

ALGERIA

ANNUAL REPORT ENTRY 2007

The government introduced new amnesty laws entrenching impunity for gross human rights abuses in a stated effort to bring closure to the internal conflict of the 1990s, and criminalizing criticism of past violations by government forces. It made no progress in investigating cases of enforced disappearance and other serious human rights abuses committed during the 1990s or in clarifying the fate of the victims of enforced disappearance. Some 2,200 people who had been imprisoned or detained on terrorism-related charges were released under the amnesty laws and members of armed groups who surrendered were offered exemption from prosecution. However, fighting between armed groups and security forces continued, claiming over 300 lives, including more than 70 civilians. There were persistent reports of torture and ill-treatment of suspects detained by the authorities and accused of terrorism-related activities and there were concerns over the fairness of trials in terrorism-related and politically motivated cases. Journalists, trade unionists and human rights defenders were subject to harassment and prison sentences.

Background

Algeria continued to be affected by the legacy of the long and bloody internal conflict of the 1990s in which as many as 200,000 people are believed to have been killed as a result of attacks and abuses by both armed groups and government security forces. The government branded its policy of "national reconciliation" as the definitive solution to overcoming this brutal legacy. It introduced blanket amnesty measures and exemptions from prosecution for those responsible for past abuses, compensation payments for some categories of victims, social benefits for former armed group members and their families, and measures aimed at reintegrating people who had been ostracized due to their suspected support for the Islamic Salvation Front (Front islamique du salut, FIS). The FIS, whose election success in 1992 had sparked the army's intervention and the ensuing internal conflict, remained banned and excluded from the political process although some of its former leaders actively supported the government's "reconciliation" plan.

Algeria was an important ally in the US-led "war on terror". Violence by residual armed groups persisted, often in connection with criminal activities such as smuggling, protection rackets and money-laundering. The government continued its armed campaign against these groups, which it claimed were aligned with al-Qa'ida. Despite the persistent risk of torture in terrorism-related cases, Algerians were deported from several countries where governments alleged they were a risk to national security. Some countries apparently received assurances from the Algerian authorities that returnees would not be tortured or ill-treated, but Algeria refused independent monitoring of detainees who had been returned from other countries.

Raised oil and gas prices led to high revenues which allowed the government to repay some two thirds of its foreign debt. International financial institutions warned that urgent reforms were needed to diversify growth and create employment. Violent protests over social and economic conditions remained rife amid widespread allegations of corruption.

Impunity

There was no progress towards investigating the numerous gross abuses, including torture, killings, abductions and enforced disappearances, committed by armed groups and state security forces during the conflict of the 1990s. The government continued to fail to co-operate effectively with relevant UN human rights bodies and mechanisms in addressing the human rights legacy of the conflict.

Impunity was entrenched further by amnesty laws issued under presidential decrees in February, which were said by the government to implement the Charter for Peace and National Reconciliation, a framework document adopted by national referendum in 2005. Human rights groups and associations of victims staged public demonstrations to protest against the new legislation, describing it as unconstitutional.

The amnesty laws declared that any complaint against the security forces and those who acted in conjunction with them would be inadmissible, effectively granting them blanket immunity for human rights violations committed during the years of internal conflict. Moreover, the laws threatened with imprisonment those who speak out about abuses by the security forces. During the 1990s, security forces and state-armed militias carried out widespread torture and thousands of extrajudicial executions and enforced disappearances, all crimes under international law. The amnesty laws contravene Algeria's international obligation to investigate these crimes and hold the perpetrators to account, thereby denying victims and their families an effective remedy for the wrongs to which they were subjected.

The amnesty laws also enlarged the scope of earlier measures granting exemption from prosecution to members of armed groups who surrendered to the authorities within a six-month period, in a stated effort to end fighting by armed groups. The law provided insufficient safeguards to ensure that those who had committed serious crimes, for example killings of civilians, would be prosecuted. According to official statements, up to 300 armed group members surrendered before the deadline expired, but it was not known how many of them were exempted from prosecution and by what process. The authorities announced that those giving themselves up in future would benefit from similar measures beyond expiry of the deadline.

