

ALGERIA

ELECTIONS IN THE SHADOW OF VIOLENCE AND REPRESSION

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ABOUT THIS REPORT

A Human Rights Watch delegation visited Algiers from March 30 to April 13, 1997, with the knowledge and agreement of the government. We met with the ministers of justice and interior, political party leaders, representatives of civic associations, human rights lawyers and ordinary citizens. Human Rights Watch wishes to thank all of the Algerians who received us, and in particular the Observatoire National des Droits de l'Homme for facilitating meetings with government officials.

We note that, despite our strong objections, our delegation was accompanied during part of the mission by a security escort. After initially agreeing to withdraw the armed escort at our insistence that it placed unacceptable constraints on our freedom of movement and independence, the authorities insisted toward the end of our visit on reimposing this detail on the delegation wherever it went. This forced us to cancel at least three appointments out of consideration for the persons with whom we wished to meet. The security escort, whatever its intentions, thus hampered our ability to gather information.

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POLITICAL PARTIES MENTIONED IN THIS REPORT

ANR: Alliance nationale républicaine (National Republican Alliance)

Ettahaddi: the Challenge

FFS: Front de forces socialistes (Socialist Forces Front)

FIS: Front islamique du salut (Islamic Salvation Front), banned in 1992

FLN: Front de libération nationale (National Liberation Front)

MAJD: Mouvement Algérienne pour la justice et le développement (Algerian Movement for Justice and Development)

MDA: Mouvement pour la démocratie en Algérie (Movement for Democracy in Algeria)

MSP: Mouvement de la société pour la paix (Movement for a Peaceful Society, formerly the Movement for an Islamic Society, Movement de la société islamique, Hamas)

An-Nahdha: Renaissance (formerly an-Nahdha al-Islamiyya, Islamic Renaissance)

El-Oumma: the Nation (disbanded in 1997 after new political parties law took effect)

PRA: Parti du renouveau algérien (Party of Algerian Renewal)

PT: Parti des travailleurs (Workers Party)

RCD: Rassemblement pour la culture et la démocratie (Rally for Culture and Democracy)

RND: Rassemblement National Démocratique (National Democratic Rally)

SUMMARY

Algerians go to the polls on June 5, 1997 in the first parliamentary elections since the military-backed government canceled elections in January 1992. That measure, taken to prevent a victory by the Islamic Salvation Front (Front Islamique du Salut, or FIS), plunged the country into endemic violence that continues today and has claimed more than 60,000 lives, most of them civilians.¹ Many Algerians hope that a reasonably fair vote on June 5 will contribute to reducing the political violence; others are more pessimistic.

The government hopes that these elections will crown its efforts to assert its legitimacy at home and abroad, and remove the taint it incurred when the democratic process was interrupted in 1992. In early May, President Liamine Zéroual said that after these elections and the local elections to follow shortly thereafter, Algeria "will have completed the period of transition and the return to popular sovereignty and legitimate institutions."² In an indication of the importance that they attach to the elections as a means of legitimizing the government, Algerian authorities have created a national election monitoring group and have actively sought foreign monitoring.³

Except for the flawed presidential election of 1995, Algerians have their first opportunity since 1992 to elect those who would govern them. Other than the president, unelected officials govern the country at the national, provincial and local level. Given the stakes, it is important to scrutinize not only the conduct of the vote but also underlying human rights conditions that affect the ability of Algerians to associate with one another, conduct political activities, and impart and receive information and views relevant to the decisions they will make on election day.⁴

The June 5 elections cannot be seen as the capstone of the process of establishing democratic rule in Algeria, because of the following factors that limit the significance of these elections as a free expression of the will of the Algerian people to choose those who would govern them. The first of the factors below reduces what is at stake in these election, while the others detract from the extent to which they should be considered free and fair.

A weakened National Assembly: The Assembly to be elected on June 5 is a far weaker body than the one that was to have been chosen in 1992. The new constitution, drafted by the authorities and approved in a controversial November 1996 referendum, has stripped the assembly of many of its lawmaking powers, while strengthening the office of the

¹ Armed operations by Islamist groups preceded the cancellation of elections, but were isolated and rare.

² Jean-Pierre Tuquoi, "L'Algérie continue à vivre sous un régime de double terreur," *Le Monde*, (Paris) May 9, 1997.

³ Foreign Minister Ahmed Attaf stated, "There will be a double guarantee of a fair vote. First, we have set up an independent national supervisory committee with members from all the political parties participating in the elections. Second, we have requested the presence of observers from the United Nations, the Arab League and the OAU." *Le Soir* (Brussels), March 13, 1997, as reported in Foreign Broadcast Information Service (hereinafter FBIS), Near East and South Asia, March 13, 1997.

President Zéroual issued formal invitations to the U.N., the Arab League, and the Organization of African Unity on February 6, describing the initiative as "part of the natural progression of the process freely begun by Algeria with the presidential election of November 1995." "Le président Zéroual a demandé la présence d'observateurs pour les législatives," Agence France-Presse (hereinafter AFP), February 6, 1997.

The international response has been one of reserved, sometimes skeptical, encouragement. In a letter to President Zéroual dated March 18, U.N. Secretary-General Kofi Annan agreed to send a "small technical team in order to coordinate and support the work" of observers being sent by various countries to monitor the vote. The United Nations, Annan wrote, "will not itself observe the elections in order to certify their good conduct or their results, nor will the organization make any declaration concerning them. The judgments expressed on the elections will be made by the international observers, who will name their own spokespersons and prepare their own declarations." Thus far, more than twenty countries have pledged to send observers or contribute financially to the observation efforts. Both the Arab League and the Organization of African Unity will send observers, as they did for the presidential elections of 1995. Altogether, some 200 international observers are expected to monitor the campaign and voting.

⁴ A review of technical aspects of the election preparations, the monitoring and the voting itself are beyond the scope of this report.

president and creating a second legislative chamber, one-third of whose members are appointed by the president, and two-thirds of whom are elected by local officials who themselves will have been elected by popular vote. While international human rights standards do not dictate how power should be divided among different branches of government, it is important to note the significantly reduced powers of the institution that is being elected through popular suffrage.

Ongoing political violence and repression: Although many Algerians have courageously and defiantly plunged into the campaign, the rampant violence, for which the security forces and armed Islamist groups are responsible, continues to claim scores of lives each week and has terrorized many Algerians who would wish to express their views or take part in political life. Political activists from a wide range of parties and tendencies have been assassinated since 1992, including at least five so far in the run-up to this legislative election.

Exclusion of parties: Certain provisions of the 1996 constitution and 1997 political parties law violate the right to freedom of association by not permitting parties based on religion, region, language or gender. The FIS, the Islamist movement that was poised to win the last legislative elections, was outlawed in 1992 and remains barred from any political activity. Other parties have been required to change elements of their names and program in order to comply with the law.

Restrictions and favoritism: Authorities have to some extent restricted the political activities and coverage on state-controlled radio and television of some legal parties, particularly those that criticize the interruption of the last legislative elections. By contrast, the authorities have facilitated the rapid rise of the RND, formed only in February to mobilize support for the President and his government.

Media censorship: Systematic censorship in the press of security-related news and, to a lesser extent, of criticism of government corruption and performance, deprives voters of information concerning some of the key issues in this campaign. The authorities have harassed publications and journalists associated with independent print media, and have preserved state-controlled television as a government mouthpiece. The ability of journalists to gather and disseminate news and information has also been impeded by the unprecedented assassination campaign that has cost the lives of fifty-nine media workers since 1992. Armed opposition groups are believed responsible for most of these killings.

The right of citizens to participate in their country's public affairs, directly or through representatives chosen freely, is a fundamental human right enshrined in the International Covenant on Civil and Political Rights. This right is central to Algeria's political crisis, since it was the denial of that right—when authorities annulled the country's first multi-party legislative elections—that led to the political violence becoming endemic, and has diminished in the eyes of many Algerians the legitimacy of their rulers.

If these elections are to be a step toward ending the political stalemate, significant additional steps are required for the Algerian people to be able, in a meaningful way, to “take part in the conduct of public affairs, directly or through freely chosen representatives.” Because so much power will continue to rest with the presidency and Algeria's military, such steps toward broadening political participation will have to come through acts of political will. Such steps may also help to marginalize the armed groups whose campaign of violence against the security forces and civilians has contributed so heavily to the national tragedy.

RECOMMENDATIONS

To the government of Algeria:

Human Rights Watch recognizes that the elections taking place on June 5 can contribute to solving Algeria's political crisis and to enabling the Algerian people to exercise their right to participate, through elected representatives, in the conduct of public affairs. However, much remains to be done if Algerians are to enjoy their political rights in a meaningful sense. One factor impairing the ability of Algerians to exercise their political rights is the rampant political

violence. While the armed Islamist groups bear a large measure of responsibility for this violence, the government is responsible to a considerable degree as well.

In order to enable Algerians to exercise their political rights more fully, Human Rights Watch urges the government of Algeria to:

- End censorship and pressures on the media that aim to enforce a state monopoly on information related to the internal security situation, including human rights violations, or that aim to restrict other coverage that displeases government officials.
- End all measures designed to impede the peaceful activities and public expression of political parties and movements, including those that urge the inclusion of the FIS in negotiations with the government.
- Bring domestic legislation on political parties into conformity with the International Covenant on Civil and Political Rights by abolishing the prohibition on parties based on religion, gender, race or region. Such broad-based prohibitions violate the right of Algerians to freedom of association.
- Take steps to halt human rights abuses perpetrated by the security forces, including arbitrary detention, "disappearances," extrajudicial executions, and torture, that target suspected Islamist activists, their relatives, and suspected sympathizers. Such abuses are presently practiced with virtual impunity. Toward this end, authorities should declare publicly and ensure that:
 - (1) such practices will not be tolerated;
 - (2) complaints about abuses will be investigated promptly and meaningfully and the results made public; and
 - (3) those found guilty of abuses will be punished in a manner befitting the offense and in a manner that makes clear to others in the security services as well as the public that the government takes allegations of abuse seriously.
- Provide humane treatment to anyone in government custody who has been incapacitated by wounds, surrendered, or taken captive, including members of the armed groups, in compliance with international human rights and humanitarian law.

To the armed groups:

Human Rights Watch urges all armed groups to:

- Halt immediately deliberate attacks on civilians and noncombatants, and indiscriminate attacks that disregard the protection of civilians.
- Provide humane treatment to anyone under their control who has been incapacitated by wounds, surrendered, or taken captive, including members of the security forces, in compliance with international humanitarian law.
- Cease all activities intended to threaten or intimidate persons because of their personal or political beliefs or activities.

Persons empowered to speak on behalf of the FIS, as a movement with aspirations to political power in Algeria, should clearly and unconditionally condemn attacks by armed Islamist groups against all civilians and other acts that violate basic human rights and humanitarian norms. These include all acts and threats of violence intended to intimidate Algerians who wish to exercise their right to political participation and association. Leaders of the FIS should utilize whatever influence they have over armed groups to end violence against and intimidation of civilians.

To the European Union and Member States:

The European Union is presently negotiating a Euro-Mediterranean Association Agreement with Algeria similar to ones already signed between the E.U. and Morocco, Israel, and Tunisia. Algeria hopes to obtain financial aid or debt relief in the context of this accord.⁵ Article 2 of each association agreement states, "Respect for the democratic principles and fundamental human rights established by the Universal Declaration of Human Rights inspires the domestic and external policies of the [European] Community and of [the other party] and constitutes an essential element of this Agreement." Human Rights Watch therefore makes the following recommendations to the European Union and member states:

- The European Commission and Council of Ministers, and E.U. member states, should scrutinize not only the June 5 elections but also human rights conditions in the months that follow the elections, and make clear to the Algerian government that improved relations depend on the government's making tangible progress in improving in human rights practices and in giving greater substance to the right of Algerian people to participate in self-governance.
- In particular, the European Commission and Council of Ministers, and E.U. member states, should monitor the extent to which the elections represent a starting point for the government to redress some of the outstanding human rights issues for which authorities are responsible, such as the hundreds of cases of "disappearances". They should publicly acknowledge and condemn these practices by Algerian authorities, and submit lists of names of reportedly "disappeared" persons that come to their attention and request clarifications from Algiers.
- The European Commission and Council of Ministers, and E.U. member states, should assess whether state broadcasting media remain open to opposition views, as they have to a degree during the election campaign, or revert to their rigid practices of recent years, and whether the print press is allowed real freedom. They should further monitor whether the policy of granting visas relatively freely in the run-up to elections to journalists and foreign observers, including human rights monitors, will revert to the more restrictive past policy on visas.
- The European Parliament should adopt an urgent resolution, making reference to Article 2 of the draft Association Agreement with Algeria, requesting the European Commission and Council of Ministers to undertake the above recommendations and to report back to the Parliament with regard to these undertakings.
- The European Parliament should itself undertake to document human rights developments in Algeria in the post-election period.

