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U.S. Department of State

Yemen Country Report on Human Rights Practices for 1998

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YEMEN

The Republic of Yemen, comprising the former (northern) Yemen Arab Republic (YAR) and (southern) People's Democratic Republic of Yemen, was proclaimed in 1990. Following a brief but bloody civil war in mid-1994, the country was reunified under the Sana'a-based Government. Ali Abdullah Saleh is the President and leader of the General People's Congress (GPC.) He was elected by the legislature in 1994 to a 5-year term. The Constitution provides that henceforth the President is to be elected by popular vote from at least two candidates selected by the Parliament. The Government has scheduled a popular election for president in late 1999. The first Parliament elected by universal adult suffrage was convened in 1993. Parliamentary elections were held in 1997, with the Yemeni Socialist Party (YSP), formerly the main party of the south and a previous coalition partner, leading an opposition boycott. The GPC won an absolute majority of the new Parliament, with Islaah the only other major party represented. International observers judged the elections as reasonably free and fair, while noting some problems with the voting. However, the Parliament is not yet an effective counterweight to executive authority, although it increasingly demonstrated independence from the Government. Real political power rests with a few leaders, particularly the President. The judiciary, nominally independent, is weak and severely hampered by corruption, executive branch interference, and the frequent failure of the authorities to carry out sentences.

The primary state security apparatus is the Political Security Organization (PSO), which reports directly to the President. It is independent of the Ministry of Interior. The Criminal Investigative Department (CID) of the police conducts most criminal investigations and makes most arrests. The Central Security Organization (CSO), a part of the Ministry of Interior, maintains a paramilitary force. The civilian

authorities did not maintain effective control of the security forces. Some members of the security forces, particularly the PSO, committed numerous, serious human rights abuses.

Yemen is a very poor country. Its embryonic market-based economy, despite a major economic reform program, remains impeded by excessive government interference and endemic corruption. Its annual per capita gross national product (GNP) fell from \$325 in 1997 to \$260 in 1998. Agriculture accounts for approximately 22 percent of GNP, industry for approximately 27 percent, and services for approximately 51 percent. Oil is the primary source of foreign exchange. Other exports include fish, agricultural products, cotton, and coffee. Remittances from Yemenis working abroad (primarily in Saudi Arabia) are also important. Remittances were sharply reduced after Saudi Arabia and other Gulf states expelled up to 850,000 Yemeni workers during the Gulf War because of the Government's lack of support for the U.N. coalition. The Gulf states also suspended most assistance programs, and much Western aid was reduced. Foreign aid began to re-emerge as an importance source of income. The unemployment rate is estimated at 35 to 40 percent, and is highest in the southern governorates, where, prior to unity, most adults were employed by the PDRY government.

The Government's human rights record continued to be poor, although it took some steps to address human rights problems. There are significant limitations on citizens' rights to change their government. There were instances of extrajudicial killing by some members of the security forces. There was compelling evidence that at least one person died in the custody of the security forces, and the Government has not yet made a credible effort to investigate the death. Following the Government's lifting of subsidies on certain commodities, an estimated 50 to 250 persons, at least 40 of whom were security officials, died in clashes in late June and early July between the authorities and armed civilians.

Prison conditions are poor and some detainees were held in private prisons not authorized by the Government. Some members of the security forces tortured and otherwise abused persons, and continued arbitrarily to arrest and to detain citizens, especially oppositionists in the south and other persons regarded as "secessionists." PSO officers have broad discretion over perceived national security issues. Despite constitutional constraints, they routinely monitor citizens' activities and search their homes, detain citizens for questioning, and mistreat detainees. In fact, security forces sometimes countermanded orders from the President and the Interior Ministry. In general, the Government failed to hold members of the security forces accountable for abuses, although it did undertake to investigate three security officers who allegedly tortured a witness in a court case. Prolonged pretrial detention is a serious problem, and judicial corruption, inefficiency, and executive interference undermine due process. The Government began to implement a comprehensive program for judicial reform, but its impact is not yet clear. The Constitution limits freedom of speech and of the press, and the Government occasionally harassed, intimidated, and detained journalists. Journalists practice self-censorship. The Government imposes some restrictions on freedom of religion. There were some limits of freedom of movement. Discrimination based on sex, race, disability, social status, and to a lesser extent, religion, exists. Violence against women is a problem. Female genital mutilation is practiced on a limited scale, primarily along the coastal areas of the Red Sea. Although the practice is discouraged publicly, the authorities do not prohibit it. Child labor is a problem.

