

(STANDARD TEXT FOR ALL LEAFLETS)

The right to a fair trial is a basic human right. The international community has developed a wide range of standards to ensure fair trials — to protect people’s rights from the moment they are arrested, while they are in pre-trial detention, when they are being tried, and right through to their final appeal. Breaches of these standards are a major concern for Amnesty International around the world because they represent serious violations of human rights in and of themselves, and because they contribute to a wide range of other human rights violations, including the imprisonment of prisoners of conscience, torture and the use of judicial punishments that amount to torture or to cruel, inhuman or degrading punishment.

As part of the Middle East and North Africa regional campaign for fair trials, Amnesty International has produced a report, *State Injustice: Unfair trials in the Middle East and North Africa* (AI Index: MDE 01/02/98). This gives details of international standards that safeguard and protect human rights. It also documents examples of the violations of these standards which occur in the Middle East and North Africa.

Amnesty International is campaigning on behalf of those who have been tried unfairly in the Middle East and North Africa. JOIN OUR CAMPAIGN.

These appeal cases present the human face and suffering behind unfair trials.

**YOU CAN MAKE A DIFFERENCE : WRITE TO THE AUTHORITIES NOW AND SHOW THAT YOU CARE.**

Please take the opportunity presented by the 50th anniversary of the Universal Declaration of Human Rights in 1998 to urge the governments of the region to ratify and implement all relevant international treaties which guarantee clear safeguards for fair trial.

**ALGERIA  
HUMAN RIGHTS DEFENDER  
ABDUCTED AND CONVICTED**

**Rachid Mesli**

As a human rights lawyer, Rachid Mesli was all too aware of the range of violations of fair trial standards he suffered when he was sentenced in July 1997 to three years’ imprisonment. Just one of the violations was the denial of his right to be tried in public.

His trial took place at the court of Tizi-Ouzou, 100 kilometres east of Algiers. Representatives of international human rights organizations, including Amnesty International, were not allowed to attend. In fact, the trial took place in camera and even his family was not allowed to enter the court. Defence lawyers also complained that the court did not call witnesses requested by the defence.

Both the prosecution and the defence ran their cases on the basis that Rachid Mesli was charged with two offences related to belonging to a “terrorist” group, under Articles 86 and 87 bis 3 of the Penal Code, as stated on the charge sheet. He was acquitted of both these charges. However, the

court found him guilty of having “encouraged terrorism” (under Article 87 bis 4 of the Penal Code), even though this charge had not been brought against him. He was sentenced to three years’ imprisonment. He was therefore convicted of an offence for which he had not been charged, and was not given the chance to defend himself against the charge.

Article 14 of the International Covenant on Civil and Political Rights, to which Algeria is a state party, stipulates that a defendant is entitled to be informed of the charge against him, to have adequate time and facilities for the preparation of his defence, and to examine or have examined the witnesses against him. Moreover, Article 305 of the Algerian Penal Code states that if a court wishes to add a charge to those on which it is deliberating, the hearing must be reopened, and the opportunity given to both the prosecution and defence to present their case.

The court also failed to look into the circumstances of Rachid Mesli’s arrest and secret detention. He was illegally abducted on 31 July 1996 by four armed men in civilian clothes, who it later transpired were members of the security forces. He subsequently “disappeared”. News of his whereabouts only emerged on 10 August, when he was seen appearing before the examining magistrates, apparently with bruises on his right eye and on his hand. He had reportedly been beaten, ill-treated and threatened with death during the first days of his detention in an unacknowledged location. He was then held in pre-trial detention for nearly a year.

Rachid Mesli has been prosecuted simply on the basis of his conscientiously held beliefs and on account of his activities as a human rights lawyer. He should never have been tried, let alone convicted. He is a prisoner of conscience who should be released immediately and unconditionally.

## BACKGROUND

In the past five years up to 80,000 people have been killed in Algeria by security forces and militia groups, and by armed groups which define themselves as “Islamic groups”. Tens of thousands of people have been arrested and thousands have “disappeared” after arrest. The assassination of Youssef Fathallah, President of the Ligue algérienne des droits de l’homme (LADH), Algerian Human Rights League, death threats, as well as imprisonment and harassment of human rights lawyers and activists have been among the factors contributing to curtailing the freedom and work of human rights defenders in Algeria. Human rights lawyers who have defended activists belonging to the Front islamique du salut (FIS), Islamic Salvation Front, and their families have been harassed and some have been imprisoned by the authorities for “terrorist” or “subversive” activities without any evidence to show that they had committed a recognizably criminal offence.

Please send polite letters in Arabic, English, French or your own language:

- \* Express concern that Rachid Mesli was convicted solely for his conscientiously held beliefs and his activities as a human rights lawyer.
- \* Express concern at the grossly unfair trial suffered by Rachid Mesli, during which international fair trial standards were breached, including standards which Algeria is bound to respect as a state party to the International Covenant on Civil and Political Rights.
- \* Call for a full and impartial investigation to be promptly carried out into the abduction of Rachid Mesli, his secret detention and ill-treatment.

Send your communications to:  
M. Liamine Zeroual,  
Président de la République,

El Mouradia, Alger, Algérie.  
 Fax: 213 2 60 96 18  
 Salutation: Monsieur le Président/  
 Dear President

M. Mohamed Adami,  
 Ministre de la Justice,  
 Ministère de la Justice,  
 8 Place Bir Hakem,  
 El-Biar, Alger, Algérie.  
 Fax: 213 2 922 560  
 Salutation: Monsieur le Ministre/  
 Dear Minister

Please send a copy of your letters to the diplomatic representative of Algeria in your country.

BAHRAIN

LOCKED UP  
 FOR USING THE INTERNET—  
 NO CHARGE, NO TRIAL

Sayyid Jalal Sayyid ‘Alawi Sayyid Sharaf

Sayyid Jalal Sayyid ‘Alawi Sayyid Sharaf was arrested at his home in al-Duraz in a dawn raid on 6 March 1997. He was arrested by security forces and held incommunicado at al-Qal’a compound in al-Manama. He was reportedly severely beaten, tortured and kept shackled by the wrists. He is said to be detained in al-Hawd al-Jaf detention centre on al-Muharraq Island and has been allowed family visits.

At the time of his arrest his home was searched and documents and computer equipment were seized. No official reasons were given for his arrest, but reports indicated that he was suspected by the authorities of transmitting information about the internal political situation in Bahrain to people abroad through the Internet. He has had no access to a lawyer. Sayyid Jalal Sayyid ‘Alawi Sayyid Sharaf, aged about 29 and single, is a telecommunications engineer and a graduate of Cardiff University in the United Kingdom. He is an employee of Bahrain’s National Telephone Company (Batelco).

Amnesty International recognizes the right of every government to bring to justice anyone who has committed a recognizably criminal offence. However, it believes that no circumstance justifies denying people their right to a prompt, fair and public trial in accordance with international standards. This right has been denied to Sayyid Jalal Sayyid ‘Alawi Sayyid Sharaf.

In addition, Sayyid Jalal Sayyid ‘Alawi Sayyid Sharaf may have been arrested solely for the peaceful expression of his conscientiously held beliefs, in which case Amnesty International would consider him to be a prisoner of conscience who should be immediately and unconditionally released.

## BACKGROUND

The human rights situation in Bahrain has remained serious since the outbreak of mass protests in December 1994 calling for the restoration of the National Assembly. Amnesty International estimates that between 1,000 and 1,500 political prisoners and detainees are currently being held, the majority without charge or trial. Torture and ill-treatment continue. Since March 1996, more than 200 people have been convicted after unfair trials before the State Security Court, three of whom were sentenced to death.

The Bahraini authorities continue to take steps to prevent the dissemination of information abroad about the internal situation in the country, including about human rights violations. For example, a number of lawyers acting on behalf of defendants brought before the State Security Court in March 1997 were summoned by government officials and given warnings after speaking to foreign journalists. There are also increasing reports that some individuals who have access to the Internet either at home or in their workplace are being monitored, and that those suspected of disseminating information as described above are then arrested and their computer equipment seized. The Internet was introduced to Bahrain in 1995 through Batelco.

Please write polite letters in Arabic, English or your own language:

- \* Express concern that Sayyid Jalal Sayyid ‘Alawi Sayyid Sharaf continues to be held in detention without charge or trial.
- \* Express concern at reports of the torture of Sayyid Jalal Sayyid ‘Alawi Sayyid Sharaf and urge that a prompt, thorough and impartial investigation is initiated into the allegations of torture, that the findings are made public and those found responsible are brought to justice.
- \* Express concern that Sayyid Jalal Sayyid ‘Alawi Sayyid Sharaf was held in prolonged incommunicado detention in violation of international human rights standards.
- \* Seek assurances that Sayyid Jalal Sayyid ‘Alawi Sayyid Sharaf is being treated humanely and urge that he be allowed access to a lawyer, and an independent doctor if necessary.
- \* Seek clarification of the reasons for his arrest and call for his immediate release if he is not promptly charged with a recognizably criminal offence and given a fair trial in accordance with international standards.

