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Algeria

Country Reports on Human Rights Practices - 2001

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President Abdelaziz Bouteflika was elected in April 1999 to a 5-year term. Bouteflika had served as Foreign Minister in a previous government. The President is the constitutional head of state, appoints and dismisses the Prime Minister, and may dissolve the legislature. According to the Constitution, the Prime Minister appoints the cabinet ministers; however, in practice the President has taken a key role in designating the members of the Cabinet. The military establishment strongly influences defense and foreign policy. Abdelaziz Bouteflika was regarded throughout the 1999 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. The presidential election campaign was marked by increased openness; however, international observers and political parties pointed out numerous problems with the conduct of the elections. A September 1999 national referendum, which asked citizens whether they agreed with the President's peace plan (which included an amnesty program for the extremists fighting to overthrow the Government), was free of charges of fraud. The peace plan won a reported 98 percent majority, with a reported 85 percent turnout. President Bouteflika is not affiliated formally with any political party, but he has the parliamentary support of a six-party coalition. In June 1997, Algeria held its first parliamentary elections since January 1992 and elected the first multiparty parliament in the country's history. The Government's 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 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, 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 serious human rights abuses, although allegations of such abuses continued to decline.

The \$147.6 billion 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 made little progress, and there has been little progress on reform of the banking and housing construction sectors. The state-owned petroleum sector's output represented approximately a quarter of the national income and more than 96 percent of export earnings during the year. Noncompetitive and unprofitable state enterprises constitute the bulk of the nonhydrocarbon industrial sector. The agricultural sector, which produces grains, fruit, cattle, fiber, vegetables, and poultry, makes up 10 to 12 percent of the economy. Algeria is a middle-income country; annual per capita income is approximately \$1,700 in a population of 31.5 million. 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.

Despite continued improvements, particularly in addressing problems of torture and arbitrary detention, the human rights situation remained generally poor, and serious problems persisted, including the excessive use of force, increased restrictions on freedom of expression, and failure to account for past disappearances. The massacre of civilians by armed terrorist groups also continued. There are significant limitations on citizens' right to change their government.

The security forces committed extrajudicial killings, tortured, beat or otherwise abused detainees, and arbitrarily arrested and detained, or held incommunicado, individuals; however, in general such abuses continued to decline. Most such cases were committed against suspected members of armed groups in the context of the Government's continued battle with terrorism. Security forces also committed serious abuses in connection with riots and demonstrations in the Kabylie region during the spring and summer. Security forces killed more than 50 civilians and injured hundreds while attempting to suppress the disturbances, during which many demonstrators burned and looted government buildings, political party offices, and public and private property.

Security-force involvement in disappearances from previous years remains unresolved. An international NGO noted that the Government continued to improve prison conditions. 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. The print media is relatively free and the independent press commented regularly and openly and expressed a wide range of views on significant issues such as terrorist violence and surrenders under the amnesty program. However, some elements of the news media practiced self-censorship. On June 27, the Government enacted broad amendments to the Penal Code that impose high fines and prison terms of up to 24 months for defamation or "insult of" government figures, including the President, Members of Parliament, judges, members of the military and "any other authority of public order." Although there were no reported prosecutions under the amendment to the Penal Code, during the year, the Government prosecuted a number of journalists for defamation under the pre-amendment Penal Code for articles that the journalists had written (see Section 1.c.).

Unlike in the past when electronic media expressed only government policy, government-controlled radio and television stations presented a variety of views, including those critical of the Government, especially during the violence that took place in the Kabylie region of the country in the spring and summer. However, the Government continued to restrict freedom of speech, press, assembly, association, and movement in varying degrees throughout the year.

The Government also places some restrictions on freedom of religion. On June 27, the Government enacted amendments to the Penal Code that provided for prison sentences and fines for any person not approved by the Government convicted of preaching in a mosque. The amendments also provided penalties for persons found guilty of preaching "contrary to the noble nature of the mosque or likely to offend the cohesion of society." During the year, the National Democratic Institute (NDI), the International Committee of the Red Cross (ICRC) and Freedom House visited the country, in many cases at the invitation of the Government. Domestic violence against women, the Family Code's limits on women's civil rights and societal discrimination against women remained serious problems. Child abuse was a problem. Amazigh ethnic, cultural, and linguistic rights were the objects of demonstrations and riots in the spring and continued throughout the year. Amazigh concerns are represented by at least two political parties with seats in Parliament. Child labor was a problem.

Armed groups committed numerous serious abuses and killed hundreds of civilians, including infants. There was a significant decrease in such violence compared with 2000. Armed terrorists continued their widespread campaign of insurgency, targeting government officials, families of security-force members, and civilians. The killing of civilians during the year often was the result of rivalry between terrorist groups and to facilitate the theft of goods needed by the armed groups. Violence by terrorist groups is also used to extort money.

Armed groups left small bombs in cars, cafes, and markets, which killed and maimed indiscriminately. Some killings, including massacres, also were attributed to revenge, banditry, and land grabs. Press reports estimated that approximately 1,980 civilians, terrorists, and security force members died during the year in the ongoing domestic turmoil. The violence appears to have occurred primarily in the countryside, as the security forces largely forced the insurgents out of the cities. There were numerous instances in which armed groups kidnapped women and girls, raped them, and forced them into servitude.

After his 1999 election, President Bouteflika stated that a total of about 100,000 persons had been killed during the previous 8 years.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The security forces committed extrajudicial killings, mostly during clashes with armed terrorist groups. The number of such killings in connection with such clashes decreased by about 19 percent during the year compared with 2000. On March 11, security forces backed by helicopters pursued and killed seven suspected terrorists in Skikda, 316 miles east of Algiers. In late April, Government forces surrounded for 11 days an abandoned mine used as a stronghold by the terrorist Salafist Group for Call and Combat calling for the terrorists to surrender. Security forces then used explosives to collapse the mine, killing 70 persons. The Government maintains that 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, and that some disciplinary action was taken during the year. However, the government does not release routinely specific information regarding punishments of military and security force personnel.