At the invitation of the authorities, delegations from the U.N. Human Rights Commission (UNHRC), Amnesty International (AI), and Prison Reform International (PRI) visited Yemen during the year to observe the human rights situation and make recommendations. The Government agreed to implement a program recommended by the PRI that consists mainly of technical training for prison officials. The Government also began to implement a comprehensive program for judicial reform. The Government codified penalties for the perpetrators of kidnappings and implemented regulations designed to minimize the carrying of unlicensed weapons in cities.

A campaign of bombings--the devices sometimes were little more than noise bombs--continued throughout the year, particularly in the southern governorates. The bombs caused a number of deaths, but damage to property was limited, and the perpetrators of and motives for the bombings remain unknown.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There was credible evidence that security forces killed a prisoner in detention in late 1997 or early 1998. Wadia al-Shaibani, a 22-year-old arrested in connection with the July 1997 bombings in Aden, apparently died after suffering a beating at the Soleyban police facility in Aden. Government authorities declined to investigate; they claimed that al-Shaibani committed suicide.

Faraj Bin Hammam, age 40, and Ahmad Omar Ba Rajash, age 42, died during an April demonstration in Mukallah that turned violent. Demonstrators claimed that police and security officials opened fire without provocation. The authorities claimed that the demonstrators themselves had thrown rocks and shot at security officials. Two parliamentary delegations came to differing assessments as to who was at fault (see Section 2.b.).

In May Mohamed Thabit al-Zubeidi, a resident of al-Dhala, was shot and killed by security forces as he crossed a checkpoint in that town. His companions returned fire, killing three soldiers (see Section 2.d.).

Police killed three tribal sheikhs at a checkpoint in Jawf in August (see Section 2.d.).

An estimated 50 to 250 persons, including at least 40 security officials, died when demonstrations led to clashes between the authorities and armed civilians during late June and early July in some cities as well as in Marib governorate. The overwhelming majority of casualties occurred in Marib. The clashes in the cities initially were sparked by the Government's lifting of subsidies on certain commodities; political opponents of the Government apparently took advantage of the situation to encourage the demonstrations. Occasionally violent demonstrations, usually lasting not more than a day or two, occurred in Sana'a and other areas, including Taiz, Ibb, and Dhamar. Protests took the form of looting, vandalism and armed clashes between demonstrators and security officials. Military and riot police were dispatched to the streets in some cities.

In the wake of the initial clashes in the cities, heavy and more prolonged fighting broke out in Marib governorate, where confrontations took place between government forces in tanks and tribal nomads with antipersonnel and antitank rocket-propelled grenades (RPG's). A nomad settlement reportedly was destroyed by government helicopter gunships. Tribesmen cut off key highways and sabotaged oil pipelines and fuel trucks. A group of tribesmen stormed a bank in the town of Marib. Tribesmen also blocked the Saada-Sana'a road and several roads in Shabwa governorate. Scattered firefights took place throughout Shabwa and Jawf governorates. The conflicts in tribal areas stemmed from a variety of factors, including reaction to the price hikes and demands for government services, as well as opposition to government efforts to crack down on illegal tribal activities. Both the security forces and the tribes suffered heavy casualties.

On December 28, a group of 16 western tourists was kidnaped by terrorists in Abyan governorate near Madiyah. The next day, Government forces surrounded the area and attempted a rescue operation. Four

of the hostages and three of the terrorists were killed. There were varying reports as to whether the government forces killed any of the hostages. The Government has stated that its decision to intervene was based on its belief that the hostages' lives were in immediate danger. Three surviving terrorists were charged with murder, and their trial was to begin in early 1999.

The 1996 case of a YSP activist who died in police custody remained unresolved. The youth had been arrested following his participation in a peaceful demonstration in Mukallah. No member of the security forces has been charged in connection with his death.