The laws also provided for the release under an amnesty of those detained or imprisoned for alleged involvement in terrorist activities except for collective killings, rape and bomb attacks. According to official statements, some 2,200 people who had been charged with or convicted of involvement in terrorist activities were freed from detention in March and in the following months, but the names of those released and the process for determining eligibility were not published. Several people charged with involvement in international terrorism were initially released, although they were not entitled under the terms of the law. Some of them were later rearrested and detained. Other detainees who would have been eligible for release were still in detention at the end of the year.

- In August the UN Human Rights Committee ruled that Malik Medjnoun, who had been detained without trial for nearly seven years, should be tried immediately or released, and that human rights violations he had allegedly suffered in detention should be investigated. However, the government was not known to have taken any action in response to this decision and Malik Medjnoun remained detained without trial at the end of the year. In 2000, he was charged with participation in the 1998 killing of Lounes Matoub, a prominent singer, a crime which has not yet been fully, impartially and independently investigated. In 1999 and 2000 Malik Medjnoun was held in unacknowledged and secret detention for seven months during which he was reportedly tortured.

Political killings

More than 300 people were reported to have been killed by either armed groups or government security forces during the year, including over 70 civilians.

Armed groups continued to carry out attacks on military and, to a lesser extent, civilian targets. Military forces carried out search operations and attacks in areas where armed group violence persisted, killing alleged armed group members. There were concerns that some of these killings might have been extrajudicial executions and that some of those killed were women and children related to armed group members, but details were difficult to obtain.

Violations in counter-terrorism

Torture continued to be used with impunity. There were persistent reports of torture and other ill-treatment in the custody of the Department for Information and Security (Département du renseignement et de la sécurité, DRS), a military intelligence agency which carries out terrorism-related arrests and investigations. Detainees held in DRS custody said they were beaten, tortured with electric shocks, suspended from the ceiling, and forced to swallow large amounts of dirty water, urine or chemicals. They were held by the DRS in secret locations for up to several months, during which they were denied contact with the outside world, in violation of the law. Reports of torture and ill-treatment were not known to have been investigated, despite new provisions criminalizing torture introduced in 2004. At least three people convicted of belonging to a terrorist group were sentenced to death in their absence.

- Hadj Djilali Bouazza, an Algerian national resident in Belgium, was arrested in March, some 10 days after arriving on a visit to Algeria. He was detained in DRS custody for three months during which he was not permitted contact with the outside world and reportedly abused by being stamped on,

blindfolded and beaten on the side of his head, causing temporary deafness in one ear. An independent medical examination requested by his lawyer did not take place. He remained in prison awaiting trial for alleged terrorist activities in Algeria and abroad.

- Ahmed Chergui was arrested in Boumerdes province, east of Algiers, at the end of June. He was held by gendarmerie officers for three days, during which time he was reportedly stripped and threatened with a dog. He was then transferred to DRS custody and allegedly subjected to further torture, including severe beatings on his legs. Despite extensive bruising to his thighs, a medical certificate reportedly stated that he had no traces of injuries. He was charged with terrorism-related activities and remained in detention awaiting trial.

Enforced disappearances

No steps were taken to clarify the fate of thousands of victims of enforced disappearance between 1993 and 2002. Dozens of court cases brought by their families had not led to full judicial investigations or prosecution of the alleged perpetrators. The laws on "national reconciliation" barred courts from investigating complaints against those responsible.

In March the UN Human Rights Committee issued its first rulings on cases of enforced disappearance in Algeria. The Committee found that the state had violated several provisions of the International Covenant on Civil and Political Rights in failing to protect the rights and life of Salah Saker and Riad Boucherf who had disappeared in 1994 and 1995 respectively. The Committee also recognized that the treatment by the authorities of their relatives, who remained without news of their fate or whereabouts, amounted to ill-treatment.

The laws on "national reconciliation" included provisions to compensate families of victims of enforced disappearance, but no payments had been made by the end of the year. In the absence of any investigations or judicial proceedings, many families rejected the compensation offer, fearing that the payments were intended to silence their calls for truth and justice.

