

APPENDICES

APPENDIX A

Letter from Human Rights Watch to President Liamine Zeroual

HUMAN RIGHTS WATCH

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September 12, 1997

via fax and mail

President Liamine Zeroual
La Présidence de la République
El-Mouradia, Algiers, Algeria

Dear President Zeroual:

We wish to take this opportunity to write to Your Excellency concerning the hundreds of Algerian citizens who have “disappeared” after their arrest by Algerian security forces and whose families know neither the reason for their arrest nor their fate or whereabouts. We are alarmed that, while older cases of enforced disappearances continue unresolved, fresh reports of Algerians being “disappeared” during 1997 continue to reach us.

While in Algeria last March and April, a Human Rights Watch delegation collected testimony about “disappearances” and raised the issue with Minister of Justice Mohamed Adami and Minister of Interior Mustapha Benmansour, who received the delegation. We also raised this issue in a June 17 meeting with your ambassador in Washington, Ramtane Lamamra. In that meeting Ambassador Lamamra assured us that we shared a deep concern when it came to individual cases of possible abuse. The ambassador pledged his government’s cooperation in making inquiries if we presented to it details of specific cases of possible human rights violations.

With this letter, we wish to present Your Excellency with information about cases of enforced disappearances in the hope that you will clarify the whereabouts and legal status of the individuals concerned. After October 6, we will publicize this letter along with any pertinent information we have received from Algerian authorities or the National Monitoring Body for Human Rights (*Observatoire National des Droits de l’Homme*, ONDH). We welcome information both about the cases documented below as well as general information on the mechanisms available to Algerians when they believe a relative has been taken into custody but are unaware of the person’s fate or whereabouts.

“Enforced disappearance” is described in the 1992 U.N. Declaration on the Protection of All Persons from Enforced Disappearance as:

[P]ersons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, thereby placing such persons outside the protection of the law.

The Declaration provides a number of measures to ensure against acts of enforced disappearance. Other international instruments, ratified by Algeria, as well as Algerian domestic law contain articles that, if fully implemented, protect against enforced disappearances (please see below).

In writing you this letter, we wish to reinforce the efforts that relatives of “disappeared” persons have already made. Among the cases we followed, we noted that authorities answered some of the families’ inquiries, but usually after long delays and in a manner that did not confirm the whereabouts of the “disappeared” person.

These relatives had submitted their inquiries, providing the date and details of arrest of the “disappeared” person to various authorities: to the police, gendarmerie, and prison authorities; different departments within the ministries of defense, justice and interior; the prosecutor general’s office; Your Excellency’s office; and with the *Observatoire Nationale des Droits de l’Homme*, which serves as a liaison between the public and the aforementioned ministries.

It is often claimed by official and semi-official sources that some persons are mistakenly categorized as “disappeared” who are in fact not in the hands of the security forces but have instead joined armed Islamist groups, either voluntarily or by force. In this letter, we document only cases where there is testimony to indicate that the person is in official custody. This evidence consists of eyewitness accounts of the abduction or reported sightings of the individual in a detention center. The victims come from a wide range of professions, and include government employees, physicians, businessmen, political activists and journalists.

Among the cases we investigated, the arrests took place mostly at night, and according to eyewitnesses, were carried out by mixed military and police forces who arrived in cars, generally with private license plates. Sometimes armored vehicles were also used. Some members of these forces wore uniforms and others were in plainclothes. When the police came wearing civilian clothes, they often wore jackets with a recognizable police insignia. When arresting someone at home or on the street, they rarely presented an arrest warrant or official identification. These are reportedly shown more often when the arrest is made at the person’s workplace.

After a relative was seized, family members often visited nearby police stations to see if he or she was being held there. Some made an inquiry with the Prosecutor General’s office after the twelve-day limit on garde à vue (pre-arraignment) detention had elapsed, and received a receipt acknowledging their complaint. Some families reported locating their arrested relatives, only to lose track of them after being told they had been transferred to a new place of detention. Many families received information about their relatives through unofficial channels, such as freed prisoners or prison guards, but often remained unable to gain access to them.

When detainees are held in unknown locations, they are often deprived of legal assistance

because their lawyer — if the family is able to hire one — cannot confirm their whereabouts. A prisoner who was released in December 1996, after three and-a-half years in jail, told our delegation that he first obtained a lawyer after being charged and transferred from police custody, where he had spent three months, to el-Harrache jail where he was able to ask other detainees to have their visiting relatives inform his family of his whereabouts. When the former prisoner, who preferred to withhold his identity, had earlier appeared before an investigating judge, he was not notified of his right to a lawyer or to contact his family. He also told us that he was tortured for three days while in police custody. The torture methods included beating with large sticks, and the “*chiffon*” (or washrag) method in which a cloth soaked in dirty water and chemicals is stuffed down his mouth; and leaving him suspended for hours with his arms stretched out in painful positions. His case illustrates the fact that persons who are forcibly disappeared and held in unknown places of detention have fewer safeguards against abuse, including torture.

In another, more recent, case of temporary “disappearance,” **Messaoud Ouziala**, a kidney transplant physician was held by security forces who disregarded laws governing arrest and detention. Dr. Ouziala “disappeared” on July 8, 1997 at around 5:30 pm, after he left his workplace at Moustapha Hospital in Algiers, according to a statement issued by Amnesty International and public appeals to the authorities for information about him. These appeals were made by the Association of Algerian Nephrologists and *Association Espoir*, a group of Algerian dialysis and transplant patients. His family was unable to obtain any information about him or confirm who had abducted him. The only official evidence of his arrest and detention came after his release when the ONDH wrote to Amnesty International stating that Dr. Ouziala had been arrested on July 8 and released July 22. The letter gave no further details and did not address assertions by Amnesty International that Dr. Ouziala’s family had been unable to obtain any information on his whereabouts despite repeated inquiries with officials.