Up to 20 persons were killed in a series of violent incidents--unexplained bombings and shootings--that occurred throughout the year, primarily in the southern governorates. Of these, eight died in three separate mosque bombings in Aden, Sana'a, and Hodeidah. In most cases it was impossible to determine who was responsible for such acts, or why they occurred, and there were no claims of responsibility. The Government accused southern oppositionists of perpetrating some incidents, but the opposition denied any involvement. Some cases appeared to have criminal, religious, or political motives; others appeared to be cases of tribal revenge or land disputes. A prominent tribal figure and his 13-year-old nephew were killed in downtown Sana'a in late October in what appeared to be a tribal revenge killing. In June the President established a committee to study the phenomenon of revenge killings and to make recommendations on how to combat that problem. News reports and official discussions on the subject were continuing at year's end.

b. Disappearance

Members of the security forces continue to arrest and detain citizens for varying periods of time without charge or notification to their families. Many detainees, especially in southern governorates, are associated with the YSP or other opposition parties and are accused of being "secessionists." Most such disappearances are temporary, and detainees typically are released within weeks or months.

Following an April opposition demonstration in Mukallah in which two persons were killed (see Section 1.a.), the authorities rounded up and detained a large number of demonstrators. The security forces released 14 of the detainees in late May. However, at year's end, oppositionists in Mukallah claimed that a number of persons remained unaccounted for, including Hassan Baoum, the leader of the YSP in Hadramaut and head of the opposition Coordination Council. The Government stated that it was not holding anyone except those charged with crimes, and asserted that Baoum is in hiding.

In late October, the Hadramaut Primary Court announced that a trial would begin in the case of Baoum and other oppositionists charged in connection with the April demonstration in Mukallah. However, the Governor of Hadramaut subsequently announced that this case would not be pursued if Baoum were to turn himself over to the authorities peacefully.

At the invitation of the authorities, delegations from the U.N. Human Rights Commission and Amnesty International visited the country to investigate the whereabouts of persons who have "disappeared" in custody since unification. The UNHRC and AI had not yet released reports on their findings by year's end. In 1997 the Government had promised AI that it would look into 28 cases of persons who died after they reportedly "disappeared" while in government custody in the years 1994-96. Both the U.N. Committee on Disappearances and AI also continued to allege that there were hundreds of unresolved disappearances dating from the pre-union period in the former PDRY, particularly from the 1986 civil war in the PDRY. The Government asserts that it cannot be held responsible for cases that took place in the former PDRY prior to unity; however, it has set up a computer database in the Ministry of Foreign Relations to track disappearances, including those dating from the pre-unity period.

Some tribes seek to bring their political and economic concerns to the attention of the Government by kidnaping and holding hostages. Victims include foreign businessmen, diplomats, and tourists, as well as Yemenis. Several women and at least one child were kidnaped during the year. The legal magazine al-Qistas, in a study that it conducted on 159 kidnapings perpetrated since unity, found that Sana'a, Marib and Shabwa are the areas where a foreigner is most likely to be kidnaped. Kidnaping victims rarely are injured, and the authorities generally have been successful in obtaining the quick release of foreign hostages. However, kidnapings continue because the judiciary fails to implement sentences against accused kidnapers. Moreover, some families linked to various kidnapings also are politically or tribally prominent or have links with such tribes. In most cases the kidnapings are settled out of court, with no suspects facing trial.

In August the Government issued by presidential decree a law that stipulated severe punishments up to and including capital punishment for persons involved in kidnaping and banditry. Persons charged with helping a foreign state or gang in a kidnaping or theft by force face sentences of 10 to 15 years, subject to doubling if the instigators are military officers or otherwise employed by the state.

In late December, three persons arrested after the December 28 terrorist incident in Mudiyah were charged with abduction and murder; their trial was to begin in early 1999 (see Section 1.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution is ambiguous on its prohibition of cruel or inhuman punishment; however, there were numerous reports that members of the security forces tortured and otherwise abused persons in detention, particularly in Aden and elsewhere in the south. Arresting authorities are known to use force during interrogations, especially against those arrested for violent crimes. Detainees sometimes are confined in leg-irons and shackles, despite the passage of a law during the year outlawing this practice.