Send your communications to:

His Highness Shaikh ‘Issa Bin Salman Al Khalifa, Office of His Highness the Amir, PO Box 555, The Amiri Court, Rifa’a Palace, Bahrain.

Telexes: 8666 Qasar BN; 8500 Qasar BN

Telegrams: His Highness the Amir,  
al-Manama, Bahrain

Faxes: 973 668884

Salutation: Your Highness

His Excellency Shaikh Muhammad Bin Khalifa Al Khalifa,  
Minister of the Interior, PO Box 13, al-Manama, Bahrain.

Telexes: 9572 PSMKT BN or 8333 ALAMAN BN

Telegrams: Minister of Interior, al-Manama, Bahrain

Faxes: 973 276765 or 290526

Salutation: Your Excellency

Please send a copy of your letters to the diplomatic representative of Bahrain in your country.

## EGYPT

## MILITARY INJUSTICE: PRISONERS OF CONSCIENCE CONDEMNED TO FIVE YEARS' HARD LABOUR

Dr Issam al-'Iryan, Dr 'Abd al-Mun'im Abu al-Futuh,  
 Mohammad al-Sayyid Ahmad Habib,  
 Mohammad Khairat al-Shatir, al-Sayyid Mahmoud 'Izzat Ibrahim 'Issa

Dr 'Issam al-'Iryan, the Deputy Secretary General of the Egyptian Medical Syndicate, Dr 'Abd al-Mun'im Abu al-Futuh, the Deputy Secretary General of the Arab Medical Union, Mohammad al-Sayyid Ahmad Habib, a lecturer at Asyut University, Mohammad Khairat al-Shatir, an engineer, and al-Sayyid Mahmoud 'Izzat Ibrahim 'Issa, a medical doctor and lecturer at Zaqaziq University Faculty of Medicine, were among scores of alleged members of the Muslim Brothers organization who were arrested in January, July and October 1995. Two special presidential decrees were issued on 28 August and 15 October that year referring the cases to the military judiciary. The defendants were then tried in two separate cases by the Supreme Military Court, situated in the military barracks of Heikstep, northeast of Cairo. This was the first time in decades that members or alleged members of the Muslim Brothers had been tried by a military court.

The verdict in both cases was given on 23 November 1995. Fifty-four defendants were sentenced to up to five years' imprisonment with hard labour, including one in absentia: the five leading members of the Muslim Brothers were sentenced to five years' imprisonment with hard labour; 40 received three years' imprisonment with hard labour; and nine received three years in jail.

Twenty-seven others were acquitted.

Charges against the defendants included "membership of a banned organization, plotting to change the present regime through the infiltration of vital institutions with a view to setting up an Islamic state and possession of anti-government literature". However, it was widely believed that the real reason for their arrest, detention and subsequent conviction was that some of them were planning to stand as independent candidates for the parliamentary elections held in November and December 1995. Amnesty International delegates attended sessions of both trials. They met the defendants, their lawyers and members of the court, including its president who told the delegates that the defendants did not use or advocate violence.

The defence lawyers in both trials withdrew after only a few sessions in protest at the politically motivated charges and because the court refused to allow them to cross-examine the only prosecution witness or obtain a complete list of the prosecution's evidence. The military court appointed new defence lawyers, all of whom were former military judges or personnel and with whom the defendants refused to cooperate.

The prosecution's case was based solely on the testimony of an officer from the State Security Investigations (SSI) Department involved in the arrest of the defendants, and written memoranda prepared by other SSI officers. A video tape and two audio cassettes were also used as evidence, recorded at the Muslim Brothers' Cairo headquarters on 19 January 1995. The prosecution alleged that these tapes revealed the defendants holding a "secret meeting" to revive the Muslim Brothers and to elect a maglis al-shura (consultative council). However, the video tape reportedly only showed Dr 'Issam al-'Iryan and another person entering the organization's headquarters, and the audio cassettes held only general discussion concerning the parliamentary elections.

## BACKGROUND

At least 58 prisoners of conscience are currently serving prison terms of up to five years. Thousands of political detainees, almost all of them members, suspected members and sympathizers of armed Islamist groups, have been held without charge or trial, some for as long as seven years. Hundreds of people tried and acquitted by military and (Emergency) Supreme State Security Courts continue to be held in prisons across the country. Since October 1992, when President Hosni Mubarak started issuing special decrees referring civilian cases to military courts, 83 people charged with "terrorist" offences have been sentenced to death by these courts and 58 executions have been carried out. Proceedings before these courts are grossly unfair. Torture continues to be used systematically against detainees. Dozens of people have died in custody in the past few years, some as a result of torture.

Please write polite letters in Arabic, English or your own language:

\* Urge that all prisoners of conscience, including Dr 'Issam al-'Iryan, Dr 'Abd al-Mun'im Abu al-Futuh, Mohammad al-Sayyid Ahmad Habib, Mohammad Khairat al-Shatir and al-Sayyid Mahmoud 'Izzat Ibrahim 'Issa, be released immediately and unconditionally.

\* Express concern at the lack of fair trial safeguards during hearings before military courts.

Send your communications to:

His Excellency Mohammad Hosni Mubarak  
 President of the Arab Republic of Egypt  
 'Abedine Palace, Cairo, Egypt  
 Telegrams: President Mubarak, Cairo, Egypt  
 Telexes: 93794 WAZRA UN  
 Salutation: Your Excellency

Field Marshal Mohammad Hussein Tantawi Sulayman  
 Minister of Defence and Military Production  
 Ministry of Defence  
 23 July Street  
 Kobry-al-Qobba  
 Cairo, Egypt  
 Telegrams: Ministry of Defence, Cairo, Egypt  
 Telexes: 92220 kharg un  
 Salutation: Dear Minister

Please send a copy of your letters to the diplomatic representative of Egypt in your country.

IRAN

WHERE YOUR RELIGIOUS BELIEFS CAN GET YOU A DEATH SENTENCE

Musa Talibi

Musa Talibi was arrested, tried and sentenced to death apparently because of his religious beliefs. He is a prisoner of conscience whose execution may happen at any time. Musa Talibi is a Baha'i, a religious minority that is not recognized in Iran, and has been a leader of the community there. He was detained in June 1994 in Esfahan and in October that year he was sentenced to 10 years' imprisonment on charges of acting against the internal security of the

Islamic Republic of Iran and “attracting individuals to the misguided sect of Baha’ism, including two [nieces]”. This sentence was later confirmed. Following an appeal, he was retried in February 1995 and his prison sentence was reportedly reduced to 18 months from the date of his arrest. In September 1997 he was reported to have been moved to Evin Prison.

The prosecution reportedly objected to the lighter sentence, apparently on the grounds that Musa Talibi was an apostate and that this had not been taken into consideration during the appeal. This apparently related to the fact that Musa Talibi had stated during an earlier detention in 1981 to 1982 that he had converted to Islam, but since his release had continued to practice the Baha’i faith. At a new trial in July 1996, Musa Talibi was sentenced to death. His lawyer appealed, but was informed verbally that the death sentence had been confirmed. Although reports indicated that Musa Talibi had been convicted of apostasy, the Iranian news agency IRNA stated in February 1997 that he had been convicted of espionage. However, reports suggest that the sole charge on which the verdict that led to his death sentence is based is apostasy. It appears that Musa Talibi is being held under the threat of execution solely for his religious views.

Apostasy is not a crime under the Iranian Penal Code, although people who convert to Islam from other religions and then reconvert can face trial and execution under non-codified Islamic law.

Men born Muslims who convert to another faith may also face execution: women face life imprisonment. The Iranian authorities deny that Baha’is follow any recognized religion, and treat them with hostility and suspicion, often accusing them without foundation of espionage. Many have been executed and others have suffered systematic harassment and persecution.

Article 18 of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party, proclaims the right to hold or adopt the religion of one’s choice. The Human Rights Committee, which interprets and monitors implementation of the ICCPR, has stated that this article includes the right to replace one’s current religion with another, and bars coercion that would impair this right, including the threat of physical force or penal sanctions.

The detention of prisoners of conscience is facilitated in Iran by the grossly unfair trials faced by those viewed as opponents of the government. The trials, usually held before Islamic Revolutionary Courts, are often held in secret. Many defendants say they were tortured to force them to confess and often say that at no stage in the legal proceedings were they allowed contact with lawyers. In many cases, defendants are charged with espionage or with vaguely-worded charges such as being “at enmity with God” or “corrupt on earth”, which often appear to be accusations designed solely to silence critics of the government.

The death sentence against Musa Talibi should be lifted and he should be immediately and unconditionally released.