On April 18, Massinissa Guermah, a 19-year-old Amazigh high school student, died in the custody of security forces of gunshot wounds received from an AK-47 semi-automatic weapon. In a report of the Issaad commission appointed by the Government which investigated the incident, security force witnesses testified that the weapon had fired inadvertently when it slipped from a gendarme's hand while the safety mechanism was unlocked. According to an Amnesty International report, this version has been challenged by a witness who claimed that he heard Guermah plead his innocence to gendarmes before the shots were fired. During the April 22-28 demonstrations and riots that ensued in the Kabylie region following Guermah's death, security forces used excessive force, killing at least 45 rioters and demonstrators and injuring many hundreds more. While putting down the riots, security forces used live (not rubber) rounds on the crowd, shooting some persons in the back (see Sections 1.c, 1.d, 2.b, and 5). Press reports have estimated that as many as 80 rioters may have died at the hands of security forces during the riots that continued into the summer. Ten days after Guermah's death, the local gendarmerie issued a statement claiming that the official responsible for the

death of Guermah had been court-martialed. The Government appointed two separate commissions to investigate Guermah's death and the violence that followed it. One was composed of members of the National Assembly. The report of the other commission, headed by respected Amazigh jurist Mohand Issaad, found that the security forces version of the death was "not satisfactory," blamed gendarmerie units for using excessive force in putting down the demonstrations, and found that the units did so without orders. The report, which criticized a lack of security-force cooperation that hampered the Commission's ability to gather information, was released to the press by the President and received significant media coverage. The National Assembly commission had not issued a report by year's end.

There were no reports of progovernment militia killing civilians during the year, as they had in the past.

In November 1999, prominent FIS leader Abdelkader Hachani, who had spoken out in favor of peace and reconciliation, was shot and killed in Algiers. In December 1999, authorities arrested a suspect, who had the murder weapon in his possession. The suspect, Fouad Boulemia, was tried in March, found guilty, and sentenced to death.

Armed groups targeted both security-force members and civilians. Civilian and security force casualties at the hands of armed groups decreased by about 35 percent compared with 2000. In many cases, terrorists randomly targeted civilians in an apparent attempt to create social disorder. 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 (see Section 1.g.).

Some killings also were attributed to revenge, banditry, and land grabs. The violence took place primarily in the countryside, as the security forces largely have forced the insurgents out of the cities. The killing of civilians often was the result of rivalry between terrorist groups and to facilitate the theft of goods needed by the armed groups. Violence by terrorist groups also is used to extort money. In April the independent press reported the Government's discovery of documents used by a terrorist group to track the "Islamic Tax" or money paid by individuals to the terrorist groups to avoid violent reprisals. As well as the use of small bombs, terrorist tactics included creating false roadblocks outside the cities, often by using stolen police uniforms, weapons, and equipment. After his 1999 election, President Bouteflika acknowledged that a more accurate accounting of the number of persons killed during the previous 8 years placed the total at about 100,000.

Press reports estimated that approximately 1,980 civilians, terrorists, and security force members died during the year as a result of the ongoing violence, a reduction from the 2,588 who died during the previous year. For example, on the night of January 27, terrorists slit the throats of 25 villagers in the town of El-Guetalbia, 124 miles west of Algiers. The terrorists raped two teenage girls before killing them and abducted a 23-year-old woman. On February 10, 26 persons were killed in the town of Cherata, 74 miles south of Algiers. On March 16, terrorists attacked and killed seven persons in the small town of Aomar in the Wilaya of Bouira. On April 1, armed-group members slit the throats of a family of five in the town of Ain Agba, 72 miles south of Algiers. The terrorists then left a bomb in the house, which later exploded, injuring one of the villagers who discovered the bodies. At 1:00 a.m. on July 25, armed terrorists entered a pizza shop in the tourist town of Tipaza and opened fire with automatic weapons, killing two persons. On August 10, five members of a family were killed in Chelf, including a mother and three children who were shot in their sleep. On August 30, a bomb set in an Algiers market place killed 2 persons and injured more than 30 others. On September 13, in Taourirt, a community located about 30 miles to the east of Bouira, a car bomb killed one man and injured another. On October 2, a bomb planted by terrorists in a pizzeria in Laghouat, about 240 miles south of Algiers, exploded killing one customer and injuring eight others. On November 14, a woman picking olives was wounded seriously by a bomb set by terrorists near a footpath. On the same day, terrorists at a false roadblock shot and killed a soldier. Both incidents took place in Bouira, 54 miles southeast of Algiers.

b. Disappearance

There were no credible reports during the year of disappearances in which the security forces were implicated. However, there have been credible reports of thousands of disappearances occurring over a period of several years in the mid-90's, many of which involved the security forces. A Ministry of Interior office in each district accepts cases from resident families of those reported missing. Credible sources state that the offices have provided little useful information to the families of those who disappeared. On May 10, the Minister of Interior told the National Assembly that the Ministry had agreed to investigate 4,880 cases. The Ministry reported that it provided information to the families in 3,000 of those cases. In 1,600 of the cases, families requested administrative action to obtain death certificates for their missing relatives. While there have been no reported prosecutions of security-force personnel stemming from these cases, government officials reported in November 2000 that between 350 and 400 security officials had been punished for "human rights abuses." 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 either were committed by terrorists disguised as security forces or involved former armed Islamist supporters who went underground to avoid terrorist reprisals.

In September 2000, Amnesty International reported that since 1994 more than 4,000 persons had disappeared after being detained by security forces. Amnesty International stated that some persons died in custody from torture or were executed, but many others reportedly were alive. Local NGO sources noted that a few of the persons who disappeared were released from captivity by the security forces, but that there had been no public information about these cases, due to the fear of reprisal against those released. Some 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 continued to kidnap scores of civilians. In many instances, the victims disappeared, and the

families were unable to obtain information about their fate. Armed groups kidnapped young women and girls and held them captive for extended periods for the purpose of rape and servitude (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 at times resort to torture when interrogating persons including those suspected of being involved with, or having sympathies for, armed insurgency groups.

There continued to be reports of police torture and other abuse of detainees during the year. After its October 2000 visit (see Section 4), Amnesty International stated that although there were "substantially fewer" cases of torture "in comparison to some years ago," such cases nevertheless "continue to occur." Many victims of torture hesitate to make public such allegations due to fear of government retaliation.