To the International Community:

Those countries participating in the multi-national election monitoring effort have a responsibility to provide a frank and public assessment of the atmosphere for free and fair voting, despite the difficult conditions on the ground faced by their observers. The lackluster and silent monitoring of the 1995 Algerian presidential elections by the Arab League, Organization of African Unity, and the United Nations enabled the authorities to boast of the international presence without having to face thorough monitoring or public reporting by the observers.

This time, governments and multilateral institutions sending election observers must not forfeit the leverage for improvements that their presence offers. They should take steps to ensure that their observers are able to have access to potential sources of pertinent information regarding the free character of the polling, including restrictions on basic civil and political rights for all Algerians. They should ensure that their observers are able to speak publicly and promptly concerning conditions. If the observers travel with armed escorts from the security forces, assigned for their protection, they have a duty to weigh the deterrent effect this will have on ordinary citizens and party activists who might otherwise approach them with complaints about irregularities, and should identify means of enabling these potential sources to

⁵ Algeria's public debt was U.S.\$26 billion in 1994. The loans are repaid primarily with revenue from export sales of natural gas and petroleum.

meet with them in private in order to provide them with information pertinent to the elections. If the armed security personnel are assigned against their express wishes, or if other obstacles are placed on their access or activities, observers should publicly state that such constraints can impugn the freedom and fairness of the elections themselves.

Governments and international institutions that have leverage with the government of Algeria should continue, after the elections, to monitor steps toward promoting political participation and curtailing human rights abuses. Aid and partnership agreements, which the government of Algeria is reported to be eagerly seeking, should be linked to measurable progress in these domains.

In addition, foreign governments that maintain contact with representatives of the FIS should demand, as a condition of such relations, that the FIS take specific and visible steps to implement the above recommendations that are addressed to it.

MODALITIES OF THE ELECTION

The terms of the election process are fixed by the election law adopted by the appointed interim legislature, the National Transitional Council (Conseil National de Transition, CNT), on February 19, 1997.⁶ The 380-seat People's National Assembly (Assemblée Nationale Populaire, ANP, hereafter National Assembly) is elected for a five-year term using a proportional list system and secret balloting.⁷ There are 16.7 million registered voters, out of a population of twenty-eight million. Algerian citizens, above the age of eighteen, male and female, are eligible to vote. A total of 7,740 candidates, including independents and representatives of thirty-nine parties, are vying for seats. Four parties have lists in all districts: the RND, FLN, PRA, and an-Nahdha. The MSP and the FFS have lists in most of the fifty-six districts. There are approximately 34,000 voting stations throughout the country.

The number of deputies to represent each governorate (*wilaya*) is determined by population, with no governorate having fewer than four deputies. Some governorates are divided into two or more electoral districts. A number of deputies are to be selected by Algerian citizens residing abroad, who are also eligible to vote.

The ballot presents the voter with a choice of lists of candidates. Each list is put forward by one or more parties or is composed of independent candidates. The number of candidates on each list is limited to the number of seats apportioned to that district, plus three. Seats are assigned according to the proportion of votes won by each list in the district. Parties or lists that receive less than 5 percent of vote within a district do not participate in the allocation of seats.

Candidates must be at least twenty-eight years old, Algerian by birth or naturalised for at least five years. Male voters must have completed military service or be exempt. Independent candidates must have collected at least 400 voter signatures to be eligible. Both men and women are eligible to run.

Candidates and parties are permitted to have up to five representatives at the polling stations on voting day and during the counting of votes. The voting stations are staffed by polling officers appointed by the local governor. The vote count is public, and is conducted by private citizens chosen by the polling officers (Article 54).

Members of the military and security forces are to vote in their barracks (Article 63). Some parties have protested this provision. It is not clear whether international and domestic observers will be permitted to monitor voting in the barracks to the same extent as elsewhere.

⁶ Ordonnance no. 97-07 du 27 chaoual 1417 correspondant au 6 mars 1997 portant loi organique relative au régime électoral.

⁷ The proportional system represents a major revision of the winner-take-all system in the previous electoral law of 1990. That law facilitated the FIS landslide in the 1991 legislative elections. That party had won 189 of the 232 seats decided in the first round even though it had won only 47.54 percent of the votes cast. The other two parties to win seats were the FLN and the FFS.

Algeria's Constitutional Council is to declare the results within seventy-two hours after receiving polling data from around the country and overseas. Parties or candidates have forty-eight hours to file complaints about irregularities to the Constitutional Council, which has the authority to cancel or change results.⁸

After consultations with some of the political parties, President Zéroual established a National Independent Elections Observation Commission (Commission nationale indépendante de surveillance des élections législatives, CNISEL) that includes representatives of many political parties, officials from the ministries of justice, interior, communication and foreign affairs, and members of the semi-official National Human Rights Monitoring Body (Observatoire national des droits de l'Homme, ONDH) and of the independent Algerian League of Human Rights (Ligue Algérienne des Droits de l'Homme, LADH). The CNISEL is responsible for overseeing the election process, including voter registration, allocating to parties broadcast time and access to public gathering places, and the ballot count.

BACKGROUND

⁸ In December 1991, complaints of voting irregularities were submitted to the council, mostly in districts won by the FIS, but before the council could pronounce on the charges, the military-backed High Security Council, a presidential advisory body, halted the electoral process.

The forthcoming National Assembly elections will be the first since the military-backed annulment of the January 1992 elections and the forced resignation of President Chadli Bendjedid.⁹ Between 1992 and 1995, Algeria was governed entirely by unelected officials. The military-backed High Council of State appointed the president and cabinet. The National Assembly was replaced by the National Transitional Council, a consultative body whose sixty members were appointed. At the local level, most of the officials who won their posts in the Islamic Salvation Front landslide in the 1990 municipal elections were ousted and replaced by persons selected by the central government. In November 1995, a multi-candidate presidential election confirmed as president retired General Liamine Zéroual, who had been appointed to that post in January 1994.¹⁰

Algeria continues to be governed under a state of emergency decreed in February 1992. That decree gives the authorities vast powers to arrest and intern individuals, prevent public gatherings, close an organization on the grounds of an impending danger to the public order, and suspend or dissolve local assemblies or governments if they impede the legal actions of the public authorities. At the same time as it imposed the state of emergency, the authorities banned the FIS, the party calling for an Islamic state that had been legalized in 1989 and that was poised to capture a majority in the National Assembly if the election had proceeded. The top leadership of the FIS had already been in prison since 1991 on subversion charges; most of the remaining senior cadres either went underground or fled into exile. Some members of the now-outlawed FIS and other Islamist groups took up arms against the government, and have since attracted a stream of recruits to their ranks. The ensuing violence, in which both the security forces and armed groups have targeted civilians as well as each other, shows no signs of abating.¹¹

Several topics have dominated political debate among Algerians. These include the pace at which the state-dominated economy should be liberalized; high-level corruption; the heavy influence exercised by the military in running the affairs of the state; how to address the violence and political impasse that followed the cancellation of the elections; and what role, if any, to permit Islamists, including the outlawed FIS, in the political process.

On the question of the role for the FIS, many opponents argue that the party is implicated in violence and intimidation against its perceived adversaries in Algerian society, and that it is hostile to democracy, women's rights, Berber cultural rights, and the rights of persons who do not share their religious views. Those who favor a role for the FIS argue that the 1990 and 1991 elections demonstrated the broad popular support it enjoys, and argue that it will—or can be constrained to—respect democratic rules. Parties that have advocated a role for the FIS have been the target of much of the censorship imposed during the presidential and current legislative campaigns.

The government has largely denied the existence of a human rights problem other than the "terrorism" it attributes to Islamist armed groups, despite the compelling evidence, collected by human rights organizations, that torture, "disappearances", and arbitrary killings by the security forces are widespread. In a typical comment, a Foreign Ministry official was reported to have said on March 3, "It is true that Algeria, a victim of terrorism, is going through a difficult period that involves a certain number of measures to protect persons and property, but any state that respects human rights imposes some measures within the framework of its struggle against terrorism, such as the state of emergency."¹² Interior Minister Mustafa Benmansour said in an interview with Human Rights Watch on April 9:

⁹ On those elections and their aftermath, see Middle East Watch (now Human Rights Watch/Middle East), "Human Rights in Algeria Since the Halt of the Electoral Process," *A Human Rights Watch Short Report*, vol. 4, no. 2, February 1992.

¹⁰ On the presidential election, see Human Rights Watch/Middle East press release, "Algeria: Islamist Violence, Government Pressures Cast Shadow on Presidential Elections," November 16, 1995.

¹¹ See, Middle East Watch (now Human Rights Watch/Middle East), *Human Rights Abuses in Algeria: No One is Spared* (New York: Human Rights Watch, 1994).

¹² "Ouverture mardi des négociations avec l'EU," AFP, March 3, 1997.

I personally do not consider Algeria as a country that has human rights violations. All procedures are carried out according to the law. There are no violations, except for some excesses that take place in the framework of operations, such as insults, or beatings—but these are subjected to prosecution or internal disciplinary measures....We lived through a war in 1992 and 1993, and at that time the very foundations of the country were threatened. Nevertheless, Algeria handled [human rights issues] with great care.

President Zérroual maintained contacts with FIS leaders during the early part of his presidency but, according to the government, the contacts broke down over the refusal by the FIS to agree in advance to abandon its support of armed resistance. The FIS, for its part, co-signed a platform in Rome in January 1995 with five legal political parties, calling for negotiations between the government and political parties, including the FIS, suspension of violence by both sides and eventual democratic elections. The signatories included the three parties—the FIS, the FLN and the FFS—that together had won 78.5 percent of the popular vote in the first round of legislative voting in December 1991 and captured 229 of the 232 seats decided in that round of voting. The Rome initiative, known as the National Contract, was rejected by the authorities.

While spurning demands for negotiations with a broad range of parties toward establishing a framework for a cease-fire and new elections, the authorities invited legal political parties for "consultations" as they prepared the country for the presidential elections in November 1995. In that polling, President Zérroual defeated three other candidates by a wide margin. Zérroual's victory and the high rate of voter participation, in defiance of threats by armed groups to kill those who cast ballots, impressed many observers who interpreted the outcome as a mandate to break the political deadlock and end the endemic violence.¹³

The period that followed disappointed those who looked to the president to initiate a meaningful opening toward representative political forces. Instead, the government drafted a new constitution with minimal input from the political parties, and announced that it would be put to a popular referendum. President Zérroual also promised legislative and municipal elections in 1997. Meanwhile, the lull in political violence around the presidential elections proved to be short-lived.

In November 1996, Algerians voted to approve the new constitution. Some parties, including the RCD, MDA and Ettahaddi, boycotted the referendum, while the FFS urged a "no" vote. Independent estimates put the rate of participation well below the officially declared 79 percent, of which nearly 86 percent voted "Yes." No international observers were present, and foreign journalists present were hampered in their movements.¹⁴

In February, a new political party was announced that would draw its support from union, veteran, peasant, and civic associations that supported President Zérroual in the 1995 election. The so-called National Democratic Rally (RND) is led by Abdelkader Bensalah, who also heads the government-appointed National Transitional Council. It would be the first manifestly pro-government party since the FLN went into the opposition after the cancellation of elections in 1992. The FLN was the ruling party during nearly three decades of one-party rule.

In March, the government set legislative elections for June 5, and announced that the campaign would start on May 15.

¹³ The official results were 61.34 percent for Zérroual, 25.38 percent for Mahfoudh Nahnah of Hamas (now the MSP), 9.29 percent for Said Saadi (RCD), and 3.78 percent for Noureddine Boukrouh of the PRA. The authorities stated that the rate of participation was 74.92 percent. Many in the opposition questioned that figure, although they acknowledged that voting was heavier than had been expected.

¹⁴ Roger Cohen, "Algeria says Charter Passes, but Critics Charge Vote Fraud," *New York Times*, November 30, 1996.