Several individuals on trial in Aden in connection with a series of bombings in 1997 testified publicly that they had been tortured. One defendant claimed that he had been raped in custody. At least one other person arrested in connection with the same bombings died as a result of beatings inflicted by security officials. According to eyewitnesses who also claimed to have been tortured, Wadia al-Shaibani was first beaten in a criminal security office in Aden, then transferred to the Soleyban police facility, where he was tortured to death (see Section 1.a.). No charges have been filed.

In a related case in which 31 persons were accused of conspiracy in Mahra governorate in 1997, several of the suspects claimed that they had confessed only because they had been tortured. Defense attorneys asserted the existence of films that would prove their clients' allegations that they had been beaten, and asked the judge to view the films. The judge overruled this request. In late October, the court sentenced three of the defendants to death, found one innocent, and sentenced the others to jail for periods ranging from 6 to 10 years (see Section 1.e.).

There was credible information that in February officers of the Rawdah police station assaulted Mohamed Noman Muqbil, an Adeni human rights activist and oppositionist.

During an April demonstration in Mukallah in which two persons died, police and security officials used tear gas to break up the crowd. Some persons reported that that they were treated roughly by officials. The Government claimed that the demonstrators had fired on their forces and therefore had to be subdued (see Section 1.a.).

The Government has acknowledged publicly that torture takes place, but has claimed that the use of

torture is not government policy. A government prosecutor has cited illiteracy and lack of training among police and security officials as one of the reasons for the persistence of the use of undue force in prisons. It appears that at least some cases of torture by security officials have been referred to the courts. In late November, the newly-appointed Attorney General ordered that three officers from the criminal investigation department be detained and investigated in connection with the use of torture of a witness in a family dispute case. The three officers included the head of the antiterrorism unit within the Interior Ministry. This officer also had been implicated in the abuse of defendants in the Aden bombing case (see Section 1.e.).

The Constitution may be interpreted as permitting amputations in accordance with Shari'a. There have been no reports of amputations since 1991. However, a small number of persons who have been found guilty of theft and sentenced to amputation remain in jail awaiting the implementation of their sentences. The Shari'a-based law permits physical punishment such as flogging for minor crimes (e.g., the penalty for the consumption of alcohol is 80 lashes). The law also provides for the ritual display in public of the bodies of executed criminals. The ostensible purpose of this practice is to demonstrate to the families of victims that justice has been done and to prevent blood feuds between tribes.

Prison conditions are poor and do not meet internationally recognized minimum standards. Prisons are overcrowded, sanitary conditions are poor, and food and health care are inadequate. Inmates must depend on relatives for food and medicine. Many inmates lack mattresses or bedding. Prison authorities often exact money from prisoners and refuse to release prisoners until family members pay a bribe. Tribal leaders misuse the prison system by placing "problem" tribesmen in jail, either to punish them for non-criminal indiscretions or to protect them from retaliation or violence motivated by revenge. Refugees, persons with mental problems, and illegal immigrants sometimes are arrested without charge and placed in prisons alongside criminals. The newspaper al-Ayyam reported that two mentally disabled persons were arrested and imprisoned in the central security prison in al-Dhala following armed confrontations between authorities and civilians in May and June (see Section 1.a.). According to a local human rights organization, many instances of torture have taken place at Amran prison.

Conditions are equally poor in women's prisons, where children are likely to be incarcerated along with their mothers. By custom and preference, babies born in prison generally remain in prison with their mothers. Female prisoners regularly are held in jail past the expiration of their sentences, and are not released until a male relative arranges their release. Female prisoners sometimes are subject to sexual harassment and violent interrogation by male police and prison officials. In September the Government permitted a delegation from AI to visit the central prison in Taiz, specifically to check on the condition of female prisoners in that facility. The Government also cooperated with Prison Reform International, which visited many of the country's main prisons and designed a program to train prison and security officials.

The Government tightly controls access to detention facilities by nongovernmental organizations (NGO's), although it sometimes permits local and international human rights monitors access to persons accused of crimes. However, the Government does not permit access to political prisoners.

