestinian police, which temporarily forbade him to visit Palestinian prisons.

End of the legal action launched by LAW for libel³

In 1999, **LAW** started legal proceedings for libel following accusations in the newspaper *Al Hayat Al Jadida* on 1 July against the association and its members. They were accused of partiality and embezzlement. The newspaper was forced to publish excuses to LAW.

¹ See urgent appeal PAL 001/0003/OBS 014

² See urgent appeal PAL 004/0008/OBS 084

³ See the Observatory Annual Report 1999



Harassment of Defence lawyers⁴

On 9 May 2000, the acting Council of the Association of the Palestinian Bar notified 31 lawyers, including seven members of human rights NGOs, that their names were transferred from a list of active lawyers to a list of lawyers no longer in activity. The following were targeted: **Mr. Raji Sourani**, Director of the Palestinian Center for Human Rights (PCHR), **Mr. Lyad Al Alami**, **Mrs. Hanna Matar**, **Mr. Ashraf Nasralla**, **Mr. Ibrahim Sourani** and **Mr. Fouad Tarazi**, all members of the PCHR; as well as a member of the Women's Legal and Social Counselling Centre, **Mrs. Hana Al Bakri**.

In all likelihood, this measure aimed at neutralising the activity of lawyers working as human rights defenders, who regularly pressed

charges before the High Court for crimes of torture, aiming essentially at members of the police or security services.

The Palestinian High Court, at the end of the examination of charges pressed by seven lawyers, demanded that the bar suspend implementation of their decision, and to clarify, within eight days, the reasons behind this measure.

Despite this decision from the Court, on 17 May, **Mr. Khader Shkirat**, lawyer and General Director of LAW, was notified by the acting Council of the Association of the Palestinian Bar that he was subjected to a measure similar to the one concerning the seven lawyers cited above.

Later, all targeted lawyers were reintegrated into the list.

⁴ See urgent appeals from PAL.003/0005/OBS.035.02 to PAL.003/0005/OBS.035.02



Syria

▶ Pressure against CDFs¹

Four out of the five members of the Committees for the Defence of Human Rights and Freedoms (CDF), in prison since 1991, were released: **Mr. Bassam al-Shaykh**, in December 1999, and **Mr. Afif Mizher**, **Mr. Muhammed Ali Habib**, and **Mr. Thabet Murad** in December 2000. **Mr. Nizar Nayouf**, a journalist, is still arbitrarily detained.

Since 1998, with the release of their spokesman, **Mr. Aktham Nouaisseh**, the CDF was able to resume some of its activities, although under very difficult conditions. This year, the association has started to organise itself into regional sections, and to set up discussion forums in different towns. The media announced some of their positions. However, despite the constant request of the CDF to be legally recognised, the authorities still deny them legal recognition. The association therefore

applied for registration with the Ministry of Social Affairs in September 2000, according to the amended law of 1995 on civil associations, applicable despite the state of emergency. This law is actually not in accordance with the international instruments on human rights (it provides for important interference from the authorities in the internal life of the association, and the possibility for authorities to put associations under their supervision and decide whether to dissolve them. The authorities have not yet responded to this request.

Finally, since their release, the members of the CDF are still being deprived of their civil and political rights. They are, in particular, forbidden to leave the territory. The CDF spokesman was allowed to go to Europe once this year, but needed special authorisation to do so.

¹ See the Observatory Annual Report 1999



Tunisia¹

▶ **Members of the ATFD targeted²**

Mrs. Sihem Ben Sedrine and **Mrs. Fatma Ksila**, of the Tunisian Association of Democratic Women (ATFD), started a hunger strike on 28 March 2000 in the offices of this association (6 Rue du Liban) after exhausting all other means to get a passport.

Indeed, the many requests for renewal of their passports made for over a year by the following were not satisfied: Fatma Ksila, member of the CNLT and wife of the Vice-President of the ITDH (sentenced and put in prison for his beliefs); and Sihem Ben Sedrine, member of the CNLT, director of the publishing house ALOES, and victim of persecution for several months.

The premises of the ATFD, where about ten female members of this association were staying, were surrounded by police officers who forbade entrance to it. The street was cordoned off. The phone lines of the ATFD, the cellular phone of the President of this association, **Mrs. Bochra Bel Haj Hamida**, and the phones of the ITDH, were also suspended.

