

23/9 98

ALGERIA (2)

42

ALGERIA

REPORT OF EMINENT PANEL

July-August 1998

Report of the Panel appointed by the
Secretary-General of the United Nations
to gather information on the situation in
Algeria in order to provide the
international community with greater
clarity on that situation.



UNITED NATIONS

ALGERIA
REPORT OF EMINENT PANEL
July-August 1998

Report of the panel appointed
by the Secretary-General of the
United Nations to gather information
on the situation in Algeria
in order to provide the
international community with
greater clarity on that situation



United Nations

CONTENTS

Introduction	5
Part One: The activities of the Panel	6
Part Two: A brief history of developments, 1954-1992	7
Part Three: The Government's three-pronged approach for dealing with the situation in Algeria	9
A. Political situation	9
B. Economic and social situation	10
C. Security	11
Part Four: Information gathered by the Panel	14
1. Democratization and overall governmental structure	14
2. Economic and social problems	15
3. Terrorism	17
4. Human rights and fundamental freedoms	19
(a) Disappearances	19
(b) Torture	20
5. The media	22
6. Diversity	22
7. Women	23
8. Children	24
Part Five: Concluding observations	26
Annex I	28
Annex II	31

Introduction

On 29 June 1998, the Secretary-General of the United Nations, His Excellency, Mr. Kofi Annan, made the following announcement: "At the invitation of the Government of Algeria, the Secretary-General has today established a panel of eminent persons to visit that country. The purpose of this mission will be to gather information on the situation in Algeria and present a report to him, which he will make public. The Government of Algeria has assured the Secretary-General that it will ensure free and complete access to all sources of information necessary for the panel to exercise its functions, in order to have a clear vision and a precise perception of the reality of the situation in all its dimensions in Algeria today."

The Panel consisted of:

- Mr. Mário Soares, former President of Portugal (Chairman);
- Mr. I. K. Gujral, former Prime Minister of India;
- Mr. Abdel Karim Kabariti, former Prime Minister and Minister of Defence of Jordan;
- Mr. Donald McHenry, former Permanent Representative of the United States to the United Nations;
- Mrs. Simone Veil, former State Minister of France and former President of the European Parliament;
- and Mr. Amos Wako, Attorney-General of Kenya.

The Panel visited United Nations Headquarters in New York on 8 July 1998 for meetings with the Secretary-General and for consultations with other senior United Nations officials, including the United Nations High Commissioner for Human Rights. The panel then proceeded to Lisbon from 20 to 22 July, where it planned its visit. In Lisbon, as well as in New York, the panel met with a number of international experts on Algeria. It thereafter proceeded to Algeria where it stayed from 22 July to 4 August 1998.

Following its departure from Algiers the panel once again met in Lisbon on 5 and 6 August where it had further meetings and worked on its report. The Panel subsequently approved this report for submission to the Secretary-General.

In approaching our work, we were mindful that our mission was to gather information on the situation in Algeria in order to provide greater clarity on that situation with a view, hopefully, to helping Algerians move forward in peace, harmony and justice. We saw our task as complementary to but separate from the special procedures of the United Nations human rights programme.

In conducting our visit to Algeria, we decided on our programme as the visit progressed, and directly contacted persons and organizations we wished to see. During our visit we arranged for staff to receive messages from the public. We tried to follow-up as much as we could. However, shortage of time did not permit us to respond to many submissions. We had neither the means nor the mandate to conduct investigations of our own.

Algeria**Part One: The activities of the Panel**

During our stay in Algeria we heard from a cross-section of Algerian Government leaders, representatives of political parties, including some of the opposition, civil society, human rights and women's organizations, the media, religious institutions, the families of victims of terrorism and of disappeared persons, and from Algerian citizens. We also visited different regions of Algeria, some sites where massacres had been committed and a prison. A list of people with whom we met, and places we visited, is contained in Annex I. A list of materials submitted to us is contained in Annex II.

There were some people with whom we would have wished to meet but could not, either because of lack of time or availability of those persons. These included Mme Fatiha Boudiaf, widow of former President Boudiaf, and the Archbishop of Algiers, Msgr. Henri Teissier, both of whom were out of the country at the time.

There were many people who contacted us but with whom we could not meet because of shortage of time. We thank them for making the effort to contact us and seek their understanding for not having been able to follow up.

There were some people we would have wished to meet, or places we would have wished to visit but could not, because of the position of the Algerian authorities. With a view to listening to different strands of opinion in Algerian society, we wished to meet Mr. Abassi Madani and Mr. Ali Belhadj, President and Vice-President, respectively, of the Front islamique du salut (FIS) dissolved in March 1992 following a court decision, but were told by Algerian officials that they fell within the category of persons outside the framework of legality because Mr. Madani is still under legal restrictions and Mr. Belhaj is in prison — in a location unknown to the Panel. The Panel then wished to meet with Mr. Abdelkader Hachani, who belongs to the same party and is supposed to be living as an ordinary citizen in Algiers. The authorities told us that they were opposed to this because he was still subject to legal restrictions.

We also asked to meet with the Director-General of "Sûreté générale", Col. Ali Tounsi, but were told that that was not possible because he was out of town. The Algerian authorities offered instead a meeting with his superior, the Minister of the Interior, whom we had already met. Furthermore, we wanted to meet with representatives of Berber cultural movements in Tizi Ouzou but were told that security conditions did not permit this. The Algerian authorities told us that these movements had fragmented into antagonistic trends and that if we wished we should contact them directly. Security reasons were also given for our not being able to visit the house of the assassinated Berber singer Matoub Lounes, and the site of a massacre that took place in the Blida area two days earlier. As regards the house of Matoub Lounes, the comment was made that it was not "a source of information".

Finally, some people we wished to meet declined our request. These included leaders of the Front de libération nationale (FLN) and the former Prime Minister, Mr. Mouloud Hamrouche, who said he would not have anything significant to say to us.

Part Two: A brief history of developments, 1954-1992

On 1 November 1954, the principal Algerian nationalist movement, the FLN began a struggle for independence. A ceasefire was agreed to in March 1962 and independence was declared in July 1962.

In August 1962, the Algerian provisional Government transferred its functions to the Political Bureau of the FLN, and in September a National Constituent Assembly was elected from a single list of FLN candidates and the Algerian Republic was proclaimed. A new government was formed with Mr. Ahmed Ben Bella as Prime Minister.

A draft Constitution providing for a presidential regime, with the FLN as the sole party, was adopted on 28 August 1963. In September 1963, the Constitution was approved by referendum and Mr. Ben Bella was then elected President. In June 1965, the Minister of Defence, Col. Houari Boumedienne, deposed Ben Bella in a military coup. Former President Ben Bella was first imprisoned and later allowed to go into exile.

In June 1975, Mr. Boumedienne introduced plans for: creating a socialist system, maintaining Islam as the State religion, the drafting of a new Constitution, and the holding of elections for a President and National People's Assembly. A National Charter was adopted by referendum in June 1976, by 98.5 per cent of the electorate. In November, the new Constitution incorporating the principles of the Charter was approved by referendum. In December, Mr. Boumedienne was elected President by 99.38 per cent of the votes cast.

Following the death of President Boumedienne in December 1978, Col. Chadli Ben Djedid, commander of the Oran military region, succeeded him. Within two years, President Chadli and his government began to gradually reverse the socialist economic policies pursued by President Boumedienne.

Liberalization of the economy and an overhaul of State machinery gained pace in the period after the oil price crash of 1985/86. In 1987, in response to the decline in the price of petroleum and the increase in Algeria's external debt, the Government introduced austerity measures and began to remove State controls from various sectors of the economy. The acceleration of efforts to open the economy to the free market was accompanied by steps towards political pluralism. The country remained a one-party State until 1989.

After his re-election in 1984, the Chadli presidency had been marked by periods of unrest especially in 1986 and 1987. Severe unemployment, high prices and shortages of essential supplies, resulting from the austerity measures provoked, in 1988, a series of strikes led by the Union Générale des Travailleurs Algériens (UGTA) and in October of that year riots erupted in Algiers, spreading to Oran and Annaba. A six-day state of emergency was imposed and according to official sources, 159 people were killed and 3,500 were arrested during confrontations with the government forces.

In response to the unrest, President Chadli proposed constitutional amendments allowing non-FLN candidates to participate in elections. These reforms were approved in November 1988. A new Constitution signifying the end of the one-party socialist State was approved by referendum in February 1989, allowing the formation of political parties other than the FLN.

Algeria

Other legislation adopted in July 1989 further reduced State control of the economy, allowed the expansion of investment by foreign companies and ended the State monopoly of the press. Despite these changes, strikes and riots continued during 1989, in protest against alleged official corruption and the Government's failure to improve living conditions. A new Prime Minister, Mouloud Hamrouche was appointed in replacement of Kasdi Merbah. A programme of economic liberalization was announced and the first multiparty municipal and provincial elections scheduled for December were postponed to June 1990.

At the local elections on 12 June, contested by a variety of parties (including the FLN, the Rassemblement pour la culture et la démocratie (RCD), and the Front des forces socialistes (FFS)), the Front Islamique du Salut (FIS) received 55 per cent of the votes cast, while the FLN obtained only 32 per cent. In July, President Chadli acceded to the demands of the FIS for an early general election. A general amnesty was declared and former President Ben Bella was allowed to return from exile.