In an abduction-like arrest on July 31, 1996, lawyer and human rights activist **Rachid Mesli** was stopped in the Rouiba area outside Algiers by four armed men in civilian clothes who took him away in a car. All questions to the authorities by his family, lawyers and international human rights organizations as to his whereabouts went unanswered. On August 7, about twenty police in uniform searched his home and office and informed his family that he was in police detention. He was finally brought before an investigating judge on August 10, charged with complicity with an armed group and transferred to el-Harrache prison in Algiers. A day later, the ONDH confirmed to Amnesty International that Mesli had been held with judicial authorization prior to his appearance, but did not explain why the security forces had refused to acknowledge his detention. Lawyers who saw Mesli in his first court appearances noted that he had bruises on his right eye and his hand, and seemed to be in poor health. After he was convicted and sentenced to three years in prison, Human Rights Watch wrote a letter to Justice Minister Adami on July 17, 1997, protesting Mr. Mesli’s unfair trial, but has received no response.

The following cases are among hundreds of “disappearances” and temporary “disappearances” that have occurred in Algeria since 1992. The information is based on our own

interviews as well as that collected by lawyers in Algiers. We look forward to the information you can provide concerning the whereabouts of these Algerian citizens:

Amine Amrouche, age twenty-one, was arrested on January 30, 1997 from outside his house in Baraki by mixed police, gendarmes and special anti-terrorist forces, according to neighbors who witnessed the arrest. His mother tried to track down rumors and reports of her son's detention in various police stations, prisons and at a military camp in Oran. She also went through the ONDH and the office of the Prosecutor General, who told her it had inquired but could find no trace of him.

Aziz Bouabdallah is a journalist with the independent *Al-'Alam al-Siyassi* daily. His family said he was arrested on April 12, 1997 from his home in Algiers by men dressed in police uniforms who introduced themselves as members of the security forces, according to statements released by the Committee To Protect Journalists and Amnesty International. Bouabdallah was reportedly held in an Algiers detention center but his family has been unable to officially confirm his whereabouts.

Ali Lakhdar Chaouèche, age twenty-seven, was arrested at Kouba Hospital near Algiers, where he works as an orthopedic surgeon. He was arrested by men who reportedly identified themselves as military personnel to the hospital administration at 2:00 am on April 1, 1997 during Chaouèche's night shift, and presented an order of arrest issued by the military authorities. Trying to locate Ali, his family wrote to the ministries of justice and defense, the ONDH and to the police stations of Kouba and Baraki, where he lives. They have received no answer so far.

Djamil and Mourad Chihoub "disappeared" after their brother Saeed had joined an armed Islamist group. On May 16, 1996 police and military forces came looking for Saeed at the family home in the Algiers quarter of Baraki. Not finding him, the security forces arrested Djamil and told his father they would release him when Saeed turned himself in. The next month, the authorities told the family that Saeed had been killed in a clash with military forces. They allowed the family to identify his body and gave them a death certificate. However, Djamil has not been released.

On November 14, 1996, the military forces of the Baraki barracks, together with a "self-defense" group from the area, went to the Chihoub home and arrested Mourad, who was less than seventeen years old at the time. When Djamil's father attempted to intervene, they threatened to shoot him. He inquired at the military barracks but was told to ask the Military Security authorities. He wrote several letters to the authorities, and was summoned last February to the Beni Messous Military Security's department of social services to provide details about Mourad and Djamil and was told to wait for news. He then received a letter dated May 11, 1997 from the Prosecutor General's office saying there was no information on his sons.

Djamel Fahassi, a journalist at Algiers Radio, was arrested on May 6, 1995. His wife, Safia, stated that neighbors said they witnessed him being taken from his home in el-Harrache by about four men carrying walkie-talkies whom they believed to belong to the security forces. They drove him away in a convoy of two vehicles.

Safia received in response to her inquiries a statement from the Ministry of Justice on March 16, 1997 stating that el-Harrache police station had no record of Djamel's arrest. She has received no official information about his whereabouts, but about two months after his arrest, a released detainee wrote a letter to a private newspaper saying that he had seen Fahassi at Châteauneuf, a Military Security center in Algiers. His wife was unable to confirm this. In October 1995, the newspaper *l'Horizon* printed an unattributed article claiming that Fahassi had been seen abroad and was alive and well. No evidence was provided and the family discounted the report.

Fahassi had served a six-month sentence in 1991 for an article he wrote while working with a newspaper run by the then-legal Islamic Salvation Front (FIS). He was also detained without charge in a detention camp after the cancellation of general elections in January 1992, and published an account of that detention in the Algiers daily press.

Mohammed al-Hadi Hamidi, a twenty-four year-old civil servant at the Dely Ibrahim municipality, was taken from his home in Cité Chevalley by police and military forces in uniform shortly after midnight on March 19, 1996, according to his family who has so far been unable to establish his whereabouts. They have inquired at local police stations and the office of the Prosecutor General, and have sent letters of inquiry to the ONDH and to Your Excellency's office. On July 13, 1997, at five o'clock in the morning, a group of security forces, including some of those who had arrested Mohammed al-Hadi, went to the same home and arrested his brother, whose name is Mohammed (see below). One of them reportedly admitted to his mother that they had arrested Mohamed al-Hadi, and Mohamed was later located.