## BACKGROUND

Serious human rights violations have continued to take place in Iran against many people, including lawyers, writers, journalists, a broad range of political opposition from members of left-wing groups to monarchists, as well as ethnic and religious minorities. There has also been a pattern of human rights violations against Shi’a religious leaders and their followers opposed to the government, particularly since 1995. In recent years, a number of people, both inside and outside the country, have been killed in circumstances suggesting that they may have been extrajudicially executed by agents of the Iranian Government. Critics of the government face imprisonment after unfair trial before special courts, as well as torture and execution. Political prisoners may be held without charge or trial in circumstances that are shrouded in secrecy. This secrecy is exacerbated by the refusal of the Iranian authorities to allow independent human rights monitors unhindered access to the country. Amnesty International has not been permitted to visit Iran for fact-finding, trial observation or government talks since 1979.

More than 200 Baha'is in Iran have been executed, most during the 1980s, apparently because of their religious beliefs. Others currently on death row on account of their religious beliefs or activities are Dhabihullah Mahrami, Kayvan Khalajabadi and Bihnam Mithaqi.

Please write polite letters in English, French or your own language:

- \* Urge the authorities to lift the death sentence against Musa Talibi.
- \* Call on the authorities to release Musa Talibi immediately and unconditionally as he is a prisoner of conscience.
- \* Ask the authorities to ensure that no one in the future is punished solely for the peaceful expression of their religious beliefs, including by reviewing relevant legislation.

Send your communications to:

His Excellency Ayatollah Sayed 'Ali Khamenei,  
Leader of the Islamic Republic of Iran,  
c/o The Presidency,  
Palestine Avenue,  
Azerbaijan Intersection,  
Tehran, Islamic Republic of Iran.  
Salutation: Your Excellency

His Excellency Hojjatoleslam val Moslemin Sayed Mohammad Khatami,  
President,  
The Presidency,  
Palestine Avenue,  
Azerbaijan Intersection,  
Tehran, Islamic Republic of Iran.  
Salutation: Your Excellency

Please send a copy of your letters to the diplomatic representative of Iran in your country.

## IRAQ 'DISAPPEARED' IN CUSTODY

Al-Sayyid 'Izzidin 'Ali Bahr al-'Ulum

Al-Sayyid 'Izzidin 'Ali Bahr al-'Ulum, a religious scholar who is married with five children, was arrested by Iraqi government forces in March 1991 in al-Najaf. He was among 108 Shi'a Muslim clerics and theology students and others who were detained in the days following the arrest of the Grand Ayatollah Abu al-Qassem al-Kho'i, Shi'a Islam's most senior cleric in Iraq. Numerous people witnessed the arrests, including that of Al-Sayyid 'Izzidin 'Ali Bahr al-'Ulum, which took place against a background of mass uprisings in the north and south of Iraq following the end of the Gulf War. Two of those detained were later released, but the fate and whereabouts of the other 106 remain unknown. They have "disappeared".

The risk of "disappearance" is greatly increased when security or police forces are allowed to detain people outside any judicial process and deny them access to the outside world. Such is the



case in Iraq, where hundreds of thousands of people have “disappeared” after arrest over the years.

In October 1992 the Iraqi Government wrote to the UN Special Rapporteur on Iraq, denying all knowledge of the 106 detainees. It stated:

“After a careful investigation, the competent authorities have ascertained that the persons named... are not currently in Iraq and were probably either killed during the disturbances or fled to Iran, Saudi Arabia or other states...”

A year later the Iraqi authorities wrote to Amnesty International, again indicating that the “disappeared” scholars had either been killed during the uprisings or had fled abroad.

However, there is no evidence to suggest that either explanation applied to Al-Sayyid ‘Izzidin ‘Ali Bahr al-’Ulum and the other clerics and theology students. In fact, it is well established that they were arrested and it is believed they were held in incommunicado detention at undisclosed locations. It is feared that some of them may have been executed.

## BACKGROUND

Gross human rights violations continue on a massive scale in Iraq and include arbitrary arrest, incommunicado detention, widespread use of torture, “disappearance” and execution. Among the victims are suspected political opponents, army and security officers, members of opposition groups as well as their relatives. The death penalty is imposed for a wide range of criminal and political offences, and its scope has been expanded since the end of the 1990 to 1991 Gulf War. Every year hundreds of executions are carried out.

Over the years hundreds of thousands of people have “disappeared” and their fate and whereabouts remain unknown. The majority of those targeted were Kurds and Shi’a Muslims. There is no independent judiciary or independent Bar Association in Iraq. Although the Iraqi Constitution stipulates that the judiciary is independent and subject only to the authority of the law (Article 63a), the organization and administration of the judicial process are in fact subject to the control of the Revolutionary Command Council (RCC), Iraq’s highest executive body, which is invested with power to promulgate laws and decrees. Trials of political detainees are held in camera using procedures which do not meet internationally recognized standards for fair trial. In political cases, defendants have no access to defence counsel and appear before special ad hoc security courts, headed by a military or security officer.

Please write polite letters in Arabic, English or your own language:

\* Ask for clarification about the fate and whereabouts of Al-Sayyid ‘Izzidin ‘Ali Bahr al-’Ulum and the other 105 clerics and theology students and aides to the Grand Ayatollah Abu al-Qassem al-Kho’i who have “disappeared”.

\* Call for arrest and pre-trial procedures to be brought into line with international standards.

Send your communications to:

His Excellency President Saddam Hussain,  
President of the Republic, Presidential Palace, Karadat Mariam, Baghdad, Iraq.  
Telexes: 212299 alqasr ik  
Telegrams: President Hussain, Baghdad, Iraq  
Salutation: Your Excellency

His Excellency Muhammad Zammam ‘Abd al-Razzaq,

Minister of the Interior, Ministry of the Interior, Baghdad, Iraq.  
 Telegrams: Interior Minister, Baghdad, Iraq  
 Salutation: Your Excellency

Please send a copy of your letters to the diplomatic representative of Iraq in your country.

ISRAEL  
 AND THE OCCUPIED TERRITORIES

ADMINISTRATIVELY DETAINED — NO CHARGE, NO TRIAL

Ahmad Qatamesh

Ahmad Qatamesh was placed in administrative detention in October 1993 after a judge ordered his release on bail from prison due to lack of evidence against him. He has remained in prison since then, one of thousands of victims of a system of administrative detention used by the Israeli authorities to detain people without charge or trial.

“If one of us has committed a crime there is a way to punish him by presenting him to the court. But to detain someone without any specific charge and without trial, and to punish him on the basis of suspicion, this kind of treatment needs to be exposed”, says Ahmad Qatamesh in a letter about administrative detention.

Ahmad Sulayman Musa Qatamesh from Ramallah was arrested on 1 September 1992. After his arrest he was reportedly tortured and ill-treated. He was formally charged on 22 November 1992 on four counts: providing services for an illegal organization; possession of hostile material; refusal to give fingerprints; and forgery of documents issued by the military authorities (an ID card). In the first trial session on 3 December 1992 the prosecution stated that an administrative detention order had been issued against Ahmad Qatamesh and was pending in his file until the outcome of the trial. His trial was repeatedly postponed. At a trial session on 14 October 1993 the judge ordered that Ahmad Qatamesh be released on bail arguing that the prosecutor had failed to provide evidence against him to justify his continued detention. The prosecution appealed and was given 72 hours to present evidence against him. The decision to release him on bail was then confirmed on 20 October 1993. That same day, the Israeli military authorities placed Ahmad Qatamesh under administrative detention for six months.

Ahmad Qatamesh has stated that the general prosecutor offered to release him if he publicly supported the Middle East peace process, but said that if he opposed the talks he would stay in jail until after the self-rule arrangements were implemented. Apparently the file on the original charges against him is now closed.

Ahmad Qatamesh’s administrative detention order has been continually renewed since October 1993. His appeals against the administrative detention orders have been unsuccessful. The Israeli High Court has also turned down two appeals against the illegal use of administrative detention in his case.

Ahmad Qatamesh is a possible prisoner of conscience and should be released immediately if he is not to be charged with a recognizably criminal offence and promptly tried in a proper court of law in accordance with internationally accepted standards for fair trial.

The case of Ahmad Qatamesh graphically highlights how the Israeli authorities have used administrative detention to hold people, including prisoners of conscience and possible prisoners

of conscience, without charge or trial and as a way of circumventing the safeguards of ordinary criminal justice.

## BACKGROUND

Since Israel occupied the West Bank and the Gaza Strip in 1967, thousands of Palestinians from these areas have been held under administrative detention orders. In practice, this means that detainees spend months and sometimes years in prison without being charged or tried and without even knowing the reasons for their detention.

In the West Bank and Gaza Strip, the use of administrative detention is regulated by military orders, issued by Israeli military officials. Military commanders for the West Bank or the Gaza Strip can order any person to be placed in administrative detention for up to six months. These orders can be renewed indefinitely. A number of Palestinians currently serving administrative detention orders have been held for several years.

Administrative detainees have the right to appeal against each detention order to a military court and, if unsuccessful, to the Israeli High Court. They have the right to be represented by their lawyer at the appeal. However, in almost all cases, neither the detainee nor his/her lawyer is informed in detail of the evidence against him/her, because the military court routinely refuses access to this information on security grounds. This makes it almost impossible to mount an effective challenge against the order.

