

ALGERIA

COUNTRY REPORT

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Country Information and Policy Unit

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1. SCOPE OF DOCUMENT

1.1 This report has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of sources. The document does not contain any Home Office opinion or policy.

1.2 The report has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights claims made in the United Kingdom.

1.3 The report is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain. These sources have been checked for currency, and as far as can be ascertained, remained relevant and up to date at the time the document was issued.

1.4 It is intended to revise the report on a six-monthly basis while the country remains within the top 35 asylum-seeker producing countries in the United Kingdom.

2. GEOGRAPHY

2.1 The official state name is Republique populaire democratique d'Algérie (People's Democratic Republic of Algeria) or El-Djezaïr or Al- Djoumhouryya Al-Djazairyya ad Dimoukratyya Ash-Shabyya. [1a] [24a] Algeria is on the north-west Mediterranean coast of Africa, and is bounded by Morocco, Mauritania, Mali, Niger, Libya, Tunisia, and the disputed Western Sahara territory. The capital is Algiers (or El-Djezaïr). The other principal towns are Oran, Constantine (Qacentina), Annaba and Blida (el-Boulaida). The area of Algeria is 2,381,741 square kilometres (919,595 square miles), four-fifths of which is in the Sahara Desert. [1a] [24a] [60d] Thus, most of the population centres are on or near the northern coast. [60d] [66b]

2.2 The population is estimated to exceed 30 million. [1a] [15a] [66b] The capital, Algiers, has the highest population concentration with about 2 million people. [1a] About 60% of the population lives in urban areas. [1a] [23a] [38] About 34% of the population was below the age of 15 in 2001. [23a] Most Algerians are of Arab, Berber, or mixed Arab-Berber stock. [6e] [66b] The European population has declined from over one million before independence in 1962 to less than 50,000 in 2001, most of whom are French. [66b]

2.3 The official language is Arabic, but French is widely spoken. The Berber languages, particularly Tamazight, are also spoken, particularly in the Kabylie and Aures mountain regions. [1a] [3] [14h] [24a] [49] In April 2002 the constitution was amended to make Tamazight one of the country's national languages. [7r] [26c]

For further information on Geography refer to Europa Yearbooks, Sources 1a and 1b.

3. ECONOMY

3.1 The unit of currency is the Algerian dinar (AD). 1 AD =100 centimes (CT) [1a] Exchange rate £1 = 120 AD, \$1 =74.99 AD. [52] Paper money comprises banknotes with a face value of 5,10, 20 centimes and 1,2,5,10,20,50 dinars. [10]

3.2 Average annual income is \$11650 (2001). [60d] Approximately 23% of the population have a monthly income of less than \$1 [29] and 40% have a monthly income of less than \$2. Middle ranking, white-collar employees earn approximately AD 15,000 per month. [13]

3.3 Officially, about 30% of the workforce is unemployed, and about 70% of persons under the age of 30 cannot find employment. [6c] [7s] [47] [51] An estimated 25-30% of the population live below the poverty line. [66b] According to the UN Development Programme poverty rates in Algeria have soared in the 1990s. [23a] Algeria was ranked as one of the five bottom nations in terms of economic freedom by the Economic Freedom of the World Report in July 2003. [68b] The World Bank is providing assistance with improving the economy and fighting poverty. [34]

3.4 The south of the country is rich in natural oil and gas, the exploitation of which is dominated by the state-owned Sonatrach company and has been the foremost generator of government revenue for decades, contributing as much as 60% of budgetary revenues. [66b] Progress to speed up privatisation of state enterprises and move towards a free market economy has been slow. [1a] Although the macro-economy is largely sound [7s] [37a] there is frustration over socio-economic issues, notably unemployment, poor housing and inadequate water supplies, which has led to riots in several areas, including the Berber area of Kabylie. [7s] [12] [13] [26d] [37a] [47] [54i] [57b] [67c]

3.5 According to a report in August 2003 an official survey indicated that high unemployment and lack of accommodation are also affecting the social structure: marriages are taking place at a lower rate and later age and over half of Algerians under the age of 30 are single. The report also stated that unemployed men are inclined to leave the country to seek economic improvement. [60c]

3.6 Algeria entered into an Association Agreement with the EU in December 2001 that will require it to carry out certain economic and other reforms. [1a] [13] [26c] [66b]

4. HISTORY

PRE-1990

4.1 Algeria was under French colonial rule from the mid-19th century. For most of this colonial period, official policy was to colonise the territory with French settlers, and many French citizens became permanent residents. [1a] [24a]

4.2 In 1954 the principal Algerian nationalist movement, the Front de Libération Nationale (FLN) party, began a bitter war of independence, in the course of which about 1 million people were killed or wounded. A ceasefire was agreed and independence was declared in 1962. A new Government was formed with Ahmed Ben Bella, founder of the FLN, as Prime Minister. [1a]

4.3 Following the economic problems resulting from the collapse of oil prices in the mid-80s a wave of strikes and riots culminated in considerable bloodshed and street demonstrations in 1988. [1a]

1991-92: RISE OF THE FIS AND 1991-2 ELECTIONS

4.4 The Front Islamique du Salut (FIS) /Islamic Salvation Front / al-Jibhat al-Inqath, established in 1989, emerged as the largest and most influential opposition movement, capable of developing a nation-wide organisation based on mosques and Islamic organisations. Its promise of social justice and its grass-root welfare services appealed strongly to the urban poor and unemployed. In local elections in June 1990, the FIS gained control of 32 of Algeria's 48 provinces and 853 of the 1,539 municipalities, winning a landslide victory in all major cities. [1a]

4.5 By early 1992 the FIS was also poised to win the general elections to the National People's Assembly. [1a] However, amid protests about the electoral laws and a call by the FIS for a general strike, the Government declared a state of siege and suspended the elections indefinitely. During the widespread unrest, which followed, the leaders of the FIS, including Abbasi Madani and Ali Belhadj, were arrested. [1a]

4.6 Violent clashes occurred across the country over the weekend of 8 and 9 February 1992, between police and FIS supporters. Detention centres were opened in the Sahara, and the FIS claimed that 150 people were killed, and as many as 30,000 detained. The Government declared a state of emergency and the FIS was banned. The Government also dissolved 411 FIS-controlled local and regional authorities. [1a] [24a]

1993-1998: CONTINUING VIOLENCE

4.7 After the outlawing of the FIS the Islamic opposition became fragmented and increasingly radicalised. [1a] A political vacuum was created which was increasingly filled by armed Islamic groups operating autonomously across the country, united only in their opposition to the regime. [1a] [24a] See Section 6 Armed Groups and Annex C Main Armed Groups

4.8 Throughout the period, violence in Algeria escalated. There were frequent attacks by the armed groups on the population, including various categories such as government officials, judges, politicians, intellectuals, journalists and teachers. Assassinations of foreign nationals led to most embassies in Algeria advising their citizens not to travel to Algeria, and those in Algeria to leave immediately. [1a]

4.9 Algerian security forces intensified their campaign against armed Islamic groups and reports suggested that air attacks, punitive raids, and torture had been used in an attempt to eradicate the terrorists. [1a] There were also numerous reports of violence by the armed groups such as bomb explosions in the main cities, and massacres of civilians, and of fighting between government security forces and armed groups. [1a] [27a] [27b]

4.10 The cycle of violence intensified by mid-1997 when a series of massacres took place in villages to the south and west of Algiers increasingly referred to as the "triangle of death". During the holy month of

Ramadan, which began on 30 December 1997, about 2,000 people, mainly civilians, died in a succession of massacres. [1a]

4.11 The Armed Islamic Group (GIA) / Groupe Islamique Armé was widely held responsible for the massacres but it was also claimed that some units of the GIA had been infiltrated by military intelligence, and that the security forces had failed to protect the population. [1a] See Section 6 Security Forces

