



# ALGERIA (2)

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## ALGERIA

President Abdelaziz Bouteflika was elected in April to a 5-year term. Bouteflika spent most of the last 2 decades outside the country, but previously had served as Foreign Minister. The President is the constitutional head of state, appoints and dismisses the Prime Minister and cabinet ministers, and may dissolve the legislature. The military establishment strongly influences defense and foreign policy. Bouteflika was regarded throughout the election campaign as the candidate most favored by the dominant security establishment and the most likely winner. At the end of the campaign, the other six candidates withdrew, credibly charging massive fraud by the military, and Bouteflika was elected easily, although with a turnout as low as 30 percent. In June 1997, Algeria held its first parliamentary elections since January 1992 and elected the first multiparty Parliament in Algerian history. The cancellation of the 1992 elections, which the Islamic Salvation Front (FIS) was poised to win, suspended the democratization process and a transition to a pluralistic republic, and escalated fighting, which still continues, between the security forces and armed insurgent groups seeking to overthrow the Government and impose an Islamic state. The presidential election campaigns during the year were marked by increased openness; however, international observers and political parties pointed out numerous problems with the conduct of the elections. A September 16 national referendum, which asked citizens whether they agreed with Bouteflika's peace plan (which includes an amnesty program for the extremists fighting to overthrow the Government), was free of charges of fraud, and Bouteflika's peace plan won a reported 98 percent majority, with a reported 85 percent turnout. Bouteflika is not affiliated formally with any political party but he has the parliamentary support of a four-party coalition for his peace plan. The Government does not always respect the independence of the judiciary.

The Government's security apparatus is composed of the army, air force, navy, the national gendarmerie, the national police, communal guards (local police), and local self-defense forces. All of these elements are involved in counterinsurgency and counterterrorism operations and are under the control of the Government. The security forces committed numerous serious human rights abuses.

The economy is slowly developing from a state-administered to a market-oriented system. The Government has implemented stabilization policies and structural reforms. However, privatization of state enterprises has just begun and there has been little progress on reform of the banking and housing construction sectors. The state-owned petroleum sector's output represented about a quarter of national income and about 96 percent of export earnings during the year. Noncompetitive and unprofitable state enterprises constitute the bulk of the non-hydrocarbon industrial sector. The agricultural sector, which produces grains, fruit, cattle, fibers, vegetables and poultry, makes up 10 to 12 percent of the economy. Algeria is a middle-income country; annual per capita income is approximately \$1,600. Officially, about 30 percent of the working-age population is unemployed, and about 70 percent of persons under the age of 30 cannot find adequate employment. Some earn a living from petty smuggling or street peddling.

The Government's human rights record remained poor; although there were improvements in a few areas, serious problems remain. Citizens do not have the effective right to change their government peacefully. The security forces committed extrajudicial killings, routinely tortured or otherwise abused detainees, and arbitrarily arrested and detained, or held incommunicado, many individuals suspected of involvement with armed Islamist groups; however, there were no reports of new disappearances during the year in which the security forces were suspected. Security forces usually reach the sites of massacres too

late to prevent or halt civilian casualties. Their failure to intervene in a timely manner led to claims that the security forces are indifferent to or complicit in the massacres. Prison conditions are poor. Prolonged pretrial detention and lengthy trial delays are problems, although the practice of detention beyond the legal limit appears to be less frequent. Although the Constitution provides for an independent judiciary, executive branch decrees restrict some of the judiciary's authority. The authorities do not always respect defendants' rights to due process. Illegal searches and infringements on citizens' privacy rights also remained problems. There was no overt censorship of information; however, while the print media is relatively free, news media practiced self-censorship. Newspapers reported frequently on terrorist violence and on surrenders under the amnesty program, about which there was a wide range of views expressed in the media. The independent press commented openly and regularly on the presidential elections and other significant issues. In some cases, newspapers represented specific political and economic interests. Electronic media continued to express only government policy. The Government also continued to restrict freedom of speech, press, assembly, association, and movement, although to a lesser degree than in previous years. During the April presidential election, the candidates who ultimately withdrew from the election credibly reported irregularities, such as government ballot-box stuffing through manipulation of military votes. During the 1997 legislative, municipal, and provincial elections, there were credible reports of irregularities, such as government harassment of opposition-party observers and fraud in vote-tally procedures. The Family Code limited women's civil rights, and societal discrimination and domestic violence against women remained serious problems. Child abuse is a problem. Amazigh ethnic, cultural, and linguistic rights continue to be an issue, although these concerns are represented by at least two political parties represented in Parliament. Child labor is a problem.

Although the number of security incidents involving armed groups and terrorists decreased significantly and became more localized in the first several months of the year, compared with the same period in 1998, these opposition forces committed numerous serious abuses and killed thousands of civilians. Furthermore, such abuses and killings increased in the second half of the year. Armed terrorists continued their widespread campaign of insurgency, targeting government officials and families of security-force members, as well as those whose lifestyles they considered to be in conflict with Islamic values. Increasingly the killing appeared to be related to opposition to the amnesty program. Several hundred terrorists have availed themselves of the amnesty program so far, and the armed groups have become smaller, but a hard-core opposition force remains.