Although the overwhelming majority of people held in this way have been Palestinians from the West Bank and Gaza Strip, administrative detention has been used against a small number of Jewish Israelis. They are normally held under Israeli law, which differs little from the Israeli military orders described above. Detainees from Lebanon are also held in Israel under administrative detention, some after the expiry of prison sentences imposed by Israeli military courts.

Israel's use of administrative detention has attracted widespread criticism from local and international organizations, including Amnesty International, as a violation of fundamental human rights.

Please send polite letters in Hebrew, English or your own language:

\* Call for the cancellation of Ahmad Qatamesh's administrative detention order and his immediate and unconditional release unless he is given a prompt and fair trial.

\* Call for the end of the use of administrative detention in view of the pattern of its misuse in Israel and the Occupied Territories.

Send your communications to:

Binyamin Netanyahu, Prime Minister, Office of the Prime Minister,  
3 Kaplan Street, Hakiryia, Jerusalem 91007, Israel  
Fax: +972 2 566 4838  
Salutation: Dear Prime Minister

Yitzhak Mordechai,  
Minister of Defence,  
Ministry of Defence,  
7 "A" Street, Hakiryia, Tel Aviv, Israel  
Fax: +972 3 697 6218  
Salutation: Dear Minister

Please send a copy of your letters to the diplomatic representative of Israel in your country.

## KUWAIT

### ONE-HOUR TRIAL — 10 YEARS IN PRISON

Fatima Ramez Tafla

Fatima Ramez Tafla, 32 years old, was reported to the authorities by her father-in-law and ended up facing a grossly unfair trial before the Martial Law Court in Kuwait. She was sentenced to death for “collaboration with Iraqi forces during the occupation of Kuwait” and “deliberately assisting the Iraqi enemy by indicating that her husband was a member of the Kuwaiti resistance”. The sentence was later commuted to a term of imprisonment. At no stage has she been allowed to exercise her fundamental right to appeal against conviction and sentence.

Fatima Tafla is Lebanese although she has lived in Kuwait since she was a baby. Her husband was executed in September 1990 by Iraqi forces occupying Kuwait. After the withdrawal of Iraqi troops, she decided to leave Kuwait with her young son Hamed to go and live with her family in Lebanon. As she was preparing to go, her father-in-law brought the case against her.

She was questioned by the Deputy Attorney General and strenuously denied the accusation against her. She was released, but was referred to the Martial Law Court on fresh charges.

Her trial, which Fatima Tafla says lasted only one hour, took place in June 1991. The death sentence passed by the Martial Law Court three days later was subsequently reviewed by a committee of three Counsellors appointed by the Martial Law Governor. The committee unanimously agreed that Fatima Tafla’s sentence had no legal grounds as there was no substantial evidence against her. They recommended that her sentence be suspended. However, the Martial Law Governor ordered that she should be sentenced to 10 years’ imprisonment, which she is currently serving in Kuwait Central Prison. She has not been allowed to see her son, who is being cared for by her mother-in-law.

All trials held before the Martial Law Court, which operated between February 1991 and June 1991, failed to meet international fair trial standards. The court was neither impartial nor independent. Its creation ran counter to the presumption in international law against the creation of special tribunals which do not use duly established legal procedures in order to displace the jurisdiction of the ordinary courts. The court also considered charges which were based on vague legal provisions. Defendants were not informed at the time of their arrest of the charges against them or of their rights, and they were denied family visits. Their lawyers were often not allowed to see their clients and were denied access to files and documents needed to prepare the defence. In many cases, the Martial Law Court’s failure to issue judgments or explanations of its decisions made it impossible to determine to what extent the court had relied on “secret sources”, hearsay evidence, and evidence that was kept hidden from the defence.

Crucially, people such as Fatima Tafla who were convicted by the Martial Law Court are still being denied their fundamental right to appeal against their conviction to a higher court offering all guarantees of independence and impartiality. As a minimum, Fatima Tafla should be granted this right.

## BACKGROUND

Since the end of the Iraqi occupation in February 1991, Kuwait has embarked on a series of political and human rights reforms and has taken steps towards the ratification of several international human rights treaties. However, the government has failed to address many human rights violations relating to the period of Martial Law immediately after the occupation. These include the detention of prisoners of conscience; torture and ill-treatment; unresolved extrajudicial executions and “disappearances”; manifestly unfair trials; and the increased scope of the death penalty.

Although the human rights situation has now improved considerably, the fundamental rights, usually of foreign nationals and stateless people, continue to be violated.

Send polite letters in Arabic, English or your own language:

\* Express concern that Fatima Tafla is still serving a sentence imposed by a court that failed to meet international fair trial standards and has since been abolished.

\* Call for a review of the case of Fatima Tafla and the cases of all those convicted by the Martial Law Court and by the State Security Court (another special court that was abolished in September 1995). The review should be carried out by an independent and impartial body in accordance with the relevant provisions of international standards.

Send your communications to:

His Highness Shaikh Jaber al-Ahmad al-Sabah,  
Amir of the State of Kuwait,  
Al-Diwan al-Amiri, Al-Safat,  
Kuwait City, Kuwait.  
Faxes: 965 539 6434  
Telegrams: Amir, Kuwait City, Kuwait  
Salutation: Your Highness

His Excellency Shaikh Mohammad Khaled Al Sabah,  
Minister of Interior,  
Ministry of Interior,  
PO Box 11,  
Al-Safat 13002,  
Kuwait City, Kuwait.  
Faxes: 965 243 3317  
Telegrams: Interior Minister, Kuwait City, Kuwait  
Salutation: Your Excellency

Please send a copy of your letters to the diplomatic representative of Kuwait in your country.

LEBANON  
TORTURE, ‘CONFESSION’,  
CONVICTION

Hanan Yassin

Hanan Yassin was terrified. She was in prison, accused of murder, and was being tortured. She was reportedly raped. She was told she would be imprisoned for life. Her interrogators also made threats against her family. So she confessed and ended up signing papers she had not even read. On the strength of her “confession”, she was convicted in June 1995 of being involved in the killing of three people in an explosion in Beirut in December 1994. She was sentenced to 15 years in prison.

Hanan Yassin was tried in a military court even though she is a civilian. At the same time her husband, Ahmad al-Hallaq, was tried in absentia and sentenced to death along with another defendant. Three others were given prison terms ranging from three years to life. The court relied entirely on her statement and that of another defendant who also said that he had been tortured. Both had been interrogated at the Ministry of Defence building even though at the time it was not a legal place of detention.

Hanan Yassin’s lawyer argued in court that her confession was invalid as it had been made under extreme pressure. The judge did not think it appropriate to order a medical examination of Hanan Yassin, despite her allegations. In April 1997 Hanan Yassin’s appeal was heard by the Military Court of Appeal. As a result, her sentence was changed to 12 years’ imprisonment with hard labour.

Military courts in Lebanon do not offer sufficient guarantees for a fair trial. They are under the jurisdiction of the Ministry of Defence, which threatens their impartiality. They frequently try civilians, even though Lebanese law does not give military courts jurisdiction over civilians. Most of those who preside over the courts are regular army officers without adequate legal training, and they are appointed by the Ministry of Defence.

The Human Rights Committee expressed its concern about the scope and procedures of Lebanon’s military courts in April 1997. It called on Lebanon to review the jurisdiction of the courts and to transfer the competence of military courts in cases concerning civilians to the ordinary courts. It also expressed its concern about the independence and impartiality of the courts, referring in particular to the procedures governing the appointment of judges. Moreover, it called on Lebanon to investigate credible allegations of torture and ill-treatment which had been brought to its attention.

Confessions found to be the product of torture or cruel, inhuman or degrading treatment should not be admitted as evidence by any court. Yet Hanan Yassin was convicted on the basis of such a confession — and by a military court that lacks impartiality and independence. She should therefore be offered a new and fair trial which offers all guarantees provided by international standards.

## BACKGROUND

Lebanon has traditionally had a record of respect for human rights and the rule of law. Guarantees for the protection of human rights, including the right to freedom of expression, association and assembly are enshrined in the Lebanese Constitution enacted in 1926.

The Lebanese Constitution and law guarantee the principle of fair trial and the independence of the judiciary. Despite this, there have been serious breaches of fair trial standards. Such violations have been particularly evident in trials carried out by the Justice Council and the Military Court. The 15-year civil war which ended in 1990 had a far-reaching effect on the country’s judicial system and other law enforcement institutions, and led to massive violations of human rights by warring factions.

After the end of the civil war the Lebanese authorities took serious steps to establish the rule of law and to bring the judicial system back to normality. This has met with partial success, but there are still serious concerns as far as the administration of justice and the rule of law are concerned.

Since the end of the war other human rights violations have occurred in Lebanon. These include arbitrary arrest and detention of government opponents, allegations of torture and ill-treatment (including deaths in custody) which were not adequately investigated, and the expansion of the scope of the death penalty.