1999-2000: CIVIL CONCORD LAW AND DISSOLUTION OF THE AIS

4.12 Abdelaziz Bouteflika was inaugurated as the new President on 27 April 1999. [1a] He stated his aims were to promote civil concord, reform the economy and stamp out corruption. [1a]

4.13 The Islamic Salvation Army (AIS), the armed wing of the banned political party Front Islamique du Salut (FIS), declared an end to their guerrilla struggle against the government on June 6 1999. The AIS had been observing a unilateral cease-fire since October 1997. [1a]

4.14 In July the President pardoned over five thousand Islamist sympathisers. [1a] Shortly afterwards he put forward a new Law on Civil Concord. [1a] The Law offered an amnesty for Islamic militants not implicated in mass killings, rapes, or bomb attacks on public places, and reduced sentences for such crimes, provided they surrender to the authorities within 6 months (i.e. by 13 January 2000). [1a] [11] [27a]

4.15 More than 180 people were killed during the holy month of Ramadan ending on 8 January 2000. This was a similar total to the previous year's Ramadan and much lower than that of 1997/98. [7b]

4.16 During the Ramadan month ending on 27th December 2000 over 300 people were killed. These included over 100 members of the security forces. In several instances groups of 20-30 civilians were killed. Violence was reported across much of the north of the country, particularly in the south and west of Algiers. [7h] In 2000 about 250 people per month [11] were killed in terrorist incidents, the majority in rural areas [7i], a total of 2500. [29]

4.17 The deadline for armed groups expired on 13 January 2000. [1a] Just before this deadline the AIS leader Madani Mezrag announced that the AIS would dissolve itself. [1a] In return, on 11 January, the President announced an immediate full amnesty for AIS members, financial compensation for their families, housing for those whose homes had been destroyed by the security forces, and assistance in securing employment. [1a] [11] [12] [26d]

4.18 Although the leadership of the GIA and GSPC (Salafist Group for Call and Combat) rejected the amnesty, individual members surrendered under the terms of the Civil Concord amnesty before the deadline. [1a] [7a] [7b] [7i] [12] [26d] Others continued to take advantage of the amnesty even after the expiry of the deadline. [12] [13] [26d] [51]

EVENTS OF 2001-2002

4.19 Reports indicated that a total of 1980 civilians, terrorists and security force members died during 2001 as a result of the ongoing violence although main cities were generally secure. [1a] [29] However, there were bomb attacks in bus stations and other crowded areas in Algiers resulting in one death and several serious injuries. [5a] [7i] [7m] Press reports indicated that the death toll during the Ramadan period ending in mid-December was lower than previous years at fewer than 100. [7o] In November 2001 serious floods affected Algiers killing more than 800 people. [1a]

4.20 From late April 2001 riots and civil unrest occurred in the Kabylie region and beyond following the death of a young man in police custody near Tizi Ouzou during the annual "Berber Spring" demonstrations. [1a] See Section 6 Ethnic Groups There were also riots in other parts of the country in protest at poor social infrastructure and unemployment. [5a] [7s] [26c] [37a]

4.21 On 31 May 2002 elections were held for the lower legislative chamber. [7t] See Political System The FLN party, the former single party prior to 1989, won majority control. [5c] [6c] [7t] [37b] The official turnout figure was 46%. [37b] See also Annex B Political Organisations

4.22 The election was described in reports as marred by violence. [7t] [37b] The two main Berber parties boycotted the election - the Front des Forces Socialistes (FFS) (Front of Socialist Forces), and the

Rassemblement pour la Culture et la Démocratie (RCD) (Rally for Culture and Democracy). [7t] [37b]

4.23 On 10 October 2002 the FLN party also won the majority in municipal elections for the appointment of mayors and other local elected officials. [7w] The election was widely boycotted in the Kabylie area where the turn out was less than 5%. The FFS took part on this occasion. [7w]

4.24 Press reports claimed that the death toll of 56 people in the month of Ramadan ending 5 December 2002 was the least deadly since 1993. [58a] Most deaths occurred in the Chlef province where three terrorist groups were operating. [63a] About 1386 people were killed in terrorist incidents in 2002. [6c] The Government reiterated its commitment to fight terrorism and continued to carry out anti terrorist operations. [6c] [7v] See Section 6 Armed Groups

EVENTS OF 2003

4.25 In May Ahmed Ouyahia the former Personal Representative of the President was appointed Prime Minister in place of Ali Benflis. [7ac]

4.26 A severe earthquake occurred in north east Algeria on 21 May. The earthquake and its aftershocks caused widespread damage in the area, including the provinces of Boumerdes, Algiers, Tipaza, Blida, Tizi Ouzou, Bouira and Ain Defla. Parts of Algiers city and suburbs were affected. Buildings were destroyed in many cases, killing or trapping the occupants. Over 2000 people were killed and over 9000 wounded. [72]

4.27 Unrest continued in Kabylie although fewer violent incidents were reported. [7z] [7aa] [59d] See Section 6 Events in Kabylie 2001 - 2003

4.28 In July the two main leaders of the FIS party Abassi Madani and Ali Belhadj were set free on completion of their prison sentences. They remain subject to restrictions on political activity. See Annex B Political Organisations [7ae]

For further information on History see Annex A Chronology and Europa Yearbooks, Sources 1a and 1b

5. STATE STRUCTURES

Part I

Part II

Part III

5. STATE STRUCTURES

THE CONSTITUTION

5.1 A new constitution, approved by a popular referendum, was promulgated on 22 November 1976 and has been amended since. [1a] [10] [45] Under the Constitution all discrimination on grounds of sex, race or belief is forbidden. Law cannot operate retrospectively, and freedoms of conscience and opinion, intellectual, artistic and scientific creation, and of expression and assembly are guaranteed. [1a] [24a]

5.2 Citizenship is governed by the Nationality Code of 15 December 1970. [44] [48] People born abroad may become Algerian citizens after seven years residence in Algeria. [13]

5.3 State of Emergency A state of emergency was declared on 9 February 1992 and is still in place. [1a] [10] [11] [12] [24a] This declaration, and subsequent decrees, allowed restrictions on freedom of movement and the power to take restrictive actions against persons or organisations deemed to endanger public order

and security, the normal functioning of an institution, or the supreme interests of the country. [24a] Many of the elements of the 1992 emergency legislation, were incorporated into the Criminal Procedure Code and Penal Code when they were revised in 1995 [26d] including the provisions of the anti-terrorism decree in the Algerian Code of Criminal Procedure. [12]

POLITICAL SYSTEM

5.4 According to the constitution, Algeria is a democratic people's republic, which uses a presidential model. [1a] [10] [45] The President is the head of state and is elected by universal suffrage for a five-year term. [1a] The current President, Abdelaziz Bouteflika, came to power in the last presidential election on 15 April 1999. The President is also responsible for appointing a Prime Minister. [1a]

5.5 The Parliament has two chambers. The elected lower chamber - the Assemblée Populaire Nationale (APN) / al-Majlis al-Sha'abi al-Watani / National Popular Assembly - has 389 members, elected for a five year term in multi-seat constituencies by proportional representation. [37b] [66b] There is universal suffrage. [66b] The upper chamber is the National Council/Senate/majlis el ouma, where two thirds of the representatives are elected by municipal and provincial councils, while the remaining third are appointed by the President. [1a] [45] The country is divided into 48 electoral sections or wilayats, which are further subdivided into dairas and communes. [45] Laws must be approved by the majority of the lower house and three quarters of the Senate. [1a] [45]

5.6 Algeria is a multi-party state, but parties must obtain approval to exist from the Ministry of the Interior. [1a] [6c] Under the constitution the State guarantees the right to form political associations on condition they are not based on differences in religion, language, race, gender or region. [1a]