Armed groups killed numerous civilians, including infants, in massacres and with small bombs. Bombs left in cars, cafes, and markets killed and maimed persons indiscriminately. Some killings also were attributed to revenge, banditry, and land grabs. There were estimates that as many as 3,000 civilians, terrorists, and security force members died during the year in domestic turmoil. After his election, President Bouteflika acknowledged that a more accurate accounting of the number of persons killed during the past 8 years placed the total at about 100,000. Armed terrorists particularly targeted women; there were numerous instances of kidnapping and rape.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

The Government maintains that the security forces resort to lethal force only in the context of armed clashes with terrorists. The Government also contends that, as a matter of policy, disciplinary action is taken against soldiers or policemen who are guilty of violating human rights. Human Rights Watch and other groups claim that security forces failed to intervene in some situations to prevent or halt massacres of civilians.

In December one person died of a heart attack the day after being beaten by police who

had responded to a terrorist attack in the town of Dellys. The case received considerable print media attention, and the government-funded National Observatory for Human Rights (ONDH) investigated the incident. As a result, several police officers were arrested (see Section 1.c.).

Progovernment militias also killed civilians during the year. There was at least one successful prosecution--of militia members who were involved in a revenge killing in Tizi Ouzou in the first half of the year. There were no other reported prosecutions of such cases.

On November 22, prominent FIS leader Abdelkader Hachani, who had spoken out in favor of peace and reconciliation, was shot and killed in Algiers. On December 13, authorities arrested Fouad Boulemla, who had the murder weapon in his possession. At year's end, it was unclear who was responsible for the killing.

Armed groups targeted both security-force members and civilians. In many cases terrorists randomly targeted civilians in an apparent attempt to create social disorder. Increasingly the killing of civilians appeared to be a result of opposition to President Bouteflika's amnesty program, and to facilitate the theft of goods needed by the armed groups. Terrorist tactics included the use of small bombs, and creating false roadblocks outside the cities by using stolen police uniforms, weapons, and equipment. Killings of civilians tended to be in smaller numbers per incident than in past years, although there were a few large-scale massacres. For example in early January, terrorists slashed the throats of 22 persons in the town of Oued Al-Aatchaane, 240 miles southwest of Algiers. Terrorists cut the throats of 34 villagers in three separate attacks on the night of January 31. Rebels cut the throats of 19 persons in El-Merdja, 9 in Saharidji, and 6 in Telassa, all in the western province of Chlef. Most of the victims were women and children. Armed men killed 12 persons in an overnight massacre southwest of Algiers in early February. In March members of the Armed Islamic Group (GIA) reportedly killed nine members of two families in Ain Defla, southwest of Algiers. In early April, rebels killed 22 government soldiers in an ambush near Blida. In mid-April, rebels killed 10 civilians in Mascara province, 187 miles west of Algiers. On June 4, terrorists reportedly killed at least 19 members of the same family in Bou Hamitane. In mid-June, an armed group killed 14 persons in a village south of Algiers. On August 15, terrorists stopped a bus in Beni Ounif and killed 29 passengers after stealing their belongings. On October 7, armed rebels slashed the throats of 8 persons from the same family and kidnaped a teenage girl in the town of Douira, 25 miles west of Algiers. On November 16, terrorists killed 19 persons in the province of Chlef. In mid-December, armed rebels killed 11 soldiers and wounded 10 others in an attack on a military convoy. There was an increase in such attacks in December; that month coincided with the Islamic holy month of Ramadan, during which terrorists historically have increased their attacks. On December 25, militants opened fire on vehicles at a roadblock 50 miles west of Algiers, killing 28 persons. Terrorists also killed and injured numerous persons with bombs (see Section 1.g.).

#### b. Disappearance

There were credible reports of disappearances occurring over a period of several years, many of which involved the security forces; however, there were no such reports during the year. In September 1998, the Ministry of Interior established an office in each district to accept cases from resident families of those reported missing. However, credible sources state that those committees have not provided any useful information to the families of the disappeared. The Government's official human rights organization stated that by September, the Ministry of Interior had agreed to investigate 4,300 cases, of which 300 had been closed, by providing families information about persons who had disappeared. However, there were no prosecutions of security-force personnel that stemmed from these cases. Families of the missing persons, defense attorneys, and local human rights groups insist that the Government could do more to solve the outstanding cases. The Government asserts that the majority of reported cases of disappearances involve either terrorists disguised as security forces or former armed Islamist supporters who went underground to avoid terrorists' reprisals.

In March Amnesty International stated that more than 3,000 persons had disappeared since 1993 after being detained by security forces. AI stated that some died in custody from torture or were executed, but that many others reportedly were alive. Local nongovernmental organization (NGO) sources state that a few of the disappeared have been released from captivity by the security forces, but that there has been no public information about these cases, due to the fear of reprisal on the part of those released. Human rights activists assert that a number of the persons who disappeared still are alive in the hands of the security forces, but offer no evidence to support this assertion.

Terrorist groups kidnaped hundreds of civilians, including family members of security-force members. The mutilated corpses of such victims were found later in some cases. However, in many instances the victims disappeared and the families were unable to obtain information about their fate. Armed Islamist groups kidnaped young women and kept them as sex slaves (see Sections 1.a., 1.c., 5, 6.c., and 6.f.).

#### c. Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

Both the Constitution and legislation ban torture and other cruel, inhuman, or degrading treatment; however, according to local human rights groups and defense lawyers, the police resort to torture when interrogating persons suspected of being involved with, or having sympathies for, armed insurgency groups. There were several credible reports of torture at the Algiers police facility, called Chateau Neuf.