In February 1996 Hanan Yassin's husband, Ahmad al-Hallaq, was apprehended by the Lebanese authorities. In July that year he was retried and sentenced to death. In September 1996 he was executed.

Please send polite letters in Arabic, English, French or your own language:

\* Call for an immediate, thorough and independent investigation into the allegations that Hanan Yassin was tortured during interrogation, and that her confession, extracted under torture, formed the basis of her conviction.

\* Request that Hanan Yassin be offered an independent and judicial review or a retrial in accordance with international standards in a civilian court as her original trial was grossly unfair.

\* Call for the end of the use of military courts for trials involving civilians given the highly unfair nature of such courts in practice.

Send your communications to:

His Excellency Rafiq al-Hariri,  
Prime Minister,  
Officer of the Prime Minister,  
Grand Sérial,  
Rue des Arts et des Métiers,  
Sanayeh, Beirut, Lebanon  
Salutation: Your Excellency

His Excellency Bahij Tabbara,  
Minister of Justice, Ministry of Justice,  
Rue Sami Solh, Beirut, Lebanon.  
Salutation: Your Excellency  
Fax: +96 11 422-957

Please send a copy of your letters to the diplomatic representative of Lebanon in your country.

LIBYA

FROM ACQUITTAL TO LIFE IMPRISONMENT

al-Fitouri family

Three members of the al-Fitouri family are serving life imprisonment following a retrial on charges of which they had previously been acquitted. They are imprisoned not only because they have been denied the right not to be retried for the same offence, but also because other rights under international fair trial standards were grossly violated at every stage of the retrial proceedings.

On 16 October 1990 Fakhri Younis 'Issa al-Fitouri, a 43-year-old director of a children's hospital in Benghazi, was arrested along with his wife and young children, his mother, three of his brothers and their wives, and his father, Younis 'Issa al-Fitouri, aged 68. A fourth brother, Ahmad, was arrested three days later. They were among scores of people arrested on suspicion of attempting to overthrow the government and of propagating subversive ideas. The arrests were reportedly carried out on the basis of taped telephone conversations that Fakhri al-Fitouri had had with a leading opposition figure in exile. Some of those detained, particularly the women and children of the al-Fitouri family, were released after a short period in detention without trial, but 52 of the detainees were reportedly held incommunicado in the headquarters of the Hay'at Amn al-Jamahiriyah, Jamahiriyah Security Institution, where some of them were alleged to have been tortured during interrogation. Reported torture methods used included electric shocks to different parts of the body, threats of execution, and threats of being attacked by dogs.

On 19 January 1991 52 detainees were brought before the People's Court in Benghazi. During the first session, the court appointed nine lawyers to defend them. At a second session held the following month, defendants reportedly heard people outside the court chanting slogans and calling for the execution of the defendants because they were "stray dogs" and "anti-revolutionary" elements, referring to public statements by Libyan leader, Colonel al-Gaddafi. However, at the end of the third session on 13 March the court acquitted all the defendants because of lack of evidence. They were immediately released.

A few days later, many of the 52 defendants were rearrested, reportedly after the Public Prosecution had lodged an appeal against the acquittal verdict. Among them were Fakhri al-Fitouri and the other male members of his immediate family. They remained held despite appeals from their lawyers that the detentions were unlawful and that their clients should be free while the appeal was being examined.

On 15 May 1991 the appeal division within the People's Court in Benghazi sentenced 22 people to life imprisonment after a hearing that lasted less than one hour. Fakhri al-Fitouri, his brother 'Omran, and his father Younis were among those sentenced. In addition, three of his brothers were given varying prison sentences, but have since been released.

According to reports, the only witness brought by the court was one of the defendants, who stated that those subsequently sentenced had indeed been in contact with Libyan opposition members. He was then acquitted and released. The prosecution also apparently relied on video-taped confessions, said to have been made during interrogation following torture. The tapes were reportedly never shown to the defence lawyers. Moreover, Fakhri al-Fitouri was apparently told to "shut up" when he tried to tell the court that he had been tortured.

The defendants' lawyers lodged an appeal before the Supreme Court against the verdict on the basis of the gross irregularities during the trial. In mid-1996, however, the court reportedly rejected the appeal and confirmed the sentences.

Many international standards were violated during these procedures. Crucially, the "appeal" brought by the prosecution was effectively a retrial for the same offence following final acquittal, which is forbidden by Article 14(7) of the International Covenant on Civil and Political Rights, to which Libya is a state party.

## BACKGROUND

Hundreds of people have been arbitrarily arrested, without any judicial warrant and without being told of the reasons for their arrest. Most have been held incommunicado in the first months of detention during which they have been routinely tortured. Scores of political detainees have been held without charge or trial, some for at least 15 years. Trials of other political prisoners have consistently fallen short of international fair trial standards. The practice of "disappearance" and



extrajudicial execution continues to be used to silence government opponents. Several detainees have died in custody in the past few years reportedly as a result of torture and ill-treatment and harsh prison conditions, including lack of medical care, poor hygiene and overcrowded cells. Most of them had been held for a number of years without charge or trial.

Please write polite letters in Arabic, English or your own language:

- \* Express concern that members of the al-Fitouri family appear to have been retried for the same offence after they had been acquitted.
- \* Express concern that members of the al-Fitouri family were sentenced to long terms of imprisonment after unfair trials.
- \* Call on the authorities to initiate an investigation into allegations of torture made by members of the al-Fitouri family.

Send your communications to:

His Excellency Mu' ammar al-Gaddafi,  
 Leader of the Revolution,  
 Officer of the Leader of the Revolution,  
 Tripoli, Great Socialist People's Libyan Arab Jamahiriya.  
 Telegrams: Col. al-Gaddafi, Tripoli, Libya  
 Telex: 70 0901 20162 ALKHASU LY  
 Salutation: Your Excellency

His Excellency 'Umar Mustafa al-Muntasir,  
 Secretary of the People's Committee for Foreign Liaison and International Cooperation, Tripoli,  
 Great Socialist People's Libyan Arab Jamahiriya.  
 Telegrams: Excellency al-Muntasir, Foreign Liaison Bureau, Tripoli, Libya  
 Salutation: Your Excellency

Please send a copy of your letters to the diplomatic representative of Libya in your country.

MOROCCO

IMPRISONED IN HIS OWN HOME

Abdesalam Yassine

Abdesalam Yassine has been under house arrest in Morocco for more than seven years. No one has told him why. Neither he nor his lawyer has been shown an order permitting his detention, nor have they been informed of the offence he is supposed to have committed. He is a prisoner of conscience in his own home.

Abdesalam Yassine is the spiritual leader of an Islamic group formed in the 1970s. The following decade he tried to establish the group as a political organization — al-Adl w'al'Ihsan (Justice and Charity) — but the authorities refused him permission. He then sought and was reportedly granted authorization for the group to operate as an Islamic charitable association. According to an

interview he gave to the foreign media, al-Adl w'al'Ihsan, which was officially dissolved in January 1990, was against violence of any kind.

On 30 December 1989 police arrived at the home of Abdesalam Yassine and told him he could not leave. He has been imprisoned there ever since. Over the years, Abdesalam Yassine has been forbidden from receiving visits from his lawyers or exchanging letters with them for prolonged periods of time. He does not know what, if any, charges are laid against him, or if he will ever have a chance to defend himself in a court of law. Despite requests by his lawyer, no written copy of a detention order against Abdesalam Yassine has been produced by the authorities. In fact, it appears that one has not been issued.

In July 1992 his lawyer lodged an appeal against the illegal detention of his client before the Chambre Administrative de la Cour Suprême, Administrative Chamber of the Supreme Court. No response has yet been received. Meanwhile, Abdesalam Yassine's house continues to be guarded around the clock and he is prevented from having contact with his friends and family. In December 1995 he was allowed to leave his house to go to the mosque, and there were reports that his house arrest order had been lifted. However, since then he has not been allowed to leave and remains confined in his home.

In 1993 Amnesty International received a copy of an undated letter from Morocco's Permanent Representative at the UN in Geneva explaining the detention of Abdesalam Yassine. The letter says that al-Adl w'al'Ihsan has no right to seek to propagate religion or carry out religious activities, first because it is registered as a charity and religious activities are outside its mandate, and second because Islam belongs to the nation and cannot be hijacked by any group.

"[Abdesalam Yassine] is a member of the association al-Adl w'al'Ihsan which has sought to carry out activities not in accordance with its statutes... The statutes of that association provide for activities of a general nature, whereas in practice that association makes Islam its only focus of interest. Such a practice represents a threat to public order. As Islam is by virtue of the Constitution the state religion, no group has the right to appropriate Islam as its ideology."

The letter leaves little doubt that Abdesalam Yassine is being detained solely for the peaceful exercise of his rights to freedom of association and expression. These rights, as well as the right not to be arbitrarily detained without charge or trial, are guaranteed by the International Covenant on Civil and Political Rights, to which Morocco is a state party.