In April 1991, President Chadli announced that the first multiparty general elections would take place in June. The FIS argued that a presidential election should be held simultaneously, or shortly after, and in protest against the electoral law proposed by the Prime Minister, Mr. Mouloud Hamrouche, the FIS incited an indefinite strike and demonstrations, demanding the resignation of President Chadli. Violent confrontations occurred, and in response President Chadli declared a state of emergency and postponed the general elections. During these incidents, about 700 FIS followers were arrested, among them Abbassi Madani, President of the FIS and Ali Belhadj, Vice-President. Mouloud Hamrouche was replaced as Prime Minister by Sid Ahmad Ghozali.

After the introduction of an electoral law increasing the number of seats in the Assembly from 295 to 430 and lowering the minimum age for electoral candidates from 35 years to 28 years, legislative elections were held in December 1991, the second round being scheduled for 16 January 1992. In the first round, in which 231 of the 430 seats were won outright, the FIS gained 188 seats (47.5 per cent of the votes), the FFS 25 seats, the FLN 15 and independents 3.

The National People's Assembly was dissolved by presidential decree on 4 January 1992 and on 11 January President Chadli resigned. The High Security Council cancelled the second round of voting and on 14 January a five-member High Council of State (HCE) was appointed to act as a collegiate presidency, until the expiration of Chadli's term of office in 1993.

Amid sporadic outbreaks of violence and terrorism, the security forces took control of the FIS offices in early February 1992, the High Council of State declared a 12-month state of emergency and in March, following a court decision, the FIS party was formally dissolved.

On 26 August 1992, a bomb explosion at Algiers airport indicated a shift in terrorist methods: from then on, violent acts were directed not only against the security forces or Government officials and civil society figures, but against people who were not specifically targeted.

Political efforts and attempts at reconciliation continued against a background of escalating violence throughout the country, and in December 1992, against a background of severe economic and social problems, a curfew was imposed in the capital and in the six neighbouring departments. In February 1993, the state of emergency was renewed for an indefinite period.

Report of Eminent Panel

Part Three: The Government's three-pronged approach for dealing with the situation in Algeria

In our meetings with President Zeroual and leading government officials, they outlined the policies and strategies that were being undertaken simultaneously on three fronts: first, developing a political consensus and forging ahead with the consolidation of political institutions and the establishment of the framework for a state of legality; second, addressing the economic crisis, with a high debt burden that had now been brought under control; and third, maintaining security and more specifically combating terrorism. The aim was to strengthen a state of legality in which there would be full respect for human rights.

We noted that other aspects would need to be kept in mind, including:

(1) The need to redress 30 years of one-party dictatorship and the legacy of a collectivized economy, bearing in mind that the changeover would be extremely difficult;

(2) Clarification of the relationship between the civilian elected Government and the military. We perceived the need for a clear sharing of power among the President, the military and the heroes of the revolution, so as to reach a stage in which the government elected by the people would be the unquestionable political authority in the country;

(3) Finally, an overarching issue is the balance to be struck between the adherence of the great majority of Algerians to the Islamic religion and the laws applicable in the public sphere. This is a sensitive topic and one to be addressed by Algerians. How Algeria addresses this issue, particularly as it affects a society already plural in many respects, will have a bearing on the unity of Algeria. However, we consider that it is useful to mention this issue which deeply divides Algerian society and is currently the subject of sharp controversy with the debate concerning the modifications to family law.

A. POLITICAL SITUATION

In their presentations, President Zeroual and government officials noted the situation that prevailed in 1993-1994. There had been a large number of political parties with antagonistic views, some of which rejected any dialogue with others. Algeria did not have an elected president, or a parliament or elected local assemblies. Rather, there was a Transitional Council.

Before his election to the office of President, President Zeroual had sought to pursue a political dialogue with the leaders of the dissolved FIS, and had asked them to meet two important conditions: first, to respect the Constitution and the laws of the Republic; second, to condemn and reject violence as a means of achieving political objectives. The FIS leaders had categorically rejected these two conditions.

President Zeroual had, nevertheless, continued his efforts until he concluded that his interlocutors did not have any intention of joining in a meaningful dialogue. He had therefore closed that chapter and was not prepared to reopen it insofar as discussion with the now-outlawed FIS was concerned. In the light of his conclusion, President Zeroual had begun to pursue a dialogue with the other parties. This had resulted, in May 1996, in the submission to the par-

Algeria

ties of a blueprint for reconciliation proposing constitutional reforms to be discussed and approved during a "Conférence d'entente nationale" and put to a popular vote or constitutional referendum.

Two rounds of national reconciliation talks had been held. Four mixed-party commissions had been established. A "Conférence d'entente nationale" had endorsed proposals for constitutional changes which had been approved by 84.6 per cent of the votes cast in a referendum held on 28 November 1996. The turnout at the referendum was 79.80 per cent despite the threat of violence from extremists.

The key changes to the Algerian Constitution approved at the referendum were the following:

- The preamble to the Constitution stipulated that the "fundamental components" of the Algerian people are "Islam, Arabism and Berberism".
- The concept of "party" was recognized, but parties created on a "religious, linguistic, racial, gender, corporate or regional" basis were prohibited. It was also forbidden for the parties to conduct propaganda based on such factors.

Other changes in the Constitution were as follows:

- Islam was maintained as the "State religion" and a High Islamic Council was created with a consultative role.
- Presidential terms were limited to two for the same office-holder.
- The President was allowed to legislate by decree when the National Assembly is not in session and in emergency situations. He appoints the Prime Minister, the Secretary-General of the Government, the Governor of the Bank of Algeria, judges, security officials and *walis* (prefects). If the budget is not adopted by Parliament within 75 days, the President can promulgate it.
- A bicameral system was introduced, with a National People's Assembly whose members are elected by direct vote and a Council of the Nation (one third of whose members are appointed by the President of the Republic and two thirds are elected by indirect suffrage). The total membership of the Council of the Nation should be equal to or under half of the membership of the National People's Assembly.
- Any amendment to the Constitution which undermines the State's character as a republic, Islam as the State religion or Arabic as the official language is prohibited.
- Freedom of trade and industry were guaranteed.

B. ECONOMIC AND SOCIAL SITUATION

A core part of the strategy outlined by President Zeroual and other officials has been to undertake deep economic reforms to make the transition from a planned economy to a market economy and to deal with the economic problems that Algeria had faced following the steep decline in oil prices in the second half of the 1980s. The Algerian authorities had worked in cooperation with the International Monetary Fund (IMF), and the Government had embarked on the process of privatization.

Report of Eminent Panel

The Government had decided not to renew its agreement with IMF but that it would work closely with IMF and continue the successful economic policies already being pursued.

The Government was also working to integrate the Algerian economy with those of its regional partners as well as with the European Union and the international community at large. Algeria had successfully dealt with its external debts and had foreign reserves in the amount of US\$ 9 billion.

On the social side, the Algerian authorities acknowledged that employment levels had unfortunately not kept pace with the rapid rise in the labour force. Austerity and the economic reform process were exacerbating the situation. At the beginning of 1994, 27 per cent of the workforce was unemployed out of an economically active population of around 6.5 million, according to official data. At the end of 1996, 2.2 million people, or 28.3 per cent (official figures) of the active population were out of a job, among them 80 per cent under 30 years of age. The number of unemployed is expected to reach 3 million by the year 2000.

The Authorities were paying particular attention to the social costs of economic austerity measures and were in the process of launching programmes for the creation of 1.2 million jobs and 800,000 housing units by the year 2000.

C. SECURITY

Terrorism

This is a third front on which the President and the Government had to concentrate their efforts and which was given priority. After Algeria had initiated the transition to pluralistic democracy and a market economy in 1988, some forces had attempted to exploit the social and economic difficulties to oppose the democratic process by means that included recourse to terror and crime. The Front islamique du salut (FIS), in particular, had placed itself outside the legal framework by establishing armed groups which conducted terrorist attacks targeting the Algerian people. These armed groups found support both in Algeria and abroad. There was evidence of financial, material and other support, such as refuge, provided to the terrorists by certain countries and groups well known for supporting terrorism.

Terrorism had passed through four stages - in the first stage it was aimed at security forces and government employees; in the second stage it was aimed at intellectuals, journalists, lawyers, artists and foreigners; in the third stage it was aimed at the general infrastructure of the country, e.g. bridges, schools, railways, and electricity supply; and in the current stage, it is aimed at the entire population. Although terrorism had its roots in Algeria, it also had connections in other countries; however, Algerian terrorism was unique in that it was not pursuing a specific objective.

In view of the situation described above, a state of emergency had been introduced on 9 February 1992, and had been extended *sine die* on 6 February 1993 owing to the persistence of terrorist activity.

The authorities, on 30 September 1992, had created "special courts" to try cases of terrorism. A terrorist act was defined as "any violation of State security, the territorial integrity of the country or the stability and normal functioning of institutions by any act having the object of

Algeria

sowing terror among the population and creating a climate of insecurity by attacking persons or property".

Between October 1992 and October 1994, 13,770 persons had been judged by the special courts and 3,661 of them, or 25 per cent of those appearing, had been acquitted. There had been 1,661 sentences of death, 1,463 of which had been passed in *absentia*, and 8,448 sentences of imprisonment.

Following the state of emergency proclaimed on 9 February 1992, the security forces had begun interrogation campaigns, questioning 8,891 people. In all, 6,786 people had been put into custody centres opened in the south of the country. The detainees had been released progressively from May 1992 onwards, and the detention centres have reportedly now been closed.