5.7 Until 1989 the FLN was the only legal party. [1a] The constitution was then amended to allow the formation of political associations, subject to some restrictions. [1a] A law of February 1997 redefined the principles and objectives of political parties. The most important of these was that parties were not to identify themselves specifically with the causes of Islam, Arab or Amazigh (Berber). Criteria for the setting up of political parties were also redefined. [1a] [27a] [66b] Thirty political parties were dissolved on 19 May 1998 for failing to abide by the new rules on political parties. [1a]

5.8 The nationalist establishment is represented in two large parties, the Front de Libération Nationale (FLN) and the Rassemblement National Démocratique and three smaller parties, the Front National Algérien (FNA), the Parti de Renouveau Algérien (PRA) and the Mouvement de l'Entente Nationale (MEN). [12]

5.9 The "Islamic" mainstream which advocates a society based on the Islamic law (shari'a) includes three parties, the Mouvement de la Société pour la Paix (MSP), the Mouvement de Réforme Nationale (MRN) and the Ennadha party. [12]

5.10 The alternative to the establishment and Islamist parties is represented by the Parti des Travailleurs (PT), and two mainly Berber parties - the Front des Forces Socialistes (FFS) and the Rassemblement pour la Culture et la Démocratie (RCD). [12]

5.11 The Front Islamique du Salut Islamic Salvation Front) (FIS) is banned. [1a] [2] [12] In November 2001 the Wafa party was refused legal status by the Interior Minister on the grounds that it was a reconstitution of the dissolved FIS. [1a] [7g]

See Section 6 Political Activists and Annex B Political Organisations

JUDICIARY

5.12 The legal system is based on French and Islamic law. Criminal law is based on the French model, and family and inheritance laws in particular are strongly influenced by Islamic practice. [10] [66b]

5.13 The judicial system consists of the highest court of justice - the Supreme Court in Algiers; 183 courts of first degree - covering several divisions such as a court of state security, and military courts; and 31 appeal

courts, organised on a regional basis. [1a] [10] [23b] [45] [66b] Algeria has a code for personal status cases implemented by the courts of general jurisdiction, there are no separate shari'a courts. [23b] Academically trained judges well versed in the law judge in the area of family law. [13] There are military courts in every wilaya to try military offences. [13] These are also used to try civilians arrested for security-related offences. [29] From February 1993 to February 1995 three special courts existed to try suspects accused of terrorist offences. They have now been abolished. [1a] [24a] [36a] Algeria has not accepted International Court of Justice jurisdiction. [66b]

5.14 An independent judiciary is provided for in the constitution, which also states that trials are public and defendants have the right to legal representation. [1a] [23b] However executive branch decrees restrict the independence of the judiciary, the authorities do not always respect defendants right to due process, and in day to day life there is not always a guarantee of a fair trial. [6c] [10] [11] [13]

5.15 The Minister of Justice appoints judges thus limiting their independence, there is a lack of transparency in cases and the sentencing is based on poor standards of proof, especially in lawsuits against individuals suspected of involvement with armed groups. [12] Judges must complete a year of training at the National Judicial Training Institute. [23b] The solicitor's union is independent in relation to the authorities. [13] There is no financial support but certain types of legal advice can be free of charge. [13]

5.16 In August 2000 the President announced a major reorganization of the judiciary. He replaced about 80% of the heads of the 187 lower courts and all but 3 of the presidents of the 37 higher courts. [6c] [29] Most of the heads were assigned to new locations, however a number were replaced outright. Whereas women previously headed only a few courts, 26 now have female heads. [6c] In August 2001 a further round of changes included the appointment of two woman presiding judges for the first time, 404 more examining magistrates and the dismissal of 16 presiding judges and 25 public prosecutors. [6c]

LEGAL RIGHTS/DETENTION

5.17 The provisions of the anti-terrorism decree of 1992 were included in the Algerian Code of Criminal Procedure in 1995. [12]

5.18 The Algerian authorities announced legislative changes in June 2001 as an important step in bringing domestic law into line with international standards. [26d] They pointed to textual changes to strengthen the presumption of innocence; increase the control of law enforcement agents by the judiciary; bolster the rights of detainees held in the custody of the security forces; limit the recourse to pre-trial detention; and establish the right of an individual wrongfully held in pre-trial detention to compensation. [26d] Amnesty International's (AI) assessment to date is that many of the new safeguards have yet to be translated into practice. [26d]

5.19 Detention provisions In the 1990s random arrests without criminal hearings took place but since 1999 these rarely happen and the detentions that do occur take place within the framework of a criminal inquest. [12] Everyone detained has the legal right to contact family or friends immediately. The maximum period of remand in custody (garde à vue) from detention to appearance before a judge or access to a solicitor is 48 hours. [12] For persons detained for offences perpetrated against state security this duration can be doubled. [12] In cases of suspicion of terrorist or subversive operations the duration of remand in custody can be extended to a maximum of twelve days after obtaining written consent from the public prosecutor. [12] However AI observes that legal safeguards to protect detainees have often not been respected. [26d] In addition to remand in custody (garde à vue) the Algerian legal system also contains the contrôle judiciaire since 1996 whereby the accused is released but has to report to the authorities at set times. [12]

5.20 Pre-trial Detention Changes to the Criminal Procedure Code in June 2001 significantly extended the legally permitted period of pre-trial detention. Previously, anyone accused of a crime, whatever its nature, could be held for no longer than sixteen months while their case was being investigated by the examining magistrate. [26d] Now, those accused of crimes punishable by sentences of at least twenty years' imprisonment can be held for twenty months while their case is investigated by the examining magistrate. [26d] Those accused of "crimes considered to be terrorist or subversive acts" can be held for up to thirty six months; and those accused of a "transnational crime" can be held for up to sixty months. [26d]

5.21 Double Jeopardy Those who are suspected of having committed crimes abroad punishable under Algerian law run the risk of prosecution. Those who are convicted abroad for crimes committed there and who have completed their punishment for such crimes need not fear a new sentence on their return to Algeria.

[10]

5.22 In absentia convictions Persons convicted in absentia by Algerian courts have a right of appeal to a higher court. [5e] The person addressed or the lawyer receive the court's decision judgement in writing. This applies to all offences including terrorism. [13] The appeal must be lodged within one month from the date of the conviction decision. [5e]

5.23 Death penalty Algeria adopted a Penal Code in 1966, retaining the death penalty. [1a] Algerian criminal law includes the death penalty for crimes against the lives of third parties, crimes against state security and economic sabotage. [12] Military criminal law also has the death penalty. The Anti-Terrorism Law of 1992 has also made it possible to impose the death sentence for subversive or terrorist activities for which the Algeria criminal code previously only had the maximum of life imprisonment. [12]

5.24 It has often happened that the death penalty is imposed on armed Islamic fundamentalists who had committed acts of terrorism. [12] In March 2003 a terrorist leader, Mohamed Ferfar, was awarded two death sentences by courts in Annaba. [54f] [54g] In June 2003 five armed group members were also sentenced to death in absentia. [54h] [64b]

5.25 Moratorium However, since December 1993 a moratorium has been enforced on the death penalty. [12] [13] [26c] The last execution occurred in November 1993. [12] After the pronouncement of the death penalty, this punishment is usually commuted on appeal to a life sentence. [12] [26c] In October 2001 115 death sentences were commuted to life imprisonment. [12]

INTERNAL SECURITY ORGANISATION

5.26 The government's security apparatus is composed of the armed forces (army 107,000 including 75,000 conscripts, air force 10,000 and navy 7000); and paramilitary forces of 181,200 - including an estimated 100,000 self-defence militia and communal guards and a gendarmerie of 60,000. (August 2000 figures). [1a]

5.27 All of these elements are involved in counter insurgency and counter terrorism operations and are under the control of the government. [6c] Despite the continued decline from prior years in serious human rights abuses by the security forces there are problems with excessive use of force. [6c] The gendarmerie were also blamed for using excessive force in dealing with the unrest in the Berber area of Kabylie which began in spring 2001. [1a] [6c] [12] See Section 6 Security Forces