NEW LAWS AFFECTING THE STAKES AND FAIRNESS OF THE ELECTIONS

A Weaker National Assembly

The new constitution, drafted by the government and adopted by a referendum last November, has diluted the power of the National Assembly and given the president more far-reaching powers. It also creates a second chamber, the National Council, composed of members who are not directly elected, that will share legislative functions with the National Assembly. Two thirds of the 170-member National Council will be elected by communal and provincial council deputies who are to be chosen in local elections later in 1997. The remaining one-third will be appointed by the president.¹⁵

The president appoints the prime minister (Article 77). The National Assembly can force the resignation of the prime minister by voting down the government's program. In that case, the president appoints a new prime minister (Article 81). The president has the power to dissolve the National Assembly at any time (Articles 82 and 129).

The prime minister or a group of at least twenty deputies are entitled to introduce draft legislation (Article 119). To become law, it requires the approval not only of the National Assembly, but also the support of three-fourths of the National Council (Article 120). Once adopted by the two chambers, the president of the republic may still send the legislation back to the National Assembly for a second vote. This time, the legislation must obtain a two-thirds majority in order to pass (Article 127).

Restrictions on the Nature of Political Parties

Both the 1996 constitution and its predecessor guarantee freedom of association. Following the political reforms of 1989 and 1990, independent and party-related civic associations proliferated. However, under the 1992 emergency law, the interior minister could suspend or close associations by administrative order when their activities were deemed to "endanger public order, public security, the normal function of institutions or the higher interests of the country."¹⁶ After the banning of the FIS in February 1992, this provision was used to outlaw numerous civic and labor organizations that the government accused of affinity with that party.

The constitution recognizes and guarantees in Article 42 the right to create political parties. However, the same article prohibits their creation on a basis that is "religious, linguistic, racial, gender-related, corporatist [i.e., an organized economic interest] or regional."¹⁷ The political parties law, promulgated on March 6, states further in Article 5 that a political party "cannot establish its founding or action" on these criteria. Article 3 stipulates, "the fundamental components of the national identity in its three dimensions, Islam, Arabism and Amazighté [Berber ethnicity], cannot be exploited for partisan propaganda purposes." The law gives parties two months to bring their names and programs into conformity with these requirements.

¹⁵ They are to be appointed from among "national figures and experts in the scientific, cultural, professional, economic and social spheres," according to Article 101 of the constitution.

¹⁶ Presidential decree 92-320 of August 11, 1992.

¹⁷ "Dans le respect des dispositions de la présente Constitution, les partis politiques ne peuvent être fondés sur une base religieuse, linguistique, raciale, de sexe, corporatiste, ou régionale."

This law, like others passed since the cancellation in 1992 of the legislative elections, was decreed by the president and approved by the National Transitional Council. Prime Minister Ahmed Ouyahia praised the constitutional provisions on political parties for presenting "the definition of a framework for the conduct of pluralism which bans parties based on religion, on regional special interest groups, and still more on violence."¹⁸ Interior Minister Mostafa Benmansour said the new party law introduced "features that will allow the country to avoid the disastrous slip-ups of the past."¹⁹

Article 40 of the previous constitution recognized the right to create political "associations." The 1989 Law on Political Associations also restricted political associations based on religion.²⁰ But, at that time, the authorities granted the FIS and other Islamist parties legal status and allowed them to function. Some thirty political groupings sought and received official recognition in the year following adoption of the 1989 political associations law.

Altogether, under the March 1997 law, some fifty groups have already won recognition as political parties; of these, about four-fifths are competing in the legislative elections. The FIS remains banned. Two other Islamist parties, MSP (formerly Hamas) and an-Nahdha, both of which fared poorly in the 1991 parliamentary elections, are running candidates, after conforming to the new political party law by changing their names and parts of their platforms.

El-Oumma, a small pro-Islamist party, disbanded a month after the new party law was passed. Its secretary general, Ben Youssef Ben Khedda, told us, "The government wanted to deprive us of our national symbols. Islam is at the center of our national identity and we refuse to abide by this unjust party law. We preferred to disband rather than function under these conditions."²¹

The MDA, headed by Algeria's first president, Ahmed Ben Bella, announced it would boycott the elections rather than comply with an official order to change its platform. In a letter to the MDA, the Interior Ministry asked the party to change by May 8 Articles 3 and 6 of its platform, or face "stringent measures to implement the law." Article 3 says: "The MDA aims to bring together various forces of the country around national unity, democracy, social justice and Arab-Islamic values." Article 6 defines MDA work in developing national cultural independence, national unity and "the defense and growth of Islam, the religion of the State and of the people." In the view of Human Rights Watch, nothing in these articles would justify attempts by the state to foreclose their peaceful expression or forbid persons who support them from associating together. As this report went to press, negotiations were continuing between the interior ministry and the MDA.

¹⁸ "Premier Interviewed on Constitutional Referendum," Rome Rai Uno Television Network, November 27, 1996, as reported by Foreign Broadcast Information Service (hereinafter FBIS), Near East and South Asia, November 27, 1996.

¹⁹ AFP, February 18, 1997.

²⁰ Article 5 prohibited political associations the founding or activity of which has a basis that is "exclusively" religious, linguistic or regionalist, or tied to a single gender, race, or particular professional status." ("Aucune association a caractere politique ne peut fonder sa création et son action sur une base et/ou des objectifs comportant:

-des pratiques sectaires et regionalistes, le féodalisme et le nepotisme....

Dans ce cadre, l'association à caractère politique ne peut, en outre, fonder sa création ou son action sur la base exclusivement confessionnelle, linguistique, régionaliste, d'appartenance à un seul sexe, à une seule race ou à un statut professionnelle déterminé.")

²¹ Human Rights Watch interview, Algiers, April 3, 1997.

It is the prerogative of a government, where evidence exists that a party or its members have engaged in illegal conduct, such as acts of, or incitement to violence, to prosecute them according to the law. However, Algeria's broadly worded bans on particular categories of political parties violate the International Covenant on Civil and Political Rights (ICCPR). Algeria ratified that treaty in 1989, and published it in the *Official Gazette* in March 1997, a step required for its becoming part of domestic legislation. The ICCPR guarantees to citizens the right to take part in the conduct of public affairs either directly or through freely chosen representatives and the right to vote and to be elected in periodic and fair elections. These rights, articulated in Article 25, entail participation in, and voting for, political parties. They are to be guaranteed "without any of the distinctions mentioned in Article 2 and without unreasonable restrictions." Article 2 of the ICCPR requires States Parties to respect and ensure civil and political rights "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." The criteria that Algeria forbids as the basis for political parties—ethnicity, religion, language, gender, and regional origin—correlate with these forbidden categories of discrimination. The present law violates the rights of supporters of a party that claims a religious basis for its program to associate together and to vote for representatives of their choice.²²

Algeria's ban on broad categories of parties also restricts free association with others. Article 22 of the ICCPR, which guarantees this right, permits restriction only in the narrow circumstances where three conditions are met: 1) the restriction is "prescribed by law"; 2) the restriction is "necessary in a democratic society"; and 3) it is necessary "in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others." These conditions are not met by Algeria's decision to proscribe whole categories of political parties on the basis of discriminatory criteria. The burden rests with the government to show that the restrictions meet each of Article 22's conditions. To be "lawful," a restriction must not only be embodied in a law, but also be consistent with fundamental human rights norms, including the requirement that it is "necessary in a democratic society." A "necessary" restriction is one that is narrowly drawn and proportionate to the interest it seeks to protect; it must further accord with values of tolerance, pluralism, popular sovereignty and equality characteristic of "democratic" societies. Finally, the specific interests that may be protected have restrictive meanings. National security, for example, entails a threat to the physical integrity of the state, and not merely to the tenure of any particular government. Public order (*ordre public*) is endangered by violent disturbances, not by partisanship or public debate on controversial topics. Algeria, to the best of our knowledge, has made no case that any of these criteria have been met in justifying the ban on categories of political parties.

VIOLENCE, REPRESSION, AND THE ELECTIONS

The political violence in Algeria since 1992 has cost an estimated 60,000 lives.²³ The precise figures are unknown, as are the proportions of security forces, armed opposition militants, and civilians who have been killed and the extent to which the militants or the security forces and paramilitary forces are responsible. Censorship, fear and other factors have prevented an accurate accounting of the casualties.

The widespread, vicious, and often random nature of the violence has created a climate of fear and terror among the population. While some categories of civilians may be at particular risk, many Algerians do not understand who is being targeted or by whom. The identity of those carrying out the violence is difficult to establish, as the

²² The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by the UNGA in November 1981, gives important guidance about the concept of "intolerance or discrimination" based on religion. Article 2 of the Declaration states that intolerance or discrimination "means any distinction, exclusion, restriction, or preference based on religion or belief and having as its purpose or as its effect nullification or impairment or the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis."

²³ This is the unofficial figure most cited by local and international media.

security force and the armed groups often conduct themselves in similar ways: the former often wear civilian clothes and do not identify themselves, while the latter sometimes disguise themselves as security forces when stopping cars on the roads or attempting to gain entry to a building.

Human Rights Watch has interviewed many Algerians who described a sense of being caught between both sides. Young men have been threatened with death by armed groups if they do not join them or if they answer the military draft. Yet they also feared that if they did not report to the military barracks they would be suspected of supporting the armed groups, and face imprisonment or worse. A person who is the victim of a carjacking by an armed group is warned not to report the theft of the vehicle to the police, so that the group's use of the vehicle will not arouse suspicion. They may be reluctant to file a report in any event, out of fear of being seen entering a police station. Yet failure to file a police report puts the victim under suspicion of cooperating with the armed groups. Physicians and other health professionals reportedly have been forced to provide care for members of armed groups and were then harassed or prosecuted by the government for having done so. Families who have been forced at gunpoint to provide money or provisions to the armed groups have encountered the same fate.

Although identifying who is responsible for specific killings is often impossible, it is clear that armed groups identifying themselves as Islamist have killed thousands of people, including civilians and members of the security forces. The composition of these groups is varied; some groups consider themselves loyal to the FIS or to elements of its leadership; others are radical groups that reject the political mantle of the FIS.

When legal, the FIS sheltered a range of Islamist tendencies and never articulated a detailed political program. Its two undisputed leaders, Abassi Madani and Ali Belhadj, were said to espouse moderate and hardline views respectively. With both chiefs in prison and unable to communicate with their followers, FIS figures who are at liberty to speak continue to articulate a range of positions, including on the subject of political violence.

The armed groups seem to be largely decentralized, many operating only in limited areas of the country. Some Islamist groups have targeted civilians in blatant violation of the most elemental humanitarian norms, assassinating relatives of security-force members as well as journalists, intellectuals, government workers, popular singers, and others whose personal politics or profession they deem hostile or contrary to their Islamist project. Car bombs and other explosive attacks have taken the lives of hundreds of civilians and caused tremendous damage to public and private property. If the communiqués issued in the name of the Armed Islamic Group (*Groupe islamique armé, GIA*) and the Islamic Front of the Armed Jihad (*Front islamique du djihad armé, FIDA*) are authentic, these two groups bear responsibility for a significant share of atrocities committed against civilians.

The Islamic Salvation Army (*Armée Islamique du Salut, AIS*), a group claiming to be the armed wing of the FIS, asserts that it targets only security personnel and objects; but its record in practice is not known, and some communiqués that were issued in its name clearly threatened civilians.²⁴

FIS figures in exile continue to make statements repudiating violence directed at civilians while claiming the right to wage war against the security forces and state apparatus. The "National Contract," co-signed in January 1995 by FIS officials abroad (see above), committed signatories—in principle—to the "rejection of violence as a means of acceding to or maintaining power." Subsequently, after the authorities rejected this démarche and the actions of armed groups continued, FIS leaders reaffirmed their right to fight the government with arms while tending to dissociate their party from attacks against civilians. They blamed such attacks either on radical groups such as the GIA that they portrayed as outside FIS control, or claimed that they were committed by state agents acting to discredit Islamists. For example, Abdelkrim Ould Adda, a spokesperson for the group calling itself the "Executive Committee of the FIS Abroad" (instance executive à l'étranger), told the Barcelona daily *La Vanguardia*:

²⁴ For example, the AIS announced in 1994 that it had compiled a list of journalists who were "accomplices of the regime" who would be executed, according to an AIS-affiliated underground publication, *al-Fath al-Moubine*. "L'AIS affirme avoir dressé une liste de journalistes qui seront exécutés." AFP, August 24, 1994.

