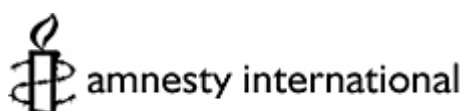


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Amnesty International Report 2010 - Algeria

PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA

Head of state: Abdelaziz Bouteflika
Head of government: Ahmed Ouyahiya
Death penalty: abolitionist in practice
Population: 34.9 million
Life expectancy: 72.2 years
Under-5 mortality (m/f): 35/31 per 1,000
Adult literacy: 75.4 per cent

People suspected of terrorism-related activities were arrested and detained incommunicado; some faced unfair trials. The authorities harassed human rights defenders, lawyers and journalists, and prosecuted some for criticizing government officials. New legislation was introduced to criminalize irregular migration. The authorities again took no action to investigate thousands of cases of enforced disappearance and other grave abuses committed in the past and to bring the perpetrators to justice.

Background

On 9 April, Abdelaziz Bouteflika was re-elected President after constitutional changes adopted in 2008 allowed him to stand for a third term. On 19 April, he expressed his continuing commitment to the process of "national reconciliation" initiated when he first came to power in 1999. Under the process, the government has enacted amnesty and other measures that institutionalize impunity for the massive human rights abuses committed during the internal conflict of the 1990s and effectively deny victims their rights to truth, justice and adequate reparation. During his election campaign, he proposed the introduction of an amnesty for armed groups.

Armed groups continued to mount attacks, but there were fewer indiscriminate attacks on civilians than in preceding years. Some 30 civilians were reported to have been killed in such attacks, mostly bomb explosions in public places, and some 90 members of the security forces. Dozens of alleged members of armed groups were reported to have been killed in clashes with the security forces or search operations; in most cases, the precise

circumstances were unclear, prompting fears that some people may have been extrajudicially executed. Al-Qa'ida Organization in the Islamic Maghreb was believed to be the main active armed Islamist group in Algeria.

The year was also punctuated with a series of strikes, protests and riots in different areas by people protesting against unemployment, low wages, housing shortages and other problems.

In August, the government promulgated Law 09-04 and issued a presidential decree to make the Algerian National Advisory Commission for the Promotion and Protection of Human Rights (CNCPPDH) more transparent and independent. In March, the Sub-Committee on Accreditation of the International Coordinating Committee of National Institutions had recommended not to fully accredit the CNCPPDH for failing to comply with the Paris Principles on national human rights institutions.

Counter-terror and security

The Department of Information and Security (DRS), military intelligence, continued to arrest terrorism suspects and detain them incommunicado for weeks or months, during which they were at risk of torture or other ill-treatment.

The right to fair trial of individuals suspected of terrorism was not respected. Some faced proceedings in military courts. Some were denied access to legal counsel, particularly while held in pre-trial detention. The authorities failed to investigate allegations of torture and other ill-treatment of detainees and the courts continued to accept "confessions" allegedly obtained under torture or other duress, without investigation, as a basis for convicting defendants.

- Moussa Rahli was taken away by plain-clothed security officials from his home in Ouled Aissa, Boumerdes province, on 17 March. He was detained incommunicado for about 50 days before his family learned that he was being detained at the military barracks in Blida. Although a civilian, he was expected to be tried before a military court on terrorism-related charges. His trial had not taken place by the end of 2009.
- Mohamed Rahmouni, also a civilian, continued to be detained at Blida military barracks awaiting trial before a military court on terrorism-related charges. Arrested in July 2007, he was held incommunicado for the first six months of his detention. The authorities did not permit him to have access to or be represented by the lawyer of his choice; he was assigned a lawyer, whom he did not accept, by the military court.

On 17 January, Bachir Ghalaab became the eighth Algerian national to be returned from the US prison at Guantánamo Bay. All eight were at liberty. Two awaited trial on charges of belonging to a terrorist group active abroad. Bachir Ghalaab and two others remained under judicial control for investigation. In November a court in Algiers cleared Feghoul Abdelli and Mohammed Abd Al Al Qadir of charges of belonging to a terrorist group abroad and document forgery. The eighth man was cleared of all charges without being referred for trial.

Freedom of expression

Journalists, human rights defenders and others were prosecuted on defamation and other criminal charges apparently because of their criticism of the authorities' human rights record or of public officials and institutions.