Several dozen families of victims of enforced disappearance who had appealed to the authorities for help in previous years were summoned by security forces and given written notification of the death of their loved ones, a prerequisite for any compensation claims. The documents, however, refuted the families' claims that their loved ones had been arrested by security forces, stating instead that they had been killed by unidentified men or while participating in an armed group.

Families of victims of enforced disappearance were intimidated and some were prosecuted in connection with documentation they had produced and their campaigning activities on behalf of victims of enforced disappearance in Algeria or because of their peaceful protests against the government's national reconciliation policies.

Intimidation of human rights defenders and journalists

There were continuing restrictions on freedom of expression and assembly, and several independent organizations, including organizations of families of victims of enforced disappearance, continued to be denied legal status. Some of the restrictions were linked to the state of emergency, imposed in 1992, which remained in force.

The amnesty laws introduced in February criminalized free speech about the conduct of the security forces. Under these new laws, anyone exposing human rights violations or wishing to generate debate about them could face prosecution and up to five years' imprisonment, or 10 years in the case of a second offence. By the end of the year, the laws were not known to have been applied, but victims of human rights abuses and their families, human rights defenders, journalists and trade unionists faced a range of other forms of harassment and intimidation, including the threat of court action for exercising rights guaranteed under international law.

Algerian media reported that some 20 journalists were prosecuted for defamation after complaints by public officials. Some 15 prison terms of up to one year were imposed, but most journalists remained at liberty pending appeals.

In July, President Bouteflika decreed a pardon for all journalists convicted in connection with laws restricting free speech. Dozens of journalists sentenced to prison sentences and fines benefited from the measure. This followed a similar announcement in May which had, in practice, benefited very few of

the 200 or so journalists it was officially aimed at. This was because it covered only journalists whose sentences had been confirmed, and most of those prosecuted were at liberty awaiting the outcome of appeals. b Trumped-up charges were brought against lawyers Hassiba Boumerdesi and Amine Sidhoum in September in an apparent attempt to intimidate them and deter them from carrying out human rights work. They remained at liberty pending trial for violating laws governing the organization and security of prisons.

Refugees and migrants

Irregular migrants were at risk of detention and collective expulsion. There were also reports of ill-treatment of irregular migrants by Algerian border police. Thousands of irregular migrants, including possible asylum-seekers, were deported to countries in sub-Saharan Africa without being able to make asylum applications or to appeal against deportation orders.

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The government promoted a controversial plan aimed at bringing closure to the internal conflict of the 1990s amid continuing restrictions on human rights. The level of violence decreased in comparison with previous years, but hundreds of people were killed, among them dozens of civilians. Tens of thousands of cases of torture, killings, abductions and “disappearances” carried out since 1992 by the security forces, state-armed militias and armed groups had still not been investigated; this remained the key obstacle to addressing the legacy of the conflict. Torture continued to be reported, particularly in the cases of suspects accused of “belonging to a terrorist group”. More than a dozen suspected members of armed groups were sentenced to death, most of them in their absence. A moratorium on executions remained in place. Changes to the law gradually improved the legal status of women, but many discriminatory provisions remained unchanged.

Background

Gas price rises at the beginning of the year sparked violent protests throughout the country. Demonstrations, strikes and violent protests erupted throughout the year over a range of social, economic and political problems, including water, job and housing shortages, public mismanagement and corruption.

An association agreement with the European Union entered into force on 1 September. The agreement, which sets out conditions for trade liberalization and security co-operation, contains a human rights clause which is binding on both parties.

The state of emergency, imposed in 1992, remained in force.

Killings

Some 400 people were killed as a result of continuing violence, including dozens of civilians. Attacks by armed groups on military targets, and to a lesser extent, civilians, continued to be reported. Dozens of people suspected of being members of armed groups were killed during operations by the security forces. There were concerns that some of these killings may have been extrajudicial executions.