The FIS condemns all of these terrible killings. Let me say it very clearly: the FIS has no links with the GIA. We firmly condemn the barbarous acts committed by these terrorist groups against the civilian population. The AIS also condemns these actions. The AIS does not kill civilians, women, children, journalists, intellectuals, foreigners. Its actions are always directed against military targets. The AIS controls more than 80 percent of the groups fighting against the regime's repressive forces. It is stronger than the GIA.²⁵

A statement issued the same week by the "Executive Committee of the FIS Abroad" blamed the massacres on the authorities, saying they "fit into the context of a politics of eradication [of Islamists] pursued by the regime, which is trying to instrumentalize it these days for electoral purposes."²⁶

More radical FIS figures in exile, who were reportedly recently dismissed from the "Executive Committee of the FIS Abroad," have suggested closer links between their party and the GIA. For example, Qamareddine Kherbane, stated in an interview that the FIS rejected the GIA's practice of killing "innocents, Algerian or foreign," which he said was "the major difference between us and them." But rather than treat this unpardonable practice as grounds for repudiating the GIA, he characterized the conflict with the GIA as "minor" and asserted that "all the mujahedin (holy warriors) realize that the main enemy is the regime."²⁷ Anouar Haddam, spokesperson for the "FIS Parliamentary Delegation in Exile," appeared to justify a bomb that exploded on a crowded street outside an Algiers police station on January 30, 1995, killing forty-two persons, most of them civilian passersby. In a conversation with the *Financial Times*, he insisted that the attack was part of the "armed struggle." He said:

The mujahideen never meant to harm civilians. The bomb was meant for the central commissariat, which is known as a torture centre. We send our deep condolences to the families of the victims.

Despite this claim, it should be noted that the attack occurred in broad daylight, shortly before the start of the holy month of Ramadan, when the street was most likely to be jammed with pedestrians.²⁸

The FIS has called on its followers to boycott the elections but has not, to our knowledge, made or endorsed threats against candidates or voters. Abdelkrim Ould Adda, told a news conference in Brussels on April 2, "The FIS asks all citizens not to take part in this electoral conspiracy, neither by their mobilization nor by their vote, except where they are forced to or where their security or means of support are put under pressure."²⁹ However, Qamareddine Kherbane, another FIS figure in exile (see above), was quoted at about the same time as saying, "We will do everything to boycott this fraudulent vote and to prevent elections from taking place."³⁰

While a party is within its rights to call for a peaceful boycott, threats and violence intended to prevent or deter participation in political life is manifestly criminal. During the 1995 presidential elections, the GIA was reported to have threatened "a bullet for every ballot." Although we are unaware if a similar threat has been issued during the current election campaign, the ongoing violence, the bloody record of the GIA and the known opposition of armed Islamists to these elections certainly intimidates Algerians as they campaign and prepare to vote.

²⁵ *La Vanguardia*, April 20, 1997, as reported in FBIS, Near East and South Asia, April 21, 1997.

²⁶ "Le FIS tient le pouvoir algérien pour responsable des tueries perpétrées," AFP, April 24, 1997.

²⁷ Mark Dennis, "Algeria on the Brink," *Newsweek*, international edition, April 14, 1997.

²⁸ Roula Khalaf, "Islamists Says Algiers Bomb Aimed at Police HQ," *Financial Times*, February 2, 1995.

²⁹ *Asharq Al-Awsat*, April 4, 1997. See also, Jean-Paul Mari, "Les frères ennemis de l'islamisme algérien," *Le Nouvel Observateur*, April 10, 1997.

³⁰ "Une seule légitimité, celle de Madani et de Benhadj," *Le Nouvel Observateur*, April 10, 1997.

Indiscriminate bomb attacks in public places, calculated to inflict maximum civilian casualties, pose a potential threat to campaign rallies or large meetings. During the month of Ramadan, which ended in early February, car bombs in Algiers killed at least fifty people and injured more than 300.³¹ Statements issued in the name of the GIA claimed responsibility for the attack. On May 11, four days before the start of the election campaign, bombs exploded in a discotheque and three booby-trapped cars, killing six people and injuring seventy-one others, all in greater Algiers.³² In the midst of the election campaign, three car bombs exploded in different towns killing at least thirty people, according to security sources cited in the press. A leader of the MSP, Mohamed Chenouf, died in one of the explosions on May 22 in the town of Boufarik, south of Algiers, and one of the car bombs exploded near a hotel in Tlemcen where members of the CNISEL were staying.

Since the fall of 1996, many of the casualties have occurred during massacres committed against residents of isolated rural communities. According to local press, the attackers have used rifles, knives, swords and even chain-saws. Most of the victims have been women, children and infants. In April alone, more than 300 people were slain in rural attacks. On April 21, the last day of registration for candidates for the election, ninety-three men, women, and children were killed in an overnight attack on a farm in the Bougara region south of Algiers. On May 14, the eve of the election campaign, thirty civilians were killed in the area of Chebli, not far from Bougara and in the Mitidja plains, an area known to be a GIA stronghold and also the site of concentrations of government-backed armed militia.

Survivors have held Islamist groups responsible for many of the massacres, according to the local media. However, there are persistent rumors that self-defense militias and security forces may also be implicated in some of the attacks on rural settlements. Heavy press censorship and restrictions on access have made it difficult to conduct independent investigations into many of these incidents.

The carnage and destruction of property in rural areas has displaced thousands, who have fled to the capital or to other localities where they feel more protected. Some of the areas most affected by depopulation are Blida, Bouira, Chlef, Medea and M'sila.³³ This disruption has diminished political life in these areas while raising concerns about how and where displaced persons will be able to cast their votes. The election law requires voters to register in their area of permanent residence. As of this writing, the government had not decided whether it intends to allow the displaced persons to vote in what the election law refers to as "mobile" polling booths, or to provide them with security to return home to vote. Political parties were urging the second choice.³⁴

The right to move about freely is also important during election periods, but armed groups have created dangerous and frightening conditions that persuade Algerians to minimize their travel. Hundreds have been slaughtered while traveling on intercity roads, either at false checkpoints manned by armed groups posing as security forces, or while traveling in buses that have been ambushed.

³¹ AFP, February 24, 1997.

³² Associated Press, Algiers, May 11, 1997.

³³ AFP, May 24, 1997. For example, more than 2,000 residents have fled from outlying villages to the city of Tipasa, sixty kilometers west of Algiers, according to Abderrahmane Denden, a member of the Algerian League of Human Rights and the CNISEL. Human Rights Watch telephone interview, May 17, 1997.

³⁴ FFS spokesperson Ali Rachedi said his party had asked the government to guarantee security to displaced persons so they can return home. Abderrahmane Denden of the CNISEL said that commission was making the same recommendation.

Violence has taken the form of targeted political assassination as well. In June 1992, the military-appointed president, Mohamed Boudiaf, was shot to death at a public rally.³⁵ Since 1993, candidates and activists from a variety of parties, including the FFS, the RCD, MSP (former Hamas), and smaller parties, have been assassinated around the country, including in the run-up to elections. In September 1995, Abdelmadjid Benhadid, a presidential aspirant, was slain. A senior official of the FFS, Embarek Mahiou, was assassinated ten days before the presidential vote.

On May 10, 1997 gunmen shot dead two RCD activists in a high school in the Berber area of Beni Yenni, about 120 kilometers east of Algiers.³⁶ A day later, two activists representing a small party, the MAJD, were killed in an ambush near the town of Medea, about 80 kilometers south of Algiers. These attacks, along with the deliberate killing of hundreds of sitting government officials since 1992, including mayors, prosecutors, clerks and other public servants, have terrorized others into withdrawing from public life. It is not possible to confirm the identities of the perpetrators of these attacks, which the authorities have generally attributed to armed groups.

Many activists in political parties, women's rights organizations, and other civic and political associations have taken to living a semi-clandestine life. Many sleep in different locations, alter their daily habits, and do not publicize their movements in advance. This inhibits their ability to participate in the country's public and political life, and deters others from becoming involved.

Others have fled the country. One activist with the secularist RCD party described the violence that exploded during the 1993-1994 period, nearly costing him his life and driving him and his family into exile. A professional in his late thirties, Khaled (he asked that his real name not be used), ran as an RCD candidate in 1991 for National Assembly in the governorate of 'Ain Defla, an Islamist stronghold southwest of the capital:

The evening that the voting results [the FIS landslide of December 26, 1991] came in, there were some Islamists in the room. They said nothing, but one of them looked at me and made a throat-slashing gesture. [In the next few months] some of them started calling me and my wife "infidel" [*kafir*] when they passed us in the streets. Democrats in the region started to be attacked later in 1992. I was warned that my son could be targeted. My wife stopped going out alone.

Khaled moved his family to his native Tizi-Ouzou governorate, which was more peaceful, but they returned to 'Ain Defla in August 1993 so that Khaled would not lose his job there:

In February 1994, some men told a guard in town that they were going to start killing the "infidels," especially "the one with the red car," meaning me. On February 3, a man called out my name on the street. I didn't recognize him, so I was suspicious. I swung around and another man was behind me with a butcher's knife. I hit him and knocked the knife from his hand. People came running. We captured one of the guys, but the other escaped.

One day soon afterward, I heard gunfire near our area. I took my family and we hid near a water station. The gunfire lasted one or one and-a-half hours. The police never left their station. Lots of people were killed, including the entire police crew of four or five men. When we went back to our home, we discovered that it had been ransacked.

The security forces from [a nearby city] sent reinforcements to our village. They killed seven people in reprisal, people who did not have anything to do with the attack, people who were not even pro-FIS. They took these people to the gendarmerie [police station] in [the city] and their bodies were later found in the woods.

³⁵ Although a young soldier was convicted in the killing, many Algerians believe that a larger conspiracy lies behind the killing that has not been unveiled.

³⁶ The RCD is well-known for its opposition to the program of Islamists. "Deux militants du RCD assassinés à Beni Yenni," *El-Watan*, May 11, 1997.

Khaled went into hiding and, with the help of a contact in the military, evacuated his family from the region. They returned to Tizi-Ouzou, where Khaled resumed his activism in the RCD. In September 1994, he learned that a fire had destroyed his house in 'Ain Defla. He recalls:

I received a threatening tract, and noticed that I was being followed in Tizi-Ouzou. When I went on errands I found myself between two cars that I suspected were up to something. I complained to the police, but they said, Don't worry. But I realized I was safe nowhere, and decided to leave the country.³⁷

Many Algerians active in political or civic organizations have had similar experiences or know others who have. Delila Meziane, a refugee in France, described the persecution she suffered for her outspoken politics and her independent lifestyle as a woman. Meziane, a lawyer born in 1957, was a long-time activist in the women's movement, unions, and the communist PAGS party, the precursor of Ettahaddi. "I never missed a demonstration," she recalled. "I participated in marches against the FIS beginning in 1990. In 1992 I gave interviews on the radio attacking the Islamists and the mixing of religion and the state." Meziane, who is single and lived alone, opened a law practice in Bouira, a city near the capital where Islamist sympathies were strong. After being threatened several times and aggressively confronted in the streets of Bouira, she and her female colleague closed the practice.

Meziane moved her law office to her apartment in the Bab Ezzouar district of Algiers. But the threats continued. "The phone would ring and the persons on the other end would call me a "heathen" and "unbeliever" and say I was going to die," she said. On the walls of her neighborhood, a list was posted naming local women who lived alone and calling them "impure." In 1992, death threats were scrawled across her front door, and her apartment was ransacked by unknown persons. In November of that year, a man who lived nearby whom she knew to be an Islamist assaulted her and tried to strangle her. She managed to free herself. The assailant was arrested but soon released.