The Interior Ministry and the National Observatory of Human Rights (ONDH) have stated publicly that the Government would punish those persons who violated the law and practiced torture. Government officials reported in November 2000 that between 350 and 400 security officials had been punished for human rights abuses, although the Government provided no details regarding the abuses that such officials committed or the punishment that they received. There was no independent mechanism available to verify the Government's claim.

In early August 2000, the Government announced new policies, enacted into law and implemented in July, concerning the Police Judiciaire (PJ), the officers who interrogate suspects when they first are arrested to determine whether there are grounds for prosecution. Local judges now are required to grade the performance of PJ officers operating in their jurisdiction in an effort to ensure that the officers comply with the law in their treatment of suspects. In addition any suspect held in preventative detention is to undergo a medical examination at the end of the detention, whether the suspect requests it or not. International NGO's and local lawyers have reported that these new procedures were generally being followed in practice.

The Government used excessive force in some instances to put down demonstrations and riots throughout the year in the largely Amazigh Kabylie region. Outdoor demonstrations in the Kabylie region turned violent from April 22 to 28, following the death in security forces' custody of a 19-year-old Amazigh high school student (see Section 1.a.). Security forces used live ammunition against demonstrators, including against youths throwing stones and Molotov cocktails. According to the Ministry of the Interior, security forces killed 45 protesters and injured 491 between April 22 and April 28. Some of those killed or injured had been shot in the back. Amnesty International reported that press reports indicated that as many as 80 persons were killed through mid-year. In addition the Government detained a large number of persons for short periods in connection with the violence. Amnesty International reported that security forces tortured, beat, and otherwise abused a number of them (see Section 1.d.). Although the Government allowed several subsequent demonstrations to take place, it used force to disrupt several other demonstrations that were held throughout the spring and summer (see Section 2.b.).

The Government appointed two separate commissions to look into the Kabylie events. One commission, headed by respected Amazigh jurist Mohand Issaad, issued its final report on December 29. The Issaad report concluded that gendarmes units had used excessive force in putting down the April 22 to 28 demonstrations, but that they had done so without official orders. The report was released to the press and received significant media coverage.

Following a bombing against a military unit in the area, security forces arrested Said Zaoui and approximately 20 other men in Dellys on February 7. The detainees reportedly were tortured and Zaoui reportedly remained in detention. In April police arrested three students who were on their way to a gym class in the Kabylie region, and reportedly beat them while they were in custody (see Section 1.d.).

In June 2000 following a bomb blast in Dellys, police rounded up a group of 200 persons who had been attending the local mosque. The group was taken to police headquarters and beaten. One person died from the injuries he sustained. Members of the group took legal action against the police and, as a result, the local chiefs of the police and the Gendarmerie were fired and two of the offending officers were arrested.

In December 1999, 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 the local commanders of 2 different security services and prosecuted 21 members of the security forces (see Section 1.a.).

Armed terrorist groups committed numerous abuses, such as beheading, mutilating, 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.). Deaths at the hands of armed groups decreased by about 35 percent, from 1,525 in 2000 to 1,124 during the year. Terrorists also committed dozens of rapes of female victims, many of whom subsequently were murdered. There were also frequent reports of other young women and girls being abducted, raped for weeks at a time by group leaders and other members, and forced into servitude (see Sections 1.a., 1.b., 5, 6.c., and 6.f.).

Prison conditions are Spartan, but generally meet international standards. An international NGO noted that the Government continued to improve prison conditions. Prisoners generally were found to be in good health and benefited from adequate food and expanded visitation rights. The provision of medical treatment remained limited.

In general the Government does not permit independent monitoring of prisons or detention centers. However, since October 1999, the Government allowed regular International Committee of the Red Cross (ICRC) visits to prisons administered by the Ministry of Justice. The ICRC did not visit 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 arbitrarily to arrest and detain citizens, although such practices continued to decrease 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. However, according to the 1992 Antiterrorist Law, the police may hold suspects in prearrest detention for up to 12 days, although police must inform suspects of the charges against them. In practice the security forces generally adhered to this 12-day limit in terrorist cases and to the 48-hour limit in non-terrorist cases during the year.

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 and abuse those who ask for identification (see Section 1.f.).

In April three students were arrested in two separate incidents in the Kabylie region. One died in custody and the other two subsequently were released. The death in custody precipitated demonstrations and riots in the region throughout the spring and summer (see Sections 1.a., 1.c., 2.b., and 5).

The Government detained and soon thereafter released hundreds of persons in connection with the demonstrations and riots that took place in the Kabylie region in the spring and summer. Amnesty International reported that the police tortured or otherwise abused persons in custody (see Section 1.a).

At year's end, FIS president Abassi Madani, who was released from prison in 1997, remained under house arrest and was 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, was allowed contact with members of his family, who spoke to the press on his behalf.

Police and communal guards sometimes detain persons at checkpoints (see Section 1.f.). There are reports of police arresting close relatives of suspected terrorists in order to force the suspects to surrender. According to Amnesty International, on April 4, 2000, police arrested 73-year-old El-Hadj M'lik in front of several witnesses. He had been questioned previously concerning his sons, one of whom is believed to be a member of a terrorist group. Security officials reassured the family, on two separate occasions, that M'lik would be returned to them. However, he had not been returned by year's end and the government has released no further information on the case during the year.

Prolonged pretrial detention is a problem. Persons accused of crimes sometimes did not receive expeditious trials; however, instances of long-term detention appeared to decrease somewhat during the past year (see Section 1.e.). Hundreds of state enterprise officials who were arrested on charges of corruption in 1996 remained in detention. Three or four of the higher-ranking detainees were released in 2000. Some local human rights activists and NGO's claim 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, numerous cases of self-imposed exile involve 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 was resolved in September 2000, when Ali Bensaad, a professor at the University of Constantine who had been in exile in Germany, returned to the country. The former exile was issued a limited (6-month) passport, which allowed him to return. Bensaad is pursuing redress in the court system for the "machinations" he claims were perpetrated against him by former high-ranking officials; there were no developments in Bensaad's case by year's end.