Impunity

President Abdelaziz Bouteflika officially stated that some 200,000 people were believed to have been killed since 1992, but there was no commitment to establishing the truth about these killings and other gross human rights abuses, the vast majority of which had not been investigated. Instead, President Bouteflika called a referendum seeking a mandate to exonerate the security forces and armed groups, ostensibly in an effort to bring closure to the conflict of the 1990s.

A Charter for Peace and National Reconciliation was adopted by referendum on 29 September. In a speech made in late March, President Bouteflika declared that reconciliation required that families of victims of human rights abuses make sacrifices and that they might have to renounce some of their rights.

The Charter proposes clemency or exemption from prosecution for members of armed groups who give themselves up to the authorities. Armed groups have been responsible for widespread and grave abuses – such as targeted killings of civilians, abductions, rape and other forms of torture – some of which amount to crimes against humanity. Although perpetrators of certain serious abuses were not to be exempt from prosecution, no details were provided concerning the process for determining who would be eligible. Similar measures introduced in 1999 were applied arbitrarily and resulted de facto in wide-ranging impunity for abuses committed by armed groups.

The Charter denies that the security forces and state-armed militias have been responsible for serious crimes, thus conferring systematic impunity. This denial stands in stark contrast to a body of evidence which points to their responsibility for thousands of cases of torture, extrajudicial executions and “disappearances”, some of which constitute crimes against humanity.

Victims of human rights abuses, human rights defenders, and others opposing the Charter were intimidated by state agents in an effort to stifle criticism. Some continued to express their anger at the

authorities' failure to uphold their right to truth and justice. In the province of Blida, near the capital, Algiers, victims of abuses by armed groups and their families gathered at the cemetery on the day the referendum was held to remember the dead and bury their ballots in protest at the provisions of the Charter.

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions and the UN Working Group on Enforced or Involuntary Disappearances expressed concern about the proposed measures. They urged the Algerian government not to adopt laws which would contravene its obligations under international law to ensure the right of victims of grave human rights abuses to truth and full reparations.

By the end of the year, no concrete measures had been taken to implement the provisions of the Charter.

'Disappearances'

No new cases of "disappearance" were reported during the year, but several thousand Algerians remained "disappeared" and no progress was made in clarifying their fate and whereabouts. The Charter for Peace and National Reconciliation specifically denies state responsibility for "disappearances", claiming that past wrongful acts have been punished.

At the end of March the mandate of an official commission on "disappearances", set up with a narrow mandate in 2004, expired. The head of the commission publicly excluded criminal prosecution of those responsible for the "disappearances" and proposed compensation payments to the families, many of whom continued to endure economic hardship. The commission remained silent on the state's duty to investigate serious human rights violations and to guarantee the victims' right to an effective remedy. The head of the commission told AI in May that, on the basis of complaints which families had made to the authorities, it had concluded that 6,146 individuals had "disappeared" at the hands of security officers between 1992 and 1998. However, media reports later quoted him contradicting this by saying that half of these were "terrorists", rather than victims of state abuses. The commission did not have powers to investigate cases of "disappearances". The commission's confidential report to the President had not been made public by the end of the year.

Many families of the "disappeared" feared that the compensation payments would be a substitute for long-overdue investigations. The government did not respond to the interest expressed since August 2000 by the UN Working Group on Enforced or Involuntary Disappearances to visit the country.

Torture and ill-treatment

There were further allegations that individuals arrested after protests were tortured or ill-treated in custody. The vast majority of allegations of torture made during 2005 and in previous years were not investigated. The UN Committee on the Rights of the Child expressed concern about a number of cases of torture and ill-treatment of children reported in previous years. The UN Special Rapporteur on torture was not invited to Algeria, despite repeated requests to visit the country since 1997.

In violation of national and international law, detainees accused of "belonging to a terrorist group" continued to be held in a secret location during *garde à vue* detention (the period before they are brought before the judicial authorities) and denied their right to communicate with their families, putting them at risk of torture.