In 1993, two friends and a policeman she knew were slain, and she witnessed a court clerk being killed on the steps of an Algiers courthouse. In February of that year, she returned from a trip abroad to discover that her apartment had again been ransacked and the doors and walls covered with death threats. The police advised her to leave, warning that they could not assure her safety. She began sleeping at friends' homes. On March 17, 1993 she returned home to pick up some documents and found that the phone, water and electricity had been cut off. Despite the nighttime curfew in effect, she heard people outside her front door, knocking and shouting threats. Three days later, Meziane left the country.³⁸

Since 1992, state repression has mostly been directed at suspected Islamists, their families, and sympathizers. Before 1992, the FIS operated openly and legally, fielding candidates, publishing newspapers, and organizing rallies and other political activity. This open activity, under the watchful eyes of the security services, facilitated the massive round-up of many of these people beginning in 1992. In the months following the cancellation of elections, at least 9,000 suspected Islamists including elected officials and rank-and-file supporters, were put into desert detention camps without charge. Abdelqader Hachani, who was provisionally heading the party while its two chiefs were in prison, was arrested in January 1992 for urging soldiers to disobey orders to repress the Algerian people. He is now in his sixth year in detention without trial. The crackdown and continuing repression no doubt discourages political activism by some actual or potential supporters of Islamist-leaning candidates.

³⁷ Human Rights Watch interview, Paris, July 10, 1995.

³⁸ Human Rights Watch interview, Simandre, France, July 8, 1995.

New elements that heighten the level of fear among Islamist sympathizers and their relatives are the communal guards and “self-defense” militias, armed and sponsored by the state. The communal guards, set up in 1993 and paid to back security forces in their areas of residence, operate under the jurisdiction of the interior ministry. The “self-defense” militia, created mainly in poorly protected rural areas where armed groups are active, have also been armed and sponsored by the state. While these two paramilitary forces have played a role in providing security for some sectors of the vulnerable population, they have also reportedly carried out “anti-terrorist” operations that go beyond self-defense and the limits of the law. These include offensive operations against individuals or groups they define as “terrorists” and killings of suspected Islamists or their families in reprisal for acts attributed to armed groups.³⁹ Amid criticism that the “self-defense” militia were not subject to sufficient oversight, the government issued a decree in March 1997 intended to bring them under closer supervision by the defense and interior ministries.

Some political activists voiced concern about the effect of militias on political activity during the campaign. “We don’t want any militia around during the elections. They could belong to one party or another and intimidate voters,” Abdel-Madjid Menacera, of the Islamist MSP party, commented.⁴⁰ Many Algerians believe that the victims of some rural massacres have been targeted by Islamist armed groups because the victims—or, more generally, people in their village—were suspected of supporting the militia or security forces. Similarly, many Algerians suspect that the security forces and militia have perpetrated killings against persons who are suspected of supporting the Islamists. These perceptions must weigh heavily on voters in these terrorized areas when they contemplate the fact that local voting patterns will become known after the elections.

³⁹ Amnesty International, *Algeria: Fear and Silence: A Hidden Human Rights Crisis*, (AI Index MDE 28/11/96), November 1996.

⁴⁰ Human Rights Watch interview, Algiers, April 1, 1997.

The regular security forces have engaged in extrajudicial killings. Human Rights Watch and other groups have reported on the suppression of a mutiny at Serkadji prison in Algiers in February 1995 that took the lives of about one hundred inmates and was never properly investigated by the authorities.⁴¹ There has been no thorough independent investigation of the circumstances in which security forces storm hideouts of persons described as "terrorists." Amnesty International has noted that the official communiqués concerning such clashes state, in the overwhelming majority of cases, that all of the individuals in the group were killed, and none was arrested or injured, including those who were not armed. This "raises the question of how many of these people were deliberately extrajudicially executed, including killings as a result of excessive use of lethal force in situations where they posed no threat to the lives of the security forces."⁴² The Algerian League of Human Rights (LADH) wrote recently that under the emergency law "there has been an increase in the use of firearms and an abuse of them during the pursuit of persons suspected of violence and terrorism, or under threat of danger, which has led to a large number of extrajudicial killings."⁴³

Algerian authorities have also engaged in a pattern of arbitrary arrests; prolonged detention without charge or trial and with no access to lawyers or relatives and torture during interrogation. There have been numerous reports of deaths during detention in suspicious circumstances.⁴⁴

Human Rights Watch investigated one high-profile case in which circumstances suggest that extra-judicial execution was the cause of death. On January 28, 1997, Abdelhaq Benhamouda, head of Algeria's largest union, the Union General de Travailleurs Algériens (UGTA), was assassinated outside the UGTA office in Algiers, despite the presence of his guard detail.⁴⁵ On February 23, Rachid Medjahed, a suspect being held in incommunicado detention, "confessed" on Algerian television to having masterminded the assassination. Shortly thereafter, Medjahed's relatives requested permission from an investigating judge to visit him in detention and were told that he had died. A lawyer for the family obtained a police report dated February 26 stating that Medjahed was dead. On April 2 his family was summoned to view his body in a morgue and reported that it bore nine bullet wounds. On April 8, Minister of Justice Mohamed Adami told Human Rights Watch that, as far as he knew, Medjahed was being treated in a hospital for three bullet wounds received during the clash that led to his arrest. In a letter sent to the authorities on April 26, Human Rights Watch expressed concern that Medjahed was extrajudicially executed while in custody and that authorities had sought to cover up, rather than expose what happened to him between his arrest and his death. In a May 11 letter responding to the intervention by Human Rights Watch, the ONDH stated that it had learned from the authorities that Medjahed had indeed been wounded during his arrest and died on March 18 from "complications" related to the injuries he had suffered. The information conveyed by the ONDH was inconsistent with Human Rights Watch's finding that the family had been told well before March 18 of Medjahed's death and that the police report confirming the death was dated February 26. The case illustrates why many Algerians are sometimes skeptical of government attribution of most acts of political violence to Islamist groups.⁴⁶

⁴¹ Human Rights Watch/Middle East, "Algeria: Six Months Later, Cover-Up Continues in Prison Clash that Left 100 Inmates Dead," *A Human Rights Watch Short Report*, vol. 7, no. 5, August 1995.

⁴² Amnesty International, *Algeria: Fear and Silence*, p. 11.

⁴³ Statement by the LADH on the occasion of its tenth anniversary, April 11, 1997.

⁴⁴ See Amnesty International, *Algeria: Fear and Silence*.

⁴⁵ Human Rights Watch/Middle East, "Algeria: Human Rights Watch Urges Investigation of Death in Detention of Suspect in Labor Leader's Killing," April 30, 1997.

⁴⁶ Speculation as to who killed Benhamouda began the day he died. Many observers noted that he may have won the enmity of factions within the country's leadership after he declared his intention late last year to launch a political party that would have been pro-President Zéroual in the June 5 elections. Medjahed's "confession" followed by his death—instead of a court trial—further obscures the identity of the labor leader's assassins.

Human Rights Watch also spoke in Algiers with relatives of several persons arrested between 1994 and early January 1997, and whose whereabouts were still unknown in April 1997. In many of the cases, the family was either unable to locate their detained relative through inquiring at local police stations and with higher authorities, or had lost track of them after they had been transferred from one holding facility to another. All had submitted at least one inquiry with the ONDH or directly with the government. Lawyers told us they were pursuing hundreds of such cases of reported disappearances.⁴⁷ Justice Minister Adami said that his ministry takes reports of missing persons seriously. "We give these cases all our special attention," he said. "Sometimes we find the person in question, but until we do we keep the files open on these cases."⁴⁸

⁴⁷ See also Amnesty International, *Algeria: Fear and Silence*.

⁴⁸ Human Rights Watch interview, Algiers, April 8, 1997.

Those relatives we interviewed had received replies via the ONDH after considerable delays, if they received replies at all. But none of the replies specified a reason for the arrest nor information on the person's whereabouts. Sometimes, the ONDH responses stated that the missing person may have joined the armed groups. For example, Zobeir Chekhli's family complained to the ONDH on March 9, 1996, about his disappearance in June 1995. About a year later, the ONDH replied that, according to the gendarmerie, Chekhli had not been arrested, and that he may have joined the armed groups, since his brother Lahkdar was a "terrorist" and had been arrested.⁴⁹

Human Rights Watch spoke to a relative of two young men, Djamil and Mourad Chihoub, who "disappeared" after their brother joined an armed Islamist group:

In May 1996, when military forces came to look for Saeed, who had gone to the armed groups, they took away Djamil instead, from our home in Baraqi. They told me to find Saeed. Since then, we found out that Saeed had been killed, but Djamil has not been returned. I looked everywhere for him, in morgues, hospitals, and have written to officials, but got no reply. Then, on November 1996, the military forces together with a self-defense group from Baraqi came to our house at around 11 o'clock at night and warned me, "If you move, we will shoot," and they took away my youngest son, Mourad. According to rumors he was arrested in connection to the armed groups.

The family wrote to the authorities but has received no information. The boys' father was summoned to military security headquarters in February, along with other relatives of "disappeared" persons, where he was asked for details of the cases by the social services department formed late last year to trace "disappeared" persons. The fate of Djamil and Mourad Chihoub remains unknown.

A relative of Mohamed Oucief, twenty-six, described how he was arrested around 2 a.m. on March 28, 1997 by six armed security personnel:

They forced their way through the balcony of our first floor apartment. One of the men was masked. They had no identification papers or arrest warrant. They went to Mohamed's room, and when I entered I saw the masked man hitting him and asking him questions about something he had delivered to somebody. They pushed me out and shut the door and then took him away. We only found out today, from neighbors who visited their son in Serkadji prison, that Mohamed was there, but we have no information about a trial or anything else. We managed to confirm that he was indeed in Serkadji from a guard at the gate, after a lot of pleading. This is the usual way to find out where people are taken to and held.⁵⁰

Noureddine Mihoubi, twenty-nine, a resident of el-Harrache in Algiers, was arrested more than four years ago as he was visiting a brother outside Algiers.⁵¹ He was held at a police station there and his family was able to visit him and bring him food and medicine for fifteen days. Then they were told that he had been transferred to Algiers but were given no further information. A month later, a newly released detainee told them he had seen Noureddine at the military security facility at Chateauneuf and that he was in poor condition. The family in the summer of 1996 obtained a police report issued in July 1996 saying he had been arrested by security forces and transferred to Algiers on February 7, 1993. His location and fate remain unknown.

⁴⁹ ONDH showed this correspondence to Human Rights Watch at its headquarters on April 5, 1997.

⁵⁰ Human Rights Watch interview with a relative of Mohamed Oucief who wished to remain anonymous, Algiers, April 6, 1997.

⁵¹ Human Rights Watch interview with a relative of Noureddine Mihoubi who wished to remain anonymous, Algiers, April 6, 1997.

Ali Belhadj, one of the two FIS chiefs imprisoned since June 1991, was last seen by his family and lawyers in the beginning of 1995. He was tried and sentenced in July 1992 to twelve years in jail. He is facing new charges following the alleged discovery of a letter from him on the body of an armed Islamist implicating him in inciting violence. His lawyers have written to the authorities, including President Zéroual, asking for their right under Algerian law to have access to their client and complaining that his whereabouts were unknown. In April, the London-based Arabic language daily *Al-Hayat* quoted a FIS statement saying he had been moved to Blida military jail.⁵²

The ONDH acknowledged in its 1994-1995 report the existence of secret detention centers in "places that the law has not designed for that function. They are mainly...certain police stations or army barracks serving as detention centers. Persons arrested were freed after more than three months of secret detention in these places."⁵³

FREEDOM OF ASSEMBLY

The obstacles that a government or other actors place in the way of holding meetings, rallies, debates, and other public events have a direct bearing on the openness of elections. While Algeria's constitution guarantees, in Article 41, "freedom of expression, association and assembly," the state of emergency and the Law on Assemblies and Public Demonstrations impose excessive limits on these rights. In practice, restrictions on political gatherings have been inconsistent. Legal parties of all tendencies have been able to hold meetings and public rallies, but their gatherings have been banned or restricted on some occasions.

International law permits restrictions on the right of peaceful assembly only in narrow circumstances.⁵⁴ Advance prohibitions of assemblies must always be exceptional measures, and be based on well-founded concerns for security or public safety, and not on preventing persons from challenging the legitimacy of the government of the moment. As the examples provided in this report show, the measures taken by the authorities to restrict freedom of the press, assembly and association clearly exceed that which may be justified on the basis of legitimate concerns for security and public order.

On February 13, 1992, the Algerian government notified the United Nations Secretary-General that it was imposing a state of emergency and, in accordance with Article 4(3) of the ICCPR, derogating from articles of the covenant. That article states that derogations may not exceed "the extent strictly required by the exigencies of the situation." The Algerian government, in its letter to the Secretary-General, asserted that the state of emergency "which is aimed essentially at restoring public order, protecting the safety of individuals and property and ensuring the normal operation of institutions and public services, does not interfere with the democratic process inasmuch as the exercise of fundamental rights and freedoms continues to be guaranteed."