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. The Minister of Justice appoints the judges. A judge's term is 10 years. The Government reportedly may remove judges at will. In November 1999, President Bouteflika named a commission to review the functioning of the judiciary and to recommend ways to improve it. In August 2000, after the commission submitted its report that was published in the Government's Official Journal, the

President announced a massive reorganization of the judiciary. He changed approximately 80 percent of the heads of the 187 lower courts and all but three of the presidents of the 37 higher-level courts. Most of the court heads were reassigned to new locations; however, a number were replaced outright. Whereas women previously only headed a few courts, women at year's end headed 26.

The judiciary is composed of the civil courts, which try cases involving civilians, and the military courts, which have tried civilians on security and terrorism charges. There is also a Constitutional Council, which 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. The Council has nine members: Three of the members (including the council president) are appointed by the President; two are elected by the upper house of the Parliament; two are elected by the lower house of the Parliament; one is elected by the Supreme Court; and one is elected by the Council of State. Regular criminal courts try those individuals accused of security-related offenses. Long-term detentions of suspects awaiting trial again appeared to decrease somewhat during the year (see Section 1.d.)

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 deny due process. Some lawyers do not accept cases of defendants 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 observers estimate the number to be several thousand. An unknown number of persons who could be considered political prisoners are 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 President Bouteflika's 1999 election.

International humanitarian organizations did not request visits with political prisoners during the year; therefore, it is unclear whether the Government would permit such organizations to visit political prisoners. In general the Government does not permit independent monitoring of prisons or detention centers; however, over the past 24 months, it has permitted the ICRC to monitor general prison conditions in civilian prisons (see Section 1.c.).

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 also entered residences without warrants. According to defense attorneys, police who execute searches without a warrant routinely fail to identify themselves as police and abuse persons who ask for identification. Security forces 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, journalists, and human rights groups (see Sections 2.a., 3, and 4). There are reports of police arresting close relatives of suspected terrorists in order to force the suspects to surrender (see Section 1.d.).

Armed terrorists 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

In response to rioting in April in the Kabylie region, gendarme units used excessive force. Rioters were shot with lethal (not rubber) rounds, often in the back. A report issued by the Issaad Commission, appointed by the Government to investigate the violence, found that the gendarmes acted without orders. The Government claimed that the gendarmes who fired the shots were disciplined.

Armed groups continued to be responsible for numerous, indiscriminate 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 often targeted security force personnel. For example, according to press reports, on February 25, a bomb explosion killed 3 and injured 27 near a bus station in Laghouat, 240 miles south of Algiers. On March 6, a bomb blast in the province of Jijel killed 2 and wounded 15. On March 9, a homemade bomb killed two persons and injured five in Skikda. A bomb in Lakhdari injured two communal guards on March 26. On April 1, armed group members slit the throats of five family members in the town of Ain Agba, 72 miles south of Algiers. The terrorists then left a bomb in the house, which later exploded injuring one of the villagers who discovered the bodies. On August 30, a bomb set in an Algiers market place killed 2 persons and injured more than 30 others. On September 13, in Taourirt, a community located about 30 miles east of Bouira, a car bomb killed one man and injured another. On October 2, a bomb planted by terrorists in a pizzeria in Laghouat, 240 miles south of Algiers, exploded, killing one customer and injuring eight others. On November 14, a bomb set by terrorists near a footpath seriously wounded a woman picking olives. On the same day, terrorists at a false roadblock shot and killed a soldier. Both incidents took place in Bouira, southeast of Algiers. As in the past, such random lethal terrorist attacks occurred throughout the year.

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 gives the Government broad authority to restrict these freedoms and to take legal action against what it considers to be threats to the state or public order. However, the Government did not enforce these regulations strictly, and the large number of independent press publications reported regularly on security matters without penalty. The government-controlled press reports on terrorism in an increasingly straightforward and accurate manner.

On June 27, the Government enacted a series of amendments to the Penal Code that give the Government authority to impose high fines and harsh jail sentences in cases in which reporters "defame insult or injure" government officials. Government officials include the President, Members of Parliament, judges, members of the military, and "any other authority of public order." Under the new law, any person found guilty of defaming the President may be sentenced to between 3 and 12 months in prison and a fine of between \$649 (50,000 dinars) and \$3,247 (250,000 dinars). The punishments are doubled for repeat offenders. Under the new law, publications whose employees are found guilty of an offense against the President may be fined from \$6,494 (500,000 dinars) to \$32,468 (2,500,000 dinars). Editors and owners of such publications may also be prosecuted. Broad provisions in the new law provide for prison terms of between 2 and 24 months and fines ranging from \$129 (10,000 dinars) to \$6,494 (500,000 dinars) for "any person who insults a judge, a civil servant, or one of the representatives of public order with a word, a gesture, a threat, a piece of correspondence, a piece of writing or a drawing while they are exercising their profession, and does so with the intention of offending their honor, their authority, or the respect required of their profession." The law, as amended, provides the same punishments for anyone who "commits insult, contempt or defamation" directed at "Parliament or one of its chambers, tribunals, courts of justice, the People's National Army, or any other authority of public order." No journalist had been charged under the new law by year's end; however, the Government brought defamation cases against journalists during the year under the old provisions of the Penal Code.

On March 14, six journalists from the Arabic daily newspaper *Errai* were convicted of defaming the former head of security of the Wilaya of Oran. The men were sentenced to 2 months in jail (suspended) and a fine of \$28 (2,000 dinars). On July 19, Fawzia Ababsah, managing editor of the French-language daily newspaper, *L'Authentique*, was tried in absentia and sentenced to 6 months in prison for defamation of Secretary General Mahmoudi of the Finance Confederation (a union of financial workers). Ababsah was charged for an article that she wrote attempting to refute charges that Mahmoudi had made against the owner of *L'Authentique*, retired General Mohammed Betchine. Under the law, a person tried in absentia has the right to "oppose" any such decision and have the case reheard at the same level. Ababsah stated that she intended to oppose the finding in her case. The results of her opposition had not been published by year's end.

According to the Ministry of Health, it no longer forbids medical personnel from speaking to journalists, and such personnel spoke to the press during the year.

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, although in some cases the press criticized current and retired military officers.