Police beatings of detainees continue to be a common practice. However, there were no reports that police applied electric shocks to sensitive body parts and sexually molested female prisoners, as had been reported in previous years. Many victims of torture hesitate to make public such allegations due to fear of government retaliation. Accusations of torture are made routinely by those accused of involvement in terrorist activities. The Interior Ministry and the ONDH have stated publicly that the Government would punish those persons who violated the law and practiced torture, but they have not revealed whether any individuals accused of torture have ever been investigated or punished.

In December a terrorist bomb killed and injured police in the town of Dellys. Within hours security forces rounded up and detained more than 100 persons of both sexes and a variety of ages. Police officers beat many of the detainees and threw them into the crater made by the terrorist bomb. One of the mistreated persons died of a heart attack the next day. A senior regional police commander ordered the police to stop these actions. In response to complaints from the mistreated persons, the authorities suspended several police officers from duty and opened criminal proceedings against them.

There were no reports that security forces personnel were responsible for rapes during the year.

Police used force against protesters in April, wounding several persons (see Section 2.b.).

Armed terrorist groups committed numerous abuses, such as beheading, mutilating, disemboweling, and dismembering their victims, including infants, children, and pregnant women. These groups also used bombs that killed and injured persons (see Sections 1.a. and 1.g.) These terrorists also committed dozens of rapes of female victims, many of whom were murdered thereafter. There were also frequent reports of other young women being abducted, raped for weeks at a time, and effectively held as sex slaves for the use of leaders and members of the group (see Sections 1.a., 1.b., 5, 6.c., and 6.f.).

Prison conditions are poor, and prisons are very overcrowded. According to human rights activists, cells often contain several times the number of prisoners for which they originally were designed. Medical treatment for prisoners is available, but is severely limited. Prisoners also report a lack of food and reading material.

In general the Government does not permit independent monitoring of prisons or detention centers. However, in October the Government allowed the International Committee for the Red Cross (ICRC) to visit prisons and open an office in Algiers. The ICRC did not visit military prisons or FIS leaders in prison or under house arrest.

#### d. Arbitrary Arrest, Detention or Exile

The Constitution prohibits arbitrary arrest and detention; however, the security forces continued to arrest arbitrarily and detain citizens. Human rights activists state that this practice diminished during the year. The Constitution stipulates that incommunicado detention in criminal cases prior to arraignment may not exceed 48 hours, after which the suspect must be charged or released. According to the 1992 Antiterrorist Law, the police may hold suspects in prearraignment detention for up to 12 days; they also must inform suspects of the charges against them. In practice the security forces generally adhered to this 12-day limit during the year.

The chairman of the Government's human rights body reported to the press in 1998 that it had proof that some detainees were held in a secret place of detention. In October the chairman claimed that he was misquoted, and several defense attorneys also stated that they doubted that such a place of detention exists.

FIS president Abassi Madani, who was released from prison in 1997, remains under house arrest and is allowed to receive visits only from members of his family (see Section 2.d.), although he made numerous press statements and conducted interviews while under house arrest. Jailed oppositionist and FIS vice president Ali Belhadj, who had been held incommunicado from 1992 until 1998, is allowed contact with members of his family, who speak to the press on his behalf.

The 1992 Antiterrorist Law suspended the requirement that the police obtain warrants in order to make an arrest. During the year, the police made limited use of this law. However, according to defense attorneys, police who execute searches without a warrant routinely fail to identify themselves as police. Requests that they do so likely will result in abuse by the police. Unlike in 1998, there were no reports of the police arresting close relatives of suspected terrorists in order to force the suspects to surrender. Police and communal guards sometimes detain persons at checkpoints (see Section 2.d.).

Prolonged pretrial detention was a problem. Persons accused of crimes sometimes did not receive expeditious trials. Hundreds of state enterprise officials who were arrested on charges of corruption in 1996 remained in detention.

Under the state of emergency, the Minister of Interior is authorized to detain suspects in special camps that are administered by the army. In 1995 the Government announced that it had closed the last camp and released the 641 prisoners there. There were subsequent allegations that the camp still existed and that some of the prisoners were rearrested later; however, local human rights activists and NGO's now state that they have no evidence that these camps continue to exist. They note that the Government continues to keep some former prisoners under surveillance and requires them to report periodically to police.

Forced exile is not a legal form of punishment and is not known to be practiced. However, there are numerous cases of self-imposed exile involving former FIS members or individuals who maintain that they have been accused falsely of terrorism as punishment for openly criticizing government policies. One such case involves Ali Bensaad, a professor at the University of Constantine, who remains in exile in Germany after he was sentenced to death in absentia by the courts for allegedly being a party to a terrorist act.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the

Government does not always respect the independence of the judicial system. In November President Bouteflika named a commission to review the functioning of the judiciary and to recommend ways to improve it.

The judiciary is composed of the civil courts, which try misdemeanors and felonies, and the military courts, which have tried civilians for security and terrorism offenses. There is also a Constitutional Council that reviews the constitutionality of treaties, laws, and regulations. Although the Council is not part of the judiciary, it has the authority to nullify laws found unconstitutional. Regular criminal courts try those individuals accused of security-related offenses, but there have been very few trials. Some observers had maintained that, as a result of the 1995 abolition of the special security courts, long-term detentions without trial had increased because security forces were reluctant to release suspects to ordinary criminal courts. However, long-term detention appeared to decrease somewhat during the year.