Mostafa Houari, age thirty-six, an employee of the Algerian state oil and gas company Sonatrach, was arrested at his home in Bir Mourad Rais, Algiers, on the night of April 6, 1996, by about twenty military and police security forces who questioned his wife about his acquaintances and friends. Houari had been arrested for five days in October 1995 and held at Dely Ibrahim police station in Algiers. He was tried and acquitted of the charge of assisting members of armed groups by the Bir Mourad criminal court in Algiers in January 1996. Since his arrest in April 1996, his wife has been unable to locate him despite several letters of inquiry, including one to Your Excellency's office.

Mourad Ouchefoune, age twenty-five and a medical student from Dar el-Baida in Algiers, was arrested from his home by police and military forces after midnight on March 17, 1997. According to testimony the family gave to lawyers, the security forces broke into the house, forced everyone out and checked their identities. They then picked out Mourad, handcuffed him and led him away, saying he was only required for an investigation. The family has received no reply to their official inquiries as to his whereabouts.

Hadi Saibi, age thirty, was arrested on November 15, 1994. About four Military Security personnel in cars with private license plates took him away from outside al-Rahma mosque in Meissonier, Algiers, according to his father and other worshippers leaving the mosque at the same time. His brother Yahia, who was in detention at the time, was sentenced in January 1996 to a three-year prison term for having provided services to "terrorists." He was released last June. Hadi's father has written to a number of senior officials, including the ONDH, the interior, defense and justice ministers as well as to Your Excellency's office. He was summoned by police in response to his letter to Your Excellency's office, but was given no information.

Abderrahmane Yemeni, age forty-four, was arrested from his home in Bir Mourad Rais, Algiers, on June 6, 1996. His wife reportedly said in letters of inquiry that five military security forces broke into the house in the early afternoon, searched the premises, and arrested Yemeni. She wrote complaining about the arrest and received a polite letter from the prosecutor general's office saying authorities were unable to locate him and did not acknowledge his arrest.

Allaoua Ziou, age thirty, a farmer in Heliopolis, Guelma was arrested in the nearby area of Jebenat Chouhada, on the evening of January 1, 1995 by about four men in civilian clothes who took him away in a car. According to a brother who lives in Canada, eyewitnesses said they followed the car up to the gates of the Heliopolis gendarmerie barracks. The village gendarmerie told his family they had no information. The brother in Canada wrote to the ministries of interior, justice, the ONDH and Your Excellency between March and September 1995 but received no reply. The ONDH replied to a letter sent by Human Rights Watch saying that "according to recent information...Mr. Ziou is a militant of the ex-FIS and is implicated in a case of supplying help to terrorist groups." The ONDH said an arrest warrant, dated January 23, 1995, had been issued against him but did not acknowledge that he had been taken into custody.

In addition to the preceding cases, we wish to draw your attention to the following sample of cases of temporary "disappearances." In these cases, the families have been able to locate relatives only through unofficial channels, sometimes months or years after they were "disappeared."

Ammar Ghazoul, age thirty-one, an unemployed agricultural engineer, was apparently arrested in May 1997 by police forces. Family members said police broke into their house in the early hours of May 4, and when they did not find Ghazoul, took away his mother instead, saying she was needed for an interrogation. She was released the next day. On May 6, Ghazoul's brother and neighbors caught sight of him in a police car. He was later listed as a fugitive being sought in connection with a criminal case involving an attack on government property. After the family's lawyer brought to the attention of the Algiers criminal court judge and the Prosecutor General that Ghazoul had apparently been detained, he was presented in early August in court, where an investigating judge ordered him held in Serkadji prison in Algiers. Ghazoul was still unable to contact his family, which learned of his whereabouts only through friends who visited

other inmates at Serkadji. They are currently attempting to obtain a permit to visit him and to provide him with legal assistance.

Mohamed Hamidi, is a thirty-three year-old tax inspector in Ben Aknoun. He was arrested on July 13, 1997, at five o'clock in the morning, by a group of security forces, including some of those who had arrested his brother, Mohammed al-Hadi (see above). His family wrote letters of inquiry to the prosecutor general's office, the ONDH and other officials but received no reply. More than a month later he was found to be held in Serkadji Prison, according to other detainees who asked their visitors to inform his family. His family has obtained to permission to visit him every twenty-one days and has seen him once. They are currently seeking legal counsel for him and trying to learn the charges, if any, against him.

Noureddine Mihoubi, a resident of el-Harrache in Algiers, was arrested in February 1992 as he was visiting a brother in the southern Algerian town of Bousaada. 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 Mihoubi at the Military Security facility at Châteauneuf and that he was in poor health. On May 12, 1996, the ONDH told his family an arrest warrant had been issued for him on March 31, 1993. In July of 1996 the family obtained a police report issued the same month saying Mihoubi had been arrested by security forces and transferred to Algiers on February 7, 1993. It contained no more details. In early August 1997, a prisoner who had just been released after serving a three-year jail sentence told Mihoubi's family that he was being held in Blida military jail and was to be tried by a military court in September. He said Mihoubi had requested a lawyer to defend him in his upcoming trial. His family was preparing to obtain official permission to visit him and to provide him with a lawyer.

We also wish to raise the case of **Ali Belhadj**, one of the two chiefs of the outlawed Islamic Salvation Front. Belhadj, who has been held in secret and incommunicado detention since he was transferred from his former place of imprisonment, apparently at the end of 1994. He has been serving a prison term after being tried and sentenced in July 1992 to twelve years in jail for conspiring against state authority, harming the economy, and distributing seditious tracts. Since his transfer to secret detention at the end of 1994, he has faced new charges following the alleged discovery of a letter on the body of an armed Islamist implicating Belhadj in incitement to violence:

Belhadj's lawyers have written to the authorities, including Your Excellency, requesting their right under Algerian law to have access to their client and charging that his whereabouts were unknown. His family has also written to the ONDH and other official quarters requesting the right to visit him.