As Mrs. Ben Sedrine and Mrs. Ksila were promised they would be given passports, they ended their action after four days.

1 See the Observatory report: Tunisie. Les défenseurs des droits de l'Homme en première ligne. Rapport de missions consécutives aux procès de Me R. Nasraoui, A. Chamhari and A. Bedari. March 2000.

2 See urgent appeal TUN 001/0003/OBS 021

The Observatory wishes to remind the reader that deprive of passport is a common practice used by the Tunisian authorities against dozens of defenders.

Recently, on 29 January 2001, the ATFD was forbidden to hold a meeting of solidarity and support with the Tunisian Human Rights League. Several members were handled roughly by the police who had surrounded the association headquarters.

▶ **Members of the targeted**

Arrest and harassment of J. Zoghlami³

On 26 April 2000, **Mr. Jalel Zoghlami**, journalist and member of the National Council for Freedoms in Tunisia (CNLT), the RAID (Tunisian section of ATTAC), and the Tunisian Human Rights League (ITDH), was arrested by the police outside the home of **Mr. Taoufik Ben Brik**, his brother, who was on a hunger strike.

Mr. Ben Brik's decision had come after being summoned on 3 April 2000 before the senior examining magistrate for dissemination of false news liable to obstruct peace, and for defamation on the grounds of charges linked in particular to the publication of two articles in the press. One was dedicated to the book by Nicolas Beau and Jean Pierre Tuquoi, "Notre ami Ben Ali" (our friend Ben Ali), and published in the Swiss daily

3 See urgent appeal from TUN 001/0003/OBS 021.01 to TUN 001/0003/OBS 021.03



newspaper *Le Courier*, and then by the weekly *Courrier international* dated 23 February 2000. The other was about the harassment suffered by **Mrs. Sihem Ben Sedrine**, published in *La Tribune de Genève* on 29 January 2000. Mr. Ben Brik put an end to his hunger strike on 15 May, after 42 days.

Mr. Zoglami, as well as other journalists and activists, had come to express their support for Mr. Ben Brik. Sihem Ben Sedrine, had also been taken in for questioning and then released; **Mr. Ali Ben Salem**, member of the CNLT, had been violently beaten.

These arrests and assaults followed acts of violence against several defenders and members of the ITDH, the CNLT, the RAID and the Bar, outside the St. Augustin clinic where Mr. Ben Brik was a few days earlier.

On 3 May 2000, Mr. Zoglami was sentenced to three months in prison for "assault on police forces" by the Correctional Chamber of Tunis. An observer commissioned by the Observatory attended the appeal hearing that was held on 15 May, after which Mr. Zoglami was released. In its notice given on 18 May, the Appeals Court reduced the prison sentence, but confirmed that the accused was guilty.

Finally, more recently, on 3 February 2001 in Tunis, Mr. Zoglami was attacked by five men armed with clubs and knives. Chased by his attackers, he had to take refuge in a rental car agency, and be taken to the hospital.

The attack on Mr. Zoglami happened after the publication, on 26 January, of the first issue of *Kaws El Karama* (the arch of dignity), which assessed the 13 years in power of President Ben Ali in its editorial. During the press conference organised for the launching of the newspaper on 26 January 2001 at Mr. Taoufik Ben Brik's

house, police officers in civilian clothes surrounded the building in order to prevent people from going in, and to chase those who were leaving.

Arrest of Mr. Mestiri⁴

Mr. Omar Mestiri, Secretary-General of the CNLT, was indicted on 3 July 1999 for the dissemination of false information and the maintenance of an unrecognised association. On 25 April 2000, he was verbally and physically assaulted by two policemen in charge of the surveillance of his home.

Mr. Mestiri was arrested on 15 December 2000 in Tunis as he was on his way to the Ministry of Health. He was part of a delegation about to submit a petition of 500 signatures against the dismissal of **Dr. Marzouki**⁵, the spokesman of the CNLT.

Mr. Mestiri, **Mr. Mohammed Bechri**, Coordinator of the National Committee for the Defence of Dr. Moncef Marzouki, and **Mrs. Ben Sedrine**, member of the CNLT, were taken aside by policemen and treated with severe brutality. Mr. Mestiri was thrown to the ground and beaten. He was then taken away in a police car, and released an hour later, 35 kilometres away from Tunis. He was badly treated and verbally assaulted all throughout his detention.