## BACKGROUND

In 1991 hundreds of Sahrawis and Moroccans who had "disappeared" for up to 18 years were released following royal amnesties. However, hundreds of others are still unaccounted for, and over 50 political prisoners and prisoners of conscience are serving long sentences imposed after trials which fell seriously short of fair trial standards. A former prisoner of conscience forcibly exiled in 1991 remains unable to return to Morocco. Neither the prisoners released in 1991 nor the families of those who died in secret detention have received any compensation, and those responsible for their "disappearance" or deaths have not been brought to justice.

Since 1991 scores of political prisoners and prisoners of conscience have been sentenced to up to one year's imprisonment. Allegations of beatings and ill-treatment of the defendants by security forces were not investigated by the courts.

Abdesalam Yassine is currently the only prisoner of conscience placed under house arrest.

Please write polite letters in Arabic, French, English or your own language:

\* Express concern that Abdesalam Yassine has been imprisoned in his home since 1989 without charge or trial, in violation of international human rights standards. He is a prisoner of conscience, detained solely for his conscientiously held beliefs.

\* Call for the house arrest order against Abdesalam Yassine to be immediately and unconditionally lifted.

Send your communications to:

Sa Majesté  
King Hassan II  
Bureau de Sa Majesté le Roi  
Palais Royal  
Rabat  
Maroc  
Telex: 317344 or 32908  
Salutation: Sire

M. Omar Azziman  
Ministre de la Justice  
Ministère de la Justice  
Rue Beyrout  
Rabat  
Maroc  
Fax: + 212 7 73 89 40  
or + 212 7 72 37 10  
or + 212 7 76 68 61  
Salutation: Excellence

Please send a copy of your letters to the diplomatic representative of Morocco in your country.

#### PALESTINIAN AUTHORITY

#### TRIAL AT MIDNIGHT

Shaher and  
Yusef al-Ra'i

On 3 September 1997 two cousins, Shaher and Yusef al-Ra'i, were arrested by the Palestinian Intelligence Service in 'Ain al-Sultan refugee camp near Jericho. They were detained in the Intelligence Service headquarters for 10 days without being questioned. Both are members of a leftist group, the Popular Front for the Liberation of Palestine (PFLP), which is opposed to the Oslo Accords (peace process) signed by Israel and the Palestine Liberation Organization (PLO). On 13 September the two men were ordered into a jeep and taken to Al-Muqata'a, the Palestinian Authority's administrative headquarters in Jericho. There they were brought before the military prosecutor, who told them they had been detained in connection with the killing of two Israeli hikers. Their arrest was based on the confession of a Palestinian detainee held in an Israeli prison. This was the first time Shaher and Yusef had heard why they had been arrested, and they told the military prosecutor that they knew nothing about the killing.

At 2am, without any warning, the cousins were brought before the State Security Court (SSC). The judge belonged to the military, as did the prosecutor. The two men were represented by a court-appointed lawyer and had no chance to speak to him before the trial. They were given no chance to say anything in their own defence. The whole proceeding lasted between 10 and 15

minutes. They were sentenced to 12 years' imprisonment, with five years suspended. Strangely, however, they were not sentenced for killing the Israeli hikers. Rather, they were sentenced on the vague charges of "disturbing public security" and "opposing the peace process".

Shaher and Yusef al-Ra'i remain in prison. However, Jamal Amin Hindi, the detainee who implicated the cousins in the killing of the Israeli hikers, is now free. He claims that he made a false statement implicating himself, Shaher and Yusef because he was being tortured by the Israeli authorities. Shaher and Yusef al-Ra'i and their many supporters are appealing for a retrial which meets international standards for fair trial.

Amnesty International has had grave concerns about the Palestinian Authority's use of the SSC, first established in Gaza, since it began trying cases in April 1995 of people accused of security offences. Defendants have been members of Palestinian political groups opposed to policies of the Israeli and Palestinian authorities, and to the current peace process in particular.

Trials before the SSC are grossly unfair, violating minimum requirements of international law including: the right to a fair and public trial by a competent, independent, impartial court; the right to have adequate time to prepare one's defence; the right to be defended by a lawyer of one's choice; and the right to appeal to a higher court.

SSC trials are frequently held secretly in the middle of the night. Some have reportedly lasted only minutes. Those presiding are security force officials who have often never before served as judges. The authorities usually give no advance notice of these trials. Most people tried by the court have said they did not know they were to be tried until they were taken from their cell at night, or even until they set foot in the courtroom. Families of those tried have usually been unaware of any charges or trial until they have heard afterwards that their relative has been convicted.

At the SSC, defendants have been represented by court-appointed lawyers rather than by independent lawyers of their choice. At least some of the court-appointed lawyers are reportedly employees of the security forces. The independent lawyer of one defendant was not aware that his client was being charged or tried until he heard on the radio that his client had been convicted the previous night and sentenced to seven years' imprisonment.

Amnesty International is calling on the Palestinian Authority to stop operating the SSC immediately and to provide fair retrials in the ordinary courts for those already convicted. The organization is reiterating its call to both Israeli and Palestinian authorities to ensure that human rights become an integral part of every stage of the peace process. Noting that representatives of the Israeli and US governments welcomed the first sentences handed down by Gaza's SSC in 1995, Amnesty International is calling on governments involved in the peace process to refrain from endorsing or encouraging trials which violate international human rights standards.

## BACKGROUND

The Palestinian Authority was established in the Gaza Strip and the Jericho area in 1994 following an agreement signed on 4 May 1994 (Cairo Agreement) between Israel and representatives of the PLO. The agreement implemented the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993. An interim administration was set up in the area, headed by Yasser Arafat, Chairman of the PLO, who returned to Gaza in July 1994.

On 28 September 1995 a further accord, the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (also known as Oslo II or the Taba Agreement), extended the jurisdiction of the Palestinian Authority to cover other areas in the West Bank which, like the Gaza Strip, had been occupied by Israel since 1967.

In implementation of Oslo II, Israel at the end of 1995 withdrew its military forces from six towns in the West Bank: Jenin, Tulkarem, Nablus, Qalqiliya, Bethlehem and Ramallah. Israeli redeployment from most of Hebron took place in February 1997.

A number of Palestinian parties and individuals oppose the agreements with Israel. Members of these parties, including the Islamist parties Hamas (Islamic Resistance Movement) and Islamic Jihad, and the leftist parties the PFLP and the Democratic Front for the Liberation of Palestine, have committed violent acts against Israelis. Suspected sympathizers of these parties have been the focus of arrests by the Palestinian Authority (as well as by Israel in territories under its direct control).

Elections for the President of the Palestinian Authority and for a Legislative Council of 88 members took place in January 1996. Yasser Arafat was voted President with over 90 per cent of the vote.

Please send polite letters, telegrams and faxes in Arabic, English or your own language:

\* Call for Shaher and Yusef al-Ra'i to be retried in the ordinary courts in a trial which meets international fair trial standards.

\* Remind the authorities of their obligations regarding the right to fair trial under international law, referring specifically to the International Covenant on Civil and Political Rights, which President Yasser Arafat promised to respect in October 1993.

\* Call on the authorities to halt the use of the State Security Court and to provide fair retrials in the ordinary courts for all those already convicted.

Send your communications to:

President Yasser Arafat  
 Palestinian Authority  
 Al-Muntada  
 Gaza, Palestinian Authority  
 Faxes: +972-7-822365 (ask to send a fax)  
 Telegrams: President Arafat, Palestinian Authority, Gaza  
 Salutation: Dear President Arafat

Mr Freih Abu Meddein  
 Minister of Justice  
 Ministry of Justice  
 Abu Khadra Building  
 Omar al-Mukhtar Street  
 Gaza, Palestinian Authority  
 Faxes: + 972-7-822236  
 Salutation: Dear Minister

Please send a copy of your letters to the diplomatic representative of the Palestinian Authority in your country.

SAUDI ARABIA  
 NO CHARGE, NO TRIAL

Sheikh Salman bin Fahd al-'Awda

Sheikh Salman bin Fahd al-'Awda, who is 41 and married with children, has been held without trial in Saudi Arabia since 13 September 1994 and has been denied his right to see a lawyer. He is an outspoken critic of the government, which appears to be the reason for his unlawful detention. Sheikh Salman bin Fahd al-'Awda, a prominent Sunni religious scholar, was arrested by members of al-Mabahith al-'Ammah, General Intelligence, after giving a public lecture in Buraida criticizing the government. Large demonstrations lasting several days followed his arrest. He was taken to al-Ha'ir Prison and held incommunicado for months before being allowed access to his family. He was not allowed to speak to a defence lawyer or to challenge the legality of his detention before a judge, nor has he apparently been charged with any recognizably criminal offence.

In April 1996 Sheikh Salman bin Fahd al-'Awda and other detainees at al-Ha'ir Prison reportedly staged a two-week hunger-strike. Their demands included a call for a trial or immediate and unconditional release. However, all the detainees, including Sheikh Salman bin Fahd al-'Awda, are believed to be still held without trial and without access to a defence lawyer.