5.28 Responsibility for maintaining law and order is shared by a number of organisations, primarily the Gendarmerie Nationale and the Surête Nationale. [4] [10] [14b]

5.29 Police Forces The Gendarmerie Nationale is responsible for maintaining law and order in villages, towns and rural areas; providing security surveillance over local inhabitants; and representing government authority in remote areas. [14c] It has about 60,000 members and is organised into battalions, whose companies and platoons are dispersed to individual communities and outposts. [1a] [12] [14c] It is an armed paramilitary force and works under the Algerian Ministry of Defence, and in close collaboration with the army, to combat terrorism in rural areas. [10]

5.30 The Directeur-Generale Surête Nationale (DGSN) is the national police headquarters organisation. [12] The DGSN (reports to the Ministry of Interior and has about 20,000 members. [12] It maintains law and order in urban areas and performs other routine police functions, including traffic control. [10] [14d] Some ten different subdivisions are responsible to the DGSN. [13] Elements of the DGSN also play a part in counter subversion, and work with customs inspectors at legal points of entry to control illegal activities of undesirable immigrants and contraband traffickers. [14d] The DGSN also includes the riot police who are known as Compagnies Nationales de Securite (CNS) and the criminal investigation department of Police Judiciaire (P.J). [12]

5.31 Local Police Le Corps de Garde Communale (or Les Gardes Communaux [13]), linked to the municipalities, has about 100,000 members. [10] [12] It provides standard policing on a local level and where necessary supports the security forces in the fight against terrorism. [10]

5.32 Local Militias In addition to the local police various local defence militias of volunteer civilians were set

up in the 1990s to protect their neighbourhood against attacks by armed factions. [12] The security forces equip these militias with arms including pistols and rifles. [10] [13] The groups operate within a legal framework and their operations are administered by the gendarmerie. [13] Estimates of the total number of armed militia group members range up to 300,000. [26d]

5.33 Legitimate defence groups (Groupes de légitime défense - GLD) or "patriots" were founded for defensive purposes to compensate for a lack of security forces in isolated areas. They have been accused in the past of exceeding their remit and carrying out killings but no such cases have been reported recently. [6c] [7f] [8t] [10] However, there have been recent reports that state-armed militias have been cooperating in criminal activities with armed groups. [26d]

5.34 Anti terrorism units (Groupes d'Intervention Spéciaux, GIP) number about 20,000 and comprise selected men from the army, Gendarmerie and DGSN. They carry out security related surveillance and control operations and raids against subversive or terrorist groups. Special gendarmerie task forces are sometimes called "Ninjas". [8e] [10] [12] [24a] In addition there is also the republican guard which has 1200 members. [12]

5.35 Intelligence units These operate under the Ministry of Defence but have extensive scope when exercising their duties as follows:

5.36 The Department of Intelligence and Security (Département de renseignement et de la sécurité - DRS), formerly known as Military Security (Sécurité Militaire - SM) is the principal agency for domestic and foreign intelligence activities. DRS operates under the Ministry of Interior but comprises military personnel commanded by an army general who report to the Minister of Defence. [10] [14a] [14b]

5.37 The current Human Rights Watch (HRW) annual report states that In isolated instances, gendarmes, police, and members of government-organised civilian defence patrols were prosecuted for human rights abuses; however, the Military Security agency continued to be above any kind of public accountability for its conduct, notably its torture of suspects under interrogation. [27c] Amnesty International has also stated that the vast majority of cases of torture and secret detention reported in the last two to three years appear to have been carried out in military compounds run by Military Security, which they describe as the most secretive and unaccountable of Algeria's security services. [26d] There are Military Security centres at Ben Aknoun in Algiers and Haouch Chnou in Blida. [26d]

5.38 The Department of Internal Security (Direction de la sécurité intérieure - DSI), and the Department of Documentation and External Security (Direction de documentation et de sécurité - DDSE) operate in support of the DRS. [10] [14a] [14b] [14f]

5.39 The Special Security Service (Service de la sécurité spéciale) is responsible for surveillance, coordinating other security services and government security. [10]

PRISONS

5.40 Conditions are spartan but generally meet international standards. [6c] [12] Algeria has about 35,000 prisoners held in 123 penitentiary establishments under the Ministry of Justice. [12] The prisons in Algiers are Serkadj, Prison d'El Harrach and Berouagghia. The prison in Batna is Tazoult. [13] Problems arise from overcrowding [13] [26c] rather than neglect. [6c] In 2002 there were riots in several prisons, in protest against the prison conditions. These riots included several episodes of arson by prisoners and led to about fifty deaths and forty casualties. [6c] [12] [26c] [27c]

5.41 The Government has improved prison conditions in the past two years. [6c] and has undertaken to reform the prison system. [12]

5.42 In general the Government does not allow independent monitoring of prisons or detention centres. [6c] However, the International Committee of the Red Cross has an ongoing programme of prison visits. [33] These now include visits to police stations under the authority of the Ministry of the Interior and to persons held in remand at Ministry of Defence gendarmeries. [33] HRW and AI commented that visits to detainees held in facilities run by the military- where the most severe abuses were thought to take place- remained off-

limits. [26d] [27c]

MILITARY SERVICE

Background

5.43 Male Algerians are liable for eighteen months conscripted national service between the ages of 19 and 30. The service generally starts in the year they become nineteen. [12] They can receive the draft from their seventeenth or eighteenth birthdays. [12] There is a liability for another six months service as a reservist up to age 50. [12] [36a] [46] The legal basis is the National Service Code NSC). [43] Women are not allowed to do military service. [12] [36a] If an Algerian with dual nationality completes his military service elsewhere he will not be called up in Algeria. [12]

5.44 It appears that many young men have not done their national service especially in the mid 1990s when there was strong resistance to national service and very few young Algerians were willing to do their national service [36a], also some young Algerians were inclined to leave the country. [8n] In 1994 a French newspaper stated that conscripts made up half the numbers of the army and were on the front lines in the fight against the armed Islamic groups. [8n]

5.45 The trend now is toward easing the demands of military service. If the security situation in the country continues to improve, this tendency will likely be maintained, because of public pressure and because the authorities appear to be increasingly so inclined. [11] The possibility of setting up a regular army without conscription is being considered. [12]

5.46 Only some of the male population actually joins the army, since it is not logistically possible to accept every conscript. The army appears to be interested mainly in more highly educated men. [12] With 40% of eligible conscripts given dispensations outright and everyone (with a few exceptions) born in 1978 or earlier eligible to apply for a dispensation, the reach of national service has already shrunk considerably. [11] See also Exemptions of 1999-2000

Conscientious Objection

5.47 There is no provision for conscientious objection in the NSC. [11] [43] [46] Algeria now has no substitute for military service although in 1997 a national service was introduced for those with medical training. [12]

Registration

5.48 Articles 43 to 62 of the NSC deal with the various procedures governing national service recruiting. [43] [46] Before each registration period, there is a media and poster campaign, calling on the young men concerned to register with the local authority for national service. They must register by a given date with the people's community assemblies in the communities where they live. [8n] [11] [12] Algerian embassies and consulates carry out the procedure for young Algerian men living abroad. [12]

5.49 The NSC stipulates that the chairperson of the people's community assembly shall, between 1 January and 1 March, tabulate the names of all those who register. The wali then sends a copy of the tables to the recruitment office. [8n]

5.50 Each registrant is placed in a category. This includes, among other things, whether he is a son who is the sole support of [translation] "an ascendant or a young or disabled collateral relative"; a son or brother of a chahid (a man killed during the war of independence); a son or brother of a soldier; a married man with a child, the holder of a pre-military diploma cum laude or summa cum laude; or a bachelor who is a secondary support of a family of five young children. [8i] [8n] See Exemptions and Deferments below.

