

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	108
Land:	Algeriet
Kilde:	Amnesty International.
Titel:	Amnesty International Report 2009.
Udgivet:	28. maj 2009
Optaget på baggrundsmaterialet:	19. november 2009

Title	Amnesty International Report 2008 - Algeria
Publisher	Amnesty International
Country	Algeria
Publication Date	28 May 2008
Cite as	Amnesty International, <i>Amnesty International Report 2008 - Algeria</i> , 28 May 2008, available at: http://www.unhcr.org/refworld/docid/483e277541.html [accessed 19 November 2009]



Amnesty International Report 2008 - Algeria

PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA

Head of State: Abdelaziz Bouteflika
Head of government: Abdelaziz Belkhadem
Death penalty: abolitionist in practice
Population: 33.9 million
Life expectancy: 71.7 years
Under-5 mortality (m/f): 35/31 per 1,000
Adult literacy: 69.9 per cent

Continuing political violence across the country left at least 491 people dead, an increase over 2006. Many were killed in bomb attacks for which a group calling itself al-Qa'ida Organization in the Islamic Maghreb claimed responsibility. People suspected of links with terrorism were held incommunicado and in secret and were at risk of torture and other ill-treatment. Several terrorism suspects returned to Algeria by other states were sentenced to jail terms after proceedings which did not conform to international standards. Human rights defenders and journalists were harassed. The government took encouraging steps towards addressing violence against women and abolishing the death penalty, but did nothing to break the shield of impunity protecting members of armed groups and government security forces who committed gross human rights abuses during the internal conflict of the 1990s.

Background

A low turnout in the May parliamentary elections apparently reflected a lack of public confidence in the effectiveness of state authorities in addressing security, unemployment, lack of housing, water shortages and other problems. Concern about corruption fuelled discontent as it appeared that profits from rising oil and gas exports were not benefiting the wider population, and there was a continuing flow of migrants to Europe.

In November, the UN Human Rights Committee (HRC) recommended that the government address the continuing problems of impunity, secret detention and torture,

discrimination against women and restrictions on freedom of expression.

Political killings

Al-Qa'ida Organization in the Islamic Maghreb, formerly known as the Salafist Group for Preaching and Combat, the main active Islamist armed group in Algeria, attacked both civilian and military targets. The group claimed responsibility for bomb attacks in Algiers in April and December and in Batna and Dellys in September, which killed at least 130 people, many of them civilians, and injured hundreds of others. In September, the authorities announced that Hassan Hattab, the Salafist Group's first leader, had turned himself in.

Government forces killed dozens of alleged members of armed groups during search operations and in clashes. Few details were available but there was concern that some of the victims may have been extrajudicially executed.

Violations in the context of counter-terrorism

Secret detention

The Department for Information and Security (Département du renseignement et de la sécurité, DRS), the military intelligence agency, continued to detain alleged terrorism suspects incommunicado and in secret locations, often military barracks, where they were at risk of torture and other ill-treatment. Those detained included several Algerian nationals returned from other states.

- Mohamed Rahmouni was arrested by security officials in plain clothes on 18 July near his home in Bourouba, Algiers. His family inquired as to his whereabouts and a month after his arrest his mother was called to the judicial police office in Bourouba and told that her son was being detained and well-treated by the DRS. At the end of the year, however, it remained unclear where he was being held and whether he was facing charges, and relatives were still denied access to him.
- A man known as "K" because of legal restrictions and Reda Dendani were detained by the DRS when they were deported to Algiers on 20 and 24 January respectively by the UK authorities, who considered them a threat to national security. "K" was released uncharged on 4 February after being held for longer than the legal limit of 12 days without charge or access to legal counsel; Reda Dendani was held by the DRS until 5 February and then transferred to prison to await trial (see below). Both were held secretly, probably in military barracks in Algiers, and without access to their relatives.

Unfair judicial proceedings

Terrorism suspects faced unfair judicial proceedings. Detainees were not always assisted by legal counsel when they were first brought before a judge and some said that they had not reported torture or other ill-treatment by the DRS for fear of reprisals. In any event, detainees' allegations of torture and other ill-treatment were not investigated by judicial authorities even when "confessions" allegedly extracted under torture or other duress were used as evidence against them in court.

- A man known as "H" returned to Algeria by the UK authorities was sentenced to three years' imprisonment on 10 November for "belonging to a terrorist network abroad". At trial, he alleged that he had been tortured by the DRS and made to sign a statement whose contents were not disclosed to him before he was brought before the judicial authorities. The court accepted this statement as evidence against him without investigating his allegations. It also dismissed his claim that the Algerian embassy in London had assured him that he would benefit from the amnesty measures adopted in 2006 in Algeria if he was returned there from the UK.
- Reda Dendani was sentenced to eight years' imprisonment in November for "belonging

to a terrorist network abroad". At trial, he alleged that DRS officers had beaten him when he asked to see a statement they had prepared and required him to sign, and that he had not reported this when first brought before a judge because of DRS threats. The court did not investigate his allegations.