In the light of experience with the struggle against terrorism at the judicial level, judicial procedures had been standardized in February 1995 through the abolition of the special courts and abrogation of the decree on terrorism and subversion. "Terrorist and subversive crimes" are now legally defined and are to be dealt with by the ordinary courts. However, some lawyers with whom we met told us that some of the features of the special courts had been passed on to the regular courts. This allegedly had the effect of qualifying many acts as terrorist acts, although this might not always be the case.

The Chief of Staff of the army, General Lamari, with whom we had met, together with some of his officers, explained to us the constraints that the security forces had faced at the beginning in dealing with the emergence of terrorism. Together, the army and the gendarmerie had been rather small in size. The army, of which 80 per cent are young recruits, had not been trained to deal with internal security issues. It had been necessary to remedy this situation. Consequently, a communal guard (*garde communale*) had been established, operating under the law and under the authority of the Minister of the Interior.

Self-defence groups/patriots

We were told that with the rise of terrorist violence, the civilian population, especially in the remote rural and mountainous areas, had been increasingly exposed to wanton acts of violence and brutality. The population of these villages and communes had requested that they be allowed to possess and retain arms and ammunition for their self-defence. Accordingly, legislation had been passed providing for the establishment of self-defence groups in villages and communes. The legislation authorized each household to have a gun and some ammunition. The self-defence groups operated under the control of the army or the gendarmerie, whichever was nearer. Ammunition provided to a household had to be accounted for and was intended to be used only for self-defence.

The Government had been able to reverse terrorism and to bring it to the stage where it had almost been eliminated largely because of the existence of these self-defence groups. The Government estimated that about 3,600 terrorists remained in widely scattered isolated areas. The Head of the armed forces, General Lamari, told us that wherever self-defence forces had been established, attacks by terrorists had stopped in 99 per cent of the cases. It was pointed out that the backbone of the self-defence group was represented by former fighters in the independence struggle, "the patriots".

Report of Eminent Panel

We were told that the self-defence groups had indeed played a decisive role in the fight against extremist violence; however, it was alleged that they were also sometimes responsible for excesses committed against the civilian population. Bearing in mind the atmosphere prevailing in Algeria, in which there is simultaneously a transition to an open society and a fight against terrorism, we asked about monitoring arrangements and procedures to ensure that the self-defence groups did not commit excesses. The authorities told us in response that the self-defence groups came under the authority of the gendarmerie or the army, whichever post was nearer.

Some of those with whom we spoke told us that the Government needed to improve the ways in which it responded to terrorism and in which it dealt with charges that excesses are committed by security forces. We asked repeatedly about the arrangements in place for preventing excesses from being committed by these forces, about how they were implemented and with what results. For the most part we received only general answers. The authorities did, however, provide us with lists of around 140 cases in respect of which action had been taken against members of the security forces. We think that this is an area where the Government should be more open.

We met one of the self-defence groups when we visited the village of Igujdal in the Kabyle region. Officials, members of the self-defence group and the population of the village were present. In our discussion with members of the self-defence group, they informed us that they had had to face extremist violence for six years. Their village had been attacked and they had had to defend it with their own arms. After they had repulsed the attacks, the authorities had come and offered help. They had then organized a self-defence group in the village. The self-defence group was headed by a committee, and every night some members of the group kept guard over the village.

Asked whether they were united in agreement on the organization of the self-defence group, they answered in the affirmative. However, a member of the group said that whereas the vast majority had served on it for almost six years without any recompense, they had discovered that some members were being paid clandestinely by the authorities. When we asked how payments were made, the answer given was that they were made through the regional office. The President of the regional assembly, who was present, acknowledged that when the regional assembly had voted funds for the budget it had decided against a provision for such payments; however, the Minister of the Interior had reversed that decision.

Asked whether they felt that their security would be threatened if the self-defence groups were abolished, they answered that the villagers did not know what would happen if extremist violence continued. One speaker stated, "We are fed up with extremist violence".

Algeria**Part Four:
Information gathered by the Panel****1. DEMOCRATIZATION AND OVERALL GOVERNMENTAL STRUCTURE**

In recent years Algeria has seen significant changes. It now has an elected president, an elected parliament in which 10 political parties are represented and a second chamber, the Council of the Nation. There is lively debate in Parliament. There is also ostensible separation of the executive branch from the military and judiciary branches. Nevertheless, some Algerians think that the military still plays an important role in the conduct of the country's affairs and still has a crucial influence.

The presidential elections (16 November 1995)

Presidential elections were held on 16 November 1995. Four candidates competed. Liamine Zeroual won the elections with 61.43 per cent of the votes cast, against Mahfoud Nahnah (25.38 per cent), Said Sadi (9.29 per cent) and Noureddine Boukrouh (3.78 per cent). The voter turnout, according to the Ministry of the Interior, was 74.92 per cent. The Government of Algeria emphasized that the holding of this election, in spite of a sustained boycott campaign by extremists or terrorists, was a major achievement.

The legislative elections (5 June 1997)

Legislative elections took place on 5 June 1997. The official turnout of the country's electorate of 16.8 million was 65 per cent.

The newly created political party, Rassemblement national démocratique (RND), considered as the "party of the President", won 155 of the 380 seats of the National People's Assembly with 46.5 per cent of the votes. Some parties complained of electoral irregularities. A report by elections observers said that the electoral process had lacked "sufficient guarantees of neutrality and transparency" but found no fault with the voting bureaux visited.

A new RND-dominated coalition government was formed on 25 June 1997, with Ahmed Ouyahia reappointed as Prime Minister. It included FLM and Mouvement de la société pour la paix (MSP) ministers.

Provincial and local elections (23 October 1997)

On 23 October 1997, elections for the provincial and municipal councils were held. RND won 896 of the 1,779 seats contested for provincial (*wilaya*) elections. As for the local councils, RND took more than half of the 13,126 seats. Following the sweeping victory of RND, demonstrations took place, claiming that the elections were stage-managed by RND.

Since two thirds of the members of the upper chamber or Council of the Nation are elected by the members of the local assemblies, as a result of the local elections RND won 80 of the 96 contested seats, followed by FLN with 10 seats, FFS with 4 seats and MSP with 2 seats. The remaining third (48 seats) were filled by presidential appointees on 27 December 1997.

Algeria

had committed the atrocities only eight were still at large and one was in Serkadji prison. The leader of the terrorist group had been shot dead 10 days earlier.

The general explained to us that systematic measures had been taken to protect rural and isolated populations after the massacres of August 1996 by regrouping them. The family involved in this massacre had declined to accept the suggestion that it be regrouped.

When one of the terrorist leaders involved in the attack was arrested, he is reported to have said that they used to come to the family for food. The family therefore never thought they would be attacked. The general accompanying us told us that this was a family that had suddenly become rich from unknown sources and that it had thus been able to set up its own transport business.

The general showed us the topography of the area and explained how the terrorists had moved in on the family in the depth of night, using different routes, how the army had been alerted after the massacre had started, why the army and the gendarmerie had not been in a position to prevent the massacre, and what had been done to track down and eliminate those who had committed the massacre. Homes were relatively nearby, but topography had to be taken into account. In addition, bombs had been set off to stop the army; and electrical power had been turned off by the attackers. The neighbouring farmers had not been able to provide help, as the terrorists had planted explosives, but they had alerted the security forces whose post divisional headquarters was a few kilometres away.

In answers to us the general explained that terrorist groups communicated to one another using walkie-talkies. In his view there were approximately 3,200 terrorists still operating across the territory of Algeria. The strategy of the security forces in combating terrorism was based on information-gathering. Every time they had an opportunity to capture a terrorist alive they tried to do so in order to get as much information as possible. That was probably why the terrorists preferred to be killed on the spot rather than be taken alive.

Visit to the massacre site in Ain Khalil

On 30 July we visited the site of a massacre that had taken place on the night of 25-26 July 1998 in the village of Ain Khalil near the town of Tlemcen, which is practically on the Moroccan border. This was a pastoral village surrounded by valleys and mountains. It gave a picture of peace. However, terror had struck. Twelve people had been massacred: six children, three women and three men. Three persons had been wounded and five women, one of them married, taken away.

The Panel was told in a briefing given by the gendarmerie that at 11.45 p.m. during the night of 25-26 July terrorists had entered the village on foot in three groups. It was subsequently realized that they had been aided in coming into the village by a shepherd from a neighbouring village who had been recognized by one of the survivors. The shepherd had taken flight with the terrorists. Three terrorists had been killed. The others had taken flight into the adjacent, desolate mountains.

The terrorists had attacked three houses in the village. They had set off bombs and grenades. The gendarmerie in the nearest town, hearing the explosions, had come into the village at 00.15 a.m. and established control over the situation after one hour and fifteen minutes. Search operations had begun at 5.15 a.m.

Algeria

Real gross domestic product (GDP) is forecast by experts to grow by 4 per cent per year in 1998-2002, as compared to 1.5 per cent in 1993-1997. Privatization has been slow to take off and is expected to remain slow. Debt servicing, according to the Algerian Minister of Finance, is now at 30 per cent of revenues, compared to 89 per cent in 1993. Inflation is now at 5.3 per cent. Interest rates at the beginning of 1998 were 10.25 per cent for operating credit and 8.5 per cent for investment credit.