According to the Constitution, defendants are presumed innocent until proven guilty. They have the right to confront their accusers and may appeal the conviction. Trials are public, and defendants have the right to legal counsel. However, the authorities do not always respect all legal provisions regarding defendants' rights, and continue to violate due process. Some lawyers do not accept cases of individuals accused of security-related offenses, due to fear of retribution from the security forces. Defense lawyers for members of the banned FIS have suffered harassment, death threats, and arrest.

There are no credible estimates of the number of political prisoners; some estimate the number to be several thousand. An unknown number of persons who could be considered political prisoners were serving prison sentences because of their Islamist sympathies and membership in the FIS. There are credible estimates that the Government released 5,000 political prisoners after Bouteflika's election.

#### f. Arbitrary Interference with Privacy, Family, Home or Correspondence

Authorities frequently infringed on citizens' privacy rights. The Constitution provides for the inviolability of the home, but the state of emergency authorizes provincial governors to issue exceptional warrants at any time. Security forces entered residences without warrants. Security forces also deployed an extensive network of secret informers against both terrorist targets and political opponents. The Government monitors the telephones of, and sometimes disconnects service to, political opponents and journalists (see Sections 2.a. and 3).

Armed terrorists occasionally entered private homes either to kill or kidnap residents or to steal weapons, valuables, or food. After massacres that took place in their villages, numerous civilians fled their homes. Armed terrorist groups consistently used threats of violence to extort money from businesses and families across the country.

#### g. Use of Excessive Force and Violations of Humanitarian Law

Armed groups were responsible for numerous, indiscriminate, nonselective killings. Terrorists left bombs at several markets and other public places during the year, killing and injuring dozens of persons. In rural areas, terrorists continued to plant bombs and mines, which most often were targeted at security force personnel. For example in March terrorists exploded a bomb in Khemis Miliana, which killed four persons. In May a bomb exploded in Algiers, killing one person and injuring five others. Also in May, a bomb exploded near a movie theater in downtown Algiers, injuring 17 persons. In August a bomb exploded in a town 160 miles south of Algiers, killing 6 persons and injuring 61. On November 6, five military officers were killed and six others were wounded in an attack at a cafe in Boumerdes province. There was an increase in such attacks in December; that month coincided with the Islamic holy month of Ramadan, during which terrorists historically have increased their attacks. In December a terrorist bomb killed and injured police in the town of Dellys (see Section 1.c.).

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech; however, the Government restricts this right in practice. A 1990 law specifies that freedom of speech must respect "individual dignity, the imperatives of foreign policy, and the national defense." The state of emergency decree gave the Government broad authority to restrict these freedoms and to take legal action against what it considered to be threats to the State or public order. However, the Government did not strictly enforce these regulations, and the independent press reported regularly on security matters without penalty. Reporting by government-controlled press organs frequently included deflated numbers of civilians and government forces killed, inflated terrorist casualty counts, and inflated terrorist surrenders under the amnesty program. These discrepancies were noted frequently in independent newspapers. No restrictions on journalists were lifted during the year as a result of Parliament's review in 1998 of a 1997 government directive.

In March 1994, the Government issued an interministerial decree that independent newspapers could print security information only from official government bulletins carried by the government-controlled Algerian Press Service (APS). Compliance with the government directive varied among independent newspapers, but the trend toward increased openness about security-force losses continued during the year, and the Government continued to provide the press with more information than in the past about the security situation. Journalists deliberately did not report on current possible abuses by security forces to avoid difficulties with the Government, although there was significant coverage of NGO activity aimed at publicizing such abuses committed in the past. The Ministry of Health continued to forbid medical personnel from speaking to journalists. The Government's definition of security information often extended beyond purely military matters to encompass broader political affairs. In 1995 FIS officials who had been freed from detention in 1994 received direct orders from the Justice Ministry to make no further public statements. This ban remains in force. In general, journalists exercised self-censorship by not publishing criticism of specific senior military officials.

There were no reports during the year that the Government put journalists under "judicial control." In previous years, the Government used this practice to harass journalists who wrote offending articles by requiring the journalists to check in regularly with the local police and preventing them from leaving the country. According to a Europe-based NGO that specializes in press freedom, the Government did not harass journalists under criminal defamation statutes during the year, as had been its practice in the past.

There were no newspapers allied with Islamist political parties in print, due to government pressure; however, legal Islamist political parties have access to the existing independent press, in which they express their opinions freely.

The Government maintains an effective monopoly over printing companies and newsprint imports. There was no abuse of this power to halt newspaper publications during the year, and at least one new newspaper started publication.

The Government continued to exercise pressure on the independent press through the state-owned advertising company, which was created in 1996. All state-owned companies that wish to place an advertisement in a newspaper must submit the item to the advertising company, which then decides in which newspapers to place it. In an economy in which state companies' output and government services still represent approximately two-thirds of national income, government-provided advertising constitutes a significant source of advertising revenue for the country's newspapers. Advertising companies tend to provide significant amounts of advertising to publications with a strong anti-Islamist editorial line and to withhold advertising from newspapers on political grounds, even if such newspapers have large readerships or offer cheap advertising rates.

President Bouteflika stated in November that the media should ultimately be at the service of the State. Radio and television remained under government control, with coverage biased in favor of the Government's policies and its party, the National Democratic Rally (RND). Parliamentary debates are televised live. Satellite-dish antennas are widespread, and millions of citizens have access to European and Middle Eastern broadcasting.

