

country situation, and prepare a report for the SG. The agreement with the government included the provision that the report of the Panel would be made public. The members of the Panel were Mario Soares (Chairman), former President of Portugal; I.K. Gujral, former Prime Minister of India; Abdel Karim Kabariti, former Prime Minister of Jordan; Donald McHenry, former U.S. Permanent Representative to the UN; Simone Veil, former Secretary of State of France; and Amos Wako, Attorney-General of Kenya.

The Panel visited Algeria from 22 July to 5 August 1998. The report of the mission (Report of the Panel appointed by the Secretary-General, 10 September 1998) notes that the Panel was not mandated to conduct independent investigations. The mission was to be seen as complementary to, but separate from, the special procedures of the UN human rights programme. The report contains information on, *inter alia*: a brief history of developments between 1954 and 1992; the political, economic, social and security situations; democratization and the overall government structure; economic and social problems; human rights and fundamental freedoms — disappearances, torture; the media; diversity, women and children. The Panel met with government representatives and representative of political parties, civil society, human rights and women's organizations, the media, religious institutions, and families of victims of terrorism and of disappeared persons. Visits were made to different regions of the country, one prison, and two sites where massacres had been committed (Benmessous and Ain Khalil). Annex I of the report contains a list of the persons with whom the Panel met and the places visited. Annex II of the report contains a list of materials provided to the Panel by the government and official sources, political parties and actors, NGOs, UN institutions, individuals and others.

The report notes that government policies and strategies were being undertaken simultaneously on three fronts: developing a political consensus, continuing the consolidation of political institutions and establishing the framework for a state of legality; addressing the economic crisis, including reduction of the high debt burden; and maintaining security and, more specifically, combatting terrorism. The Panel identified other aspects to which attention needed to be paid, namely: the need to redress 30 years of one-party dictatorship and the legacy of a collectivized economy; clarification of the relationship between the civilian elected government and the military; and the balance between the adherence of the majority of Algerians to Islam and laws applicable in the public sphere (e.g., family law).

Concerning terrorism, the report notes that terrorism had passed through four stages aimed at: security forces and government; intellectuals, journalists, lawyers, artists and foreigners; the general infrastructure of the country; and the entire population. The Panel stated that Algerian terrorism was unique in that it was not pursuing a specific objective. The government's response to terrorism was noted as having included: introduction and

extension of a state of emergency; the use of "special courts" to try cases of terrorism between 1992 and 1994; and a subsequent decision to refer such cases to ordinary courts, noting information indicating that some features of the "special courts" had been transferred to the ordinary courts. Reference is made to legislation that was adopted, in response to the violence confronting the civilian population especially in remote rural and mountainous areas, to provide for the establishment of self-defence groups in villages and communes. The groups operated under the control of the army or gendarmerie, whichever was nearer. The government stated that the such groups had played a decisive role in the fight against extremist violence but also indicated that the self-defence groups were alleged to have been involved in excesses committed against the civilian population.

The commentary on democratization and the overall government structure refers to the presidential elections (November 1995), legislative elections (June 1997) and provincial and local elections (October 1997). A summary of points covered in discussions with representatives of Parliament is provided. With regard to economic and social problems, the Panel noted, *inter alia*: high unemployment, particularly among youth; demographic pressure from a growing population; the shortage of housing; declining social services; the fall in real income and austerity measures; the slow pace of economic development; the detention of a large group of persons who were arrested for economic crimes such as mismanagement or misuse of government funds — as part of the government's anti-corruption campaign — and the fact that they have been held for as long as two and a half years without trial. The Panel stated that the prospect for achieving internal stability and tranquillity is directly related to whether the country is able to manage major social issues.

The section of the report concerned with human rights and fundamental freedoms notes the establishment, after 1992, of the National Human Rights Observatory and the Office of the Ombudsman. The Observatory is mandated to promote and monitor respect for human rights but not to conduct investigations; the Ombudsman may receive and consider individual complaints arising from the "malfunctioning of a public institution".

On disappearances, the report notes that estimates of the number of disappeared persons range from 2,000 to 20,000. The Observatory had received approximately 3,100 communications concerning disappeared persons since 1994. Information received by the Panel indicated that some of the missing persons had been arrested, were taken by, or had last been seen with, security or law enforcement personnel. Others were reputed to have joined the ranks of terrorists.

With regard to the question of torture, the report notes: persons arrested by police are often kept in custody for long periods before being brought to the investigating magistrate; during this period torture and ill treatment are allegedly frequent; and persons suspected of terrorism are subjected to torture and harsh treatment as a