- Hafnaoui Ghoul, a journalist and human rights activist with the Djelfa branch of the Algerian League for the Defence of Human Rights (LADDH), was convicted by the Court of First Instance of Djelfa on charges of defamation and contempt of a public institution in two separate trials on 27 October. He was sentenced to a

total of four months' imprisonment, two of them suspended, fined and told to pay damages. He appealed in both cases and remained at liberty pending the outcome. Judicial proceedings were taken against him after officials in Djelfa complained about articles he had written in *Wasat* newspaper alleging mismanagement and corruption. In January, he was the victim of a knife attack in the street by a person unknown.

- Kamal Eddine Fekhar, a LADDH member and political activist within the Front of Socialist Forces (FFS), faced prosecution in several cases. In October, the Court of First Instance of Ghardaia sentenced him to a suspended six-month prison term and a fine for "insult", which he denied. He was also awaiting trial on charges of inciting the burning of a police car in February, for which he was arrested in June, placed under judicial control and had his passport confiscated. His arrest followed a call by the FFS for a strike in Ghardaia on 1 June to protest against an alleged miscarriage of justice.
- The appeal of human rights lawyer Amine Sidhoum remained pending before Algeria's highest court. Amine Sidhoum was convicted in 2008 of bringing the judiciary into disrepute, in relation to comments attributed to him in a 2004 newspaper article. He was sentenced to a suspended six-month prison term and a fine.

Enforced disappearances

The authorities took no steps to investigate the thousands of enforced disappearances that took place during the internal conflict of the 1990s.

- No progress was made towards uncovering the truth about the fate of Fayçal Benlatreche who disappeared in 1995, and in bringing those responsible to justice. His father, who had continued to campaign for truth and justice over many years and who founded the Association of the Families of the Disappeared in Constantine, died in September.

In August, a government minister was reported to have said that almost 7,000 families of the disappeared had accepted financial compensation from the state, totalling 11 billion dinars (about US\$14 million). Farouk Ksentini, head of the CNCPPDH, was reported to have called for an official public apology to be made to the families of the disappeared but to have described some of their demands for truth and justice as impossible to realize.

Associations of families of the disappeared faced harassment and constraints to their work, but nevertheless continued to hold protests.

- Law enforcement officials prevented participants from gaining access to a private venue in Bachedjarah, Algiers, on 16 June to attend a conference organized by associations of families of the disappeared and victims of "terrorism".
- The local authorities in Jijel did not respond to the application for registration deposited in May by the newly formed Association of Mich'al of Children of the Disappeared in Jijel, despite being obliged by law to do so within 60 days. Other associations of families of the disappeared active for years have not been able to legally register.

Migrants' rights

On 25 February, the President approved amendments to the Penal Code which, among other things, criminalized "illicit" exit from Algeria by using forged documents or travelling via locations other than official border exit ports, restricting freedom of movement and criminalizing migration. Such "illicit" exit was made punishable by prison terms of between two and six months and/or fines. Nonetheless, thousands of Algerians

and other nationals sought to migrate irregularly to Europe from Algeria; hundreds, possibly many more, were intercepted at sea or while preparing to depart by boat, and the media reported that many people were tried and sentenced under the new "illicit" exit provisions.

No official statistics were available concerning the number of foreign nationals expelled from Algeria, but in its initial report to the UN Committee on Migrant Workers in June 2008, the government said that an average of 7,000 foreign nationals were turned back at the borders or expelled from Algeria annually. Many such expulsions are believed to be carried out without due process and without adequate safeguards.

Discrimination against women

On 15 July, Algeria lifted reservations to Article 9.2 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), pertaining to equal rights of women in respect to the nationality of their children. Amendments to the Nationality Code in 2005 had already permitted Algerian women married to non-nationals to confer nationality on their children. A number of discriminatory provisions remain in the Family Code, particularly regarding marriage, divorce, child custody and inheritance – as reflected in Algeria's continued reservation to several other articles of CEDAW.

Death penalty

More than 100 people were sentenced to death, but the authorities maintained the de facto moratorium on executions in force since 1993. The majority of sentences were imposed in terrorism-related trials, mostly in the absence of the accused, but some were imposed on defendants convicted of premeditated murder.

In June, the government's rejection of a bill to abolish the death penalty proposed by an opposition parliamentarian was made public.

Amnesty International report

- A legacy of impunity: A threat to Algeria's future (MDE 28/001/2009)

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