With a difficult economic environment and with terrorism and major social problems, the situation will require careful attention. If oil prices remain weak there will be limited room for manoeuvre. There is thus a real potential for social unrest and political instability.

The Algerian authorities recognize that the economic crisis, the fall in real income and the austerity measures instituted to deal with the macroeconomic situation have resulted in a microeconomic situation that shows high unemployment and housing shortages for many Algerians.

Many of our interlocutors stressed that, as a result of the economic and social crisis which Algeria had passed through, the situation of young people was a particularly troubling one. After the sharp drop in oil prices in the second half of the 1980s, annual per capita income fell by nearly \$1,000. Families therefore had to undergo sharp drops in incomes as economic opportunities decreased. For the great majority of young people in Algeria the prospects of finding a job were dismal and there was a generalized sense of frustration among them.

The slow pace of economic development combined with security concerns and the situation on world markets could greatly affect Algeria.

Economic crimes

During our visit to the Serkadji prison we met with a large group of prisoners who had been arrested and had been in detention without being tried for long periods - in some cases for more than two and a half years. These prisoners told us that they had been arrested under laws pertaining to economic mismanagement or misuse of government funds. At the time of their arrest, they had all been working for State enterprises.

These prisoners told us that, although they had been arrested a long time ago, their cases were still before the investigating magistrates. They had no idea how much longer they would have to wait in prison before their cases were heard. Many of these prisoners told us in plaintive terms that they would like to know what they were charged with, when their cases would be tried, and when they would be able to be united with their families and loved ones.

We were told that in many of these cases the accused persons were targets either because they had been appointed by previous regimes, or they knew too much, or they were committed to transparency. Some believed that these executives were either being used as scapegoats to hide bad management by the leaders or were victims of the settling of scores among political clans. The Government, for its part, told us that they had been arrested and charged in furtherance of its campaign against corruption and to improve the accountability of enterprises. Whatever the reasons, there is an urgent need to deal expeditiously with these cases.

A practising lawyer with whom we met mentioned this as one of the glaring problems in the application of the rule of law in contemporary Algerian society. He said that there were some 1,200 persons affected by these practices who were spending long periods of detention, in

Report of Eminent Panel

some instances up to three years, without being tried. He understood that the Government needed to act against persons involved in corruption. At the same time he felt that people should not have to wait for such long periods in prison without being charged and without having any idea how much longer they would have to wait before being tried. One such prisoner with whom we met had been the head of a leading Algerian bank. He had been in prison for four months, and he told us that he had no idea why he had been arrested or how long his incarceration would continue.

The Chairman and a representative of the Algerian Bar Association told us that part of the reason for the delays in the trials of economic crimes was the lack of capacity on the part of the magistrates in the hearing of these cases and the lack of experts, such as investigators skilled in investigating economic crimes.

Without in any way passing judgement with respect to guilt or innocence, we raised the issue of the economic detainees held for long periods without being tried with the Minister of Finance and mentioned the case of the banker. The Minister of Finance replied that the Government, as in many other countries, had to move against those suspected of corruption. In the particular case of the banker, the Minister said that if he had been arrested and incarcerated, those who took the decision to arrest him must have had their grounds for doing so.

3. TERRORISM

Over the past two years, the civilian population has been targeted by terrorists in an unprecedented manner, with the emergence of a pattern of mass killings in rural areas. Among the victims many have been women and children. In 1997 and early 1998, the massacres were especially widespread — often a daily occurrence. Villagers have been massacred in the most brutal ways; slaughtered, decapitated, and mutilated with knives, machetes and saws; some were shot dead and others burned alive, their homes having been set on fire. Several thousands had been killed in these massacres.

Terrorism was strongly condemned by everyone with whom we met. The Government is convinced that it has broken the back of terrorism and that it has the terrorists on the run. Many of the persons with whom we met said that the security situation had improved since 1994, and that most of the terrorism was now behind them, though terrorists continued to strike mainly in remote areas and in isolated hamlets. Government representatives told us that there were about 3,600 terrorists, mainly identified with banditry, remaining in the country. Independent citizens with whom we spoke accepted that the responsibility for the violence being committed lay with the radical extremists. Some were sceptical as to whether the terrorists had actually been defeated.

Visit to Benimessous

On 27 July, we visited the site of a massacre near Benimessous, which is on the outskirts of Algiers. At a house there, located on a small side road, 53 people were massacred and 23 wounded. Some young girls had been taken by the terrorists. We were told by the army general accompanying us, who had arrived on the scene on the night of the massacre, that of those who

Report of Eminent Panel**The Parliament**

We visited the Parliament and met with the President Abdelkader Bensalah and the Bureau of the National Assembly. Not all parties in the Assembly are represented on the Bureau, as some of them declined to join it. The President of the Assembly explained to us that the mandate of the Assembly was to legislate and to supervise. The debates of the Assembly were broadcast live on television. The Parliament had taken up important current issues in 1997. For example, it had held a debate in which it had asked about, and scrutinized, the security situation in the country.

The President of the Assembly added that, through consolidation of the constitutional institutions of the country, discussions among the Algerian people now took place in the Parliament rather than in the streets. After one year of the Parliament's existence there had been tangible evidence that dialogue and reconciliation were possible by working together.

We also met with the President, Bachir Boumaza, and some members of the second chamber of the Parliament (Council of the Nation). He told us that Algeria was currently facing two forms of violence: the violence of language in political discourse, and the violence of terrorism and efforts to stamp it out. This elder statesman, who had participated in the Algerian independence struggle, welcomed the interest of the international community in Algeria and the presence of the Panel. His vision was that Algerians, rooted in their history and culture, should enrich their society through the pursuit of universal values and the deepening of the democratic process. For him, there was a need to instil the culture of human rights in people, and that required time. A major shift had already occurred when the Algerian Government invited the Panel to come and look into the laws of its country.

The President of the second chamber also believed that the crux of the fight against terrorism lay in the strengthening and consolidation of the democratic process so that the Government and the people could come closer to one another and so that they could go forward together. Military action alone, he told us, did not provide the solution to the problem of terrorism. Democracy and economic well-being were better weapons. As a result of their expansion, terrorism would die from asphyxiation and violence, which mainly affected poor and neglected areas, would cease.

2. ECONOMIC AND SOCIAL PROBLEMS

Despite a continuous decrease in oil prices, Algeria has made significant progress in the improvement of its macroeconomic situation in the past few years. However, in addition to the heavy burden imposed by terrorism, there are immense economic and social problems and pressures, and the prospect for achieving internal stability and tranquillity are directly related to whether the country is able to tackle major social problems, such as high unemployment, particularly among youth, demographic pressures from a rising population, shortage of housing and declining social services.

Hydrocarbons remain the lynchpin of the Algerian economy: they represent 90 per cent of exports and 65 per cent of State revenues. Development of this sector continues to receive priority and attracts high foreign investment, aided by the favourable geographical location of oil-producing areas in the south with little population and fewer security problems. There are plans to invest \$22 billion between 1998 and 2002.

Report of Eminent Panel

The village was one that had been armed for self-defence. There had been 36 armed citizens in the village, 35 of whom had been present during the night in question. The village had been told how to respond if attacked so as to provide time for the security forces to come to their aid.

The Panel visited two of the houses attacked and spoke to the occupants, still in shock. The first house had had its roof blown off and there was evidence of fire damage. One of the male occupants told us that after the terrorists had bombed the roof they had come in through the opening in the roof, firing. They had cut off the electricity before they came in. The house was without light. His father, 78 years old and blind, had been killed. His wife had fled. He had returned fire and managed to stave off the terrorists.

The second house we visited, which was close to the first, had also had its roof bombed. The same *modus operandi* had been used by the terrorists. People had also died in this house. The survivors asked us plaintively, "What kind of people would commit these acts of savagery and bestiality?"

4. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

In order to better guarantee respect for human rights, two institutions have been established since 1992:

- *National Human Rights Observatory*: established on 22 February 1992, to promote and monitor respect for human rights;
- *Ombudsman*: The Office of Ombudsman of the Republic was established in March 1996. Any individual who, having exhausted all other remedies, considers himself or herself to have been wronged by the malfunctioning of a public institution, may apply to it.

Algeria's second report to the United Nations Human Rights Committee operating under the International Covenant on Civil and Political Rights was considered in July 1998. The Human Rights Committee, in its conclusions following its consideration of the report, noted as positive factors the establishment of the National Human Rights Observatory and the appointment of a Mediator (Ombudsman) of the Republic. It also commended the establishment of the National Committee for the Protection and Promotion of Women and the increased participation of women in public life.

At the same time, the Human Rights Committee condemned, and was appalled at, the widespread massacre of men, women and children in a great number of towns and villages. The Committee was also seriously concerned that women had been the victims of not only killings but also of abduction, rape and extreme violence.

We received information and documentation from various sources, including many non-governmental organizations, that breaches of human rights continued to take place in Algeria. These included disappearances, arbitrary detention, extrajudicial executions and torture.

(a) Disappearances

We were told that there was a wide range in the estimated number of missing persons — from 2,000 to 20,000. The National Human Rights Observatory had, since 1994, received approxi-

Algeria

mately 3,100 complaints from families of missing persons. We received information and met with persons who appealed for assistance concerning the fate of missing relatives. We received lists of missing persons from various sources and gave one such list containing 230 names to the Chairman of the National Human Rights Observatory for attention. On the day we left Algiers, we received a reply from the Chairman of the Observatory to the list we had submitted to him. We also received other lists of disappearances and detailed submissions from relatives of missing persons. We are submitting these materials to the Secretary-General.