Many artists, intellectuals, and university educators fled the country after widespread violence began in 1992; however, some began to return in significant numbers during the year, at least for visits. There was a growing number of academic seminars and colloquiums, which occurred without governmental interference. The Government occasionally interfered in seminars that were political or economic in content (see Section 2.b.). University workers and students staged several strikes over low salaries, inadequate housing, and large classes (see Section 6.a.).

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of assembly; however, the 1992 Emergency Law and government practice sharply curtail it. Citizens and organizations must obtain a permit from the appointed local governor before holding public meetings. The Government canceled at least one public rally sponsored by a group affiliated with an opposition political party. The Government banned street protests on the eve of President Bouteflika's swearing-in ceremony and, on April 16, police used force in central Algiers and in two other cities against protesters demonstrating against Bouteflika's election. Police used batons and charged protesters. Police wounded at least 20 persons in Algiers, and suppressed similar demonstrations in Tizi Ouzou and Bjaia. The Government occasionally interfered with formal NGO meetings during the year. In July it prevented a meeting on human rights, and denied entry into the country of one of the meeting's participants. Various groups held meetings and seminars without licenses, in which government officials participated. Other unlicensed groups continued to be active, including groups dedicated to the cause of the disappeared, who also continued to hold regular demonstrations outside government buildings.

The Constitution provides for the right of association, but the 1992 Emergency Law and government practice severely restrict it. The Interior Ministry must approve all political parties before they may be established (see Section 3). The Interior Ministry licenses all nongovernmental associations and regards all associations as illegal unless they have licenses. It may deny a license to, or dissolve, any group regarded as a threat to the existing political order. After the Government suspended the parliamentary election in 1992, it banned the FIS as a political party, and the social and charitable groups associated with it. Membership in the FIS remains illegal, although at least one former FIS leader announced publicly that he intended to form a cultural youth group.

#### c. Freedom of Religion

The Constitution declares Islam to be the state religion but prohibits discrimination based on religious belief, and the Government generally respects this right in practice. Islam is the only legal religion, and the law limits the practice of other faiths; however, the Government follows a de facto policy of tolerance by not inquiring into the religious practices of individuals.

The law prohibits public assembly for purposes of practicing a faith other than Islam. However, there are Roman Catholic churches, including a cathedral in Algiers, which is the seat of the Archbishop, that conduct services without government interference. In 1994 the size of the Jewish community diminished significantly, and its synagogue has since been abandoned. There are only a few smaller churches and other places of worship; non-Muslims usually congregate in private homes for religious services.

Because Islam is the state religion, the country's education system is structured to benefit

Muslims. Education is free to all citizens below the age of 16, and the study of Islam is a strict requirement in the public schools, which are regulated by the Ministry of Education and the Ministry of Religious Affairs. Private primary and secondary schools are not permitted to operate.

The Government appoints preachers to mosques and gives general guidance on sermons. The Government monitors activities in mosques for possible security-related offenses. The Ministry of Religious Affairs provides some financial support to mosques and has limited control over the training of imams.

Conversions from Islam to other religions are rare. Because of safety concerns and potential legal and social problems, Muslim converts practice their new faith clandestinely. The Shari'a (Islamic law)--based Family Code prohibits Muslim women from marrying non-Muslims, although this regulation is not always enforced. The code does not restrict Muslim men from marrying non-Muslim women.

Non-Islamic proselytizing is illegal, and the Government restricts the importation of non-Islamic literature for widespread distribution. Personal copies of the major works of other religions, such as the Bible, may be brought into the country. Occasionally, such works are sold in local bookstores in Algiers. However, many vendors refuse to sell these works due to fear of reprisal by Islamic extremists, and, to a lesser extent, because of government policy. The Government also prohibits the dissemination of any literature that portrays violence as a legitimate precept of Islam.

Under both Shari'a and Algerian law, children born to a Muslim father are Muslim, regardless of the mother's religion. Islam does not allow conversion to other faiths at any age.

In 1994 the Armed Islamic Group declared its intention to eliminate Jews, Christian, and polytheists from Algeria. The GIA has not yet retracted that declaration and, as a result, the mainly foreign Christian community tends to curtail its public activities.

The country's 8-year civil conflict has pitted self-proclaimed radical Muslims against moderate Muslims. Approximately 100,000 civilians, terrorists, and security forces have been killed during the past 8 years. Extremist self-proclaimed Islamists have issued public threats against all "infidels" in the country, both foreigners and citizens, and have killed both Muslims and non-Muslims, including missionaries. During the year, terrorists continued attacks against the Government, moderate Muslims, and secular civilians. The majority of the country's terrorist groups do not, as a rule, differentiate between religious and political killings (see Sections 1.a. and 1.g.).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation

The law provides for freedom of domestic and foreign travel, and freedom to emigrate; however, the Government at times restricts these rights. In the spring, the Government allowed travel abroad by representatives of organizations pursuing information on relatives who allegedly "disappeared" due to the actions of the security forces. These organizations were hosted by human rights NGO's and held public discussions on those who disappeared. There were no reports of the Government placing journalists under "judicial control," as had been the case in the past (see Section 2.a.).

The Government does not allow foreign travel by senior officials from the banned FIS. FIS president Abassi Madani, who was released from prison in 1997, remains under house arrest (see Section 1.d.). The Government also does not permit young men who are eligible for the draft and who have not yet completed their military service to leave the country if they do not have special authorization; this authorization may be granted to students and to those individuals with special family circumstances. The Family Code does not permit married females under 19 years of age to travel abroad without their

husband's permission. The code also prohibits unmarried females below the age of 19 or males below the age of 18 to travel abroad without their father's permission.