Condemnation of Mr. Marzouki⁶

On 30 December 2000, **Mr. Moncef Marzouki**, spokesperson for the CNLT, and former president

⁴ Urgent appeal TUN 004/0012/OBS 129; TUN 004/0012/OBS 129.01

⁵ See hereinafter

⁶ See press release of 30 December 2000



of the LTDH, was sentenced by the Correctional Court of Tunis to eight months in prison for belonging to an illegal association, and four months for the dissemination of false news.

The Observatory, together with the Euro-Mediterranean Network for Human Rights, commissioned an observer for this occasion.

Harassed since 1994 by the Tunisian police and legal system, Dr. Marzouki was accused of various crimes, notably the dissemination of false news, belonging to an illegal association and slandering legal institutions. Dr. Marzouki was indicted, in particular, for writing a paper which he recognized being the author of, for a seminar organized in Morocco, which stigmatised, "a Tunisian State without legitimacy, without credit, acting outside all legal framework". In the same text, he claimed that, "the Tunisian society lived under State terrorism".

First postponed on 16 December, the trial was held on 30 December in the presence of several Tunisian and international observers. Several Embassies were also represented at the hearing. During the seventy minutes of the hearing, Dr. Marzouki and his lawyers asked the President, in vain, to apply articles of the Tunisian Penal Procedure Code on the rights of the defence and the way a hearing should be held (article 69 and 43). Neither the defence, nor Dr. Marzouki, were heard as they wished. They were constantly interrupted by the President, who refused a cross examination and tried to intimidate the lawyers by having their comments only partly recorded. The fact that there was no copy of the text which was the object of the proceedings in the file, and that the President had to send people to look for it somewhere in the Court, was the final touch to this parody of a legal procedure. At 2 p.m., the lawyers and the accused decided to leave the

Court, only able to observe that there had been, "violation of the rights of the Defence, and of the law", and refusing to plead on the substantial part of the case.

Arbitrary detention of Mr. Hosni⁷

In September 2000, **Mr. Hosni**, member of the CNIE, had been summoned before the Examining Magistrate of Kef following the publication on 25 July, day of the "fête de la République", of a declaration in which he criticised the absence of freedom. Mr. Hosni had refused to answer questions in the absence of his lawyers, who had left the room after the judge refused to allow two international observers to attend the hearing. No date was set for a new hearing.

In November 2000, after pleading a case known as "l'affaire des agonisants", Mr Hosni was summoned before the Prosecutor, and issued a summons to appear on 18 December 2000. He was then sentenced to fifteen days in prison for "disregarding an interdiction to exercise (his profession)". The Observatory, jointly with the Euro-Mediterranean Network for Human Rights, had mandated a mission of legal observation for his trial.

Arrested on 21 December, he was detained in the prison of Kef then Gabes.

On 5 January 2001, it was decided that he would be kept in detention for five and a half years; this decision of the authorities revoked the conditional discharge which had been decided in his favour more than four years before.

Arrested in 1994, Mr. Hosni had been sentenced in January 1996, at the end of a trial whose political character had been attested by all the

⁷ See urgent appeals TUN 001/0101/OBS 004; TUN 001/001/OBS 004.01



local and international NGOs, to eight years in prison as well as an interdiction to work as a lawyer for five years. In December 1996, a measure of conditional discharge had been decided in his favour by the Head of State. It is this measure which was called into question in January 2001.

In May 2000, the Council of the Order of Lawyers - the only body legally authorised to decide on the registration on the roll of lawyers - had released a document in which it claimed that Mr. Hosni was on the roll of lawyers.

On 23 January 2001, Mr. Najib Hosni was again sentenced by the Kebili Court to fifteen days in prison "for illegally working as a lawyer", within the framework of another case during which he had pleaded.



Targeting of the LTDH

Legal proceedings against the League⁸

The Tunisian Human Rights League (LTDH)

is the target of a campaign that is putting its very existence in danger.

This campaign started a month after the fifth Congress of the LTDH at the end of which the new leaders of the democratically elected League voiced their will to follow an independent line of action.

On 14 November, a legal action calling into question the conditions of the preparation and the development of the fifth Congress was started by four Congress participants who had not been elected to the Executive Committee.