In 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). However, independent newspapers openly ignored the directive, and the trend toward increased openness about security-force activities continued during the year. The Government continued to provide the press with more information than in the past about the security situation. Unlike in past years, when journalists deliberately did not report on current possible abuses by security forces to avoid difficulties with the Government, the independent press reported openly on abuses by the gendarmerie during the recent violence in the Kabylie region and in other contexts (see Sections 1.a, 1.c., 1.d., 2.b., and 5). There also was significant coverage of NGO activity aimed at publicizing government abuses committed in the past.

Other than *El Moujahid*, which is the official government newspaper and reflects the majority RND party's views, there were no newspapers affiliated with any political parties. However, other parties, including legal Islamist political parties, have access to the independent press, in which they may express their views without government interference. Opposition parties also disseminate information via the Internet and *cominiques*.

In mid-June, two independent newspapers (*El Watin* and *Al-Khabar*) began to print in a privately run printing plant with privately obtained newsprint. This ended the Government's monopoly on printing companies and newsprint imports. However, most independent newspapers continue to rely on the Government for printing and paper imports. There was no overt use of the Government's power to halt newspaper publications during the year.

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 1999 that the media ultimately should be at the service of the State. Radio and television remained under government control, with coverage biased in favor of the Government's policies. Parliamentary debates are televised live. A May parliamentary debate regarding the State of the Nation that lasted several days was broadcast live, without edits and in its entirety. It provided a national forum for all representative parties, including opposition parties critical of the Government. Satellite-dish antennas are widespread, and millions of citizens have access to European and Middle Eastern broadcasting. A five-member delegation from Reporters Without Borders visited the country in June 2000. The group was allowed to meet freely with the interlocutors of their choice and concluded that the press enjoyed increasing press freedom. However, the delegation also noted a number of continued barriers to full press freedom.

Many artists, intellectuals, and university educators fled the country after widespread violence began in 1992; however, some continued to return during the year. A growing number of academic seminars and colloquiums occurred without governmental interference, including a May forum on Judicial Reform sponsored by the Freedom House, which enjoyed wide press coverage. University students staged numerous small strikes early in the year in support of the protests in Kabylie. The Government did not interfere in any political or economic seminars, as it had in the past.

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 this right. Citizens and organizations must obtain permits from the appointed local governor before holding public meetings. The Government frequently grants licenses to political parties, NGO's, and other groups to hold indoor rallies.

In April in the Kabylie mountain region Berbers held outdoor demonstrations commemorating the 21st anniversary of the Berber Spring of 1980, when Berbers protested the imposition of Arabization on Berber culture. After the death of a 19-year-old Amazigh high school student in security-force custody, confrontations became violent between demonstrators, including stone- and Molotov cocktail-throwing youth, and Government security forces. Many demonstrators burned and looted government buildings, political party offices, and public and private property. These riots were suppressed, often with excessive force including live fire in some instances, killing more than 50 persons and injuring many hundreds more. Two official commissions were appointed to investigate events during the year; one commission issued its final report in December; the other had not issued a report by year's end (see Sections 1.a, 1.c., 1.d., and 5).

After the April violence, the Government permitted some demonstrations (most of them unsanctioned) to take place. On May 3, the largest political demonstration to take place in Algiers since 1998 concluded peacefully. The event protested government actions in quelling unrest in the Kabylie region. On May 7, a "March of Mourning" of more than 10,000 persons was held in Bejaia without government interference. The organizers of the two separate marches that joined did not seek government permission. However, before the event Minister of Interior Nouredine Zerhouni publicly announced that the Government would "tolerate" the marches. On May 10, a march of 8,000 to 10,000 persons in support of the Kabylie Berbers took place in Algiers without government permission; the Government did not interfere with the march. On May 21, tens of thousands of Kabylie residents demonstrated at Tizi Ouzou with only minimal interference from security forces. Protesters demanded that the Government withdraw the gendarmerie from Kabylie, recognize Amazigh as a co-equal national language with Arabic, indemnify victims of recent disturbances, and postpone national school exams so Berber students would not be disadvantaged for participating in the demonstrations.

Nonetheless, the Government at times used force to disperse demonstrations that became violent. On May 31, as many as 20,000 demonstrators marched in Algiers with the tacit approval of the Government. Security forces used tear gas and water cannons to break up the demonstrations when 600 to 700 protestors became violent, throwing stones at police. On June 14, the Government dispersed with tear gas and water cannons a march of more than 250,000 protesters after small groups of marchers became violent and burned and later destroyed property and looted a police station, a bus depot, and stores and businesses. In reaction the Government announced a ban on demonstrations in the capital.

Some other unlicensed groups continue to be active, including groups dedicated to the cause of persons who have disappeared. Such groups continued to hold regular demonstrations outside government buildings during the year. On November 8, security forces in Constantine disrupted a demonstration by family members of persons who had disappeared. When the crowd of approximately 100 persons arrived at the town hall for a regular demonstration (usually held weekly), they were met by security forces who demanded that they disperse. When the demonstrators refused to leave, security forces forcibly dispersed them, reportedly using truncheons. One person was injured (see Section 1.c.). In November 2000 police used force to disrupt a march by families of the disappeared, and arrested five persons.

Four subsequently were released; the fifth was tried and convicted of attacking a security officer (see Section 2.b.). In March 2000, in the western cities of Relizane and Oran, the Government arrested 40 persons during 2 separate demonstrations that occurred about a week apart; however, those arrested were released after brief detention.

The Government granted a license to a group of Islamists, including founders of the banned FIS party, to hold a meeting on July 9.

The Constitution provides for the right of association; however, 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). In January 2000, the Government refused to approve the Wafa Party on the grounds that many of its members had belonged to the outlawed FIS. The Government closed the Party's offices in November 2000. The Front Democratique, which is headed by former Prime Minister Sid Ahmed Ghazali, applied for registration in May 2000, but received no response within the time period specified by law for governmental decision on such cases (see Section 3). On March 29, the Interior Minister stated that the information in the party's application was too vague and that the Ministry was in the process of gathering the information it needed to make a decision. The Front Democratique had not been licensed by year's end. 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 Government's authority, or to the security or public order of the State. 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.

Domestic NGO's must be licensed by the Government and are prohibited from receiving funding from abroad. Some unlicensed groups operate openly.

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; however, there are some restrictions. 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, Roman Catholic churches in the country, including a cathedral in Algiers (the seat of the Archbishop), conduct services without government interference. 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.