⁵² Also arrested and tried with Ben Hadj, FIS leader Abbassi Madani is held in an unknown location outside Algiers where his sister has reportedly been able to visit him.

⁵³ Observatoire National des droits de l'homme, *Rapport 1994-1995*, p. 44-45.

⁵⁴ Freedom of assembly is guaranteed by the International Covenant on Civil and Political Rights. Article 21 provides:

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

International jurisprudence suggests strongly that even where one finds "a public emergency which threatens the life of the nation," a government cannot simply equate its own perpetuation with the "life of the nation." The European Commission of Human Rights, interpreting the identical language of Article 15 of the European Convention on Human Rights,⁵⁵ concluded that the threat to the "life of the nation" must, in its magnitude, involve the whole nation.⁵⁶ This characterization can refer with equal justification to the application of Article 4 of the International Covenant on Civil and Political Rights.⁵⁷

The February 9, 1992 state of emergency decree gives the interior minister and local governors sweeping powers to "restrict or prohibit the movement of persons and vehicles," order the "temporary closure of [all types of] halls and ban all demonstrations that could disturb the public order and peace." The decree does not require the authorities to explain or justify such measures.

In addition, public gatherings by parties and associations are restricted by December 1991 amendments to Law 89-28 relating to assemblies and demonstrations. The procedure for organizing gatherings shifted from one of simple notification, where the provincial governor (*wali*) had authority to request a change of location, to one of obtaining permission from the *wali*, who is appointed by the president and who can "ban an assembly and inform its organizers if it is deemed to pose a real risk of disturbing public order or if it clearly appears that the real objective of the meeting constitutes a danger for the preservation of public order."

During the 1995 presidential elections, authorities refused to authorize some meetings called by political parties urging a boycott of the election, including the FFS and the FLN. The government also arrested overnight an activist, Djamel Zenati, who publicly urged a boycott, and allowed little or no television coverage of those urging a boycott of the vote.⁵⁸

There was similar, sporadic interference with those parties that opposed the constitutional referendum of November 1996. Seddik Debaili, FFS secretary general, said:

We asked to debate the proposed constitution on television before the referendum. That was refused. Some of our militants in Bejaia [governorate] were arrested, tried and acquitted on the day of the constitutional referendum. They were accused of pressuring the voters to vote "No."⁵⁹

Following the constitutional referendum, the FFS was not permitted to hold a rally to denounce "the fraudulent result and injustice" of the vote, according to Bouallam Kolai, in charge of inter-party relations at the FFS. "When we asked permission to hold an outdoor rally on December 12," he said, "The authorities responded that our request was not made in the formally correct way. We complied and made a second, correct request, but again we were rejected, with no reason."⁶⁰

In May 1997, some political parties and independent candidates complained that following their public election campaign meetings, local officials and security forces had harassed attendants or tried to pressure them into joining the RND. The head of the MSP, Mahfoudh Nahnah, said his party was prevented from holding some meetings, while the pro-government parties had easy access to public halls. He threatened on May 26 to pull out of the elections:

⁵⁵ European Convention for the Protection of Human Rights and Fundamental Freedoms, 213 U.N.T.S. 221, E.T.S. 5 (1950).

⁵⁶ *Greek case*, 12a *Y.B. Eur. Conv. Human Rights*, para. 153 (1969).

⁵⁷ Buergenthal, "State Obligations and Permissible Derogations," *The International Bill of Rights*, p. 80.

⁵⁸ See Human Rights Watch/Middle East press release, November 16, 1995.

⁵⁹ Human Rights Watch interview, Algiers, March 31, 1997.

⁶⁰ Human Rights Watch interview, Algiers, March 31, 1997.

There is a double standard at work here, and there are abuses. Our candidates held a meeting in a café yesterday and the owners were later questioned by security forces. Unless the administration stops interfering, we will have to pull out because we will not be part of a rigged election.⁶¹

Representatives of other political parties and civic associations complained that their freedom to hold meetings had been sharply curtailed in the past two years. These included parties sitting in the National Transitional Council, whose members are government-appointed. For example, Abdelmedjid Menacera, a senior figure in the MSP, said his party did not get permission to meet in public halls. This, he said:

hindered the party's activities because some small towns only had spaces that were government-owned. We have complained to the highest levels, and we always were reassured our needs would be met, but the problem is at a lower level, where local officials have the freedom to act as they please.⁶²

The Interior Ministry's director of civil liberties, Belhadj Abdel Razeq, told Human Rights Watch, "The only reason to reject a request for a public meeting by a party or an association is related to security, if there is any danger, or a security problem. But this is decided at the local level and not at our office."⁶³

The National Union of Magistrates (l'Union nationale de magistrats) took the governor (*wali*) of the Algiers governorate to court because he refused its request for a permit to hold a meeting in December 1996. A split in the union had resulted in the leadership of one of the factions holding its own general assembly last October. When the other faction, which claims to be more independent of government influence, requested permission to convene its general assembly, the *wali* refused, explaining that the new leadership had already met. "The *wali* has overstepped his authority and has no right to pass judgment on the union leadership," Fatima Chenaif, chief magistrate at the criminal court of Algiers and a founding member of the union, told us.⁶⁴

Members of the Rally for Youth Action (Rassemblement action des jeunes, RAJ), a nongovernmental youth association that leads university seminars and addresses the problems of unemployment, poverty and human rights, said their group had come under heavy pressure, including bans on meetings, particularly after it launched a "Manifesto for Peace" in April 1995. The organization demanded "respect for human rights regardless of social position, ideology or culture," the right to peaceful assembly, and "a peace process, in which all, with no exception, must participate."

Karima Hammache, RAJ's director of public relations, said:

⁶¹ Roula Khalaf, "Islamist party may pull out of Algeria poll," *Financial Times*, May 27, 1997.

⁶² Human Rights Watch interview, Algiers, April 1, 1997.

⁶³ Human Rights Watch interview, Algiers, April 9, 1997.

⁶⁴ Human Rights Watch interview, Washington, D.C., May 8, 1997.

At our concert in June 1995, for which we were given permission the same day, we got thousands of people to sign our manifesto for peace. We want the political opposition and the government to talk to each other. They clash and we, the young people, are victims caught in the middle.⁶⁵

Since the concert, she said, the authorities have rarely allowed RAJ activists to hold seminars and conferences in high schools or in state-run youth centers, and rejected a request to organize a concert in March 1997. "Before our 1995 concert, we had access to the radio and to the public press. We realize there are armed Islamist terrorists, but we can't understand why the government restricts organizations like ours which are against all forms of totalitarianism," Hammache said.

Another call for a broad-based political dialogue was made by an ad hoc group of political figures, lawyers, and intellectuals in November 1996, many of whom were identified with the National Contract platform. Their initiative, a Call for Peace (*Appel pour la paix*), condemned the proposed constitution and called for a dialogue with political forces across the spectrum, an end to the emergency law, the release of prisoners of conscience, and freedom of expression.

The government initially rejected a request for permission by the group to hold a public meeting planned in December 1996. The government allowed a Call for Peace rally in March, and about 1,000 people attended," according to Bouallam Kolai, an FFS activist and signatory of the Call for Peace.⁶⁶

FREEDOM OF THE PRESS

Press freedom is an essential condition for free and fair elections. This includes the coverage accorded the various parties and candidates and the flow of information more generally that will influence Algerians' decisions about whom to elect. For example, authorities make frequent claims that terrorism is "residual" and have accused the press of blowing it out of proportion.⁶⁷ In assessing whether the present policies pursued toward political violence are succeeding, Algerians need accurate information about the nature and extent of political violence in their country. But this is the area where press censorship is most strict.

Government restrictions on expression in Algeria violate the International Covenant on Civil and Political Rights, which Algeria has ratified. The ICCPR states in Article 19(2):

Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, or in print, in the form of art, or through any other media of his choice.

The Covenant allows certain restrictions on this right, including for the protection of national security or of public order (Article 19(3)(b)). Derogations are also permitted in the event of "a public emergency which threatens the life of the nation and the existence of which is officially proclaimed...to the extent strictly required by the exigencies of the situation." (Article 4(1)). The Government of Algeria exercised the option provided in Article 4(3) for taking derogations by informing the United Nations Secretary-General of the imposition of the state of emergency (see above).

⁶⁵ Human Rights Watch interview, Algiers, April 11, 1997.

⁶⁶ Human Rights Watch interview, Algiers, March 31, 1997.

⁶⁷ In a typical declaration, Foreign Minister Ahmed Attaf stated in March, "Terrorism has failed at every level. It has not caused the collapse of the institutions and has not prevented normal life at the political, economic, social and cultural level from continuing. Democracy is being consolidated, and pluralism is taking root. Terrorism has been unable to mobilize the people and is now wreaking vengeance upon them with contemptible killings which are proof of its failure. The elimination of terrorism is simply a question of time." *Le Soir* (Brussels), March 13, 1997, as reported in FBIS, Near East and South Asia, March 13, 1997.

As the examples provided below demonstrate, most of the Algerian government's actions against the press since 1992 seem primarily designed to inhibit criticism of government officials and institutions, and to muzzle independent reporting and commentary on the internal security situation. These actions go well beyond the "extent strictly required by the exigencies of the situation" to protect "the life of the nation."

After massive street riots and protests over political and economic conditions in November 1988, the state and ruling party ended their monopoly over the media. Dozens of private dailies and weeklies and political party organs were launched. Radio, television, and the main news agency (Algerie Presse Service, or APS) remained in state hands, but they broadened their coverage to include hitherto taboo subjects, such as demands for Berber cultural and linguistic rights, and provided access to politicians critical of the authorities, including the leaders of the FIS. Algerian media emerged as among the liveliest in the Arab world. The print press continues to tackle some issues generally untouched in other parts of the region. It gives coverage to politicians and parties that are critical of the authorities, and is free, within certain limits to expose social ills and question aspects of the government's performance.

Since 1992 however, press freedom has been steadily eroded by government pressures, censorship, and financial constraints, as well as by the violence against journalists that is generally attributed to Islamist groups. The erosion has been most dramatic at Algerian television and radio, which have reverted to being government mouthpieces (see below).

No discussion of press freedom is possible without considering the assassination campaign that has cost the lives of some fifty-nine journalists and media workers since 1993.⁶⁸ Others have been wounded in assassination attempts. Although individual killings have rarely been followed by claims of responsibility or court trials that identified the culprits, it is clear from publicly issued threats and occasional claims of responsibility that armed Islamist groups, and particularly the GIA, are responsible for many, if not most, of these assassinations.

Statements attributed to Islamist groups have railed against a pro-government bias in the media. In fact, the journalists and others who have been slain do not share any particular political affiliation; some were secularist but critical of the government, while others had Islamist sympathies. The target of the violence has been the media in general, and the victims have included editors, reporters, photographers, proofreaders, and drivers, both men and women apparently perceived as working either to promote the government's version of the conflict or to undermine the Islamist movement by failing openly to support it.

The campaign of violence against journalists has clearly affected the ability of the press to inform the public. In addition to the members of the profession who have been killed, many have fled to other countries, fearing for their lives; others have dropped out of the profession. Those who continue to work take precautions such as sleeping in different locations, avoiding daily routines that might facilitate the work of an assassin, and skipping on-site reporting that they might otherwise undertake. All of this has taken a heavy toll on the ability of media to inform their readers.

⁶⁸ Article 19 and Committee to Protect Journalists, "Press Freedom Groups Condemn Algeria's Silencing of the Independent Press," May 21, 1997.

The government has exercised vigorous censorship of the independent press through various means, ranging from banning newspapers and jailing reporters to exerting financial pressures on the private print media, which in 1996 accounted for 77 percent of the total print press volume and 83 percent of sales.⁶⁹ The issues subjected to censorship are important to voters choosing a national assembly, including security, human rights, and criticism of the government's handling of the economy.

The 1990 press code provides the basis for significant restrictions on the press. It allows for the prosecution of journalists, editors and publishers for dissemination of "harmful" information. Article 86 provides five-to-ten-year prison sentences and fines for deliberately publishing or spreading "false or misleading information capable of harming national order or state security." Article 87 states:

The incitement by means of any information media to crimes or misdemeanors against state security or national unity, when the incitement produces these consequences, shall subject the director of the publication and the author of the offending article to penal sanctions as accomplices to the crimes and misdemeanors that are committed. If the provocation produces no consequences, the director and the author shall be punished by imprisonment of one to five years and a fine of 10,000 to 100,000 dinars, or one of the two.