In Saudi Arabia, suspected political and religious opponents of the government are routinely arrested without warrants, usually by General Intelligence and al-Mutaw'een, the religious police. Detainees are often not informed of the reasons for their arrest. Frequently they are held without trial for prolonged periods — for over three years in the case of Sheikh Salman bin Fahd al-'Awda. During the first few days or weeks of arrest, detainees are usually held in solitary confinement, are often tortured or ill-treated, and are denied access to family and legal counsel. Sheikh Salman bin Fahd al-'Awda may have suffered all these violations. It also appears that he is still being held possibly for his political or religious views and his criticism of the system of government. Amnesty International believes that unless he is charged with a recognizably criminal offence and given a prompt fair trial, he should be released without delay.

## BACKGROUND

Sheikh Salman bin Fahd al-'Awda, who is 41 and married with children, has been held without trial in Saudi Arabia since 13 September 1994 and has been denied his right to see a lawyer. He is an outspoken critic of the government, which appears to be the reason for his unlawful detention. Sheikh Salman bin Fahd al-'Awda, a prominent Sunni religious scholar, was arrested by members of al-Mabahith al-'Ammah, General Intelligence, after giving a public lecture in Buraida criticizing the government. Large demonstrations lasting several days followed his arrest. He was taken to al-Ha'ir Prison and held incommunicado for months before being allowed access to his family. He was not allowed to speak to a defence lawyer or to challenge the legality of his detention before a judge, nor has he apparently been charged with any recognizably criminal offence.

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## BACKGROUND

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Please write polite letters in Arabic, English or your own language:

- \* Seek information about the current legal status of Sheikh Salman bin Fahd al-'Awda and express concern that he appears to be held without charge or trial.
- \* Remind the authorities of their obligations under international law to charge detainees with recognizably criminal offences or release them.
- \* Raise concern that Sheikh Salman bin Fahd al-'Awda appears to be held solely for the non-violent expression of views critical of the government at a public lecture. If this is the case, he would be a prisoner of conscience and should be immediately and unconditionally released.
- \* Seek assurances that Sheikh Salman bin Fahd al-'Awda is treated humanely as long as he is in detention and that he is receiving appropriate medical treatment if necessary.
- \* Call for Sheikh Salman bin Fahd al-'Awda to be allowed regular family visits and access to a lawyer.

Send your communications to:

His Royal Highness Prince Naif bin 'Abdul-'Aziz,  
Minister of the Interior,  
Ministry of the Interior, PO Box 2833,  
Airport Road, Riyadh 11134,  
Kingdom of Saudi Arabia.

Telegrams: Minister of the Interior,  
Riyadh, Saudi Arabia  
Faxes: 966 1 4050130  
Telexes: 404416  
Salutation: Your Royal Highness

His Excellency Dr ‘Abdullah bin Muhammad bin Ibrahim Al-Sheikh,  
Minister of Justice, Ministry of Justice,  
Riyadh, Kingdom of Saudi Arabia.  
Telegrams: Minister of Justice, Riyadh, Saudi Arabia  
Salutation: Your Excellency

Please send a copy of your letters to the diplomatic representative of the Kingdom of Saudi Arabia in your country.

## SYRIA VICTIM OF A DOUBLE INJUSTICE

‘Abd al-’Aziz al-Khayyir

When ‘Abd al-’Aziz al-Khayyir was sentenced to a long term of imprisonment in Syria, he suffered a double injustice. Firstly, he should never have been charged and tried. The case against him was based entirely on the grounds that he was a government opponent who had peacefully expressed his political views. Secondly, he was forced to stand trial before a special court whose standards fall far below those of ordinary courts in Syria and those required by international standards for fair trial.

‘Abd al-’Aziz al-Khayyir, a 47-year-old doctor, married with one child, was arrested in Damascus in February 1992 by members of al-Mukhabarat al-’Askariyya (military intelligence). He had been sought for some time by the authorities because of his connections with the prohibited Hizb al-’Amal al-Shuyu’i, Party for Communist Action (PCA). After his arrest, he was held incommunicado and reportedly tortured.

After a long period of detention, ‘Abd al-’Aziz al-Khayyir was eventually brought before the Supreme State Security Court (SSSC). In August 1995, after a manifestly unfair trial, he was sentenced to 22 years in prison for membership of the PCA, the longest sentence known to have been imposed by the SSSC. He is currently held at Sadnaya prison in Damascus.

The SSSC was set up in 1968 and deals solely with political and state security cases. It appears to be neither independent nor impartial, in violation of international standards and Articles 131 and 133 of the Syrian Constitution. The sole statutory right guaranteed to defendants standing before the SSSC is the right to defence by a lawyer. Yet even this right is severely limited. Political defendants cannot choose or have a lawyer appointed for them until their first appearance before the court. Once the trial begins, the freedom of the defence lawyer is further restricted. For instance, they are not allowed to meet their clients in detention without written permission from the president of the court, which is often withheld.

In many cases evidence produced before the SSSC has allegedly been extracted under duress, yet the court rarely if ever tries to establish whether confessions were the result of torture. When the trial is over, defendants are denied any right to appeal.

In response to many appeals by Amnesty International on behalf of ‘Abd al-’Aziz al-Khayyir, the Syrian authorities have repeatedly stated that he was charged with membership of a “terrorist organization” which “perpetrates violence” against civilians. Yet there was no evidence presented



to prove or even suggest that ‘Abd al-’Aziz al-Khayyir had committed or planned any violent or “terrorist” actions, nor was he charged under Article 304 of the Penal Code which relates to the use of “terrorist means”.

‘Abd al-’Aziz al-Khayyir is a prisoner of conscience who should be immediately and unconditionally released.

## BACKGROUND

Hundreds of men and women political prisoners, including prisoners of conscience, are held in Syria, some of them serving long sentences passed by the SSSC after trials which fell far short of fair trial standards. Among those held are human rights defenders and students. Over 200 Lebanese and scores of Palestinians and Kurds are held in Syrian prisons for political reasons, some of them after unfair trials. A number of political prisoners, including prisoners of conscience, are still in detention despite the expiry of their sentences. There are many political prisoners, including prisoners of conscience, who have been held without charge or trial for long periods, as well as cases of long-term “disappearances” and unacknowledged detention. Scores of political detainees are unaccounted for. A number of political prisoners have died in custody, some of them as a result of torture. Some political prisoners, including prisoners of conscience, who are held in the notorious Tadmur military prison are facing serious health problems and need specialist medical care. Among them are Riad al-Turk, a leading member of Communist Party Political Bureau, and Aktham Nu‘aysa, a lawyer and human rights defender. Since 1990 hundreds of political prisoners have been released following presidential amnesties. New arrests are less frequent than in the past. However, the mechanisms allowing for grave human rights violations by law and in practice remain intact.

Please send polite letters in Arabic, English, French or your own language:

- \* Call for the immediate and unconditional release of ‘Abd al-’Aziz al-Khayyir as he is a prisoner of conscience.
- \* Express concern that ‘Abd al-’Aziz al-Khayyir has been sentenced to 22 years’ imprisonment, the longest sentence known to have been passed by the Supreme State Security Court.
- \* Remind the authorities of their obligations to respect the right to fair trial under international law, referring specifically to the International Covenant on Civil and Political Rights, to which Syria is a state party.
- \* Seek assurances that ‘Abd al-’Aziz al-Khayyir is being treated humanely.

Send your communications to:

His Excellency President Hafez al-Assad, Presidential Palace,  
Damascus, Syrian Arab Republic.  
Telegrams: President al-Assad, Damascus, Syria  
Telexes: 419160 munjed sy  
Salutation: Your Excellency

His Excellency Khaled al-Ansari,  
Minister of Justice, Ministry of Justice, Nasr Street, Damascus,  
Syrian Arab Republic.  
Telegrams: Justice Minister, Damascus, Syria  
Salutation: Your Excellency

Please send a copy of your letters to the diplomatic representative of the Syrian Arab Republic in your country.

## TUNISIA

### SENTENCED FOR HELPING OTHERS

Mahjouba Boukhris  
Prisoner of Conscience

Mahjouba Boukhris, a 35-year-old nurse and mother of three, has been condemned to seven years and three months in prison on the strength of a “confession” she says she was forced to sign. That confession should never have been admitted as the only prosecution evidence in court, let alone used as the sole basis of conviction. In fact, she should never have faced trial, as she appears to have been targeted by the authorities simply because of who she knew.

Mahjouba Boukhris was arrested in November 1996. Her husband, Sahbi Belgaïd-Hacine, was already serving a 12-year prison sentence imposed in 1992 for political offences. Her brother, Moncef Boukhris, a civil servant, had been previously arrested and was tried alongside her. Her trial before the Tunis criminal court ended in November 1996, when she was sentenced for unauthorized collection of funds for families of prisoners and for participating in a “terrorist” gang. The latter charge refers to her alleged links to the unauthorized Islamist opposition group, al-Nahda. The only “evidence” produced by the prosecution was a police statement, which she told the court she had been forced to sign under duress. In her forced statement, she admitted that she had met sympathizers of al-Nahda and had helped collect money for families of prisoners several years earlier.