The Government appoints preachers to mosques and gives general guidance on sermons. The Government monitors activities in mosques for possible security-related offenses and bars their use as public meeting places outside of regular prayer hours. The Ministry of Religious Affairs provides some financial support to mosques and has limited control over the training of imams.

On June 27, the Government enacted a series of amendments to the Penal Code to specify prison sentences and fines for preaching in a mosque by individuals who have not been recognized by the Government as imams. Such unauthorized persons may be sentenced to prison terms of 1 to 3 years and fines ranging from \$130 (10,000 dinars) to \$1,298 (100,000 dinars). Any person (including imams recognized by the government) found guilty of speaking out during prayers at the mosque in a manner that is "contrary to the noble nature of the mosque or likely to offend the cohesion of society or serve as an apology for such actions" may be sentenced to 3 to 5 years in prison and fines of up to \$2,597 (200,000 dinars). The amendments make no attempt to specify what constitutes preaching that is "contrary to the noble nature of the mosque or likely to offend public cohesion." There were no reported cases in which the Government invoked the new amendments by year's end.

Conversions from Islam to other religions are rare. Islam does not recognize conversion to other faiths at any age. However, the Constitution's provisions concerning freedom of religion prohibit any Government sanction against conversion. Because of safety concerns and potential legal and social problems, Muslim converts practice their new faith clandestinely. The Family Code, which is based on Shari'a (Islamic law), 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. Under both Shari'a and civil law, children born to a Muslim father are Muslim, regardless of the mother's religion.

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. Non-Islamic religious texts and music and video selections no longer are difficult to locate for purchase. The Government prohibits the dissemination of any literature that portrays violence as a legitimate precept of Islam.

The country's 10-year civil conflict has pitted self-proclaimed radical Muslims against the general Islamic population. After his 1999 election, President Bouteflika acknowledged that a more accurate accounting of the number of persons killed during the previous 8 years placed the total at about 100,000. 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. The majority of the country's terrorist groups do not, as a rule, differentiate between religious and political killings. During the year, terrorists continued attacks against the Government and civilians (see Sections 1.a. and 1.g.).

In 1994 the Armed Islamic Group (GIA) declared its intention to eliminate Jews, Christians, 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.

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. The Government does not allow foreign travel by senior officials of 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; such 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, although this provision generally is not followed in practice. In the spring of 1999, 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, which were hosted by human rights NGO's, held public discussions on those who had disappeared.

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, often using stolen police uniforms and equipment in various regions to rob them of their cash and vehicles. On occasion armed groups killed groups of civilian passengers at these roadblocks (see Section 1.a.).

The Constitution and the law provide for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government grants asylum and cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provides first asylum to approximately 165,000 refugee Sahrawis, former residents of the Western Sahara who left that territory after Morocco took control of it in the 1970's. UNHCR, the World Food Program (WFP), the Algerian Red Crescent, and other organizations are assisting Sahrawi refugees. The country also hosts an estimated 5,000 Palestinian refugees, most of whom no longer require international assistance. In the mid-1990's, the Government worked with international organizations to respond to Tuareg refugees from Mali and Niger. Most Tuaregs voluntarily repatriated from 1996 to 1999. 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

The Constitution provides citizens with the right to change their government; however, there are significant limitations to this right in practice. 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 in 1999 amidst credible charges of fraud, and the election of President Bouteflika, highlighted the continued dominance of the military elite in the process of selecting the country's political leadership.

President Bouteflika was elected in an April 1999 presidential election that was seriously flawed by the withdrawal 1 day before the election of all 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 meetings—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 born before July 1942. 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; although it apparently was as low as 30 percent, the Government claimed a 60 percent turnout. The next presidential election is scheduled for April 2004.

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 President did not exercise such authority during the year. 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 1997, Algeria held its first elections to the APN since elections were canceled in 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-

supported party, the National Democratic Rally (RND) won a plurality of 154 seats out of a total of 371. In their final report, neutral observers stated that, of the 1,258 (of the country's 35,000) voting stations that they assessed, 1,169 produced satisfactory results, 95 were problematic, and 11 were unsatisfactory. In 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. The next parliamentary elections are expected to take place in April or May 2002.

Since 1997 the law requires that potential political parties receive 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. Two parties have failed to receive registration. In January 2000, the Government refused to approve the Wafa party because of its perceived ties to the FIS (see Section 2.b.). On March 29, the Interior Minister stated that the information in the Front Democratique's application for recognition, which was filed in May 2000, was too vague, and that the Ministry was in the process of gathering the information it needed to make a decision. The party's application remained pending at year's end. No party may use religion, Amazigh heritage, or Arab heritage as a basis of organizing 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 issuing communiques. The Government continues to ban the FIS as a political party (see Section 2.b.). With the exception of the leading progovernment party (RND), and the National Liberation Front (FLN), 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.). While opposition parties access to state-controlled electronic media remains limited, opposition party leaders increasingly have been permitted to represent their views on television and on the radio, even those views directly critical of the Government. Further, televised parliamentary debates aired uncensored and uncut allow all parties access to the electronic media. The independent press also publicizes their views.

The percentage of women in government and politics does not correspond to their percentage of the population. The new Cabinet, named in May, has no female members. Thirteen of the 380 members of the lower house of Parliament are women. The upper house has six female members. In September 1999, President Bouteflika appointed the first 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 Berber minority of about 9 million centered in the Kabylie region, participate freely and actively in the political process. From April through the remainder of the year, Amazighs held a series of demonstrations, some violent; security forces in some instances put down violent demonstrations with excessive force (see Sections 1.a., 1.c., 1.d., and 2.b.).

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 the 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 at least 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 permitted access to government officials or to prisons, except as under 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 (see Section 1.f.).

Unlike in previous years, when such visits were banned, since the beginning of 2000 the Government has welcomed a variety of international NGO's. The Rights Consortium, a combined effort of Freedom House, the International Center for Journalists, and the American Bar Association, visited the country in January, February, and May. An additional trip scheduled for the fall was postponed due to uncertainty in the region due to flooding. Similarly, the National Democratic Institute has been active, and visited the country eight times during the year. NDI has brought in international political experts from around the world to work with the local groups. The Institute also had taken representatives of all the country's major political parties to the U.S. promoting democratization, including by meeting regularly with and conducting seminars for political parties and training them in a variety of political skills ranging from grassroots consensus development to constituent services.