Selection

5.51 Those registered are summoned to selection and orientation centres. Articles 64-69 of the NSC include provisions dealing with severely handicapped people, who are exempted from going in person to a selection

and orientation centre. At the selection and orientation centre, those registered are given a medical check-up and are classified as fit, temporarily unfit or permanently unfit for national service. Article 76 states that candidates suffering from grave and irreversible physical or psychological conditions are considered to be permanently unfit for service. Those classified as permanently unfit are released from their military obligations. [8n] [11] [12]

5.52 Conscription orders are sent by the recruitment offices to the people's community assemblies, who must forward them to the individuals concerned at least two weeks before the scheduled enlistment, with a request for an acknowledgement of receipt. This is done by mail. If a person is not at home, the conscription order is delivered to his immediate relatives or to the chairperson of the people's community assembly. [8n] [11]

5.53 If he fails to present himself after the first call-up letter, the person is sent two reminders (not clear within what period of time). If he still does not respond, his file is passed to a military tribunal, which will usually issue a 'notice of search' ("avis de recherche"). This remains outstanding until such time as the person comes forward to appear for a hearing before a military tribunal. Once an "avis de recherche" has been issued, a person cannot legally leave Algeria. [8ar] He cannot obtain a passport, extend his old one and cannot obtain any official document from the Algerian authorities. [12] See Employment and Travel below

5.54 Each call-up notice has a code referring to a general computer file at the recruitment office of the army. Algerian diplomatic missions can authenticate the code and provide information on the validity of the document. It has been stated that there are many false call-up notices currently in circulation and it is very difficult to distinguish valid documents from fraudulent ones. Only the authentication of the code on the call-up notices can validate or not a call-up notice for military service. [8k] [8m] [8n] [8s] [11] [12] See also Military Service Documents below

5.55 The uniform worn by conscripts is the same as members of the regular military forces. [8aw] The rank of Aspirant is given only to those called to undertake military service, and reservists. It is the lowest rank in the hierarchy of subaltern officers. [14e] [18]

The Reserve

5.56 Order 76-111 of 9 December 1976 defines the reserve as being "constituted of all citizens who have finished their active service and are subject to military obligations". Thus, the reserve includes "retired regular and contractual soldiers who were released from the army at their request, as well as all those who have fulfilled their national service obligations". Article 27 excludes certain categories of people: "individuals convicted of criminal offences, and individuals convicted of endangering state security or encouraging desertion or absence without leave". [36a] [46]

5.57 According to order 76-110 of 9 December 1976, the military obligations of Algerian citizens last 27 years and consist of four stages:

1. National service (two years) (18 months military service and a further 6 months availability as reservists);
2. Availability (immediate recall) (five years);
3. First reserve (ten years), and
4. Second reserve (ten years).

[36a] [46]

Reserve Recalls

5.58 1995: Decree 95-146 ordered a call-up of reservists on 27 May 1995. It was the first time since the war of independence ended in 1962 that reservists were being called upon to take part in resolving the country's internal problems. Under this decree, the classes of 1988, 1989, 1990 and 1991 were recalled to serve for a one-year period. It was stated that the Government planned to recall up to 15,000 reservists to maintain security during the 1995 presidential elections. The decree had no provision for keeping the reservists in service beyond the one-year period. [8n] [8al] [11]

5.59 According to two contemporary press reports reservists had previously been recalled on two occasions

prior to 1995, neither of them within the country. One was during the Israeli-Arab war of 1973, and the other was in 1975 when neighbouring Morocco was fighting guerillas seeking independence for the Western Sahara. [9]

5.60 1996: The government issued decree No. 96-311, which stated that "reservists recalled [under the 27 May 1995 decree] can be maintained in active service beyond the recall period". In addition to maintaining these reservists in active service in 1996, the government also reportedly recalled another 10,000 reservists who had done their national service four to eight years earlier. [8n]

5.61 1997: In an interview on 14 October 1997 the military attaché of the Algerian Embassy in Washington stated that the Algerian army did not recall reservists in January 1997. [8d] It is possible that in the autumn of 1997 the government recalled a number of reservists in order to maintain security during the October 1997 municipal elections. However, this procedure has also been described as an important conscription process [8j] while another source stated that in the fall of 1997 the government extended the term of reservists in active service. [8n]

5.62 However, in another interview in January 2000 an Algerian consular official in Ottawa again stated that to his knowledge there had been no recall of reservists in 1997. [8w] A chronology of events concerning military service published by the Algerian newspaper El Watan on 12 February 2000 did not mention any recall of reservists in 1997. [8w]

5.63 1998: Decree No. 98-233 of 18 July 1998 announced that another recall of reservists would start on 20 September 1998. This decree affected the following classes: 1992/4, 1993/1, 2, 3 and 4, and 1994/1, 2 and 3. The recall was for one year, but the 1998 decree, unlike the 1995 one, contained a provision allowing for extensions. [8n]

5.64 Post-1998 There have been no further reserve recalls since 1998. [8a] [8ai] [19]

Postponed Enlistment

5.65 Article 90 of the NSC states that there are two categories of people who are eligible for a postponed enlistment. Those who have a brother who is a volunteer soldier or a conscript in the national service and has not yet finished his term of service; and those who present a "socially significant" reason. The postponement ends when the circumstances justifying it cease to exist. [8n]

Deferments

See also Exemption and Amnesties below.

5.66 According to the NSC, citizens who wish to continue their studies in Algeria or abroad may apply to the selection and orientation centre for a deferment. The application will then be forwarded to the recruitment office, which will decide whether to grant the deferment. The deferment may be renewed until the student reaches the age of 27. The recruitment office must receive the application for renewal by 1 July of each year. Article 100 states furthermore that the deferment will be cancelled if the applicant does not present, immediately after the start of the academic session, proof that he is pursuing his studies. [8i] [8n]

5.67 Under measures published from June 1999 to allow students and others who had not done their national service to regularise their status, students can apply for exemption when they have completed their studies. [8a] [8i] [8o] [8aq] [8ar] See Exemptions below.

Exemptions and Amnesties

5.68 Some people can obtain an exemption from their national service obligation. The regional commissions grant such exemptions. The military authorities and diplomatic missions abroad issue exemption cards to students and others exempted from military service. [8n] It is possible to buy these cards in Algeria for a fee. [8i] Article 93 of the NSC states that an exemption may be granted upon request to a citizen who provides evidence that he is the sole supporter of an "ascendant"; or of a collateral relative who is a minor or disabled; or is the son of a chahid (a man killed during the war of independence). [8i] [8n] [8p] [8aq]

5.69 Deferments and exemptions may also be granted to students. [8i] [8o] See Deferments above

Exemption for Men Over Age 30 at 1 November 1989

5.70 Article 1 of law No. 89-20 of 12 December 1989 states that "citizens who were thirty (30) years of age or older on 1 November 1989 are exempted from national service whatever their legal situation in respect of national service". A representative of the Embassy of Algeria in Ottawa stated in 1993 that the amnesty proclaimed by this law was not permanent, and applied only to people who were 30 years of age or older in 1989. [8n]

5.71 Law No. 89-20 of 12 December 1989 was reportedly adopted in order to avoid various logistical problems associated with the reduction in the length of national service; such a reduction was called for by law No. 89-19, promulgated the same day. In addition, the two laws were intended to signal the Government's waning enthusiasm for national service and were also a response to pressure from Algerians who were chafing at the military's interference in public affairs. [8n] [11]

5.72 Presidential decree 89-226 of 12 December 1989 also dispensed from service all persons born before 1 January 1968 who had not been inducted into service by 15 January 1989, with the exception of persons of higher level education and students. [11]

Exemptions/Regularisation Measures from 1999

5.73 During 1999 and 2000 measures were initiated to regularise the situation of men who had not undertaken their conscription. [8o] [8s] [8u] [8w] [8z] [8aa] [8ad] [8ag] [8ah] [11] [12] The reasons given include the Algerian military authorities wish to relax the requirements for military service, the high cost of military training, overpopulated barracks, and the situation of young men who are unable to obtain official documents and obtain employment. [8u]