The cases cited above point to a continuous pattern of enforced disappearance at the

hands of different security services in acts that violate Algeria's domestic law and international obligations. Algeria has ratified the International Covenant on Civil and Political Rights (ICCPR), which states in Article 9 (1):

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law.

The U.N. Declaration on the Protection of All Persons from Enforced Disappearance requires in Article 3 that each state "take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction." Article 6 (1) states: "No order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance." Furthermore, Article 7 of the Declaration specifies "No circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances."

The Declaration stipulates in Article 10 that detainees must be held in officially recognized places of detention, that their families must be promptly informed of their place of detention and that they must have access to a lawyer. These provisions are intended to prevent "disappearances." Guidelines for punitive action against officials responsible for acts of enforced disappearance and for compensation of its victims are found in Article 14 and Article 19 respectively:

Any person alleged to have perpetrated an act of enforced disappearance in a particular State shall, when the facts disclosed by an official investigation so warrant, be brought before the competent civil authorities of that State for the purpose of prosecution and trial....All States should take any lawful and appropriate action available to them to bring all persons presumed responsible for an act of enforced disappearance, who are found to be within their jurisdiction or under their control, to justice.

The victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation, including the means for as complete a rehabilitation as possible. In the event of the death of the victim as a result of an act of enforced disappearance, their dependants shall also be entitled to compensation.

Algerian law also provides a number of safeguards against "disappearances." Article 51 of the Code of Penal Procedure (CPP) states that when a criminal investigation necessitates holding a detainee without a warrant, "the officer must immediately inform the prosecutor general." Article 51 also stipulates:

While protecting the confidentiality of the investigation, the police officer is obligated to

grant to the person held in pre-arraignment detention all means for enabling him to communicate immediately and directly with his family and to receive visits by it.

[Toute en veillant au secret de l'enquête, l'officier de police judiciaire est tenu de mettre à la disposition de la personne gardée à vue, tout moyen lui permettant de communiquer immédiatement et directement avec sa famille, et de recevoir ses visites.]

A time limit of twelve days is imposed on garde à vue (pre-arraignment) detention in cases of suspected terrorist or subversive acts, according to Article 8 of Decree 95-10 issued on 25 November 1995 and amending Article 51 of the CPP. During that time, detainees must appear before the Prosecutor General if they are to be charged, according to Article 51, second paragraph:

If there is evidence that is substantial and corroborating so as to warrant the filing of charges, the police officer must present the detainee to the Prosecutor General without holding the detainee in his custody for more than forty-eight hours [amended to twelve days as indicated above].

[S'il existe contre une personne des indices graves et concordants de nature à motiver son inculpation, l'officier de police judiciaire doit la conduire devant le procureur de la République, sans pouvoir la garder à sa disposition plus de quarante-huit heures.]

Similarly, amended Article 65 stipulates that if detainees are to be kept longer than twelve days, they must be brought before the Prosecutor General, who can order an extension of the pre-arraignment detention by not more than twelve additional days.

The CPP, in Article 51, sixth paragraph, stipulates punishment of officers who violate articles of the CPP:

The violation of regulations concerning the period of garde à vue detention as provided in the preceding paragraphs makes the officer subject to penalties specified in the section dealing with arbitrary detention.

[La violation des dispositions relatives aux délais de garde à vue tels que prévus aux alinéas précédents expose l'officier de police judiciaire aux peines encourues en matière de détention arbitraire.]

In each of the cases presented above, we are concerned that violations both of Algerian law and of Algeria's international obligations may have occurred. To clarify the circumstances in these cases, we would be grateful to receive the following information for each one:

- confirmation whether he is in official custody, and if so, his precise whereabouts;

- his legal status, and whether and when he has been brought before a judicial authority after being taken into custody;
- the charges, if any against him; and
- whether he has had visits by his legal counsel and by his family; and

We would also be grateful to receive assurances that detainees will be held only in publicly recognized places of detention, and information about:

- disciplinary actions that have been taken against persons involved in causing “disappearances”.
- policies in place to prevent “disappearances” by providing families with accurate and up-to-date information about the whereabouts of persons in official custody; and by providing persons in official custody the possibility of contacting legal counsel promptly upon arrest.
- Measures to compensate victims of wrongful detention, as provided for by Article 19 of the UN Declaration on the Protection of All Persons from Enforced Disappearance.

In closing, we wish to thank you for your consideration, and ask that you excuse us for addressing this letter to you in English.

We hope to receive information from you by October 6, so that we can disseminate it at the same time that we release this letter publicly.

Sincerely yours,

Kenneth Roth
Executive Director

cc: Minister of Justice Mohamed Adami
Minister of Interior Mustapha Benmansour
Minister of Foreign Affairs Ahmed Attaf
Ambassador Ramtane Lamamra, Washington, D.C.
Me. M. Kemal Rezzag-Bara, President, Observatoire National des Droits de l’Homme

APPENDIX B
Statement by Human Rights Watch of September 26

HUMAN RIGHTS WATCH

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FOR IMMEDIATE RELEASE

September 26, 1997

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HUMAN RIGHTS WATCH CONDEMNS ALGERIA MASSACRES, CALLS ON GOVERNMENT TO ALLOW INDEPENDENT INVESTIGATION, ENDORSES U.N. CALL FOR "URGENT SOLUTION"

(Washington, September 26, 1997) -- Human Rights Watch condemns unequivocally the murderous attacks in Algeria that in the last several days and weeks have added the deaths of hundreds of civilians to the toll of the civil war there, and calls on the government there to facilitate international scrutiny of these incidents.