Under the state of emergency, the Interior Minister and the provincial governors may deny residency in certain districts to persons regarded as threats to public order. The Government also restricts travel into four southern provinces, where much of the hydrocarbon industry and many foreign workers are located, in order to enhance security in those areas.

The police and the communal guards operate checkpoints throughout the country. They routinely stop vehicles to inspect identification papers and to search for evidence of terrorist activity. They sometimes detain persons at these checkpoints.

Armed groups intercept citizens at roadblocks, using stolen police uniforms and equipment in various regions to rob them of their cash and vehicles. According to press reports, armed groups sometimes killed groups of civilian passengers at these roadblocks.

The Constitution provides for the right of political asylum, and the Government occasionally grants asylum. The Government cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. It also provided first asylum. For example, it cooperates with the UNHCR on programs to help refugee Sahrawis, the former residents of the Western Sahara who left that territory after Morocco took control of it in the 1970's. The Government also has worked with international organizations that help the Tuaregs, a nomadic people of southern Algeria and neighboring countries. There were no reports of the forced return of persons to a country where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the effective ability to change their government peacefully. The strong prerogatives of the executive branch, supported by the entrenched power of the military and the bureaucracy, prevent citizens from exercising this right. The withdrawal of six presidential candidates amidst credible charges of fraud, and the election of President Bouteflika highlighted the continued dominance of the military elite in the process of selecting political leadership.

President Bouteflika was elected in an April 15 presidential election, but the election was seriously flawed by the withdrawal 1 day before of all the other candidates, who charged that the military already had begun to implement plans to produce a fraudulent Bouteflika victory. Until those allegations surfaced, the campaign had been conducted fairly, with all candidates widely covered in both state-owned and private media. The conduct of the campaign--although regulated as to the use of languages other than Arabic, and as to the timing, location and duration of meeting--was free, and all candidates traveled extensively throughout the country. One potential candidate was denied the ability to run because the Electoral Commission determined that he could not prove that he had participated in Algeria's war of independence against France, a legal requirement for candidates for President. With the withdrawal of the other candidates and the absence of foreign observers, it was impossible to make an accurate determination of turnout for the election, but it was apparently as low as 30 percent; the Government claimed a 60 percent turnout.

Under the Constitution, the President has the authority to rule by decree in special circumstances. The President subsequently must submit to the Parliament for approval decrees issued while the Parliament was not in session. The Parliament has a popularly elected lower chamber, the National Popular Assembly (APN), and an upper chamber, the National Council, two-thirds of whose members are elected by municipal and provincial councils. The President appoints the remaining one-third of the National Council's members. Legislation must have the approval of three-quarters of both the upper and lower chambers' members. Laws must originate in the lower chamber.

In June 1997, Algeria held its first elections to the APN since elections were canceled in January 1992, and elected the first multiparty Parliament in the country's history. Candidates representing 39 political parties participated, along with several independent candidates. Under a system of proportional representation, the government party, the National Democratic Rally, won 154 seats, followed by the Islamist party Movement for the Society of Peace (MSP), with 69 seats, the National Liberation Front (FLN), with 64 seats, the Islamist party An-Nahdah, with 34 seats, the Amazigh (Berber)-based Socialist Forces Front, with 20 seats, and the Amazigh-based Rally for Culture and Democracy, with 19 seats. Independent candidates won 11 seats, the Workers Party won 4 seats, and 3 other small parties won a combined total of 5 seats. In their final report, neutral observers stated that, of 1,258 (of the country's 35,000) voting stations that they assessed, 1,169 were satisfactory, 95 were problematic, and 11 were unsatisfactory. In November 1997, the provincial election commissions announced the results of their adjudication of the appeals filed by various political parties. The RND lost some seats but remained the overall victor in the Assembly elections.

In 1997 the appointed previous legislature, the National Transition Council (CNT), changed the law that regulates political parties. Under the controversial law, parties require official approval from the Interior Ministry before they may be established. To obtain approval, a party must have 25 founders from across the country, whose names must be registered with the Interior Ministry. A party headed by one of the six presidential candidates who withdrew from the April elections registered in September. No party may seek to utilize religion, or Amazigh or Arab heritage, for political purposes. The law also bans political party ties to nonpolitical associations and regulates party financing and reporting requirements.

The more than 30 existing political parties represent a wide spectrum of viewpoints and engage in activities that range from holding rallies to printing newspapers. The Government continues to ban the FIS as a political party (see Section 2.b.). With the exception of the Government's party, the RND, the political parties sometimes encounter difficulties when dealing with local officials, who hinder their organizational efforts. The Government monitors private telephone communications, and sometimes disconnects telephone service to political opponents for extended periods (see Section 1.f.). Opposition parties have very limited access to state-controlled television and radio, although the independent press publicizes their views.

Women are underrepresented in government and politics. The new Cabinet, named December 24, has no female members; the previous government included two women. Eleven of the 380 members of the lower house of Parliament are women. About 25 percent of judges are women, a percentage that has been growing in recent years. In September President Bouteflika appointed the first-ever female provincial governor. A woman heads a workers' party, and all the major political parties except one had women's divisions headed by women.