Their links with the authorities were obvious. The hearing to examine the charges, planned for 9 December before the Correctional Court of Tunis, was first postponed to 25 December, then to 15 January, and finally to 29 January 2001. **Mr. Eric Plouvier**, mandated by the Observatory and by the Euro-Mediterranean Network for Human Rights to be an observer during the trial, was expelled on his arrival at Tunis Airport on 28 January. Another lawyer, **Mrs. Andrea Hopkins**, also mandated by both organisations, was able to attend the hearing. Several diplomatic representatives were present for the verdict on 12 February, including Sweden (as President of the European Union), Great Britain, and the United States. The court pronounced the cancellation of the fifth Congress of the League, and asked the former Executive Committee to convene a new Congress, although this outgoing Committee had very recently reaffirmed the legitimacy of the newly elected people. The League announced its intention to appeal the decision.

At the same time, on 25 November 2000, within the framework of this same case, summary proceedings whose aim was to put the League under legal administration (sequestration) were opened. At the end of the hearing, set on 27 November, it was decided that all activities of the League Executive Committee would be suspended. On the same day, the headquarters of the League were sealed off. On 30 November, the Tunis Civil Court decided to nominate an administrator to manage the League. The appeal hearing that was lodged by the League was postponed from 9 January to 6 February 2001, then to 13, 20 and 27 February.

⁸ See the Observatory annual report 1999; press releases from 12/02/2002, 28/12/2000, 27/11/2000



Harassment of Mr. Ksila

Since his release in September 1999⁹, **Mr. Khemais Ksila**, the new Secretary of the ITDH, has been constantly trailed by policemen on foot or in cars, in particular since 4 December 1999, when the United Nations Special Rapporteur for Freedom of Opinion and Speech visited Tunisia.

On his return from France, where he had participated in the Forum of the fourth Euro-mediterranean Summit (14 to 16 November 2000 in Marseilles), several of his books and documents were confiscated.

Harassment against Mr. Jourchi¹⁰

Mr. Slaheddine Jourchi, the first Vice-President of the ITDH, was summoned by the Public Prosecutor of the Court of First Instance of Tunis on 25 December 2000. He appeared before the Court, and asked to be assisted by his lawyers; his request was denied.

Mr. Jourchi appeared before the examining magistrate on 2 January 2001 and was charged with "dissemination of false news"; on 11 January, he was charged with "non-respect of legal decisions".

There is no doubt that these events are linked to the signature by Mr. Jourchi, as Vice-President, of a press release from the ITDH issued on 11 December 2000. This press release mainly concerned the ITDH solidarity activities at an international, regional, and national level.

⁹ See the Observatory annual report 1999
¹⁰ See press release from 28/12/2000

Harassment against Mr. Trifi

Mr. Mokhtar Trifi, President of the ITDH, was summoned on 23 February 2001 before the Assistant Public Prosecutor of Tunis for the opening of a legal action against him. He appeared with the President of the Tunis section of the Order of Lawyers, and demanded the presence of his lawyers. Faced with the Assistant Public Prosecutor's refusal, Mr. Trifi refused to answer the questions he was asked about the ITDH press release of 12 February 2001 following the legal decision to cancel the ITDH Congress.

Mr. Trifi is to appear before the examining magistrate on 3 April 2001.

Since the fifth Congress of the ITDH, Mr. Trifi has been systematically harassed. Tactics include: cut phone lines, close surveillance, intimidation of his clients, and defamatory press campaigns. The discredit campaign was particularly virulent from December 2000 to February 2001. It also targeted two human rights defenders living in France, **Mr. Khemais Chammari**, forced into exile, and **Mr. Kamel Jendoubi**, President of the Committee for the Respect of Freedoms and Human Rights in Tunisia (CRLDH).