The Human Rights Committee of the Consultative Council (an advisory board to the President) continued to conduct spot checks of prisons and to arrange for the expeditious release of persons held improperly. The Committee also investigated the death of Wadia al-Shaibani, a youth who apparently was beaten to death while in an Aden jail (see Section 1.a.). However, the Committee was unable to persuade the authorities to investigate the death or to bring charges against security officials.

d. Arbitrary Arrest, Detention, or Exile

The law provides due process safeguards; however, security forces arbitrarily arrest and detain persons. Enforcement of the law is irregular and in some cases nonexistent, particularly in cases involving security offenses. According to the law, detainees must be arraigned within 24 hours of arrest or be released. The judge or prosecuting attorney must inform the accused of the basis for the arrest and decide whether detention is required. In no case may a detainee be held longer than 7 days without a court order. Despite these constitutional and other legal provisions, arbitrary arrest and prolonged detention without charge are common practices.

The law provides detainees with the right to inform their families of their arrests and to decline to answer questions without an attorney present. There are provisions for bail. In practice, many authorities abide by these provisions only if bribed. The majority of those detained in late 1997 in connection with the Aden bombings (see Section 1.e.) were not permitted contact with their families or lawyers until many months after their arrest. The trial of 27 of these persons concluded in October, although, according to the law, the violation of the right to counsel should have suspended the case.

Citizens in southern governorates regularly complained that security officials did not observe due process procedures when arresting and detaining suspects, particularly those accused of involvement in the various bombings and explosions that continued to occur in the south during the year. Security forces sometimes detained demonstrators (see Section 2.b.).

In April the Rabeta Party reported that one of its officials, Mohsen Zein Hussein, was arrested by the PSO in Lahaj without a warrant and incarcerated in Sabr prison. Hussein was released 22 days later without being charged with a crime. He said that he had been circulating a petition calling for national reconciliation when the authorities detained him. In June the director of Central Security in Aden released five persons arrested in connection with the 1997 bombings in that city. The official apologized to the men, who had been incarcerated for 4 months, for having imprisoned them "in error."

In February Mohamed Noman Muqbil, a human rights activist and oppositionist, was arrested without a warrant, and later was released without being charged. According to reliable reports, he apparently was beaten during his detention in Rawdah police station in Aden (see section 1.c.).

In cases where a criminal suspect is at large, security forces sometimes detain a relative while the suspect is being sought. The detention may continue while the concerned families negotiate compensation for the alleged wrongdoing. Arbitration, rather than the court system, commonly is used to settle cases.

The Government has failed to ensure that detainees and prisoners are incarcerated only in authorized detention facilities. The Ministry of Interior and the PSO operate extrajudicial detention facilities. A large percentage of the total prison population consists of pretrial detainees. Thousands of persons have been imprisoned for years without documentation concerning charges against them, their trials, or their sentences. Local and international human rights organizations believe that at least some of these persons are political detainees.

While a few cases of those being held without charge have been redressed through the efforts of local human rights groups (and a few illegally detained prisoners released), the authorities have done nothing to investigate or resolve these cases.

Unauthorized, private prisons also exist in tribal areas, where the Government exercises very little authority. Persons detained in these prisons often are held for strictly personal reasons and without trial or sentencing.

The Government does not use forced exile. However, at the end of the 1994 civil war, the Government denied amnesty to the 16 most senior leaders of the secessionist Democratic Republic of Yemen (DRY) who fled abroad. Although they were not forced into exile, they are subject to arrest if they return. The trial of the so-called "16" concluded in March (see Section 1.e.).

e. Denial of Fair Public Trial

Although the Constitution provides for an "autonomous" judiciary and independent judges, the judiciary is not fully independent. Judges are appointed by the executive branch, and some have been reassigned or removed from office following rulings against the Government. Many litigants maintain, and the Government acknowledges, that a judge's social ties and susceptibility to bribery sometimes have greater influence on the verdict than the law or the facts of the case. Many judges are poorly trained, and some closely associated with the Government often render decisions favorable to it. The judiciary is hampered further by the Government's frequent reluctance to implement sentences.