"Responsibility and motive for the killings--or even the numbers and identity of the victims--will remain a matter of speculation until the government breaks its longstanding obstruction to independent monitoring," said Eric Goldstein, research director of the international human rights organization's Middle East division. "The government has imposed a shroud of censorship over virtually all independent reporting of these horrendous crimes, making itself the sole source of what very limited information has been available."

Many of the inhabitants of Sidi Rais and Bentalha, the sites of the most extensive recent carnage, are reportedly sympathizers of the banned Islamic Salvation Front (FIS). The government blames the Armed Islamic Group (GIA), as does the FIS. Algerians have attributed past attacks to a combination of actors, including the GIA, rival armed groups, and government-backed militia, and to a variety of motives, ranging from political assaults to vendettas and land disputes.

Human Rights Watch has condemned the deliberate attacks on civilians by any party--as well as the government obstruction and censorship which has blocked investigations of the massacres and suppressed information about them.

A unilateral ceasefire recently announced by Madani Mezarag, commander of the Islamic Salvation Army, the military wing of the FIS, could be an important step toward de-escalating the violence that has afflicted the country and toward isolating those responsible for attacks on civilians.

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The government, for its part, has a responsibility to provide for the security of its citizens, and it must do so by means that are consistent with Algeria's obligations under international human rights and humanitarian law. Some of the most recent attacks have occurred in the vicinity of army barracks, notably the attack on Sidi Rais, and survivors of this attack and in Bentalha have reportedly charged that security forces did not respond to their calls for assistance.

Human Rights Watch calls on the government of Algeria to allow Algerian and foreign journalists and human rights monitors to investigate the massacres that have occurred and to end the censorship and restrictions that have effectively prevented local and international media from reporting on the internal security situation, including human rights violations. The government continues to deny visas to many journalists and human rights researchers, severely restricts access to sites where civilians have been killed, and closely monitors those interviews with survivors that it does permit.

Human Rights Watch has long advocated greater concern on the part of the international community toward Algeria's crisis, and applauded U.N. Secretary-General Kofi Annan's public call earlier this month for an "urgent solution" to end the bloodshed. The government rejected Annan's initiative as "unacceptable" and as "external intervention." When governments ratify the basic international human rights instruments, as Algeria has done, they agree to forego the dubious claim that human rights are merely an internal, sovereign matter rather than a subject of universal concern. Given the scale of human rights abuses taking place in Algeria, Human Rights Watch urges the international community to fulfill its duty to take appropriate measures aimed at halting the slaughter of civilians.

Human Rights Watch's most recent report on Algeria is *Elections in the Shadow of Violence* (June 1997).

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Human Rights Watch/Middle East

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. It is supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly. Kenneth Roth is the executive director and Robert L. Bernstein is the chair of the board. Its Middle East division was established in 1989 to monitor and promote the observance of internationally recognized human rights in the Middle East and North Africa. Hanny Megally is the executive director.

Web Site Address: <http://www.hrw.org>

Gopher Address: <gopher://gopher.humanrights.org:5000/11/int/hrw>

Listserv address: To subscribe to the list, send an e-mail message to majordomo@igc.apc.org with "subscribe hrw-news" in the body of the message (leave the subject line blank).

6

APPENDIX C
**Joint Statement of October 15 by Amnesty International, Human Rights Watch, International
Federation of Human Rights and Reporters without Borders**

15 October 1997

AMNESTY INTERNATIONAL, THE INTERNATIONAL FEDERATION
OF HUMAN RIGHTS (FIDH), HUMAN RIGHTS WATCH,
REPORTERS SANS FRONTIÈRES

ALGERIA: A CALL FOR ACTION TO END A HUMAN RIGHTS CRISIS

Amnesty International, the International Federation of Human Rights (FIDH), Human Rights Watch and Reporters sans frontières join together to appeal to the international community to act now to address the deteriorating human rights situation in Algeria, and are calling on members of the United Nations Commission on Human Rights to convene a Special Session on the human rights situation in Algeria. As the UN body with primary responsibility for the promotion and protection of human rights, we look to the Commission on Human Rights to provide leadership in seeking solutions to this human rights tragedy.

The last year has seen the longest, most intense spell of violence since the beginning of the conflict in Algeria five years ago. Violence which has taken a new and terrifying turn with the massacre of civilians.

Thousands of people - women and children, the poor and elderly -- have been massacred with unspeakable brutality. Some of those lucky enough to have escaped having their throats cut or being burned alive in their homes have reached nearby security forces posts and called for help. In vain.

Their cries have not been heard in their country, or beyond their national borders. Up to 80,000 people have been killed behind a virtual wall of silence on the part of the international community.

Recent statements of the UN Secretary-General, the UN High Commissioner for Human Rights, UNICEF and the UNHCR condemning the massacres of civilians and other human rights abuses in Algeria go some way towards breaking through the barriers of silence surrounding the crisis. But words are not enough.

The international community has for too long turned a blind eye to the plight of the victims in Algeria, in spite of the warnings sounded by human rights organizations. The UN Commission on Human Rights has so far not scrutinized the situation. It is time to take concrete action to end this spiral of violence and to ensure the protection of the civilian population.