The Penal Code has also been used to prosecute journalists for defaming state institutions and agencies. Article 96 provides that anyone who disseminates, with an intent to persuade others, material "that may harm the national interest" is subject to a prison term of up to three years and a fine of up to 36,000 Algerian dinars (approximately U.S.\$640 at the official rate). Article 144 provides that anyone who wilfully causes grave offense to employees of the government in terms of the performance of their duties, shall be subject to a prison sentence and a fine. Article 146 provides punishments for giving grave offense to state institutions, and Article 147 for acts or words that "aim to discredit judicial decisions and that may harm the authority and independence of the judiciary." Several journalists who have written critically about the authorities or about the judiciary have been charged under these articles (see below).

The 1992 state of emergency decrees provide for punishments for the publication or distribution of documents that attack symbols of the state, or "obstruct" the authorities. They define "terrorism" and "subversion" to include, among other things, acts "directed at state security, territorial integrity, the stability and normal functioning of institutions," whose purpose is to "impede the functioning of public institutions or harming the life or property of their agents, or impeding the application of laws or regulations."⁷⁰ Article 4 of the same decree goes well beyond Article 87 of the press code, and well beyond international law, by punishing not just "incitement" but also "expressions of sympathy for" and "encouragement" of proscribed acts.

Since 1992, according to Reporters sans frontières (RSF), a press freedom organization based in France, at least twenty-three journalists have been detained, thirty-nine have received summons to appear in court, and there have been fifty-eight incidents involving the seizure, suspension or banning of dailies or weeklies in connection with security matters or criticism of the authorities.⁷¹

In January 1993, when the pace of attacks by armed opposition groups was accelerating, the government began implementing regulations, through circulars and directives, that prevent media from publishing unauthorized information about the actions of the security forces and of the armed groups. In March 1994, the government issued a circular to the press instructing editors-in-chief to publish security-related information only if it was obtained from the official APS news agency. In February 1996 the interior ministry established "reading committees" at the print media to censor news reports that do not conform to the instructions. Journalists and senior editors of private newspapers told

⁶⁹ Reporters sans frontières (Reporters without Borders), "Algérie: La guerre civile à huis clos," March 1997.

⁷⁰ Legislative Decree 92-03 Relative to the Fight against Subversion and Terrorism.

⁷¹ Reporters sans frontières, "Algérie: La guerre civile à huis clos."

us that the reading committee scrutinizes all security-related reports, advises the editor on what to censor and may remove a page or ban the day's edition altogether if its advice has not been followed.

As a result of the security-related censorship, newspapers print almost nothing about losses sustained by security forces or reports implicating the regular security forces or paramilitary forces, in attacks on civilians or other human rights abuses. They are permitted to cover killings and massacres of civilians attributed by authorities to armed Islamist extremists, although the press has at different times been instructed either to play up or play down this sort of news and has been prevented from conducting independent investigations into massacres and reporting on its findings.

During a spate of rural massacres in January, many of which were covered in the local press, Interior Minister Mustafa Benmansour accused journalists of "exaggerating the number of victims or even inventing acts of terrorism," and threatened unspecified sanctions against media that "play the game of terrorist propaganda."⁷² His statements came a day after President Zéroual gave a televised address concerning the violence, promising to intensify efforts to wipe out "terrorism." Following the interior minister's warning, coverage of the massacres diminished in the private press. However, in April, papers resumed detailed stories of the carnage attributed to the armed groups, featuring quotes from survivors, the names of victims and their families, and photos of bodies in shrouds and damaged homes.

These mixed signals apparently reflect the authorities' conflicting objectives of wishing to minimize the capabilities of the armed groups and at the same time to publicize atrocities attributed to them in order to rally support for a tough security response. Salima Ghezali has said that the newspaper she edits, *La Nation*, refuses to cover security incidents because it believes that government restrictions on coverage make objective reporting impossible.

Belhadj Abdel Razek, director of the office of public liberties at the Interior Ministry, minimized the extent of state interference in the press. While acknowledging that his ministry had exerted control on the press "briefly" after the presidential elections, he stated, "If there is now any censor committee at the printing press level, I don't know about it, it is not our domain. We try not to control the press. Although they publish many lies and inaccuracies and we ask them to publish corrections, we don't take them to court for it."⁷³

Some newspapers with well-placed security contacts sometimes publish their own reports of security incidents without repercussions—so long as the information does not displease the authorities. In addition, four or five private papers have sometimes, in defiance of the restrictions, coordinated the publication on a given day of the same, independently obtained report, making it politically more difficult for the authorities to seize all the papers for the day, according to several Algerian journalists working for private newspapers. According to these journalists and other observers, when official coverage of a security-related incident is allowed, such as an attack attributed to Islamists, reporters for the Algerian media are generally escorted as a group by armed members of the security forces, who generally remain present during interviews with survivors or eyewitnesses. "When reporters go to the site of a massacre, the security forces block the place and we can't get close to it. Sometimes the forces allow some journalists to take pictures, conduct interviews with family members, but journalists are never free to go on their own," a journalist working for an Algerian daily and who asked to remain anonymous told us. While most attacks by armed groups in rural areas have been attributed by authorities to Islamist groups, the "self-defense" militia are suspected in some of them, many Algerians told us. However, even if these areas were open to reporters who wished to investigate, state censorship would prevent the dissemination of any findings that implicated the military-backed militia or regular security forces.

Foreign journalists must obtain visas to visit Algeria, which are sometimes refused. Roula Khalaf of the *Financial Times* was denied a visa during the early months of 1997, although she was granted one in May, during the election campaign. In 1996, the authorities withdrew the accreditation of two Spanish correspondents, Ferran Sales of the daily *El Pais* (Madrid) and Tahar Majdoub of the EFE agency. Those who are allowed in are assigned security

⁷² Associated Press, January 26, 1997.

⁷³ Human Rights Watch interview, Algiers, April 9, 1997.

force escorts by the foreign press center attached to the foreign ministry, ostensibly for their own protection. Authorities reject attempts by journalists to waive this escort. Resident foreign journalists are allowed to move free of escorts, but their coverage of security-related incidents, such as the recent rural massacres, is tightly controlled by military security or government-backed militia who have accompanied reporters to the scene of the incident and have remained nearby during interviews with witnesses or survivors.

Visiting foreign reporters have complained that the "protection" hampers their freedom of movement and often intimidates people they wish to interview. Peter Strandberg, a journalist for several European newspapers, said that when he traveled in April to Tizi-Ouzou, a provincial capital east of Algiers, he was accompanied by some twenty-five military personnel in army vehicles, six of them in plainclothes. They accompanied him, over his objections, into a coffeehouse, a textile factory, a mosque and a school. The plainclothes escorts later asked some of the people Strandberg spoke to for an account of their conversation, Strandberg said. He complained about the interference to the press center but got no reply.⁷⁴

Government efforts to restrict the media extend far beyond security topics, and affect reporting about corruption, criticism of government personalities, and other issues that might displease those in power. "The press liberties in theory consolidate a liberal political system, but on the ground the realities are different," said Khaled Bourayou, a lawyer representing a number of independent newspapers. "Some of the Algerian press is against Islamic fundamentalism, but it is also against the system which is still tainted by single-party rule and is not transparent. So as soon as the press denounces the economic and political mafia," they face trouble.⁷⁵

The French-language daily *El-Watan* faced charges of defamation in October 1995 and its editor-in-chief and reporter were placed under court supervision when it published a report about the import of medical equipment and the alleged embezzlement of government funds.⁷⁶

The editor-in-chief and a reporter of another French-language independent daily, *Liberté*, were given suspended prison sentences in December 1995 for writing that a presidential advisor was to be promoted to defense minister, while at the same time publishing a story critical of him.⁷⁷ (President Zéroual held, and continues to hold the defense portfolio.)

La Tribune, a French-language daily, was suspended for six months and its publisher and editor given one-year suspended sentences in September 1996 for a satirical cartoon that "profaned" the Algerian flag. After a month in preventive detention, the cartoonist, Chawki Amari, was given a suspended three-year sentence for desecrating a national emblem by his cartoon printed on July 2. It showed two men walking underneath flags draped across a street. "Is this for the July 5 celebration (Algerian independence day)?" asks one man. "No, they are hanging out their dirty laundry," replies the other man.

⁷⁴ Human Rights Watch interview, Algiers, April 7, 1997.

⁷⁵ Human Rights Watch interview, Algiers, April 9, 1997.

⁷⁶ When under court supervision, the court may restrict a person's civil liberties such as foreign travel. Under court supervision, *El-Watan* editor Omar Belhouche was almost prevented from participating in a ceremony honoring slain journalists in Washington in May 1996. After international protests, his passport was returned and he was able to travel.

⁷⁷ Reporters sans frontières. "Algérie: La guerre civile à huis clos."

When the paper resumed publication, Amari and editor-in-chief Baya Gacemi quit their posts. Since its resumption, Ms. Gacemi said *La Tribune* has moderated its criticism of the authorities. "The editorial management has adopted a different strategy, to avoid any problems and not to take any risks," she observed.⁷⁸

Journalists have also been detained without charge by the government, and have sometimes "disappeared" for periods of time. A journalist recently detained without charge or trial told us of his experience. Mohammed Yousfi, formerly with *Al-'Alam Al-Siyassi*, an Arabic daily that reflects varied viewpoints, including Islamist ones, was arrested in his hotel room on March 5 as he was attending a conference on the rule of law in Tizi-Ouzou:

Two armed men entered my hotel room at three o'clock in the morning, they flashed a strong light in my face and pointed their guns at my chest. I was paralyzed with fear. They didn't identify themselves. They searched my room and dragged me out to a car and pushed me inside, lowering my head to the ground.

Yousfi said he was kept for fifteen days in numerous detention centers that he could not identify, since he had been blindfolded when he was transferred. He recalled:

When they brought me in court, the prosecutor looked confused and said he had no charge against me. The judge acquitted me immediately. I demanded compensation, but the judge told me I should just be relieved that I am free.⁷⁹

Abdelkader Hadj Benaamane, a journalist at the official APS news agency, was freed on April 2 on parole, after spending more than two years of a three-year sentence in prison, handed down by a military court. He had been arrested in connection with a report he had filed on the internal APS wire disclosing the place where Ali Belhadj, the second in command of the FIS, was held. The internal APS wire goes to the President and government ministers. Benaamane disappeared February 27, 1995, and his whereabouts were unknown until *El-Watan* reported almost two months later that he had been arrested.

The fate of at least three other journalists who have "disappeared" over the last three years remains unknown. Djamel Fahassi, a journalist with Islamist sympathies at Algiers Radio, was arrested on May 6, 1995. He had been jailed twice before since 1991. His wife, Safia, stated that neighbors said they witnessed him being taken from his home in el-Harrache by men they believed to belong to the security forces. In response to her inquiries, she has received no official information about his whereabouts other than a statement by the Ministry of Justice that there was no record of his arrest at el-Harrache's local police station.⁸⁰

⁷⁸ Human Rights Watch interview, Algiers, April 2, 1997.

⁷⁹ Human Rights Watch interview, Algiers, April 9, 1997.

⁸⁰ Human Rights Watch interview, Algiers, April 11, 1997.

In two other cases, the identity of those responsible is more unclear. Mohammed Hassaine, reporter for *Alger Républicain*, was abducted by unknown persons in March 1994; Kadour Bouselham, of the state-owned *Horizon*, has been missing since October 29, 1994.⁸¹

A recent case is that of Aziz Bouabdallah, journalist with the Arabic-language daily *Al-Alam al-Siyassi* who was taken from his home on April 12, 1997 by three men who introduced themselves as members of the security forces. His family has been unable to obtain information on his whereabouts, but Amnesty International reported that, according to information it had received, he was being held in the Chateauneuf military security center in Algiers.⁸²

The government also resorts to a combination of financial pressure and strong-arm tactics to keep in line the private press through its domination of the country's printing presses, imported newsprint supplies and advertising budgets. In 1996, the interior ministry banned weeklies and dailies on at least six occasions. These include *El-Watan*, censored on April 24 and May 7 when the Algerian government-owned Algiers Printing Press (Société d'Impression d'Alger, SIA) refused to print the issues. Journalists at the paper attributed the censorship to the coverage of government counterinsurgency operations.⁸³

The press that has been hit hardest by government control has been the pro-Islamist and Islamist-leaning press, most of it published in Arabic. The first to be closed were the organs of the FIS, *El-Mounquidh* and *El-Forqane*, in February 1992. At least four Arabic-language dailies and weeklies were suspended by the authorities between 1992 and 1995 and have not reappeared since. They include *Assah Afa*, a satirical weekly suspended and accused in August 1992 of being a de facto FIS "mouthpiece" and *Djazair el-Yom*, suspended twice in 1992 and again in 1993.