Information was submitted to us indicating that some of the missing persons had been arrested or taken by, or last seen with, security or law enforcement personnel. Others said that some of the missing persons may have joined the ranks of terrorists. Whatever is the truth, there is need for effective coordination in dealing with this problem.

The authorities' response when faced with allegations of disappearances was that the people concerned could have either gone abroad or have joined the terrorists operating in the mountains. However, families of missing persons with whom the Panel met provided information of arrests of relatives some of whom had been seen in different places of detention. The Chairman of the National Human Rights Observatory acknowledged that his office had compiled a list of cases involving such conflicting information but said that his office had no authority beyond the gathering of information.

(b) Torture

On several occasions we were told that, following arrest by the police, people are often kept in police custody for long periods before they are presented to the investigating magistrate. During this period, ill-treatment and torture has allegedly been frequent. Some lawyers with whom we spoke said that persons suspected of terrorism are subjected to harsh treatment and torture as a matter of course. The authorities deny this. During our visit to Serkadji prison a prisoner told us that while in police custody he had been tortured and his wife treated in a degrading manner before his eyes. The prison authorities confirmed that he was still being treated for wounds to his leg.

The President of the Algerian Bar Association informed us that the Association had recommended that lawyers should be present at all stages in the judicial process, including from the arrest stage, and during interrogation by the police. They had also made proposals that bail should be granted to persons arrested on suspicion of having committed economic crimes, since the investigation of such crimes required a long period of inquiry and expert testimony.

According to information received, there were numerous cases of arbitrary detention, torture — which is said to be applied frequently against those suspected of terrorism — extrajudicial executions and lack of protection by the judiciary. Cases were cited of magistrates who had allegedly turned a blind eye to credible evidence of torture of people in police custody.

We were also told that the National Human Rights Observatory had no credibility; nor did the two non-governmental Algerian leagues for human rights.

Some felt that only a truly sovereign Parliament could help to throw light on the issues of extrajudicial executions, disappearances and torture. In this regard, we were told that the Parliament was only a year old and that the status of members of Parliament had been defined only while the Panel was in Algeria. That would explain why until now questions by Members

Report of Eminent Panel

of Parliament about excesses and restrictions of rights had not been treated with the seriousness they deserved.

We asked the President of the Assembly and members of the Bureau, when we met with them, what monitoring mechanisms were in place to ensure that excesses were not committed by the police, military or self-defence forces. Had Parliament discussed these allegations? Had it called for a systematic investigation into the allegations? The President of the National Assembly replied that all members of the National Assembly wanted respect for justice, the law and the Constitution. In the Parliament oral and written questions were put and the Government was questioned about the security situation, disappearances and about measures to prevent abuses.

The President of the National Assembly added that Parliament had the power to investigate. Two commissions of inquiry had recently been set up to deal with the electoral process and parliamentary immunity.

We asked the Chairman of the National Human Rights Observatory, when we met him, how the organization operated to ensure that the rights of citizens were guaranteed, and what was done to investigate allegations of violations of human rights. He answered that for the time being, having regard to the terrorism that prevailed in the country, the ability of every individual to realize their rights as citizens and to exercise their democratic rights was the most important issue. He added, however, that the Observatory had received complaints alleging abuses by law enforcement forces.

Asked for figures of how many complaints had been received and what action had been taken, he replied that his institution's mission was to observe rather than to conduct investigations. Accordingly, it did not itself investigate complaints. When it received a complaint it asked the authorities to conduct the necessary investigation. He did say, however, that in 1996, 988 cases of missing persons had been reported to the Observatory; in 337 cases the individuals had reportedly been arrested in their homes. He added that the Observatory referred such cases to the gendarmerie. He insisted that it was for the existing institutions to follow up on such complaints. One could not create separate institutions alongside the judiciary; nevertheless, consideration was being given at the present time to the idea of establishing a special institution to deal with allegations of disappearances.

A practising lawyer with whom we spoke emphasized that the terrorists in Algeria were guilty of crimes against the human species because of their barbaric and depraved actions against innocent civilians. A leading women's rights activist and Member of Parliament used the same words when speaking of the terrorism.

They did not deny that there were violations of human rights by some government agents but they protested strongly against equating the crimes of the terrorists with the excesses committed by government agents. They also said that international non-governmental organizations dealing with human rights were making a fundamental error in equating the two and not recognizing that the Government was involved in a life-and-death struggle with vicious terrorists. It was even said that by putting crimes against humanity on a par with violations of human rights, these organizations were encouraging the terrorists in their heinous crimes.

Because of the importance of the issue we would cite the words of one of our interlocutors who does not belong to any party:

Algeria

"What the Islamic terrorists have committed are crimes against the human species. Violations of human rights are sometimes committed by Governments. But the acts committed by the terrorist Islamic groups, are crimes against humanity. In Algeria the power in place is not quite democratic and we fight and struggle against it for more democracy. But that does not mean that we want the Afghan veil. I tell you this as a woman. We cannot have a dialogue with such terrorists. We cannot condemn women to their vision of society. We would not like to be compelled to live like that."

5. The media

We met with journalists and newspaper editors and discussed issues of freedom of expression and of the media with them. They told us that the situation had improved a great deal in comparison with what it used to be under the one-party state.

We could see for ourselves that there was a pluralistic and vibrant press in Algeria. Journalists and newspaper editors stressed their attachment to freedom of the press. At the same time, problems were evident. While no one disputes the fact that anyone has a right to establish a printing press in Algeria, for the time being the Government has a monopoly on printing and the concern was expressed to us that this has sometimes been used to bring pressure to bear upon independent newspapers.

Another problem for the sustenance of a free press relates to the distribution of advertisements. In a country where State enterprises are still in the great majority and advertisements are placed by the Government or by such enterprises, the allocation of advertisements can constitute a method of influencing or even silencing segments of the press. Several of our interlocutors said that their "commercial problems", which could result in closure, were due to the way the Government used its monopoly economic power to punish those with whom it had political differences.

The difficulties being experienced by foreign journalists in obtaining visas for Algeria and access to places inside the country were also pointed out to us. We were able to see that foreign journalists had major problems moving around within the country and reporting what they saw.

6. Diversity

Many Algerians of all walks of life and shades of opinion with whom we met took great pride in their linguistic and cultural diversity which was part of their national heritage. In fact, we noticed that besides Arabic, which is the national and official language, French and Berber are used. French is widely spoken in many quarters, including the media; in certain areas, Berber is the language most commonly used.

The entry into force, on 5 July 1998, of the new law on Arabization, gave rise to a passionate debate, and in certain regions, including Kabylia, it was strongly criticized. (Already in 1963, the Constitution had proclaimed Arabic as the sole national language.) The law, which was passed in 1991, had been "frozen" in 1992 and was taken up again in December 1996 by the National Transitional Council. According to this law, all declarations, statements, conferences or broadcasts must be in Arabic or translated into Arabic if they are in a foreign language (Article 17).

Report of Eminent Panel

Fines are applicable to anyone who, in the discharge of his duties, signs a document drafted in any other language. All exchanges of correspondence between any offices and associations of any nature must be in Arabic. In case of a second offence, the fine is to be doubled (Article 32).

In response to our question regarding the conditions of the application of the law on Arabization, especially in light of the practical difficulties encountered and the opposition to it, we were told that this law would be applied gradually and that, in addition, in its preamble, the Constitution makes reference to the Amazighite as one of the components of the national identity, which is a further guarantee.

When we visited Tizi Ouzou and Bejaia, and had meetings with local officials and village residents, they told us that they had no difficulties with Arabic being the official language of the country. However, they expressed resentment that in local assemblies where the Berber language had hitherto been used, the recent changes in the law made it henceforth obligatory to conduct proceedings in Arabic.

This question is particularly complex and might trigger strong tensions in Kabylia, especially among the youth, as some recent incidents have shown.

7. Women

We listened to several spokespersons and representatives of women's organizations who made earnest appeals for attention to be given to the situation of women in Algeria, including their legal status. They considered that the family code in existence treated women as less than adults and contained many discriminatory and even degrading provisions. The view was also expressed to the Panel that the revised family code under preparation was even worse than the existing code. In April 1996, the Government had consulted with several women's associations, which had suggested 22 amendments to the Government's draft; 17 of these amendments had been retained and would appear in the text that would be submitted soon to the Assembly.

In its report to the Human Rights Committee, the Government of Algeria recognized that there were problems with the law regarding the status of women. We are aware that this has long been an issue in Algerian society. However, we wish to transmit to the international community the pleas of many women who spoke to us for their support to ensure that women's rights are protected under the law in Algeria.

Representatives of women's organizations spoke with emotion to us about the courage of Algerian women in opposing for many years the vision of society that religious extremists were trying to impose. Some working class women had courageously protested personally and in groups against doctrines that they believed would enslave them, despite the threats and even the assassinations of which women had been the main target.

We heard tales of horror about terrorist violence and also about the plight of mothers, wives and daughters whose relatives had been subjected to terrorist killings, extrajudicial executions, disappearances, or torture.