Detention of two members of the RAID¹¹

On 8 April 2000, the following were led to the Grombalia (30 km from Tunis) police station, where they were held custody: **Mr. Fathi**

¹¹ See urgent appeals TUN 002/0004/OBS 024 ; TUN 002/0004/OBS 024.02



Chamki, President of the Gathering for an International Alternative to Development (RAID), Tunisian section of the International Movement ATTAC, and member of CNLT; **Mr. Mohamed Chourabi**, professor and founding member of RAID; and **Mr. Iheb El Hani**, a shopkeeper in whose shop Mr. Chamki had left the CNLT report on public freedoms in Tunisia to be photocopied. The police seized several reports on human rights (a report from the United Nations Committee on Human Rights, a report from CNLT, press articles, etc.). On 10 April, these people were deferred, in the absence of their lawyers, before the examining magistrate, who delivered a committal order against them. They were put in the civil prison of Tunis.

This happened within the framework of the international campaign seeking to get RAID officially recognised. The association had filed its status on 9 September 1999 before the competent authorities, in order to be duly registered, and had received no answer after three months (legal time limit granted by the Home Office to formulate a negative answer). Interpreting this silence to mean acceptance according to the law, the founders of the RAID publicly declared the constitution of the association.

All three of them were charged with "dissemination of false news likely to disturb public order", "defamation of public order", "appeal to violate the country laws", and "belonging to an unrecognised association" according to articles 44, 49, 50 and 51 of the Press Code, and articles 3, 4, 5 and 30 of the law on associations.

During the proceedings, the accused - faced with the examining magistrate's refusal to pass a copy of the seized documents to their lawyers, and more generally the manifest violations of the right to defence - refused to answer any questions.

They were conditionally discharged on 8 May 2000. Their trial was held on 20 and 24 June 2000; the Observatory mandated an observer. The three accused had to answer to charges of, "propagation of false news likely to disturb public order" on the basis of the CLNT report on the state of freedoms, and for the two members of the RAID, maintenance of an unrecognised association. Mr. Chamki was sentenced to one month in prison, and a 100 dinar fine; Mr. Chourabi was sentenced to one month in prison for the maintenance of an unrecognised association. The case against Mr. Hani was dismissed. They appealed the judgement.



Expulsion of international observers¹²

On 11 July 2000, the Tunisian authorities expelled **Mr. Patrick Baudouin**, President of the FIDH, **Mrs. Donatella Rovera**, in charge of the Middle East and North Africa Program within the Amnesty International Secretariat, and **Mrs. Hassina Giraud**, member of the French section of Amnesty International from Tunisian, while they were on a contact mission with human rights defenders.

Mr. Plouvier, mandated by the Observatory and the Euro-Mediterranean Network for Human Rights to observe the trial to examine the charges against the ITDH, was expelled upon arrival at Tunis Airport on 28 January 2001.

¹² See urgent appeal TUN 003/0007/OBS 070



Mrs. Nasraoui still under surveillance¹³

Mrs. Radhia Nasraoui, lawyer and member of the Bar Council of Tunis, has repeatedly been harassed by the legal system and the police. She, along with her family including her daughters, are systematically trailed by the police.

Mrs. Nasraoui, an emblematic member of the Tunisian bar (where she has been defending opinion prisoners for 20 years) is the wife of Mr. Hamma Hammami, leader of the PCOT, who was sentenced in absentia, and forced underground with his companions, Mr. Samir Taamalah and Mr. Abdeljabar El Maddouri.

¹³ See report of the Observatory "Tunisia. Human Rights Defenders on the front line - reports of international missions, of legal observation and of defence following the trials of Messr. Radhia Nasraoui, Abderraouf Chammari and Ali Bedoui", March 2000



Yemen

▶ Pressure on NGOs¹

In a press release published in April 2000 in the local newspapers *14 octobre* and *Al Ayam*, the Ministry of Social Affairs asked 46 organisations and non-governmental organisations, including **the Yemenite Organisation for the Defence of Human Rights and Democratic Freedoms (YODHDF)**, to present their financial and administrative reports, as well as a request for the renewal of their licences, according to law 11/1963.

This 1963 law was adopted by the North Yemen Republic. The Agreement on the Union of Yemen

of 1990 stipulates that the laws passed by the two Yemenite states before the reunification are still valid in the part of the country where they were decreed, until a new law is adopted within the framework of the Union. This is the case of the legislation on associations and NGOs, which is still in preparation. Thus, such a request addressed to associations, like YODHDF created in 1992, based in South Yemen, is in total contradiction with the Agreement on the Union of Yemen.

Because of this request, the activities of independent NGOs are in danger of being suspended.

¹ See urgent appeal YEM 001/0004 OBS 029