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Via fax 011 213 2 605 161

May 6, 1993

His Excellency Ridha Malek
Minister of Foreign Affairs
Algiers, Algeria

Dear Minister:

Our Association and its more than 380,000 member lawyers have a deep commitment to the preservation of the rule of law in the international community. In particular, we seek to encourage the maintenance of judicial systems which are independent from government interference, and which respect the independence of judges and lawyers in order to maintain internationally recognized standards of fairness and justice. These objectives are embodied in a "Rule of Law Resolution" adopted by the Association's House of Delegates in February 1975.

Pursuant to that Resolution, I am writing to you to express our deep concern regarding the arrests of Maitre Brahim Taouti and Maitre Ali Zouita.

According to reports that we have received, on February 2, 1993, Maitre Brahim Taouti, counsel for the banned Islamic Salvation Front (FIS) leader Ali Belhadj, was arrested and charged with "dissemination of subversive tracts" pursuant to Article 96 of the Penal Code. It is our understanding that the tract in question was a document which Mr. Belhadj wished to submit to the Supreme Court in connection with his pending criminal appeal. Subsequent to receiving this document from his client, Maitre Taouti decided not to file it with the Supreme Court, and only distributed it to FIS co-counsel and Algerian human rights organizations.

Moreover, we have been informed that Maitre Ali Zouita, another member of the FIS legal defense team, was detained on February 1, apparently on suspicion of "disseminating subversive documents" from FIS leader Abdelkader Hachani, and is being held incommunicado in garde a vue detention in Algiers. It is also alleged that an arms cache was discovered in the course of a police search of his home in Bach Djarra h. No charges have been brought against him at this point in time.

These facts, if our information is correct, reflect serious violations of the rule of law in Algeria. The

Justice for
all
for Justice

His Excellency Ridha Malek

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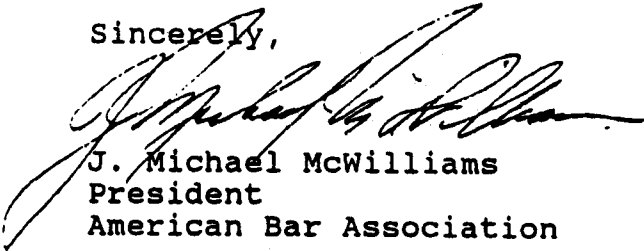
ability of lawyers to represent their clients is fundamental to maintaining the international norms of equal justice and due process enumerated in the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, and other international human rights instruments. It should be noted that Principles 16 and 18 of the UN Basic Principles on the Role of Lawyers provide that lawyers should not be penalized on account of representation of clients in accordance with professional ethics.

The sole concern of the American Bar Association is for the maintenance of the rule of law in the international community and the elements necessary to sustain it. We agree that preservation of the security of the state and public order are responsibilities of any government, and are mindful of your country's problem with religious extremists. Nevertheless, these concerns cannot justify the imprisonment of Maitre Taouti and Maitre Zouita for carrying and disseminating documents, given to them by clients, in accordance with their professional duties.

We respectfully urge that Maitre Taouti be released forthwith or, alternatively, be given a prompt and fair trial in accordance with international human rights norms. We also respectfully urge that Maitre Zouita be released forthwith, or, alternatively, be charged with a criminal offense and brought to trial promptly and fairly.

Thank you for your consideration of our concerns and your attention to these important matters. We look forward to your response.

Sincerely,



J. Michael McWilliams
President

American Bar Association

cc: The Honorable Warren Christopher
The Honorable Madeleine Albright
His Excellency Ambassador Nourredine Y. Zerhouni
The Honorable Mary Ann Casey
The Algerian Bar Association
The Honorable Claiborne Pell, Chair
U.S. Senate Foreign Relations Committee
The Honorable Jesse Helms, Ranking Member
U.S. Senate Foreign Relations Committee
The Honorable Lee Hamilton, Chair
U.S. House of Representatives Foreign Affairs Committee
The Honorable Benjamin A. Gilman, Ranking Member
U.S. House of Representatives Foreign Affairs Committee
Kathy Riley, U.S. Department of State
Office of Maghreb Affairs
Rozann M. Stayden, Legislative Counsel
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