Representatives of several women's organizations who are leading figures, stressed and underlined that a clear distinction should be made between what was described as crimes against humanity committed by fanatical terrorists and excesses committed by Government agents. While recognizing that, in a democratic society, the rule of law must prevail and that

Algeria

excesses should not be tolerated, they considered, nevertheless, that the barbaric acts committed by fundamentalist terrorists against innocent people warranted priority attention.

Tales of women abducted, abused, killed and raped were particularly distressing. Women who have been raped are reportedly stigmatized because of the perceived dishonour rape victims bring to their families. Some armed "Islamic groups" have issued "fatwas" allowing for the abduction and rape of women (a practice which they describe as marriage for the fighters). In the first quarter of 1998 the Government formally asked the highest religious body, the High Islamic Council, to allow abortions for women who have been raped by "terrorists". We were told, however, that in such cases abortions were only permissible if a doctor certified that the woman's health was at risk. Many women thought that this was demeaning to them.

According to their statements, women were doubly victims of the terrorist violence and excesses that had been committed. They were victims directly of atrocities as well as secondarily when members of their families were victims of violence. Women were left with the burden of raising families in the absence of their loved ones and without bread-winners.

Young girls, particularly in the isolated rural or mountainous areas, were afraid to go to school for fear of being abducted by terrorists. This affected them psychologically and had a negative impact on their schooling.

They also pointed out that the condition of women was further exacerbated because of limited employment opportunities for women. In the Algerian work force only 8.2 per cent were women. When women were left with the responsibility of raising families, in the absence of bread winners having been killed or having disappeared, it placed them in an intolerable situation at all levels.

The Panel was also informed that a certain number of women occupied posts at the highest level in the administration, education and health professions.

8. Children

The plight of children in Algeria is particularly distressing. In fact, they have been seriously affected by the security situation and the persistent violence in the country, which has often been characterized by indiscriminate and large-scale killing of civilians; in some cases women and children have been targeted.

Children who have survived massacres suffer psychological problems after witnessing bloody massacres sometimes of their own families. Some of them are handicapped and there are many orphans. The general atmosphere of insecurity which prevails in the country is traumatizing to all.

In addition, the authorities told us that terrorists had issued a "fatwa" in 1994 forbidding all children from going to school. However, families had courageously resisted the "fatwa" and had still sent their children to school.

The Government of Algeria, in cooperation with international organizations and some Governments, has initiated programmes to assist children traumatized by violence. As part of this process, the Executive Director of the United Nations Children's Fund (UNICEF) in May 1998 appointed a UNICEF Representative to help strengthen programme activities to address the situation of children and women in the country.

Report of Eminent Panel

The Panel was told of various measures being undertaken by the Government to promote the welfare of children: school is free and compulsory for children — there are 7.5 million children in schools. Children get free care — this applies also to mothers. Girl children have considerably benefited from education opportunities and facilities.

The distressing situation of children, especially those whose families have been victims of terrorism, prompts us to draw attention to the decision taken by the Government, to prohibit the departure of two groups of children who had been invited to go to France and Belgium at the initiative of two humanitarian associations, Handicap International and le Secours Populaire. The official reason given by the Minister of Solidarity to justify the decision, which was taken the day the children were scheduled to depart, was that last year Algerian children who had been invited by one of these associations had been politically manipulated.

This decision by the Government was criticized in the Algerian press.

Algeria**Part Five:
Concluding observations**

Before concluding this report, we would like to thank all the Algerians we met for their cooperation and support. The Algerian authorities, as well as the Algerians we met were cordial in their welcome and we are grateful for all the efforts made to help make our stay fruitful.

In offering some observations we would like to state, first, our categorical rejection of terrorism in all its forms and manifestations. Terrorism has been condemned outright by the international community and is illegal under international law. Algeria deserves the support of the international community in its efforts to combat this phenomenon.

We also condemn any form of extremism or fanaticism that might be offered as a pretext for the acts of terrorists. There is no excuse for terrorism. We are satisfied that Algerian society is capable of expressing political views and discussing them within the framework of legality.

Second, efforts to combat terrorism must take place within the framework of legality, proportionality, and respect for the fundamental human rights of the Algerian population. The law enforcement, security and self-defence forces should be held to the highest standards of accountability so that the Algerian population and the international community at large will feel confident that the rule of law prevails in Algeria. It is with more democracy and more respect for human rights that one can fight terrorism.

We think that Algeria deserves the support of the international community in the implementation of the broad lines of the strategy explained to us, to consolidate democratic institutions, to address economic challenges, to defeat terrorism, and to establish security, subject to scrupulous respect for the rule of law and respect for human rights in daily practice.

We believe that it is indispensable to strengthen democratic pluralism and to reinforce the civilian element in government, which is now feasible.

Third, we believe that energetic efforts should be made to entrench in society and all public institutions a state of legality and respect for the rule of law, as well as to encourage more political openness. It is important to work resolutely for a change of mentality in the judiciary, the institutions responsible for upholding human rights, in the police and the army, and in the Algerian body politic as a whole.

Fourth, we believe that there is considerable room to accelerate the pace of privatization of the Algerian economy. Privatization will release the creative energies of the Algerian people, contribute to a more vibrant economy, and help generate the resources needed to tackle social problems, such as high unemployment, housing shortages, and decreased per capita income. It is crucially important, at the same time, that the Government give serious consideration to programmes of social reform that would reduce the sense of hopelessness that we were told was very widespread among large sections of Algerian youth. Unless these pressing social problems are tackled urgently and effectively, Algeria could experience more social dislocations and tension in the future.

Fifth, the international community should consider avenues or programmes of cooperation and support, in solidarity with Algeria in its efforts to deal with the pressing problems facing it. Algeria will need the support of the international community in order to pursue its political and economic policies and conduct its fight against terrorism as outlined in this report. It will par-

Report of Eminent Panel

ticularly need support in order to address the social problems on the resolution of which its future internal stability and progress will, in large part, depend. If the situation in Algeria deteriorates, this could have a very negative impact on the Mediterranean region, in Europe, and in the international community.

Sixth, further invigoration and strengthening of the Algerian institutions responsible for the promotion and protection of human rights as well as expeditious attention to complaints of arbitrary detention, extrajudicial execution and disappearances would all be measures in the right direction.

Finally, the Algerian authorities should examine measures to improve the transparency of their decisions, the dialogue with and the flow of information to the Algerian citizenry.

Mário Soares
Chairman

Inder Kumar Gujral
Member

Abdel Karim Kabariti
Member

Donald McHenry
Member

Simone Veil
Member

Amos Wako
Member

10 September 1998

Algeria

Annex I**List of people with whom the panel met
and places it visited in Algeria****22 July - 4 August 1998****Wednesday, 22 July**

Arrival; reception at airport by Mr. Ahmed Attaf, Foreign Minister
Organizational meeting with Foreign Minister at Hotel Sofitel
Meeting with Foreign Minister at Ministry of Foreign Affairs

Thursday, 23 July

Meeting with Mr. Ahmed Ouyahia, Prime Minister
Meeting with Mr. Mohamed Adami, Minister of Justice
Meeting with Mr. Mustapha Benmansour, Minister of the Interior

Friday, 24 July

Meetings with:
Mr. Kheireddine Ameyer, Editor of *La Tribune*
Maître Miloud Brahimi, Honorary President of the Ligue algérienne des droits de l'homme
Ms. Dalilah Taleb, M.P., Association Nationale Rassemblement action jeunesse
Maître Ali Yahia Abdel Nour, Président de la Ligue pour la défense des droits de l'homme
Mr. Saïd Bouaqba, Editor of *Ach-Chourouq*

Saturday, 25 July

Meeting with Ms. Louisa Hanoune, Parti des travailleurs (PT)
Meeting at the Ministry of Defence

Sunday, 26 July

Meetings with:
Mr. Saïd Saadi, Rassemblement pour la culture et la démocratie (RCD)
Mr. Ahmed Djedjai, Secretary-General of the Front des Forces Socialistes (FFS)
Mr. Redha Malek, former Prime Minister, Alliance Nationale Républicaine (ANR)
Mr. A. Outoudert, Editor, *Liberté*
Ms. Salima Al Ghezali, Editor, *La Nation*
Maître Moustapha Bouchachi, practising lawyer and university lecturer

Report of Eminent Panel

Monday, 27 July

- Visit to Serkadji prison
- Meeting with the Procureur General
- Meeting with prisoners
- Visit to site of massacre at Benimessous
- Meetings with survivors of, and neighbours of victims of massacre

Tuesday, 28 July

- Meeting with Foreign Minister
- Meeting with Mr. Abdelkrim Harchaoui, Minister of Finance
- Meeting with Mr. Tahar Benbaïbeche, Rassemblement National Démocratique

Wednesday, 29 July

- Visit to Parliament:
- Meeting with Mr. Abdelkader Bensalah, President of the National Assembly
- Meeting with Mr. Bachir Boumaza, President of the Conseil de la Nation
- Meeting with the President of the High Islamic Council and the Bishop of Oran
- Meeting with Mr. Rezzag Barra, President of the Observatoire National des Droits de l'Homme

Thursday, 30 July

- Visit to site of massacre in Tlemcen
- Meeting with survivors and families of victims of massacre
- Meeting with the Wali of Tlemcen
- Visit to the city of Oran
- Discussion with the Wali of Oran

Friday, 31 July

- Visit to the Wilaya of Tizi-Ouzou
- Meeting with elected officials of the Wilaya of Tizi-Ouzou
- Visit to the city of Bejaïa
- Meeting with the Wali of Bejaïa
- Meeting with the Foreign Minister