Doctors Without Borders requested visas to visit the Kabylie region in June. Their requests were denied because the Government maintained that the Algerian medical system was sufficiently handling the demand for medical care.

Delegations from Amnesty International, the ICRC, Human Rights Watch, Freedom House, the FIDH, and Reporters Without Borders visited the country in 2000 at the Government's invitation. Amnesty International visited in May 2000 and again in October 2000, and, after its May visit, claimed that the delegation had been "able to move around the country freely" and that "no restrictions were imposed" on its activities. Amnesty International did not seek meetings with members of the FIS in prison or under house arrest. The organization stated that there had been "a significant drop in the level of violence and killings, and the reports of arbitrary arrests, prolonged incommunicado detention, torture, disappearances, and unfair trials have also diminished significantly." However, Amnesty International maintained that many serious concerns had not been addressed, including resolving past abuses such as disappearances and extrajudicial killings. Moreover, during its October visit, Amnesty International claimed that the Government was not cooperating adequately or providing the organization with quality information. The organization also claimed that the Government was staging demonstrations opposing the Amnesty International visit. Despite requests to visit, Amnesty International claims that it has not been allowed entry into the country since 2000. The ICRC began visiting the country to observe prison conditions in 1999, and has continued such visits twice yearly.

A delegation from Human Rights Watch met with government officials in May 2000. The delegation stated that it was "allowed to travel freely and meet with officials, lawyers, nongovernmental organizations, and victims and families of victims of abuses by the Government and armed groups."

The U.N. Working Group on Enforced or Involuntary Disappearances, which asked in 2000 to visit the country, had not been granted access by year's end. The Government had also not responded positively to requests to visit from the U.N. Special Rapporteur on Torture and the U.N. Special Rapporteur on Extrajudicial Executions.

The National Observatory for Human Rights (ONDH) was established by the Government in 1992 to report human rights violations to the authorities; however, in February President Bouteflika announced the creation of a new Human Rights Commission to replace the ONDH and the national Human Rights Ombudsman.

The new National Consultative Commission for the Promotion and Protection of Human Rights was formally established on October 9, and it held an initial meeting on October 24. The Commission is made up of 45 members, 22 of whom belong to governmental bodies and 23 of whom come from civil society and NGO's. The nongovernmental members include representatives of Islamic religious organizations, the Red Crescent Society, and women's rights advocacy groups. The President approves nominees, and the Commission's budget and secretariat (which the Government says will be "independent") come from his office.

The Commission's mandate includes: Reporting on human rights issues; coordinating with police and justice officials; advocating domestic and international human rights causes; mediating between the Government and the population; and providing expertise on human rights issues to the Government.

Domestic NGO's must be licensed by the Government and are prohibited from receiving funding from abroad. Some unlicensed groups operate openly.

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; however, women continue to face legal and social discrimination.

Women

Women's rights advocates assert that spousal abuse is common, but there are no reliable statistics regarding its extent. Spousal abuse is more frequent in rural than urban areas and 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 have been 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 very few facilities offering safe haven for abused women, and many more are needed. 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.

There is a rape crisis center that specializes in caring for women who are victims of rape by terrorists (see Sections 1.a, 1.b., 1.c., 6.c., and 6.f.). On July 14, a group of young men raided a shantytown area near the oil town of Hassi-Messaoud, raping and seriously wounding dozens of single women who live there. The violence was incited by an imam who accused the women of prostitution and questioned why they were working while men in the town were unemployed. On July 23, a similar attack took place in the area of Tebessa, a trading center east of Algiers.

During the year, extremists sometimes specifically targeted women. There were numerous incidents of women and girls being killed and mutilated in massacres. Armed terrorist groups reportedly kidnapped young women and held them captive for extended periods for the purposes of rape and servitude (see Sections 1.a., 1.b., 1.c., 6.c., and 6.f.).

The law prohibits prostitution, and it is not considered to be a problem.

Some aspects of the law and many traditional social practices discriminate against women. The 1984 Family Code, which is 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 is awarded to the mother, but she may not enroll them in a particular school or take them out of the country without the father's authorization. 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.).

The Family Code also affirms the Islamic practice of allowing a man to marry up to four wives, although this rarely occurs in practice. A wife may sue for divorce if her husband does not inform her of his intent to marry another woman prior to the marriage.

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. According to Shari'a, such a distinction is justified because other provisions require that the husband's income and assets are to be used to support the family, while the wife's remain, in principle, her own. However, in practice women do not always have exclusive control over assets that they bring to a marriage or income that they earn themselves. Married females under 19 years of age may not travel abroad without their husbands' permission (see Section 2.d.). However, women may take out business loans and are the sole custodians of their dowries. In its 2000 report, the International Labor Organization (ILO) Committee of Experts (COE) noted that the Government has stated that, despite incorporating equality between men and women into the legislative and regulatory texts governing the workplace, in practice women still are confronted with discrimination in employment resulting from stereotypes that exist regarding a woman's place in society.

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 10 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. About 25 percent of judges are women, a percentage that has been growing in recent years. President Bouteflika's changes to the judiciary in August increased the number of courts headed by women (see Section 1.e.).

Although the 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 women's rights groups, although the size of individual groups is small. Their main goals are to foster women's economic welfare and to amend aspects of the Family Code.

Armed terrorist groups reportedly kidnapped young women and held them captive for extended periods for the purposes of rape and servitude (see Sections 1.a., 1.b., 1.c., 6.c., and 6.f.).

Children

The Government attempts to protect children. It provides free education for children 6 to 15 years of age. Approximately 94 to 96 percent of children attend at least some school. More than 85 percent of children complete the ninth grade. Boys and girls generally receive the same treatment in education, although girls are slightly more likely to drop out. The Government provides free medical care for all citizens—albeit in often rudimentary facilities. The Ministry of Youth and Sports has programs for children, but such programs face serious funding problems.

Child abuse is a problem. Hospitals treat numerous child-abuse cases every year, but many cases go unreported. Laws against child abuse have not led to notable numbers of prosecutions against offenders. Legal experts maintain that the Penal and Family Codes do not offer children sufficient protection. 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. Such NGO's have educational programs aimed at reducing the level of violence, but lack funding. Children often are the victims of terrorist attacks.