5.74 By February 2001 25,000 registrations had been made from abroad. If everything is found in order the applicants finally receive a dispensation document (carte de dispense). If they are staying abroad they can apply to the consulate and fill out an application form. They can return to Algeria subsequently without a problem with a carte de dispense and a passport. [12]

5.75 Two decrees were issued around June 1999, and a further decree on 13 September 1999 by which the Algerian military authorities could regularise the status of people aged 27 years or more at 31 December 1999. [8o] [8s] [8u] [11] [12] An earlier measure also applied to students born between 2 November 1959 and 31 December 1960. [8o]

5.76 Extensions of the regularisation measures An extension was reportedly announced in July 2000 to extend the scheme to men born between 1 January and 31 March 1973. [8w] [8ad] A further extension applied to people born before 31 December 1978. [8af] [8ag] [11] [12] [19] The latest information notified by instructions on the website of the Embassy of Algeria in London states that the arrangements apply to those born before 31 December 1980. [21]

5.77 The published exemptions remain in force for people born before these dates and can still be applied for. [8au] [12] [19]

5.78 Eligibility The effect of the system was to allow for exemption from service for:

- Those who had deferments or who had been called to service (ordre d'appel)
- Those who had submitted applications for dispensation from service
- Those who had not yet been called to service or invited to undergo a medical examination in relation to service
- Those who had not responded to an invitation to undertake a medical examination
- Those against whom there was a charge of draft dodging (objet d'une plainte en insoumission) - but which presumably had not yet been adjudicated. [8ag] [11] [12]

5.79 The following are not eligible for the measures:

- Those subject to a "wanted notice" (avis de recherche)
- Deserters (to 55 years) [8s] [8z] [8ae] [8ag] [8ah] [11] [12]
- Doctors [8s]

5.80 Procedures The administrative procedures to be followed for Algerian citizens living abroad have been publicised and require the person to apply to the Embassy of the country where they are living and present a completed application form, a birth certificate, and two recent photographs. [8s] [8ad] [8ag] [8ar] [11] [21] Lists of those living abroad who have been granted exemption are published by the Embassy of the country concerned. [8u] [8ag] [11] [17] [21]

5.81 Evidence of identity has to be presented with the application form. This can be a passport, ID card or driving licence. [8ar] [17] [21] A French academic and commentator on Algerian affairs stated that it would seem the regularisation measures are gradually being implemented: the Algerian press regularly publishes notices from the MDN (Algerian Ministry of Defence) ordering young people who have not done their national service to report for regularisation of their status. [8u]

Employment and Travel

5.82 Article 8 of the NSC states that citizens whose national service status is not in order are ineligible for jobs in both the public and private sectors. [8n] [8ag] [11] [20]

5.83 Algerians who want to obtain a passport or an identity card have to submit a document attesting that they have been registered for national service or granted a deferment or exemption. [8n] [8ag] [11] [20] Young Algerians who are liable for military service cannot leave the country before fulfilling their military obligations, although special permission may be granted to students and people in exceptional family circumstances. [8n] [8ag] [11] [12] However, an Algerian consular official stated in April 2002 that not having regularised one's position is not in itself an obstacle to renewing an Algerian passport. [8ar]

Documents relating to Military Service

5.84 The following documents are used:

Ordre de convocation (convening order)	A document that requires the young persons whose names are on the national service lists to appear at specified locations to undergo their medical examination. [8s]
Ordre d'appel (order of assignment)	A document for persons called into active service. It is written in French. The order is a white printed 21x27mm form. It bears the letterhead of the competent military authority and includes the following information. First name and family name of the person concerned, with the names of their parents, address, class, assignment unit, date, signature date on which the document was created, and, stamp of the authority that generated the document. It may be typed or completed by hand by the regional recruitment office. [8m] [8s] [8v]
Ordre de (mis en) route	A travel document that allows military personnel to have free transportation to the military barrack to which they have been posted. [8f] [8s]
Carte de dispense (exemption card)	Light green and has an identification photograph. [8s] [8af] It is written in Arabic and shows the name, first name and place of birth. It specifies the type of deferral. Everyone who has benefited from the latest regularisation measures receives an exemption card. [8af]
Deferral card (document de sursis)	Formerly yellow, the card is now the same colour as the exemption card, i.e. light green, and also includes a photograph of the holder. The deferment is renewable every year until the end of the person's studies. Once the studies are finished the person can ask for an exemption card. [8af] Sometimes the document is printed on standard paper rather than in the form of a card. [8at]
Discharge document (carte militaire or livre militaire)	Given to conscripts who have finished their service. This is not a card, but a military record comprising four to five pages. The cover is clear. It contains a photograph of the holder as well as information about their military situation, rank etc. The military notebook is written in Arabic. [8ab] [8ap]
Registration card (carte d'immatriculation)	Card issued by the Algerian authorities to persons who have registered for military service and can apply for exemption from military service under the exemption rules. [8ap]
Recall order (ordre de)	A document that applies exclusively to reservists. [8s]

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5.85 Documents related to national service are national documents that are identical for all regions of the country. With the exception of the ordre d'appel (order of assignment), all documents have been written in Arabic since January 1999. [8s]

Penalties for Draft Evasion and Desertion

5.86 The 1971 Military Penal Code sets out the scale of punishments below. Algeria has been in a declared state of emergency since 1992, therefore the wartime scales are liable to apply. [36a] No distinction is drawn between conscripts and professional soldiers. For officers the penalties are heavier. Draft evasion is defined at Article 16 of the NSC - "Any citizen called up to fulfil his national service obligations and who has been duly notified by a call up order is deemed to have evaded call up if, in the absence of a compelling reason, he has not presented himself at the place designated for his induction 30 days after the date given by the call up order mentioned above." [46]

DRAFT EVASION

Peacetime	Wartime
3 months-5 years	2-10 years

DESERTION

The various penalties for desertion depend on whether the deserter fled within the country, went abroad, or deserted to the enemy, and whether the deserter was alone or in a group. Deserters still have to complete the remainder of their interrupted service period after serving their prison sentence. [12]

Desertion within the country

Peacetime	Wartime
6 months- 5 years imprisonment	2-10 years imprisonment

Desertion in the country with others

The penalties for desertion in the country are the same for officers and soldiers, but in addition officers may also be discharged.

Peacetime	Wartime
1-10 years imprisonment (See Footnote)	5-15 years imprisonment

Desertion abroad

Peacetime	Wartime	
Soldiers	Soldiers	Officers
2-10 years imprisonment	5-10 years imprisonment*	10-20 years imprisonment* 20 years imprisonment*

Desertion abroad with others or with arms

Peacetime	Wartime	
Soldiers	Soldiers	Officers
5-10 years imprisonment	10 years imprisonment*	life imprisonment* Life imprisonment*

Desertion as an armed group

Peacetime	Wartime	
Soldiers	With Collusion	With arms
10-20 years imprisonment* 20 years imprisonment*	life imprisonment*	Death penalty

Desertion to the enemy

Death penalty

Desertion in the presence of the enemy

Soldiers

10-20 years imprisonment*

Officers

life imprisonment*

* with forced labour

[36a] [46]

Footnote: Source 36 states 1-10 years, source 46 states 1- 6 years

Military Service Personnel

Absence Without Leave - Conscripts, Reservists and Deserters

5.87 Various punishments for absence without leave are liable. See Penalties for Draft Evasion and Desertion above.

5.88 **Draft Evaders** Article 16 of the NSC provides that if a conscript who has received his joining orders does not appear at the designated site within 30 days of the indicated date, he will be considered to be absent without leave, unless the delay was caused by circumstances beyond his control. Such individuals are sought by the Gendarmerie nationale. Such persons may enter Algeria but will only be able to leave again when their national service position is regularised. [8u]