The need to investigate and reveal the truth is the first step to finding solutions to this human rights tragedy. For this reason, we are calling for the establishment of an international investigation to ascertain the facts, examine allegations of responsibility and to make recommendations in respect of the massacres and other abuses by all sides in Algeria. Such an

investigation has to be provided with broad powers, adequate staff and resources. It should collect evidence, statements, including testimony from victims, witnesses and responsible officials, to discover the truth.

Since the outbreak of the current conflict in 1992, extrajudicial executions, deliberate and arbitrary killings, torture, rape, "disappearances" and hostage-taking have become routine. The large-scale massacres of civilians over the past year have taken place against a background of increasingly widespread human rights abuses by security forces, state-armed militias and armed Islamist groups, which have increasingly targeted and terrorized civilians. Disregard for human rights has become the rule rather than the exception. This is despite the fact that Algeria has ratified important international and regional human rights treaties, including the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the African Charter on Human and Peoples' Rights.

Time after time, the Algerian Government has simply failed to investigate these abuses by its own forces and by armed opposition groups, and to bring those responsible to justice. This failure has exacerbated the breakdown of law and order and left civilians feeling ever more alone and unprotected.

The complex reality of violence and counter-violence has become increasingly confused with the clampdown on information and investigations. Information defined by the authorities as "security-related" is censored and manipulated. International human rights organizations and foreign media have often been refused entry to the country. Human rights workers and journalists who have been let into the country have been subject to surveillance and restrictions. Those who have continued to work in the country have faced death threats and killings. All of these actions have contributed to building a wall of silence around the human rights crisis in Algeria

We echo the call of the Secretary General of the Organization of African Unity (OAU) for enhanced cooperation and coordination between the UN and African institutions, and urge Member States of the OAU to support an initiative of this kind.

In the context of the Euro-Mediterranean Partnership Agreement with Algeria, which contains provisions for the respect of human rights, we urge Member States of the European Union to work for the special session of the Commission on Human Rights and the investigation to become a reality.

In the Vienna Declaration and Programme of Action of 1993, UN Member States reaffirmed that the promotion and protection of all human rights is a legitimate concern of the international community. We call on them now to honour their pledge.

The Algerian Government routinely accuses anyone criticizing their human rights record of deliberately lying, interfering in Algeria's internal affairs, and political bias. Human rights protection is not just an internal affair or an issue of national sovereignty. Algeria is not above international scrutiny. At a time when its citizens are being slaughtered en masse week after

week, the government of Algeria should welcome - not oppose - international attention aimed at helping to protect lives. /END/

APPENDIX D
Letter from Ambassador Ramtane Lamamra to Human Rights Watch



THE AMBASSADOR OF ALGERIA
WASHINGTON, D. C.

September 30, 1997

Mr. Kenneth Roth
Executive Director,
Human Rights Watch
1522 K Street, N.W.,
Suite 910
Washington, D.C. 20005-1202

Dear Mr. Roth:

I have read your correspondence dated September 12, 1997, and would like to convey to you the following comments on the course of action undertaken by your organization, its timing and contents.

1. Your course of action claims to be in keeping with the framework of the talks that the two Human Rights Watch delegates had in Algiers in March-April 1997 and the meeting that I had on June 17, 1997, at the Embassy with two members of your staff. Thus, you imply the existence of a functional continuity in your exchanges with the Algerian Government and you keep silent on the fact that the contacts you mentioned are linked by the all-too-famous 35 page report published by HRW in June 1997 under the title "Algeria: Elections in the Shadow of Violence and Repression." It is therefore necessary to stress the fact that the purpose of the meeting at the Embassy was to explain to Mr. Eric Goldstein and Ms. Najla Sammakia the extent to which the report I referred to was a flagrant demonstration of a partial attitude regarding the pluralist democratic process in Algeria, to further

make the point that the questioning by Human Rights Watch of the constitutional order in Algeria has the effect to deprive any meaningful dialogue of an indispensable common ground, and that my interlocutors would better serve the cause of human rights, to which Algeria is deeply attached, only if they established a constructive dialogue with the Observatoire National des Droits de l'Homme, within due respect for Algerian legislation.

Your course of action, obviously, was not undertaken in that spirit. It is rather a new attempt intended to amplify the exclusively politically motivated propaganda led by those who have made it their occupation to relentlessly distort the realities of today's Algeria. This course of action, similar to all those adopted in the past and to your press release of September 26, 1997, very distinctly pronounces a predetermined guilty verdict against the Algerian Authorities, ceaselessly exposed to the trials by ambush set up for them by Human Rights Watch.

2. Your correspondence arrived at a time when countless voices were rising from all corners to condemn the horrible massacres of dozens of innocent civilians that terrorist groups perpetrate with a barbarity which revolts national consciousness and world opinion. Yet, your voluminous mailing did not include a single word of sympathy for all those victims or any reaffirmation of the fundamental right to life which naturally is the foremost of all human rights. Furthermore, that was not even an involuntary omission on your part: indeed, one of your assistants, seemingly resorting to her privileged sources, explained to us the silence of Human Rights Watch by the uncertainty as to who the actual perpetrators of the massacres are!? Besides, is it not a mere coincidence that this new campaign of bitter denunciation of my country started a few weeks before the holding of local elections which will enable Algeria to carry through the building process of pluralist democratic institutions? Similarly to last June when the Algerian people were called to exercise their will in all sovereignty, the coming election seems to disturb those who bet on the instability and the weakening of my country.

