

reports of arbitrary or extrajudicial executions of individuals, some while in custody, others under suspicion of being associated in one way or another with terrorist groups; the organization of "legitimate defence groups", the serious questions related to the legitimacy of the transfer of such power by the state to private groups, and the very real risk to human life and security entailed by the exercise of that power, coupled with the risks of unsanctioned abuse; persistent allegations of systematic torture and the apparent routine acceptance by trial court judges of confessions extracted under duress, even when there is medical evidence of torture; and the number of disappearances and the failure of the state to respond adequately, or at all, to such serious violations.

Concern was also expressed over: incorporation of some of the provisions of the Emergency Decree of 1992 relating to "subversion of terrorism" in normal penal laws which, *inter alia*, prescribe an increased number of offences for which the death penalty may be imposed, lower the age to 16 for which a person may be liable to such a penalty, extend from 2 to 12 days the period for which a suspect may be administratively detained incommunicado, and define "terrorist" or "subversive" activities in such a way as to permit abuse; the concession by the National Observatory for Human Rights, in its annual report for 1996, that places of detention exist which are outside the control legally stipulated by law; noting the progress by women in public life and civil society, the fact that the Family Code still contains important areas of inequality, for example, that a woman's consent to her first marriage is generally mediated by a male guardian and that this guardian can deny the woman her choice of a husband, the stipulation that the husband is the head of the family, the possibility of polygamous marriage, and the interdiction on a woman from marrying a non-Muslim while the same restriction does not apply to a man; the application of certain executive decrees of 1992 regulating nomination, promotion and dismissal of judges, compromising its independence, and the provision that judges enjoy immovability only after 10 years of work; and the underlying intent of the Arabic Language Decree, 5 July 1998, to reinforce the status which that national language should possess, noting that the compulsory, immediate and exclusive use of that language in all areas of public activity would impede large sections of the population who use Berber or French in the realization of the rights guaranteed under the Covenant.

The Committee welcomed the abolition of the state-controlled "reading committees" stationed at publishing establishments, as well as the abolition of the formal directives prohibiting the publication of unauthorized information relating to "security issues". The Committee noted, however, that in practice numerous restrictions still persist with regard to freedom of expression — for example on coverage of allegations and discussion of corruption, criticism of government officials, and material regarded as an expression of sympathy for encouragement of subversion. Concern was also expressed over: threats against and assassinations of journalists, human rights defenders and lawyers; and under Law 97-09,

restriction on the right to form political parties, noting that since taking effect the law was invoked to ban or prevent the legalization of more than 30 parties.

The Committee recommended that the government, *inter alia*:

- ♦ adopt effective measures to: prevent attacks on villages and towns and, if they nevertheless occur, come promptly to the defence of the population; ensure that proper investigations are conducted by an independent body to determine who the offenders are and to bring them to justice; and, in all cases of massacres, conduct an independent enquiry into the conduct of the security forces, from the lowest to the highest levels, and where appropriate subject them to penal and disciplinary sanctions;
- ♦ ensure that: independent mechanisms are set up to investigate all violations of the right to life and security of the person; the offenders are brought to justice; access is given, as soon as possible, to the International Committee of the Red Cross and other independent observers;
- ♦ take measures to maintain, within its police and defence forces, the responsibility of maintaining law and order and the protection of the life and security of the population and, in the meantime, ensure that "legitimate defence groups" are brought under the strict and effective control of responsible state organs and that they are promptly brought to justice in the case of abuse;
- ♦ ensure that: a credible system for monitoring treatment of all detainees exists so as to ensure that they are not subject to torture or ill treatment; all specific allegations are investigated by an impartial body and the results of such investigations published; officials involved in torture are prosecuted and, if convicted, severely punished;
- ♦ adopt measures to establish a central register to record all reported cases of disappearances and day-to-day action taken to trace the disappeared, and to assist the families concerned to trace the disappeared; include in its next report an account of the number of cases reported, the investigations conducted, and the results achieved;
- ♦ bring the amendments to the Penal Law into strict compliance with articles 6 and 9 of the Covenant;
- ♦ ensure that: nobody may be arrested or detained "outside the law"; complaints about such arrest or detention are given immediate attention and that relatives, friends or lawyers of persons detained are able to receive an effective remedy, which includes reviewing the legality of the detention; all persons arrested are kept at officially designated places of detention, their families immediately informed, they have immediate access to a lawyer and are promptly charged and brought to trial; their detention does not exceed the limit provided by law and that they have a