5.89 In 1996 a paper by the Swiss section of AI stated that "in the prevailing climate ...the risk of torture is high, owing to the fact that deserters and call up evaders are easily taken for supporters of Islamic movements. [46] Also, a 1998 report by War Resisters International stated that on the one hand conscripts are threatened with death by the armed Islamic groups and on the other they face long prison sentences if they desert or refuse to perform military service. [36a]

5.90 However, more recent reports state that absentees are not treated so harshly by the authorities as in the past. The Algerian authorities informed the Canadian Embassy in Algiers in March 1999 that people suspected of being absent without leave are arrested by the police and immediately brought before a military tribunal which "is free to decide the punishment for the individual," according to the law. They stated that absence without leave is not considered to be a major issue by the Algerian authorities: those convicted of this offence are usually sent to their units to do their national service. [8n]

5.91 The same source quoted two Algerian human rights organizations - the Observatoire national des droits de l'homme (ONDH), which is linked to the state, and the Ligue algérienne des droits de l'homme (LADH). They have stated that they have received no complaints regarding torture of deserters and draft evaders. Both these organisations also indicated that the situation today is considerably different from what it was in the 1970s, when soldiers who were absent without leave might have been treated more harshly. [8n]

5.92 A professor specialising in Algerian military affairs at the Centre d'études et de recherches internationales in Paris, also believes that young Algerians who return to Algeria are not tortured if they have not fulfilled their military obligations. [8n]

5.93 A country visit report prepared for the Canadian immigration authority in 2001 also stated that the tendency is for draft evaders to receive more lenient sentences, especially for those who merely sought to avoid doing their service, and the latter are therefore often only sentenced to do their normal service term. [11] At a seminar in June 2001 it was also stated that there is no more persecution of draft evaders. [41]

5.94 Another recent country report also states that men who are not exempt from the national service regularisation measures described above (See Exemptions/Regularisation Measures from 1999) and who have evaded their military service by going abroad are detained on their return, handed over to the military authorities and sent to carry out their conscription. Unlike other new conscripts they are deployed away from their home area and are not allowed any visitors. There is no punishment. [12]

5.95 UNHCR have stated they are not aware of the authorities using excessive or inhumane or discriminatory

treatment in the case of deserters and draft evaders. [24d] See UNHCR section

5.96 Deserters After serving their prison sentence (see Penalties for Desertion and Draft Evasion above) deserters still have to fulfil the rest of their interrupted time in military service. [12]

5.97 A country visit report of 1999 states that deserters are dealt with much more severely than draft evaders and it is not known how the authorities are presently deciding deserter's cases. [11] Another recent country report of 2003 stated that as conscripts are used in conflicts with the armed opposition, the desertion rate is high, and deserters are punished in accordance with military legislation. [13]

5.98 However, at a country information seminar in June 2001 organised by UNHCR/ACCORD one of the speakers considered that deserters were at risk of torture on return as they would be considered to have broken the law of silence regarding past atrocities by the security forces. The seminar report disclaimer stated that "The views and opinions stated in this report do not necessarily reflect the views of the organizers of the workshop. This paper is not, and does not purport to be, fully exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum". [41]

5.99 Reservists. It appears that many men did not respond to the various recall notices to the reserve in the 1990s. Although such men are liable for the same punishment as those who do not answer the draft call. [8w], reservists who have been recalled and fail to present themselves at the place where they have been assigned are not sought by the Algerian authorities. [8g] [8u]

5.100 According to a researcher with the Centre des hautes études sur l'Afrique et Asie moderne in Paris the application of the law on national service seems rather flexible. The researcher stated it is possible to raise questions about the application of the punishments because some people who have not answered the recalls have been able to continue their activities without being worried by the Algerian authorities. [8w]

Threat to Military Servicemen from Terrorists

5.101 Between 1993 and 1995 Islamists put up posters in mosques threatening to kill young Algerians who reported for military service and the deaths of hundreds of such draftees was reported around 1994. [8n] Several human rights reports referred to the position of draftees who felt caught between the military authorities and the terrorists. [36a] [46] Most newspaper reports of such cases are dated 1994 and 1995. However, there were still occasional reports of young men who have just finished their military service being the victims of terrorist attacks. [8n]

5.102 It has been claimed that a number of measures taken by the Government have diminished this type of Islamist activity and that the "terrorists" mainly launch general attacks against the civilian population in the regions rather than targeting specific individuals. [8n] A country report by the Dutch immigration authorities states that there is generally no sign at present of violence against conscripts who had just completed their military service and returned to civilian life, or who are just about to start their military service, in contrast to the first years of terrorism. [12]

5.103 However, the GSPC armed group, targets the military and conscripts within its areas of operation. [7i] [8z]

See also Armed Groups and Annex C Main Armed Groups

MEDICAL SERVICES

5.104 The standard of medical provision varies regionally. [13] [22] [54b] Most of the population lives in the towns and health provision is concentrated there. [13] [22] [54b] There was underinvestment in the late 1990s leading to a fall on standards. [10] There are also private clinics. [13]

5.105 A major restructuring of the healthcare and hospital service by 2010 was set out in the annual report of the Algerian Ministry of Health issued in April 2003. [22] Measures include improvements in the level of care outside main cities especially in the south of the country, and in hospital management and personnel administration. [22]

5.106 The right to free healthcare instituted in 1974 was abolished in 1995. In fact since a ministerial order in 1997, patients now have to pay a 14% tax on the total cost of the healthcare dispensed, in particular for medico-surgical and paramedical services. The State nevertheless continues to provide assistance to the poorest categories of people who do not have any professional or private health insurance (e.g. social security) cover. [10] Government expenditure in 2000 on public health was 3% of GDP. [15a] [23a]

5.107 There is an agreement between France and Algeria for gravely ill patients who cannot be treated in Algeria to be treated in France. [13] There is also an agreement between Belgium and Algeria that three hospitals in Brussels receive Algerian patients for treatment. This applies to people who are suffering from heart and vascular disorders, gravely ill children and injured soldiers. [13] In both cases the Algerian authorities are responsible for the costs involved. [13]

5.108 There is also a bilateral medical agreement between South Africa and Algeria. [71] The agreement covers a number of areas including training, blood transfusion and drug quality control. [71] A team of cardio-thoracic doctors visited Algeria from South Africa in September 2003 to carry out heart operations. [71] Algeria's public hospitals handle some 4500 heart treatment a year, while about 500 other cases are sent abroad. [71]

5.109 In the World Health Organisation (WHO) survey in 2000 Algeria ranked 81st out of 191 countries surveyed in health system performance (the UK was 18th). [15b] The UN Human Development Programme (UNDP) Report 2003 placed Algeria in 107th place out of 175 countries in its Human Development Index. [23a] Life expectancy in 2001 was just over 69 years. [15a] [23a]

5.110 The Algerian Ministry of Health and Population publishes medical data. [22] This includes lists of regional and specialist hospitals and numbers of medical personnel in the public sector. [22] The information published in their report of April 2003 shows 1 doctor per 967 inhabitants, and a threefold increase in the number of polyclinics since 1990, leading to a current ratio of 1 polyclinic per 61 inhabitants. [22]

5.112 It was reported that the annual Ministry of Health report in April 2002 stated the most common diseases in Algeria include water and animal borne diseases, cancer, and cardiovascular conditions. [54b] Renal diseases are increasing and insufficient dialysis is available. [54b] However fifty haemodialysis centres are to be set up by 2003. [56a] Diabetes is also a chronic disease, which is growing. [54b] In 2000 there were between 1.2 million and 1.4 million diabetics in Algeria. [54b] The incidence of tuberculosis is 60 cases per 100.000 and anti-tubercular drugs are available. [64a]