In June the Government announced a reform of the judiciary that included the dismissal of several judges alleged to have been corrupt, incompetent, or both, and the appointment of new, and reportedly more competent, judges. In July the Government cut the size of the Supreme Court from more than 90 judges to approximately 40. This reduction followed several months of internal debate over how to proceed with the Government's judicial reform program, approved by ministerial decree in late 1997. The comprehensive reform program envisions improving the operational efficiency and statutory independence of the judiciary by putting reform-minded personnel into the courts; forming an inter-ministerial council to oversee the reform project; publishing a judicial code of ethics; and making the Supreme Court smaller, more efficient, and less corrupt. Foreign donors have offered to provide assistance to the Government in implementing judicial reform. The reform program's impact is not yet clear.

There are five types of courts: criminal, civil (e.g. divorce and inheritance), administrative, commercial, and military.

All courts are governed by Shari'a (Islamic law). There are no jury trials under Shari'a. Criminal cases are adjudicated by a judge who plays an active role in questioning witnesses and the accused. By law, the Government must provide attorneys for indigent defendants. In practice, however, this never occurs; neither the Criminal Code nor the judicial budget allows for defense attorneys.

By law prosecutors are a part of the judiciary and independent of the Government. In practice, however, prosecutors look upon themselves as an extension of the police. They do not receive the normal judicial training that judges do, nor do they take seriously their legal obligation to penalize police who delay reporting arrests and detentions.

Defense attorneys are allowed to counsel their clients, address the court, and examine witnesses. Defendants, including those in commercial courts, have the right to appeal their sentences. Trials are public. However, all courts may conduct closed sessions "for reasons of public security or morals." Foreign litigants in commercial disputes have complained of biased rulings. However, some foreign companies have reported winning cases against local defendants and seeing the decisions enforced.

The law permits, in addition to regular courts, a system of tribal adjudication. The results of such mediation carry the same weight as court judgments. This provision of law explains in part why so many persons who spend time in jail are never actually charged with any crime.

Prior to unification, approximately half of the judges working in southern Yemen were women. However, after the civil war of 1994, fundamentalist leaders of the judiciary reassigned many southern female judges to administrative or clerical duties. Although a few female judges continue to practice in Aden, there are no female judges in northern courts.

A trial continued throughout most of the year for a total of 27 suspects charged with conspiracy, espionage, and other crimes related to a series of bombings in Aden in 1997. The trial did not meet minimum international standards for due process. Many of the defendants' confessions apparently were coerced, and the defendants were not permitted to see their lawyers until after the trials began and other defendants already had testified. In late October, the court sentenced the main suspect, a Spanish-Syrian national, to death. Five persons were found innocent, 16 received prison sentences of from 1 to 3 years, and the rest were released after the judge ruled that they already had served enough time in jail. The Spanish Government and the European Union have asked the Government not to implement the death sentence against the Spanish-Syrian defendant.

The trial of another 31 persons accused of conspiracy against officials in Mahra governorate in 1997 also continued throughout the year in a Sana'a court. Several of the suspects claimed that they had confessed only because they had been tortured. The judge overruled a defense request to review evidence of torture. In late October, the court sentenced three of the defendants to death, found one innocent, and sentenced the others to jail for periods ranging from 6 to 10 years (see Section 1.c.). The security services made several arrests, brought charges, and put on trial a number of persons alleged to be linked to various shootings, explosions, bombings, and other acts of violence that continued to plague the southern governorates throughout the year. Citizens and human rights groups alleged frequently that the judiciary was not observing due process standards in these cases.

The Government claims that it holds no political prisoners, and releases no data on such cases. However, this claim is disputed by local and international human rights groups, which report that various political prisoners were convicted after unfair trials.

At the end of the 1994 civil war, the President pardoned nearly all had who fought against the central Government, including military personnel and most leaders of the unrecognized DRY. The Government denied this amnesty to the 16 most senior leaders of the DRY (one of whom is now presumed dead), who fled abroad and who are subject to arrest if they return. In 1997 and 1998 the so-called "16" were tried in absentia on various charges including forming a secessionist government, conspiracy, and forming a separate military. All but two were found guilty, and in March a judge sentenced five of the defendants to death and three to 10 years in jail. Six persons received suspended sentences, and two were acquitted. Many opposition figures have urged the President to issue an amnesty for those receiving sentences, in the interest of promoting reconciliation between north and south. The President has stated that it is up to the judicial system to pass judgment. Defense attorneys have appealed to a higher court.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

Despite constitutional provisions against government interference with privacy, security forces routinely search homes an