The governmental printing houses have altered their past practice by requiring some of its private customers to remain completely current on their bills. These include *La Nation* and its Arabic-language sister weekly, *al-Hourria*, private papers that favored the National Contract (see above) and wrote critically of the 1995 presidential elections. Neither has been able to resume publication since December 1996, when the Algiers Printing Press (SIA) refused to print the papers until they paid their debts.⁸⁴

La Nation had been suspended at least nine times between January 1995 and December 1996. Its owner was charged with "endangering state security," following an interview with a FIS leader Abdelkader Omar in August 1995. No official reasons were given for the suspensions. In one instance, the issue carried a large report on human rights in Algeria co-published with *Le Monde Diplomatique* in March 1996. In another instance the issue of *Al-Hourria* featured a review of a book on human rights in Algeria.

Algeria's four operating printing presses are all state-run. The sole private press, Sodipresse, was closed down in April, less than three months after its launching. One owner, Saad Lounas, was arrested on April 10, 1997 and sentenced to thirty months in prison on April 28 for allegedly writing a check with insufficient funds to the public-sector Algiers Printing Press (SIA). Lounas has appealed his sentence. He is also editor of an Arabic-language daily *El-Oumma*, which has not been published since the closure of Sodipresse.

⁸¹ Reporters sans frontières, "Algérie: la guerre civile à huis clos," p. 22.

⁸² Amnesty International Urgent Action, UA 118/97 "Disappearance/Fear of torture," (AI Index: MDE 28/06/97), April 28, 1997.

⁸³ Committee to Protect Journalists, *Attacks on the Press in 1996, A Worldwide Survey by the Committee to Protect Journalists*. (New York: Committee to Protect Journalists, 1997).

⁸⁴ A statement issued by the two papers at the time protested the move on grounds that a sixty-day grace period was generally granted.

El-Oumma and the Arabic-language weekly *Ech-Chorouk*, which was also printed by Sodipresse, both favor a political dialogue with Islamists. Journalists at *El-Oumma* charged that Lounes's arrest was meant to "wreck the first private printing venture and to prevent the publication of *El-Oumma* at all cost."⁸⁵ Whatever the merits of the charges against Lounas, we note that, as a result of the collapse of Sodipresse, the Algerian media are again without a private printing press.

Ech-Chorouk's editors have been charged some twenty times in the last five years for "insulting personalities of authority" and "inciting rebellion," according to editor-in-chief Ali Fodhil.⁸⁶ At the same time, three members of the staff, two of them women, were killed since 1995 in attacks blamed widely on the armed Islamist groups. Journalist Malika Sabour was killed in May 1995 after receiving death threats in the name of the GIA. Khadija Dahmani, a graduate in Islamic theology who wrote political and economic stories critical of the government, was killed near her home in December 1995. Hamaoui Mokrane, marketing director at *Ech-Chorouk*, was killed in October 1996 by gunmen who fired at his car. The government said security forces later shot dead his killers.

The state-run publishing house Entreprise Nationale Algérienne de Presse cited unpaid bills when, in February 1997, it stopped printing *Ech-Chorouk*, which claims a circulation of 250,000. The paper filed a suit claiming ENAP had not honored its contract, and in March a civil court ordered ENAP to resume printing *Ech-Chorouk*. An appeals court upheld the ruling at the end of April, but two weeks later the paper was still not in print. In May, Fodhil, the editor, told us, "The ENAP has given us no reason. They can't point to a debt because the court has ruled that there was none. So for the moment we are still suspended."⁸⁷

Broadcast media

Algeria's twenty-eight million citizens are spread out over the second largest country on the African continent. The illiteracy rate is estimated to be 43 percent.⁸⁸ These features reinforce the importance of broadcast media as sources of political news. In Algeria, all radio and television stations are government-controlled. Stations broadcast in the Arabic, French and Tamazight languages.

The 1990 press code requires in Article 10 that broadcast media "assure equal access to expression for currents of opinion and thought," and "under no circumstances [are] to take into consideration influences or considerations that would compromise the accuracy of information." Since 1992, radio and especially television have strayed far from these principles, becoming more like the government mouthpieces they were during the quarter-century of one-party rule. A columnist in the daily *El-Watan* recently observed, "Censorship has hit television hard, not only with regard to images of violence but also any images that are not in line with the official discourse. The rare "moments of truth" serve political or electoral calculations; they respond generally to concerns about timing but never to a simple concern to inform."⁸⁹

Many Algerians watch European television broadcasts via satellite, and sometimes first hear news about their country on foreign channels, especially concerning security issues or the positions of political parties critical of the authorities. Radio remains somewhat livelier and more varied in its political coverage. Interviews with and coverage of opposition figures and parties are more frequent.

⁸⁵ AFP, Algiers, April 19, 1997.

⁸⁶ Human Rights Watch interview, Algiers, March 31, 1997.

⁸⁷ Human Rights Watch telephone interview, May 15, 1997.

⁸⁸ *Central Intelligence Agency World Factbook 1996* (Central Intelligence Agency, 1996). (URL: <http://www.odci.gov/cia/publications/nsolo/factbook/ag.htm>.)

⁸⁹ A. Balil, "Misère médiatique," *El-Watan*, May 11, 1997.

The government assigned the National Independent Elections Observation Commission (CNISEL) the task of apportioning airtime on broadcast media for each of the parties and independent candidates competing in the elections. The election law states, in Article 175, that the CNISEL is to allocate radio and television time "according to the respective number of candidates presented by each political party or group of political parties." Independent candidates may qualify for air time by forming groups among themselves.

The 1997 elections law sets guidelines for the conduct of the campaign. Some of those guidelines infringe on the right to freedom of expression. Article 174 says, "The use of foreign languages during the electoral campaign is forbidden." The Constitution says in Article 3 that "Arabic is the national and official language." A significant percentage of the population speak a Berber language, Tamazight, that is unrelated to Arabic. Some Algerians consider French to be their first language. The election law also requires candidates to refrain from "any disloyal, dishonorable, illegal or immoral gesture, attitude, action or behavior," (Article 181) The wording of this prohibition is disturbingly broad.

Human Rights Watch is aware of at least two instances in which the CNISEL ordered parties to alter the content of campaign materials submitted for television broadcast. FFS spokesman Ali Rachedi said that his party was asked to change a five-minute message that one of its leaders, Seddik Debaili, had recorded for broadcast May 16 because he used the term "coup d'état" when referring to the military-backed cancellation of elections in 1992 and forced resignation of the president. Rachedi charged that while there was no censor at the recording studio, recorded material submitted to television by the parties was presented to the Interior Ministry for approval.⁹⁰

The CNISEL also censored a television message by the PT, a small leftist party that supports the National Contract platform. The PT said it had learned only through a report in *El-Watan* daily that its spot would not be broadcast on May 15, 1997. According to a PT communique issued the same day, the newspaper reported that PT president Louisa Hanoune's spots, recorded by Algerian television "will not be broadcast...That was the CNISEL's decision after it was notified by the interior ministry that the contents of two recordings by the leader of the PT were judged to consist of an attack on a public institution." The offending phrase apparently was Hanoune's reference to the events of January 1992 as a "military coup."

However, candidates, in the context of their allocated airtime, have been able to make statements that directly challenge government policy, including the exclusion of the FIS from the political process. For example, one week later, Ms. Hanoune appeared in a television campaign spot warning that Algeria's conflict cannot end without the participation of all parties. "Therefore, all politicians, including the FIS leaders, should sit down and try to find a peaceful solution..."⁹¹

The CNISEL issued a directive that, beginning one week before the launch of the election campaign, the media would cease covering the official activities of cabinet ministers running in the elections to avoid giving them an advantage over their rivals. The newly formed pro-government RND includes at least eight cabinet ministers, among them the prime minister, and interior minister. All are election candidates. Other parties, such as the MSP, also have government ministers running in the elections.

⁹⁰ Human Rights Watch telephone interview, May 16, 1997.

⁹¹ Algiers ENTV, May 21, 1997, as reported by FBIS, Near East and South Asia, May 21, 1997.

During Human Rights Watch's two-week mission in Algiers, state television featured news, public announcements and talk shows concerning the elections. Before and after the 7 p.m. newscast, viewers were urged to fulfill their duty by going to the ballot box. "This is an appointment with history and an extraordinary operation," said Laamri Bel'Arbi, an official from the Culture Ministry explaining the role of media in a program on the forthcoming elections. "The president's assurance that the state media is used for public welfare is a good guarantee that television will be deployed in total neutrality" for the elections.⁹² The television was also filled with favorable coverage of cabinet ministers and government achievements, such as a new state-run natural gas project that promised employment opportunities, and programs to assist camel herders in remote desert areas. Political party leaders were shown only infrequently on newscasts. These included MSP head Mahfoudh Nahnah, who was shown urging his party members to go to the polls.⁹³

Some parties complained that they got no television coverage whatsoever in the months leading up to the elections. Seddik Debaili, first secretary of the FFS, a major political party that supports the National Contract (see above), said that state television (ENTV) did not cover two of their regional congresses early April. "The independent press reported our meetings, and we had interviews on the Arabic and French radio stations, but ENTV did not cover our meetings, although they were invited," he said. He added that the pro-government RND's founding congress had been covered extensively.⁹⁴

While allocating campaign airtime to parties fielding candidates, including those belonging to opposition parties, Algerian television tends not to cover events organized by political groupings whose views are in disfavor with the authorities. The Call for Peace group (see above) held a meeting March 17 in a movie theater that was attended by a crowd that the group estimated at 1,000. The meeting was significant if only because it was the first time such a meeting was allowed since the movement launched its petition in November 1996 calling for broad-based political dialogue. Local independent papers, as well as some foreign press, covered the event, which was supported by many intellectuals and public personalities, but television did not report it, according to Salima Ghezali, one of the signatories of the Call for Peace and the editor of *La Nation* weekly.⁹⁵

Opposition parties reserved their strongest objections for the high media profile of the RND candidates who are also sitting cabinet ministers, and the extensive television coverage they received in the two months preceding the official campaign. The RCD Secretary General Said Saadi, who ran against President Zérroual in the presidential elections, was quoted by *El-Watan* on May 5 saying the government's exploitation of Algerian Television (ENTV) was "truly a scandal." Ben Younis Ammara, public relations director of the RCD, told us on April 10, "All the political parties have indirectly begun their campaign, but the problem is the government's relationship with the RND. It is the party of the system. It gets wide coverage in the media, on television, its founding members include television announcers and personalities, and there are a number of cabinet ministers who will also join."⁹⁶

⁹² ENTV program on elections, March 31, 1997, as registered by Human Rights Watch.

⁹³ ENTV 17:00 news, April 10, 1997, as registered by Human Rights Watch.

⁹⁴ Human Rights Watch interview, Algiers, April 9, 1997.

⁹⁵ Human Rights Watch interview, Algiers, April 8, 1997.

⁹⁶ Human Rights Watch interview, Algiers, April 10, 1997.

Algerian radio, generally free from government influence, has often featured independent political figures who do not normally get time on television. This exposure has increased in the weeks before the election campaign. FFS representatives were interviewed in four different programs on the Arabic and French-language radio stations in which they talked about their party politics and the forthcoming elections, according to the FFS's Seddik Debaili.⁹⁷ Other parties also got more radio time than usual. But some viewed that development warily. The RCD's Said Saadi noted, "The radio is always monopolized (by the government) except when it's time for elections. This also happened before the presidential elections, when we witnessed lively media coverage but after the elections, everything went back to the same old pattern and we're afraid this will happen again."⁹⁸

Human Rights Watch/Middle East

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⁹⁷ Human Rights Watch interview, Algiers, April 9, 1997.

⁹⁸ Human Rights Watch interview, Algiers, April 10, 1997.