The Amazighs, an ethnic minority centered in the Kabylie region, participate freely and actively in the political process. Two major opposition parties originated in the Amazigh-populated region of the country: The Socialist Forces Front and the Rally for Culture and Democracy. These two parties represent Amazigh political and cultural concerns in the Parliament and media. The two Amazigh-based parties were required to conform with the 1997 changes to the Electoral Law that stipulate that political parties must have 25 founders from across the country.

The Tuaregs, a people of Amazigh origin, do not play an important role in politics, due to their small numbers, estimated in the tens of thousands, and their nomadic existence.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The most active independent human rights group is the Algerian League for the Defense of Human Rights (LADDH), an independent organization that has members throughout the country. The LADDH is not allowed access to the authorities or to prisons beyond the normal consultations allowed between a lawyer and a client. The less active Algerian League for Human Rights (LADH) is an independent organization based in Constantine. The LADH has members throughout the country who follow individual cases. Human rights groups report occasional harassment by government authorities in the form of obvious surveillance and cutting off of telephone service.

There is an Amnesty International chapter in the country, but it does not work on cases in Algeria. In November President Bouteflika publicly invited Amnesty International and other human rights NGO's to visit the country.

The National Observatory for Human Rights was established by the Government in 1992 to report human rights violations to the authorities. It prepares an annual report with recommendations to the Government.

The Government has a national ombudsman, who reports annually to the President (see Section 5).

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on birth, race, sex, belief, or any other personal or social condition. A national ombudsman receives individual complaints and presents an annual report to the President. Provincial representatives are designated to accept individual grievances and to make them known to the authorities. Most such complaints concerned bureaucratic unresponsiveness and lack of jobs and housing. Women continue to face legal and social discrimination.

#### Women

Women's rights advocates assert that spousal abuse is common, but there are no reliable studies regarding its extent. Spousal abuse is more frequent in rural than urban areas, especially among less-educated persons. There are no specific laws against spousal rape. Rape is illegal, and in principle a spouse could be charged under the law. However, there are strong societal pressures against a woman seeking legal redress against her spouse for rape, and there are no reports of the law being applied in such cases. Battered women must obtain medical certification of the physical effects of an assault before they lodge a complaint with the police. However, because of societal pressures, women frequently are reluctant to endure this process. There are no adequate facilities offering safe haven for abused women. Women's rights groups have experienced difficulty in drawing attention to spousal abuse as an important social problem, largely due to societal attitudes. There are several rape crisis centers run by women's groups, but they have few resources. In August 1998, the Government released figures that indicated that the whereabouts of 319 women remain unknown and that there were 24 reports by women of rape. Most human rights groups believe that the actual number is much higher. There is a rape crisis center that specializes in caring for women who are victims of rape by terrorists.

Some aspects of the law, and many traditional social practices, discriminate against women. The 1984 Family Code, based in large part on Shari'a, treats women as minors under the legal guardianship of a husband or male relative. For example, a woman must obtain a father's approval to marry. Divorce is difficult for a wife to obtain except in cases of abandonment or the husband's conviction for a serious crime. Husbands generally obtain the right to the family's home in the case of divorce. Custody of the children normally goes to the mother, but she cannot enroll them in a particular school or take them out of the country without the father's authorization.

The Family Code also affirms the Islamic practice of allowing a man to marry up to four wives, although this rarely occurs. A wife may sue for divorce if her husband does not inform her of his intent to marry another woman prior to the marriage. Only males are able to confer citizenship on their children. Muslim women are prohibited from marrying non-Muslims; Muslim men may marry non-Muslim women (see Section 2.c.).

Women suffer from discrimination in inheritance claims; in accordance with Shari'a, women are entitled to a smaller portion of an estate than are male children or a deceased husband's brothers. Females under 19 years of age cannot travel abroad without their husbands' or fathers' permission (see Section 2.d.). However, women may take out business loans and are the sole custodians of their dowries. Legally, if not always in practice, women have exclusive control over any income that they earn themselves, or assets that they bring into a marriage.

While social pressure against women pursuing higher education or a career exists throughout the country, it is much stronger in rural areas than in major urban areas. Women constitute only 8 percent of the work force. Nonetheless, women may own businesses, enter into contracts, and pursue opportunities in government, medicine, law, education, the media, and the armed forces. Although the 1990 Labor Law bans sexual discrimination in the workplace, the leaders of women's organizations report that violations are commonplace. Labor Ministry inspectors do little to enforce the law.

There are numerous small women's rights groups. Their main goals are to foster women's economic welfare and to amend aspects of the Family Code, although no such amendments have been enacted.

During the year, Islamic extremists often specifically targeted women. There were numerous instances of women being killed and mutilated in massacres. As many as 80 percent of the victims of massacres were women and children. Armed terrorist groups reportedly kidnaped young women and kept them as sex slaves for group leaders and members (see Sections 1.a., 1.b., 1.c., 6.c., and 6.f.).

### Children

The Government is committed in principle to protecting children's human rights. It provides free education for children 6 to 15 years of age, and free medical care for all citizens--albeit in often rudimentary facilities. The Ministry of Youth and Sports has programs for children, but these face serious funding problems. Legal experts maintain that the Penal and Family Codes do not offer children sufficient protection. Hospitals treat numerous child abuse cases every year, but many cases go unreported.