3. Under the improper title of "disappeared", your correspondence lists names of individuals some of whom have been duly sentenced by courts of law, other persons whose arrests you noted have not been established by the competent authorities, along with other cases being handled by the Observatoire National des

Droits de l'Homme. This amalgam and the circumstantial approximations surrounding it in your document would lead any reader to think that its writers have sought to and succeeded in assembling "info-ammunition" in order to deliberately dramatize the situation of human rights in Algeria. Even the references you made to some of the provisions of Algerian law which codify the guarantees enjoyed by the citizens were made in order to imply that such dispositions have been violated rather than to acknowledge the overall advances made by the rule of law in Algeria in difficult circumstances.

May I conclude by assuring you that the Algerian Authorities, who are fully aware of the requirements of the international commitments and the laws and regulations of the country, have been fighting terrorism with a high sense of the human being's value and dignity. I would also like to assure you that the fundamental right to life, which in your document is not granted the place that it deserves, is sacrosanct in an Algeria which made immense sacrifices to recover its sovereignty and continues today to make similar sacrifices for democracy.

Finally, I would like to ask you, if I may, to disseminate my letter if and when you choose to make yours public, so that your readers may not, once again, be limited to a one-sided vision of the reality in Algeria.



Sincerely,

Ramtane Lamamra

APPENDIX E

For families and friends of the “disappeared”: What you can do

Often the best way to provide assistance for a “disappeared” relative is to make public the information about his or her situation — and to seek the support of domestic and international human rights bodies. International human rights organizations can offer support in publicizing the plight of a victim of “disappearance,” and help the family use specialized human rights procedures of the United Nations that are keyed specifically to making urgent interventions on behalf of the “disappeared.”

Organizations such as Human Rights Watch respect the need, in many cases, to withhold the identity of the sources of reports of human rights abuse in order to minimize the risk to them. The risk for families and others who protest the secret detention of their loved ones may be a real one, and we can only seek to minimize any risk. International human rights groups have a range of options in their work for the “disappeared.” They can publicize individual cases of the “disappeared” including, when known, the circumstances of their detentions, with a view to mobilizing international pressure on the governments involved to release them or to acknowledge their detentions and whereabouts, and the reasons they are being held. Publicity is also an important means to ensure the individuals believed to be in secret detention are not simply forgotten. Alternatively, international organizations can formally communicate, without publicity, to the governments involved and to intergovernmental bodies which have as part of their responsibility to raise urgent cases directly with governments.

The provision of basic information about any “disappearance” is essential to facilitate domestic and international action on behalf of the victim: the name and other identifying information about the person who was seized and “disappeared,” a detailed account of the time, place and circumstances of the detention, and the measures taken to establish the whereabouts and legal situation of the “disappeared.” A photograph of the “disappeared” can in itself prove a potent antidote when governments act as if a secret detainee had never existed.

In continuing our work to end “disappearances” in Algeria, Human Rights Watch is interested in establishing contact with families who believe that their relatives are “disappeared.” Updated information on “disappearances” is important for work on behalf of the “disappeared” even when particular details—and names— must remain confidential. Human Rights Watch will respect requests by relatives not to make public certain information. Below, we provide information about how to contact us.

The United Nations has a special mechanism available for the families and friends of the “disappeared.” It is called the Working Group on Enforced or Involuntary Disappearances. The Working Group was established in 1980 by the United Nations Commission on Human Rights, which meets in Geneva, Switzerland. Since 1980, the Working Group has made inquiries to governments about thousands of cases of “disappearances” in more than forty countries around the world.

The Working Group accepts and examines reports about “disappearances” that are submitted to it by relatives of the “disappeared” or by human rights organizations acting on behalf of the family. The Working Group meets three times a year for six to eight working days. In May 1997, the Working Group met in New York, and Human Rights Watch presented this report to its members and discussed the problem of “disappearances” in Lebanon.

Although international human rights groups regularly submit requests for urgent action to the Working Group, families may want to contact the Working Group directly on behalf of relatives who are “disappeared.” For that purpose, we outline below the basic information this dynamic part of the U.N.’s human rights structure requires in order to act. In the appendix of this report is a copy of a form produced by the Working Group, which the relatives of the “disappeared” can use to mail information to the Working Group about a specific

case.

If you would like to report the case of a relative who has “disappeared” to the Working Group, you should submit the following minimum information:

- The full name of the “disappeared” person.
- When the “disappearance” occurred.
The date of the “disappearance,” including the day, month and year, if known. You can include either the date of the abduction or arrest, or the date that the missing person was last seen.
- Where the “disappearance” occurred.
The place of the arrest or abduction, or the place where the “disappeared” person was last seen.
- Information about who or what agency is responsible, if known
Information about parties that were presumed to have carried out the arrest or abduction, and/or the parties that are believed to be holding the “disappeared” person in unacknowledged detention.
- Information about the search.
The steps that your family, and others, have taken to determine the fate and the whereabouts of the “disappeared” person.

You must submit information in writing to the Working Group at the following address:

Working Group on Enforced or Involuntary Disappearances
Centre for Human Rights
United Nations Office at Geneva
CH-1211 Geneva 10
Switzerland

You may also contact Human Rights Watch about the case of a “disappeared” family member, in any of the following ways:

By mail:
Human Rights Watch
Middle East and North Africa Division
1522 K St., NW, Ninth Floor
Washington, DC 20005-1202 USA

By mail to our post office box in New York, without the need to use our name:
P.O. Box 4428
Grand Central Station
New York, N.Y. 10163

By facsimile:
Human Rights Watch
Middle East and North Africa Division
Washington, DC fax: 202/371-0124

By email to our office in Washington: hrwdc@hrw.org

APPENDIX F
Form for submission of information to the Working Group on Enforced or Involuntary
Disappearances

UNITED NATIONS
CENTRE FOR HUMAN RIGHTS

Explanatory note for the submission of information on enforced
or involuntary disappearances of persons

Reports of enforced or involuntary disappearances of persons may be transmitted to the Working Group on Enforced or Involuntary Disappearances of the Commission of Human Rights, c/o Centre for Human Rights, United Nations Office at Geneva, CH-1211 Geneva 10, Switzerland, cable address UNATIONS GENEVA, telex 289696.