Armed terrorist groups reportedly kidnapped young women and held them captive for extended periods for the purposes of rape and servitude (see Sections 1.a., 1.b., 1.c., 6.c., and 6.f.).

Economic necessity compels many children to resort to informal employment, such as street vending (see Section 6.d.).

Persons with Disabilities

The Government does not mandate accessibility to buildings or government services for persons with disabilities. Public enterprises, in downsizing the work force, generally ignore a law that requires that they reserve 1 percent of their jobs for persons with disabilities. Social security provides for payments for orthopedic equipment, and some NGO's 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 in the face of the Government's continued Arabization program. 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 may be interpreted to require that Arabic be used for all broadcasts on national television and radios, for dubbing or subtitling all nonArabic films, for medical prescriptions, and for medical equipment. However, in practice one of the two Government television stations has a regular news program in Amazigh, and one of the Government radio stations broadcasts entirely in that 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. In September 1999, President Bouteflika stated that the Amazigh language would never be an official language; during the year he stated that the enhancement of the status of the Amazigh language would require a constitutional amendment. However, on October 3, Prime Minister Benflis reportedly agreed to recognize the Amazigh language as a national language. There are professorships in Amazigh culture at the University of Tizi Ouzou. Amazighs hold influential positions in government, the army, business, and journalism.

From April throughout the remainder of the year, Amazighs held a series of demonstrations, some violent; security forces in some instances put down violent demonstrations with excessive force (see Sections 1.a., 1.c., 1.d., and 2.b.).

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

Section 6 Worker Rights

a. The Right of Association

Workers are required to obtain government approval to establish a union, and the Government may invalidate a union's legal status if its objectives are determined to be contrary the established institutional system, to public order, good morals or the laws or regulations in force. There are no legal restrictions on a workers right to join a union.

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 unions that are specialized by sector. There are also some autonomous unions, such as unions for Air Algerie pilots (SPLA), executives of the state-owned hydrocarbon company Sonatrach (FNPA), airport technicians (SNTMA), and teachers (CNES).

The 1990 law on labor unions requires the Labor Ministry to approve a union application within 30 days. The Autonomous Unions Confederation (CSA) has attempted since early 1996 to organize the autonomous unions, 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 labor union organized by the banned FIS, the Islamic Workers Union (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 or mediation. (The Government on occasion offers to mediate disputes.) The law states that decisions reached in mediation are binding on both parties. If no agreement is reached in mediation, 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.

During the year, the ILO Committee of Experts requested the Government to take steps through legislation to ensure that no provisions of Legislative Decree 92-03 are applied against workers peacefully exercising the right to strike. The decree defines as subversive acts, or acts of terrorism, offenses directed against the stability and normal functioning of institutions through any action taken with the intention of "obstructing the operation of establishments providing public service" or of "impeding traffic or freedom of movement in public places." The Government claimed that the Decree is not directed against the right to strike or the right to organize and has never been used against workers exercising the right to strike peacefully.

On March 20, labor unions held a "general day of protest" against government privatization plans. Members of unions in the petrochemical, steel, tobacco, industrial vehicles, electronics, and utilities sectors participated.

The 1-day strike had little effect on daily life, but it gained the attention of government officials and highlighted the unions' concerns about economic reforms. On March 28, the Federation of Finance and Planning Employees held a general strike to protest recently adopted reforms to the Central Bank. The strike was publicized poorly and had little effect.

Unions may form and join federations or confederations, affiliate with international labor bodies, and develop relations with foreign labor groups. For example, the UGTA is a member of the International Confederation of Free Trade Unions (ICFTU). However, 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.

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. However, 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 Government has established an export processing zone in Jijel. Workers in the Export Processing Zone have the same rights as other workers in the country.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is incompatible with the Constitution's provisions on individual rights, and the Penal Code prohibits compulsory labor, including forced or bonded labor by children. While the Government generally enforces the ban effectively, armed terrorist groups reportedly kidnap young women and girls hold them captive for weeks at a time, during which group members rape them and force them into servitude (see Sections 1.a., 1.b., 1.c., 5, and 6.f.).

The ILO's Committee of Experts has noted that the law that requires persons who have completed a course of higher education or training to perform a period of service of between 2 and 4 years in order to obtain employment or work in an occupation, is not compatible with relevant ILO conventions dealing with forced labor. The Committee stated that it has been urging the Government for many years to cease imposing prison labor to rehabilitate persons convicted for expressing certain political views.

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. UNICEF reported in October that approximately 5 percent of children work in some capacity, and there is no child labor in the industrial sector; however, economic necessity compels some children to resort to informal employment, such as street vending. The Government prohibits forced and bonded labor by children. Armed terrorist groups frequently kidnaped young women and held them captive for weeks at a time. During this time, group members raped them and forced them into servitude (see Sections 1.a., 1.b., 1.c., 5, and 6.c.).

On February 9, the Government ratified ILO Convention 182 on the worst forms of child labor.

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 approximately \$105 (8,000 dinars) per month. Ministry of Labor inspectors are responsible for ensuring compliance with the minimum wage regulation; however, their enforcement is inconsistent.

In July 2000, the standard workweek was shortened to 37.5 hours. Workers who work beyond the standard workweek receive premium pay on a sliding scale from "time and a half" to "double time," depending on whether the overtime is worked on a normal work day, a weekend, or a holiday.

There are well-developed occupation and health regulations codified in the law, but government inspectors do not enforce these regulations effectively. There were no reports of workers being dismissed for removing themselves from hazardous working conditions. Because employment generally is based on very detailed contracts, workers rarely are subjected to conditions in the workplace about which they were not previously informed. If workers are subjected to such conditions, they first may attempt to renegotiate the employment contract and, that failing, resort to the courts.

f. Trafficking in Persons

The law does not prohibit specifically trafficking in persons. Armed terrorist groups frequently kidnapped young women and held them captive for weeks at a time, during which group members raped them and forced them into servitude (see Sections 1.a., 1.b., 1.c., 5, and 6.c.). There is a rape crisis center in Algiers that specializes in caring for women who are victims of rape by terrorists.

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