Child abuse is a problem. Laws against child abuse have not led to notable numbers of prosecutions against offenders. NGO's that specialize in care of children cite an increase in domestic violence aimed at children, which they attribute to the "culture of violence" developed during the years since 1992 and the social dislocations caused by the movement of rural families to the cities to escape terrorist violence. Those NGO's have educational programs aimed at reducing the level of violence, but lack funding.

### People with Disabilities

The Government does not mandate accessibility to buildings or government services for the disabled. Public enterprises, in downsizing the work force, generally ignore a law that requires that they reserve 1 percent of their jobs for the disabled. Social security provides for payments for orthopedic equipment, and some nongovernmental organizations receive limited government financial support. The Government also attempts to finance specialized training, but this initiative remains rudimentary.

### National/Racial/Ethnic Minorities

The Amazighs are an ethnic minority, centered in the Kabylie region. Amazigh nationalists have sought to maintain their own cultural and linguistic identity while the Government's Arabization program continues. The law requires that Arabic be the official language and requires, under penalty of fines, that all official government business be conducted in Arabic. The law also requires that Arabic be used for all broadcasts on national television and radios for dubbing or subtitling all non-Arabic films, for medical prescriptions, and for communications equipment. In September President Bouteflika stated that the Amazigh language would never be an official language. As part of the National Charter signed in 1996, the Government and several major political parties agreed that the Amazigh culture and language were major political components of the country's identity.

There are professorships in Amazigh culture at the University of Tizi Ouzou. The government-owned national television station broadcasts a brief nightly news program in the Amazigh language. Amazighs hold influential positions in government, the army, business, and journalism.

The Tuaregs, a people of Amazigh origin, live an isolated, nomadic existence and are relatively few in number.

## Section 6 Worker Rights

### a. The Right of Association

Workers have the right to establish trade unions of their choice. About two-thirds of the labor force belong to unions. There is an umbrella labor confederation, the General Union of Algerian Workers (UGTA) and its affiliated entities, which dates from the era of a single political party. The UGTA encompasses national syndicates that are specialized by sector. There are also some autonomous unions, such as syndicates for Air Algeria pilots (SPLA), airport technicians (SNTMA), and teachers (CNEX).

Workers are required to obtain government approval to establish a union. The 1990 Law on Labor Unions requires the Labor Ministry to approve a union application within 30 days. The Autonomous Syndicates Confederation (CSA) has attempted since early 1996 to organize the autonomous syndicates, but without success. The application that the CSA filed with the Labor Ministry still was pending at year's end, although the CSA continues to function without official status. The law prohibits unions from associating with political parties and also prohibits unions from receiving funds from foreign sources. The courts are empowered to dissolve unions that engage in illegal activities. The labor union organized by the banned FIS, the Islamic Syndicate of Workers (SIT), was dissolved in 1992 because it had no license.

Under the state of emergency, the Government is empowered to require workers in both the public and private sectors to stay at their jobs in the event of an unauthorized or illegal strike. According to the 1990 Law on Industrial Relations, workers may strike only after 14 days of mandatory conciliation, mediation, or arbitration. The law states that arbitration decisions are binding on both parties. If no agreement is reached in arbitration, the workers may strike legally after they vote by secret ballot to do so. A minimum level of public services must be maintained during public sector service strikes.

On several occasions during the year and at several university campuses in the capital and other cities, university workers and students went on strike to protest low salaries, inadequate housing, and large classes. These strikes sometimes ended with minor concessions by the Government. In August the national airline workers also went on strike for higher wages.

Unions may form and join federations or confederations, affiliate with international labor bodies, and develop relations with foreign labor groups. For example, the UGTA has

contacts with French unions.

#### b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining for all unions, and the Government permits this right in practice. The law prohibits discrimination by employers against union members and organizers, and provides mechanisms for resolving trade union complaints of antiunion practices by employers. It also permits unions to recruit members at the workplace.

The Government has established an export processing zone in Jijel.

#### c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is incompatible with the Constitution's provisions on individual rights. The Penal Code prohibits compulsory labor, including by children, and the Government generally enforces the ban effectively. Armed terrorist groups reportedly kidnap young women and keep them as sex slaves (see Sections 1.a., 1.b., 1.c., 5, and 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 16 years. Inspectors from the Ministry of Labor enforce the minimum employment age by making periodic or unannounced inspection visits to public-sector enterprises. They do not enforce the law effectively in the agricultural or private sectors. Economic necessity compels many children to resort to informal employment, such as street vending. The Government prohibits forced and bonded labor by children and generally enforces this prohibition (see Section 6.c.).

#### e. Acceptable Conditions of Work

The law defines the overall framework for acceptable conditions of work but leaves specific agreements on wages, hours, and conditions of employment to the discretion of employers in consultation with employees. The Government fixes by decree a monthly minimum wage for all sectors; however, this is not sufficient to provide a decent standard of living for a worker and family. The minimum wage is \$90 (6,000 dinars) per month. Ministry of Labor inspectors are responsible for ensuring compliance with the minimum wage regulation; however, their enforcement is inconsistent.

The standard workweek is 40 hours. There are well-developed occupation and health regulations codified in a 1991 decree, but government inspectors do not enforce these regulations effectively. There were no reports of workers being dismissed for removing themselves from hazardous working conditions.

#### f. Trafficking in Persons

The law does not prohibit specifically trafficking in persons.

Armed terrorist groups frequently kidnaped young women, raped them for weeks at a time, and kept them as sex slaves for group leaders and other members (see Sections 1.a., 1.b., 1.c., 5, and 6.c.).

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