Saturday, 1 August

- Meeting with Maître Mohamed Tahri, practising lawyer
- Meeting with Mrs. Leïla Aslaoui, former Minister
- Meeting with families of disappeared persons
- Meeting with survivors and relatives of victims of massacres

Algeria

Sunday, 2 August

Meeting with Mrs. Khalida Messaoudi

Meeting with Mr. Boudiaf Ahmed Reda, President of the National Bar Association

Meeting with Mrs. Saïda Benhabyles, Spokesperson for the National Alliance of Women's Associations, and a group of representatives of women's organizations

Meeting with the President of the General Confederation of Algerian Economic Entrepreneurs

Meeting with Mr. Mahfoud Nahnah, President of the Mouvement de la société pour la paix (MSP)

Monday, 3 August

Meeting with H.E. Mr. Liamine Zeroual, President of the Republic

Visit to Ghardaia

Tuesday, 4 August

Departure from Algeria

Annex II**LIST OF MATERIALS PROVIDED TO THE PANEL****I. Documents provided by the Government of Algeria and official sources**

- Indicative Draft Programme for the Visit of the Panel which will gather information in Algeria
- The Constitution of Algeria
- The Government's Programme as approved by the People's National Assembly, 17 August 1997
- Government's Programme, 13 July 1998
- Ministry of Finance, Economic Reform and Structural Adjustment in Algeria: Programme and results, July 1998
- Ministry of the Interior, Collection of Laws on Elections, March 1997
- Ministry of Justice:
 - List of 68 cases concerning offenses committed by security forces and dealt with by Military jurisdiction;
 - Illustrative table of legal proceedings brought against agents belonging to communal guards, legitimate defence groups and security services corps who committed abuses and violations (this table refers to 68 persons accused of violations);
 - Document dealing with: (1) abuses and violations (by communal guards, legitimate defense groups and security services corps) and collective assassinations (by terrorist groups) subject to the process of law; (2) judicial police control. Pressbook — on justice and cases linked to terrorism in the Algerian press — 1997
- Pressbook — on justice and cases linked to terrorism in the Algerian press — First trimester 1998
- Pressbook — on justice and cases of violations and abuses in the Algerian press — January-June 1998
- Annual reports of the Mediator of the Republic: March 1996-March 1997 and March 1997-March 1998
- First Exploratory Instruments for a Global Prospective Vision of the Specific Institutional Activities by the Mediator of the Republic (undated)
- Summary of the Mediator of the Republic's International Review (undated)
- Pressbook submitted by the Observatoire National des Droits de l'Homme, July 1998, Algiers

Algeria

- Letter dated 27 July 1998 (Algiers) addressed to the Chairman of the Panel, President Soares, by Mr. Rezzag-Bara, President of the Observatoire National des Droits de l'Homme, enclosing attachments which include a document on: "Human rights in Algeria : ONDH Answers to Amnesty International and FIDH".
- Information sheets on abuses ("*dépassements*") against citizens, transmitted to the Panel by the President of the Observatoire National des Droits de l'Homme following his meeting with the Panel on 29 July 1998
- Letter dated 3 August 1998 (Algiers), addressed to the Chairman of the Panel, President Soares, by Mr. Rezzag-Bara, President of the Observatoire National des Droits de l'Homme, enclosing statistics concerning requests submitted to the Observatoire
- Letter dated 3 August 1998, addressed to the Chairman of the Panel, President Soares, by Mr. Rezzag-Bara, President of the Observatoire National des Droits de l'Homme, in Algiers, providing information on a list "of 240 disappeared persons or persons illegally detained after arrest or abduction"
- Report dated 31 July 1998 (Tizi-Ouzou) addressed to the Panel by the Assemblée Populaire de Wilaya de Tizi Ouzou, enclosing a report to the Panel on some human rights violations and abuses by security forces (list of 13 persons victims of extrajudicial executions; list of three cases of abductions and disappearances; other cases) and other documents (including complaints against gendarmerie and patriots)
- VHS Video (4) on the general debate on security situation in Parliament (Assemblée Populaire Nationale), 2 June 1998
- Conseil de la Nation: Organization of its administrative and technical services (undated)
- Conseil de la Nation: Document (providing an overview on this institution), January 1998
- Embassy of Algeria in Lisbon, Pressbook (3-12 July 1998) on the visit of the Panel of Eminent Persons to gather information on the situation in Algeria

II. Documents submitted by political parties and actors

- Letter dated 28 July 1998 from Ms. Louisa Hanoune (Parti des Travailleurs) enclosing supplementary information to her meeting with the Panel, including a list of 203 disappeared persons; and questions put to the Government in the National Assembly on disappearances
- Memorandum du Mouvement de la Société pour la Paix (MSP) to the Panel, including documentation, Algiers, 2 August 1998
- Documents submitted by the Front des Forces Socialistes (FFS), including a list of 180 cases of disappeared persons or persons illegally detained after arrest or abduction
- Overview of the situation in Algeria submitted to them by the Rassemblement pour la Culture et la Démocratie (RCD), Algiers, 26 July 1998

Report of Eminent Panel

- Memorandum dated 30 July 1998, addressed to the Panel by Mr. El Hachemi Cherif, Secretary-General of the Mouvement Democratique et Social (MDS)
- Letter dated 28 July 1998 (Algiers) addressed to the Chairman of the Panel, President Soares, by Mr. Tarik Mira, Deputy of Bejaia, in charge of the international relations of the RCD, on allegedly anti-Semitic articles published by the journal of the FFS
- Letter dated 31 July 1998 (Tizi-Ouzou), enclosing a report by RCD group of the Assemblée Populaire de Wilaya de Tizi-Ouzou to the Panel
- Letter dated 21 July 1998, addressed to the Panel by Mr. A. Morbah, President of the Rassemblement Patriotique Republicain (RPR)
- Letter dated 27 July 1998 (Constantine) to the members of the Panel by the Front des Algeriens Democratiques (FAD)
- Memorandum of the FAD (undated)
- Letter dated 27 July 1998 (Algiers) addressed to the Chairman of the Panel, President Soares, by Mr. Ch. Taleb, President of the Parti National pour la Solidarité et le Developpement (PNSD)
- Documents submitted by Ms. Dalila Taleb, MP: Questions put to the Government in the National Assembly, letter from the Minister of National Solidarity on assistance to families victims of terrorism; and two cases of human rights abuses
- List of the group of families of disappeared persons (comprising Mmes Amari, Benkara, Dahmani and Messieurs Bourenane, Labdi, Boumezoud) submitted by Dalila Taleb, MP. The list includes the cases of 239 allegedly disappeared persons or persons illegally detained after arrest or abduction

III. Documents provided by non-governmental organizations

- Fax dated 5 August 1998 sent to the Chairman of the Panel, President Soares, in Lisbon by Amnesty International, Fédération Internationale des Ligues de droits de l'homme, Human Rights Watch, Reporters sans Frontières
- Amnesty International, Algeria: Fear and Silence: A Hidden Human Rights Crisis 19 November 1996. AI Index: MDE 28/11/96
- Amnesty International, Algeria: Civilian Population caught in a Spiral of Violence: 18 November 1997. AI Index: MDE 28/23/97
- Amnesty International, Algeria: A Human Rights Crisis: AI Index: MDE 28/6/97
- Amnesty International, Algeria: Three statements: 15/04/98; 07/04/98; 26/02/98
- Human Rights Watch, Algeria: Neither Among the Living nor the Dead. State-sponsored "Disappearances" in Algeria, Vol. 1, No. 1, February 1998

Algeria

- Human Rights Watch, Algeria: Elections in the Shadow of Violence and Repression. Vol.9, No.4, June 1997
- Letter dated 16 July 1998 (Paris) by Driss El Yazami, Chargé de mission à la Fédération Internationale des Ligues des Droits de l'Homme to the Chairman of the Panel, President Soares, in Lisbon, enclosing FIDH reports as well as a memorandum by the Vice-President of the Ligue algérienne de défense des droits de l'homme, (an affiliate of FIDH) dated 10 July 1998 and addressed to the Secretary-General of the United Nations and to the members of the Panel
- Fax dated 3 August 1998 sent to the Panel by Mr. Khalili enclosing a letter dated 30 July 1998 from Reporters sans Frontières to President Zeroual on the suspension of the weekly *El Borhane*
- Letter dated 27 July 1998 sent by the Director of *El Borhane* to the Chairman of the Panel on the suspension of his weekly magazine
- ICRC Press Release No. 98/28 concerning ICRC activities in Algeria
- Memorandum on human rights submitted to the Chairman of the Panel, President Soares, by Mr. Ali Yahia Abdelnour, President of the Ligue algérienne pour la Défense des droits de l'homme (LADDH), 24 July 1998
- Letter dated 30 July 1998 (Tizi-Ouzou) addressed to the members of the Panel by the Tizi-Ouzou section of the Ligue Algérienne pour la Défense des Droits de l'Homme, enclosing documents including a non-exhaustive list of 376 persons who either disappeared or were arrested in Algeria (handed to the Panel by Ms. Dalila Taleb)
- Syndicat National des Avocats/Comité des Avocats Constitués, Familles des Victimes et des Détenus de la Prison de Serkadji, Ligue Algérienne pour la Défense des Droits de l'Homme, "Preliminary report on the Serkadji massacre which occurred on 21 February 1995", Algiers, 3 July 1995, (attachments included)
- Fax dated 23 July 1998, transmitting an open letter to the members of the Panel by "The Algerians for Legality and Human Rights in Algeria" (attachment enclosed)
- Fax dated 20 July 1998 addressed to the Chairman of the Panel, President Soares, in Lisbon enclosing a letter to the members of the Panel by Algeria Watch (Germany) suggesting a number of questions and issues that could be raised by the Panel during its visit to Algeria
- Letter dated 25 July 1998 (Algiers) addressed to the members of the Panel by Collectif des Familles de Disparus
- Document submitted by the Association RACHDA on: "Algerian Women: between the family code and the barbarity of the FIS"
- Letter dated 29 July 1998 (Algiers) addressed to Chairman of the Panel, President Soares, from Mr. A. Benlakhder, Association El-Irchad Oua El-Islah