Experience has shown that information on the enforced or involuntary disappearance of a person varies greatly in detail by reason of the nature of each case and the surrounding circumstances. While it is important to receive as much information as possible, missing details should not prevent the submission of reports. However, the Working Group can only deal with clearly identified individual cases containing the following minimum elements of information:

- (a) Full name of the missing person (including any available data relevant to the missing person's identification, such as national identity document number, photograph, etc.);
- (b) Year, month, day of the disappearance;
- (c) Place of arrest or abduction or where the missing person was last seen;
- (d) Indication of the persons believed to have carried out the arrest or abduction;
- (e) Indication of the action taken by the relatives or others to locate the missing person (inquiries with authorities, habeas corpus petitions, etc.);
- (f) Identity of the person or organization submitting the report (name and address, which will be kept confidential upon request).

Information on the enforced or involuntary disappearance of a person may be submitted in any written form, in urgent cases preferably by cable or telex. In submitting such reports, consideration may be given to preparing a narrative summary of the events and providing, to the extent possible, the information listed on the attached form. A photograph of the missing person and annexes, such as habeas corpus petitions or statements of witnesses, can be sent with the suggested form. Please send only copies of documents, the originals should remain in your files. The person or organization making the report should be clearly identified and an address should be given at which they can be contacted. If the author of the report is not a relative of the missing person, but acts, directly or indirectly, upon the family's request, he should remain in contact with the family, since any replies obtained by the Working Group on the missing person's fate or whereabouts are for the exclusive information of the relatives.

REPORT ON THE ENFORCED OR INVOLUNTARY DISAPPEARANCE OF A PERSON

I. Identity of the person subjected to enforced or involuntary disappearance

1. Family name: _____

2. First name: _____

3. Sex: Male _____ Female _____

4. Birth date or age (at time of disappearance): _____

5. Nationality (ies): _____

6. Civil status (single, married, etc.): _____

7. Identity document: _____

Nr. _____

8. Profession: _____

9. Address of usual residence: _____

10. Activities: (trade union, political, religious, humanitarian/solidarity, press, etc.)

II. Date of disappearance

11. Year, month, day and hour when missing person was arrested or abducted:

12. Year, month, day and hour when missing person was last seen:

13. Other indications relating to date of disappearance:

III. Place of disappearance

(please indicate as precisely as possible country, province, city, location, etc. and if identical with home address)

14. Place where missing person was arrested or abducted:

15. Place where missing person was last seen:

16. If subsequent to the disappearance of the person information was received about him/her being detained, please indicate, if possible, the places (official or others) and period of detention, as well as the source of the information, in particular witnesses who have seen the disappeared person in captivity. (Do you wish the identity of the witnesses or sources to be kept confidential? _____)

17. Other indications concerning the place of disappearance:

IV. Forces believed to be responsible for the disappearance

18. If the person was arrested or abducted, please indicate who carried out the arrest: military, police, persons in uniform or civilian clothes, agents of security services, unidentified; whether these agents identified themselves (with credentials, orally, etc.); whether they were armed; whether they appeared to act with impunity; whether a vehicle was used (official, with or without licence plates, etc.)

19. If the forces or agents who carried out the arrest or abduction cannot be identified, state why you believe that Government authorities, or persons linked to them, are responsible for the disappearance:

20. If the arrest or abduction took place in the presence of witnesses indicate the names of the witnesses. If the witnesses have not identified themselves or wish to withhold their names, indicate if they are relatives, neighbours, bystanders etc.:

21. If any written evidence of the arrest exists, please describe (arrest order, communiqués, official notes, letters, etc.):

22. If a search took place of the missing person's domicile, office or place of work, (or that of any other person connected with him/her), before, during or after the disappearance, please indicate and describe the search:

23. If someone was questioned concerning the disappeared person by agents of the security services, official authorities or other persons related to them, before or after the arrest (or disappearance), please indicate and provide available information concerning the questioning:

V. National action (legal or other) on behalf of the missing person

A. Habeas corpus, amparo or similar

24. Nature of the action: _____

25. Date: _____

26. Tribunal: _____

27. Result (date and nature): _____

28. If a judicial decision exists please indicate its contents, if possible:

B. Criminal complaints

29. Nature of the action: _____

30. Date: _____

31. Tribunal: _____

32. Result (date and nature): _____

33. If a judicial decision exists please indicate its contents, if possible:

C. Other measures taken at the national level
(letters, petitions, etc., or other steps taken before the civil or
military authorities):

VI. Measures taken at the international level on behalf of the missing person

34. Organizations addressed _____

35. Date: _____

36. Result (date and nature): _____

VII. Related cases of arrest or disappearance, in particular missing relatives or children

37. Please give a narrative account indicating relevant names, dates and places:

38. If the missing person was pregnant at the time of disappearance, please indicate the date on which her baby might have been born:

VIII. Information concerning the author of the present report

39. Surname: _____

40. First name: _____

41. Nationality (ies): _____

42. Relationship with the missing person: _____

43. Present address: _____

_____ Telephone _____

IX. Confidentiality

44. Please state whether the author of the present report wishes his/her identity to be kept confidential: _____

Note: If any information contained in the present report should be kept confidential please print the word "CONFIDENTIAL" beside the relevant entry.

X. Date: _____

Signature of author: _____

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