- Amar Saker was arrested on 19 February and reportedly tortured over a period of 15 days while held by the Department for Information and Security, an intelligence agency formerly known as Military Security. Among other things, he alleged that he was beaten until he lost consciousness, given electric shocks and suspended by his arms for three days to force him to sign a police report which he had not read. He was charged with "belonging to a terrorist group operating in Algeria and abroad" and remained in detention awaiting trial at the end of the year. The allegations of torture were not known to have been investigated, although a prison doctor had certified that his body bore traces of violence when he was transferred to prison.

Freedom of expression and assembly

Journalists, civil society activists and government critics faced harassment and intimidation and risked imprisonment. Pressure on journalists remained high. Dozens of journalists who criticized representatives of the state and security forces or reported on human rights abuses and corruption allegations faced charges of defamation, many of which were filed by public officials. Some 18 journalists were sentenced to imprisonment on defamation charges; others received suspended sentences and heavy fines. Nearly all remained at liberty pending appeals at the end of the year.

- Mohamed Benchicou, former editor of the French language daily *Le Matin*, remained in prison. He had been convicted of violating exchange regulations and sentenced to two years' imprisonment in June 2004. Further prison terms and heavy fines were imposed in a series of lawsuits for defamation, but remained at appeal stage.

Independent organizations, among them human rights groups and independent trade unions, were repeatedly refused authorizations for public events.

- Kamal Eddine Fekhar – a doctor, elected member of the Parliamentary Assembly in the province of Ghardaia in southern Algeria, and a member of the Socialist Forces Front and of the Algerian League for the Defence of Human Rights – was imprisoned for five months, apparently to discourage him and others from political activity. He was accused of incitement to rebellion and arson, among other things, in the wake of violent demonstrations which took place in the area in late 2004. Some of the protesters reported having been beaten on arrest and ill-treated or threatened with torture during questioning to force them to sign police reports incriminating Kamal Eddine Fekhar. Eyewitnesses reported that he had attempted to negotiate a peaceful settlement of the conflict.

The authorities stepped up pressure on families of the “disappeared” to abandon their public protests against the Charter for Peace and National Reconciliation. At least three demonstrations by families of the “disappeared” were violently dispersed by the security forces. Several relatives of the “disappeared” were summoned by security forces, questioned and threatened with legal proceedings should they continue their protests.

- Belkacem Rachedi, whose father “disappeared” in 1995 and who had publicly accused members of a local militia of having arrested his father and of being responsible for his “disappearance”, was sued for defamation by two of the alleged perpetrators. In one of the cases, a court in Relizane province, western Algeria, sentenced him to a six-month suspended prison term and a fine; the second case remained pending at the end of the year. The court had failed to investigate some 10 complaints lodged by the Rachedi family since 1997 in respect of the father's “disappearance”.

Women's rights

In February amendments were introduced to the Family and Nationality Codes. Women were given equal rights with men in transmitting their nationality to their children. Changes to the Family Code revised some provisions discriminating against women but fell far short of offering women equal status with men. Key changes include the introduction of the same legal age for marriage for both men and women, and of a legal requirement for a divorced man to provide housing for his former wife if she has custody of the couple's under-age children. Homelessness among divorced women and their children had been recognized as a growing problem. The new law also rescinded the legal duty of a wife to obey her husband and introduced equal rights and duties for men and women during marriage.

However, numerous provisions which discriminate against women were maintained. These include polygamy and a husband's unilateral right to divorce. Discriminatory provisions governing inheritance rights remained unchanged.

Algeria maintained reservations to key articles of the UN Women's Convention, undermining its purpose. In February, the UN expert committee overseeing implementation of the Convention recommended that the government establish a binding timeline for reforming discriminatory legislation and withdrawing reservations to the Convention. The committee also expressed concern about the lack of progress in addressing the situation of female relatives of the “disappeared” and of women who had suffered physical and sexual violence by armed groups.

An unprecedented study on domestic violence was published, reflecting increasing recognition of violence against women as a problem in Algerian society. The study, which was conducted collaboratively by Algerian governmental and non-governmental bodies, revealed factors facilitating violence against women and identified needs for improving care for survivors.