Report of Eminent Panel

- Letter dated 25 July 1998 addressed to Mme Simone Veil by Mrs. Benhabyles, Presidente du Mouvement Féminin de Solidarité avec la Femme Rurale et Porte-parole de l'Alliance Nationale des Associations Feminines
- Fax dated 30 July 1998, enclosing letter addressed to the Chairman of the Panel, President Soares, by the President of the Association Algérienne Enfance et Familles d'Accueil Bénévole, enclosing documents
- Fax dated 22 August 1998 (Columbus, Ohio) addressed to President Soares and the Secretary-General of the United Nations by Solidarity of Algerians in America (Salam) on the Panel's report on Algeria
- Open letter dated 14 July 1998 to the members of the Panel by the Comité International pour la Paix, la Démocratie et les Droits de l'Homme en Algérie
- Dossier submitted by Mr. Rabah Amroun, Association Nationale des Victimes Civiles de la Guerre de Liberation Nationale
- Letter dated 26 July 1998 (Algiers) addressed to the members of the Panel by the Mouvement Culturel Berber/Congrès Mondial Amazigh on cultural and linguistic rights in Algeria, enclosing a document on this subject.
- Collectif pour l'Abrogation de la Loi relative à l'Arabisation en Algérie, Pressbook, June 1998
- Letter dated 22 July 1998 addressed to the Chairman of the Panel, President Soares, by the Association Algérienne pour la Défense de la Langue Arabe, including attachments
- Letter dated 6 August 1998 (Algiers) addressed to the Chairman of the Panel, President Soares by Mr. Djamel Labidi, Vice-President of the Association Algérienne de la Défense de la Langue Arahe
- Letter dated 21 July 1998, addressed to the Secretariat of the Panel by Ms. Zazi Sadou, Spokesperson for the Rassemblement Algérien des Femmes Démocrates (RAFD)

IV. Documents provided by United Nations institutions

- Briefing note dated 7 July 1998 on the situation of human rights in Algeria, provided by the United Nations High Commissioner for Human Rights to which is attached the second periodic reports of Algeria under the International Covenant on Civil and Political Rights CCPR/C.101/Add.1 (State party report)
- Briefing note on the situation of human rights in Algeria vis-à-vis the human rights supervisory mechanisms (Conventional and extra-conventional) provided by the Office of the High Commissioner for Human Rights, 16 July 1998
- Briefing note on the situation in Algeria as it affects women, provided by the United Nations Division for the Advancement of Women
- Briefing note on the situation of children in Algeria, provided by UNICEF

Algeria

- Concluding observations of the Human Rights Committee: Algeria- CCPR/C/79/Add.1 (25 September 1992)
- Concluding observations of the Committee against Torture: Algeria- A/52/44, paras. 70-80 (18 November 1996)
- Concluding observations of the Committee on the Rights of the Child: CRC/C/Add.76 (18 June 1997)
- Concluding observations of the Committee on Economic, Social and Cultural Rights: Algeria-E/C.12/1995/17 (28 December 1995)
- Report of the Special Rapporteur, Mr. Bacre Waly Ndiaye, submitted pursuant to Commission on Human Rights resolution 1997/61-country situation- E/CN.4/1998/68/Add.1, (19 December 1997)
- Report of the Working Group on Enforced or Involuntary Disappearances. E/CN.4/1998/43, (12 January 1998)
- Report of the Special Rapporteur, Mr. Abid Hussain, submitted pursuant to Commission on Human Rights resolution 1997/38, - E/CN.4/1998/40, (28 January 1998)
- Report of the Special Rapporteur, Mr. Nigel S. Rodley, submitted pursuant to Commission on Human Rights resolution 1997/38, - E/CN.4/1998/38, (24 December 1997)
- Human Rights Committee, 62nd session. Consideration of reports submitted by States parties under article 40 of the Covenant. Concluding observations of the Human Rights Committee. CCPR/C/79/Add.95.

V. Documents provided by individuals, others

- Fax dated 2 August 1998 (Courtetelle) addressed to the Chairman of the Panel, President Soares, by Mr. Amar Kebaili, forwarding a list of 15 persons who allegedly disappeared in Ras El Oued on 22 July 1994
- List of 632 disappeared persons, submitted on 2 August 1998 by Mohamed Tahri, Avocat à la Cour, agréé près la Cour Suprême (Alger)
- Documents submitted by Maître Brahimi, including excerpts from the law on economic crimes
- Statements of the families of allegedly disappeared persons of 22 September 1997 (submitted by Maître Tahri)
- Identification sheets on allegedly disappeared persons (including photos) and other documents concerning allegedly disappeared persons submitted by Maître Tahri
- Letter (undated) addressed to the Chairman of the Panel, President Soares, by Mrs. Zoulikha Tandjaoui on the alleged disappearance of her husband on 11 June 1995, including attachment

Report of Eminent Panel

- Dossier on Ahcene N. Ferhat Bourenane, who disappeared in July 1995 (submitted by his family)
- Dossier on Saïbi Haddi, who disappeared in 1994 (submitted by his family)
- Letter dated 29 March 1996 (Algiers) addressed to the Mediator of the Republic, by Mr. Chabane Abdelkader on the alleged disappearance of his son Ahmed Chabane in December 1994 (submitted by his family)
- Dossier submitted by a petitioner who claims that he was harassed after denouncing illegal practices at work
- Fax dated 3 August 1998 sent by Mr. Mahmoud Khelili enclosing a letter by Mrs. Benkerimi requesting the Panel to help elucidate the alleged disappearance of her son on 30 May 1996
- Two testimonies on torture, including a handwritten letter, submitted by Maître Tahri, and a letter dated 29 July 1998 (Algiers) addressed to the Secretary-General of the United Nations (copied to Amnesty International and President Soares) by Mr. Rouabhi Khelil
- Dossier on Ahmed Amour, detained at Serkadji prison (submitted by Maître Brahimi). The Panel also met with Mr. Amour at the Serkadji prison.
- Handwritten letter dated 2 August 1998 (Algiers) addressed to the Chairman of the Panel, President Soares, by Salim Bourenane, Aïssa Mezine, Mohand-Saïd Saïbi, Houria Ben Abdellah, Messaouda Benkara, Abdelkader Chabane (representatives of families of disappeared persons) informing the Panel that as they left the meeting with the Panel they were filmed outside the Hotel Sofitel.
- Dossier on Mustapha Benkara, who allegedly disappeared in March 1994 (submitted by his family)
- Dossier on Soltani Saïd, who allegedly disappeared in March 1996 (submitted by his family)
- Dossier on Mohamed Attah who allegedly disappeared in June 1996 (submitted by Maître Brahimi and by his family)
- Telex dated 1 August 1998, addressed to the Panel by Mr. Mohamed Benkorichi
- Dossier submitted by Mr. Benyoucef Molouk on his case, including attachments
- Letter addressed to the Chairman of the Panel, President Soares, by Mr. Boucif Sellal, former President of the Chamber of Commerce of Ain Temouchent *Wilaya*, on the closure of touristic establishments in his *wilaya*, including attachments
- Letter dated 14 July 1998 addressed to the members of the Panel by Mr. Anwar Haddam on behalf of FIS with annexed report by Mr. Haddam, FIS representative in Washington, D.C., on the FIS approach to the Algerian crisis, May 1998
- Fax dated 2 August 1998 sent by the FIS Information Bureau, Washington, D.C., to the Chairman of the Panel, President Soares, in Lisbon, enclosing letter dated 1 August 1998 addressed to the Chairman of the Panel by Mr. Anwar N. Haddam, member of FIS,

Algeria

including attachments as follows: FIS Conseil de Coordination a l'étranger; Communiqué No. 5: "Open Letter to the Members of the United Nations Information Commission".

- Fax dated 4 August 1998 sent to the Chairman of the Panel, President Soares, in Lisbon forwarding an open letter "from Europe" dated 3 August 1998 by the Islamic Salvation Front addressed to the Head and the members of the United Nations delegation
- Some statements by the leaders of the banned FIS on women's rights
- Document prepared and addressed to the President and members of the Panel (received in Lisbon on 10 August 1998) from Denmark by Mr. Brahim Taouti, containing his assessment of the legal aspects of the state of emergency now in place in Algeria, various documents attached
- Fax dated 25 July 1998, addressed to the Chairman of the Panel, President Soares, by Mr. Abdessalem Guellour, former independent candidate in the 1991 legislative elections
- VHS Video (1), "Algerian Atrocities: Triangle of Death, The Perpetrators Uncovered. A Glimpse at the Horror" (ITN/CBS).