Impunity

The government took no steps to address the gross and widespread human rights abuses committed by armed groups and state security forces during the internal conflict of the 1990s in which as many as 200,000 people were killed.

In November, the HRC called for the government to amend Articles 45 and 46 of the 2006 Decree implementing the Charter for Peace and National Reconciliation (Law 06-01), which give impunity to the security forces and criminalize public criticism of their conduct.

Enforced disappearances

Algeria signed the new International Convention for the Protection of All Persons from Enforced Disappearance on 6 February but failed to take any steps to investigate the fate of thousands of victims of enforced disappearances and continued to implement Law 06-01. Under this, relatives can seek compensation if they obtain a death certificate from the authorities for the person who disappeared. Some families complained that they were pressurized to seek such certificates, while others refused to do so out of concern that this would close the door to any investigation. The authorities told the HRC that they had selected 6,233 requests for compensation and had categorized some 17,000 cases as "killed terrorists", but provided no details of the disappeared to whom these referred. Some families received death certificates stating that relatives who had disappeared had been killed while active in armed groups. It was not known how many families received compensation.

- No progress was made in resolving the disappearance of Salah Saker, a teacher arrested by state agents in 1994, even though the HRC had called in 2006 for an immediate investigation into his case.
- In July, the HRC ruled on the cases of Mohamed Grioua and Mourad Kimouche, who disappeared after arrest by state agents in 1996. The HRC found that the state had failed to protect their rights and lives, and called for full investigations and for the perpetrators to be prosecuted.

Freedom of expression

Human rights defenders and journalists were harassed by the authorities. A number of them were prosecuted and threatened with imprisonment on criminal defamation charges, apparently to punish or deter criticism of government policies and officials. The HRC recommended that the law be changed to decriminalize defamation, but the law remained in place.

- Human rights lawyer Amine Sidhoum was charged with defamation in relation to comments attributed to him in a 2004 newspaper article. The journalist who wrote the article was also charged in late October. Their trial, set for November, was adjourned until January 2008. In March, Amine Sidhoum and another human rights lawyer, Hassiba Boumerdessi, were acquitted
- of passing prohibited items to prisoners who were their clients.
- Mohamed Smain, President of the Relizane branch of the Algerian League for the Defence of Human Rights, was convicted on 27 October of "denouncing imaginary crimes". He had alleged that the bodies of some 20 people who had disappeared after they were seized by local state-armed militia had been buried in a mass grave in Sidi Mohamed Benaouda. He was sentenced to two months' imprisonment and ordered to pay a fine and damages. The court had first convicted him in 2002 but had

been ordered to retry him following a ruling by the Supreme Court. Mohamed Smain lodged a new appeal and remained at liberty.

- Hafnaoui Ghoul, a journalist and human rights activist with the Djelfa branch of the Algerian League for the Defence of Human Rights, was notified in September that the head of the Djelfa gendarmerie had charged him with defamation and ordered him to report to the gendarmerie weekly. He had been imprisoned for six months in 2004 after being convicted of defaming
- local officials.

Refugees and migrants

Refugees, asylum-seekers and irregular migrants were at risk of detention, collective expulsion and ill-treatment. Although details were sparse, thousands were believed to have been deported to countries in sub-Saharan Africa without being able to apply for asylum or appeal against their deportation.

- In August, 28 people from countries in sub-Saharan Africa, who were recognized as refugees by UNHCR, were deported to Mali after they were tried without legal counsel or the assistance of interpreters on charges of entering Algeria illegally. They were dumped near the desert town of Tinzaouatene, where a Malian armed group was active, without food, water or medical aid. The refugees were stuck there for days because of insecurity, before being able to reach the Malian capital.

Violence and discrimination against women

In February, the UN Special Rapporteur on violence against women visited Algeria. She welcomed important amendments made in 2005 to reduce discrimination against women, but drew attention to aspects of the Family Code which allow discrimination against women in matters of housing and inheritance. She also expressed concern as to whether victims of rape and sexual enslavement during the internal conflict were being compensated.

The HRC recommended that Algerian law be amended to ensure equality between men and women in terms of marriage, divorce and housing and to criminalize marital rape.

Death penalty

The authorities maintained a de facto moratorium on executions although death sentences continued to be passed. Dozens of members of armed groups were sentenced to death on terrorism charges, mostly in their absence. In November, Algeria co-sponsored a resolution at the UN General Assembly calling for a global moratorium on executions.

Amnesty International report

- Algeria: Briefing to the Human Rights Committee (MDE 28/017/2007)

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