Those convicted in criminal cases in Tunisia do not have the right to full appeal, but they can petition for review by the Cassation Court. However, the Cassation Court does not look at the facts of the case, and only rules on misapplication of the law or procedural errors. On the basis of this it can declare null the verdict and refer the case for retrial. The defence lawyers in Mahjouba Boukhris’ case petitioned the Cassation Court in January 1997 after the trial, but to date it has not replied. In most cases, the Cassation Court confirms the verdicts, irrespective of whether there have been irregularities and breaches of procedure.

Mahjouba Boukhris is a prisoner of conscience who appears to have been imprisoned for the legitimate exercise of her right to freedom of expression and association. She should be released immediately and unconditionally.

## BACKGROUND

Thousands of political prisoners, the majority of them prisoners of conscience, are held in Tunisia, many of them serving sentences imposed after trials which fell far short of international standards. Most political prisoners are alleged members or sympathizers of al-Nahda. Others imprisoned because of their opposition to the government include alleged supporters of the Parti communiste des ouvriers tunisiens, Tunisian Workers’ Communist Party, and the Union de la jeunesse communiste, Union of Communist Students. Human rights defenders and trade unionists have been imprisoned in connection with their work.

The torture of political detainees is widespread, particularly in the Ministry of the Interior in Tunis and in police and National Guard stations across the country. Political detainees are often denied access to their lawyers. Many are held in illegally-prolonged secret detention following arrest. Some political prisoners, including prisoners of conscience, have been held in detention awaiting trial for long periods, in some cases beyond 14 months, the maximum period allowed under Tunisian law. Tunisian courts have routinely failed to investigate allegations that political detainees have been tortured or ill-treated, and they have continued to accept as evidence confessions which defendants have retracted in court, stating they were forced to sign them under duress. The courts have convicted political defendants even when no convincing evidence is produced to substantiate the charges brought against them.

Please send polite letters in Arabic, French, English or your own language:

- \* Call for the immediate and unconditional release of Mahjoubia Boukhris as she is being held as a prisoner of conscience.
- \* Express concern that her trial fell far short of international fair trial standards, in particular that a confession that she stated in court was obtained under duress was accepted as evidence and was the sum total of the prosecution's case against her.
- \* Call for a full, independent and impartial investigation to be promptly carried out into allegations that Mahjoubia Boukhris was ill-treated to obtain her confession.

Send your communications to:

President M. Zine El Abidine Ben Ali  
 Palais Présidentiel  
 Tunis/Carthage  
 Tunisia  
 Faxes: 00-216-1-744-721  
 Salutation: Your Excellency

Abdullah Kallel  
 Ministère de la Justice  
 31 Boulevard Bab Benat  
 1006 Tunis  
 Tunisia  
 Faxes: 00-216-1-568-106  
 Salutation: Your Excellency

Please send a copy of your letters to the diplomatic representative of Tunisia in your country.

YEMEN  
 TORTURED, ACQUITTED,  
 RETRIED IN ABSENTIA — NOW ON DEATH ROW

Muhammad Mahdi ‘Abdullah Makhrouf and  
 Muhammad Ahmad ‘Abdallah al-Zahayj

Muhammad Mahdi ‘Abdullah Makhrouf and Muhammad Ahmad ‘Abdallah al-Zahayj are under sentence of death after being convicted largely or solely on the basis of confessions extracted under torture. They may be prisoners of conscience, convicted solely for their connection with the National Democratic Front (NDF), a political group established in 1976.

Muhammad Makhrouf and Muhammad al-Zahayj, both farmers who are married, each with four children, were long-term members of the NDF. The NDF was based in Aden, the capital of the former People’s Democratic Republic of Yemen (PDRY), and it became the principal opposition to the government of the former Yemen Arab Republic (YAR). Following the unification of Yemen in 1990, the NDF dissolved and became an official part of the Yemeni Socialist Party, the ruling party in the former PDRY and a partner in the coalition which used to rule unified Yemen between 1990 and 1994.

In 1984, two years after a general amnesty had been declared for all NDF members who had taken part in fighting, Muhammad Makhrouf, Muhammad al-Zahayj and two other former NDF members were arrested by members of al-Amn al-Watani, National Security, and charged with murder. They were taken to a detention centre in Wisab al-’Aali, Dhamar province, where they were reportedly tortured and forced to sign “confessions”. One of the four men, Fadl ‘Ali al-Dahis, died in custody in early 1985, apparently as a result of the torture.

In their statement before the Court of Appeal the three remaining defendants alleged:

“They interrogated us late at night until the next morning using physical and psychological torture... We were beaten with thick sticks and canes as well as kicked with their heavy military boots. They burned us with their cigarettes and continued to beat us until we fainted... They also threatened us with sexual molestation.”

In November and December 1985, their case was heard by the Court of First Instance in Dhamar. None of the men had a lawyer. However, after the prosecution failed to produce the refuted confessions, the Court of First Instance acquitted them for lack of evidence.

The prosecution appealed, apparently after the legal deadline for lodging an appeal had passed. Nevertheless, the Court of Appeal in Dhamar heard the case in March 1986. This time the three men were represented by a lawyer and were allowed to present defence witnesses. Six witnesses testified that the defendants had been tortured. The prosecution also produced witnesses, some of whom may have been politically or otherwise motivated: one of them was a relative of the murder victim, another was one of the interrogators who allegedly tortured them.

In December 1986, despite clear violations of their rights, Muhammad Makhrouf and Muhammad al-Zahayj were sentenced to death by the Court of Appeal. Qa’id Mabkhout, the third defendant, was sentenced to 10 years’ imprisonment. The following year the Supreme Court of Cassation reportedly reversed this decision, ruling that the men had been acquitted but could be prosecuted in a private suit. Shortly after, a *qasama* (a case that can be initiated when the perpetrator of a crime is not known) was brought and the three men were tried again, this time in absentia despite the fact that they were being held in Dhamar Central Prison. This violated the right of the men to be tried in person, as spelled out in Article 14(3)(d) of the International Covenant on Civil and Political Rights, to which Yemen is a state party. The Court of First Instance in Wisab, Dhamar Province, sentenced them all to death and the decision was upheld by the Dhamar Provincial Court of Appeal in August 1990. The case is believed to be pending in the Supreme Court of Cassation in Sana’a.

In April 1992 Qa’id Mabkhout was released. The two others, however, remain in prison and their sentences are currently pending ratification by the Presidential Council.

## BACKGROUND

Although Yemen has ratified and acceded to most human rights treaties and incorporated many of their safeguards into domestic legislation, gross human rights violations have been committed since the country became a party to the treaties.

Suspected political opponents of the government are frequently targeted for arbitrary arrest and administrative detention, particularly by the Political Security acting beyond any judicial control or supervision and with total disregard for Yemeni laws and international human rights standards. Arbitrary arrest is invariably followed by lengthy incommunicado detention.

Sentences of flogging and amputation are imposed after unfair trial in contravention of Yemen's international obligations. No investigations are known to have been carried out to clarify the fate of hundreds of people who "disappeared" before and after the establishment of the Republic of Yemen in 1990.

The use of the death penalty has steadily increased since 1990 and hundreds of people are currently reported to be on death row. Although Yemen is a state party to the Convention on the Elimination of All Forms of Discrimination against Women, women have suffered some of these patterns of human rights violations, as well as suffering other violations based on sexual discrimination which is sustained by law or tradition.

Please write polite letters in Arabic, English or your own language:

\* Ask the authorities to set up a thorough and independent judicial review into the cases of Muhammad Mahdi 'Abdullah Makhrouf and Muhammad Ahmad 'Abdallah al-Zahayj. If they are found to be held solely on the basis of the non-violent expression of their political beliefs, they should be released immediately and unconditionally.

\* Urge the authorities to quash their death sentences, even pending a judicial review, or exercise clemency.

\* Ask for the review to include a thorough, impartial investigation into the allegations of torture as required by Article 12 of the Convention against Torture to which Yemen is a state party. Ask that the findings of the investigation be made public and those responsible brought to justice.

Send your communications to:

His Excellency General 'Ali Abdullah Saleh,  
President of the Republic of Yemen,  
Sana'a, The Republic of Yemen.

Telegrams: President 'Ali Abdullah Saleh, Sana'a, Republic of Yemen

Faxes: 967 1 274 147

Telexes: 2422 RIASAH YE

Salutation: Your Excellency

Minister of Justice,  
Isma'il Ahmad al-Wazir,  
Ministry of Justice,  
Sana'a, The Republic of Yemen.

Telegrams: Justice Minister, Sana'a, Republic of Yemen

Faxes: 967 1 252 138

Salutation: Your Excellency

Please send a copy of your letters to the diplomatic representative of Yemen in your country.