5.113 HIV/AIDS At end-2001 WHO figures showed that about 13,000 persons in Algeria were HIV-positive. Of these about 501 had AIDS. [16] From figures reported on World AIDS day (1 December 2002) a further 159 AIDS sufferers had been identified in that year, bringing the total infected with AIDS to 561. [55b] Six referral centres have been established for AIDS treatment, including Algiers. Treatment is free. [5b]

5.114 Mental Health There has been an increase in mental health problems due to the violence and in 2001 the Ministry established a national programme for neighbourhood mental health care. [54b] As observed in 2003 that state programmes for psychological aid to victims of violence are few. [26d] There are 10 psychiatric hospitals in different parts of the country. [20] Psychiatric services, including cover for psychiatric emergencies, are available within the public sector. [5d] There are 1.1 psychiatrists per 100,000 population (compared with 11 in the UK). [15c] Mental health is a part of the primary health care system. [15c] Actual treatment of severe mental disorders is managed in hospitals. [15c] Most psychiatric patients are managed as out-patients, and in Algiers there are two specialist psychiatric hospitals, as well as a department of psychiatry in general hospitals. [5d]

5.115 A wide selection of medication, including Sulpiride, is available free of charge to psychiatric patients treated within the public sector in polyclinics and hospitals. [5d] According to a WHO survey in 2001, other therapeutic drugs that are generally available at primary health care level are: Carbamazepine, Ethosuximide, Phenobarbital, Phenytoin sodium, Sodium Valproate, Amitriptyline, Chlorpromazine, Diazepam, Fluphenazine, Haloperidol and Levodopa. [15c] Biperiden and Carbidopa are not available and the availability of Lithium is unknown. [15c]

5.116 The annual report of the Ministry of Health published in April 2003 states that a large proportion of mental health cases are due to a range of neurotic and psychotic conditions. [22] The effect of the violence in the country has had serious repercussions on children. [22]

5.117 NGOs (Non Government Organisations) The International Committee of the Red Cross (ICRC) and

the Red Crescent run programmes providing psycho-sexual support for women and child victims of violence. [33] Unicef has set up a special aid programme in collaboration with the Algerian authorities for children traumatised as a result of terrorism. [12] The ICRC intends to set up a permanent office in Algeria. [33] Independent associations exist with poor resources to help victims of violence with psychological rehabilitation, such as Chrysalide, a group working primarily on the rehabilitation of children who have been exposed to violence. [26d]

5.118 Disabled persons 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 orthopaedic equipment, and some NGO's receive limited government financial support. [6c]

EDUCATIONAL SYSTEM

5.119 Education in the national language (Arabic) is free and officially compulsory between ages six and fifteen. [1b] [6e] Primary education begins at age six. Secondary education begins at age twelve and lasts for up to six years (comprising two cycles of three years each). [1b] The total enrolment ratio in 2000-1 was 71%. [23a] UNDP reported that the adult literacy rate in 2001 was 67.8 %. [23a]

5.120 In 2000 the government launched a major review of the education system. [6e] Priority is being given to teacher training, to the development of technical and scientific teaching programmes, and to adult literacy and training schemes. [1b]

5.121 There are two hundred specialised higher education establishments, seven university centres and ten universities in different parts of the country. [10]

6. HUMAN RIGHTS

6A. HUMAN RIGHTS ISSUES

Part I

Part II

6. HUMAN RIGHTS

6A HUMAN RIGHTS ISSUES

OVERVIEW

6.1 Algeria has been subject to ongoing internal violence for years. [1a] [6a] [12] [24a] [26c] [26d] [27c] President Bouteflika has stated that about 100,000 people were killed in the internal violence of 1992-2002. [1a] Conflict between armed terrorist groups, which arose in the 1990s, and the security forces have led to thousands of killings of terrorist and security personnel and also among the general population, which has been subject to attacks, killings, bombs and abductions. [1a] [6a] [6c] [24a] [26c] [27c]

6.2 The US State Department Report for 2002 observed that despite the decline in security force abuses from previous years the human rights situation remained generally poor. [6c] There continued to be problems with excessive use of force, increased restrictions on freedom of expression and failure to account for past disappearances. [6c]

6.3 Human rights groups have continued to draw attention to the human rights situation in Algeria and call for measures to monitor and improve the situation and deal with past injustices. [26a] [26b] [26d] [26e] [27c]

They condemned Islamic groups, government agents and security forces for the killings. [5c] [6c] [7a] [11] [26b] [27a] [27b] [27c]

6.4 There has been a shift in the past few years in the pattern and intensity of the violence. The overall security situation has improved as the security forces have largely brought the security situation under control and forced the insurgents out of the main cities into the countryside. [1a] [6a] [6c] [6e] [8w] [8y] [8ac] [11] [12] [13] [27c] The Algerian authorities are in control of the vast majority of their territory. [11] [12] As most people live in towns, many having voluntarily relocated for personal security reasons, the terrorist attacks are not a major feature of most people's day to day lives. [11] [12] Part of the violence can also be blamed on common banditry, whereby the perpetrators (often under the guise of Islamic ideals) increase their own welfare by force of arms. [12] Recent statistics indicate that crime has increased and is forecast to rise. [54e] In 2001 about 60% of crime related to contraband, and 22% to drug trafficking. [54e]

6.5 Reports also state that the general population is increasingly disillusioned about lack of progress in improving security, living standards and unemployment. [5a] [7s] [11] [12] [26e] [27c] [37a] [47] Social unrest among the population has become apparent in riots over local and general grievances, which are assessed to stem from frustration about socio-economic standards as well as cultural and ethnic issues. [1a] [7a] [8u] [11] [12] [26d] [27c] [47] [54i] [57b] [67c] See also Events in Kabylie and Economy

6.6 Responsibility for the killings and disappearances of the past remains largely unresolved. [11] [26c] [26e] [27c] Some personal testimonies by former French and Algerian officers have been publicised in the past two years. [1a] These include *La Sale Guerre (The Dirty War)* a book published in February 2001 in France by a former lieutenant in the Algerian army, Habib Souaida, who had taken refuge in France. He presented what he claimed to be first hand accounts of military operations and massacres against the population by soldiers disguised as terrorists, and the routine torture of suspected Islamists by the army. The Algerian authorities condemned the book. [1a] A charge of libel against the author, brought by a former Algerian general, was dismissed by a French court. [12] [26c]

6.7 A country report prepared for the Canadian immigration authorities in 2001 observed that there is now no single group that is being persecuted in Algeria. The report stated that what does exist in Algeria is discrimination. As in many societies, this can range from subtle to overt forms in relation to one's status in society or to one's education or to some other casual categorization. It can affect a person's access to employment, education, housing, benefits and so forth. Most of the discrimination is unofficial, although in some matters, for instance pertaining to women, laws exist that could be viewed as discriminatory. [11]

6.8 Against the backdrop of the formal state structure the armed forces play an important role in Algerian politics and continue to influence government policy. The military's continued influence in government matters constrained citizens from exercising to the fullest possible extent the right to change their government. [6c]

6.9 This conservative faction is often called the "Pouvoir" and is considered by many to be the real power in Algeria. [12] [26d] It consists of a number of senior men from the higher echelons of the army and intelligence services who played a prominent role in the war of independence against France. [1a] [6c] [7a] [8u] [11] [12] This group also controls much of Algeria's oil and wealth, as well as many private sector monopolies. [29]

SECURITY FORCES

6.10 **Extrajudicial arrest and detention** The police are empowered to hold criminal suspects incommunicado for 48 hours, which can be extended up to 12 days under the anti-terrorist law. The police must inform suspects of the charges against them. [10] [12] The country US State Department report considers that the security forces generally adheres to these limits although long term pre-trial detention and trial delays are problems. [6c] Ai considers that legal safeguards which should protect detainees and have been in place for years are generally not respected. [26d] The issue of a warrant of arrest is often not carried out. [13] See Section 5 Legal Rights/Protection

6.11 Reports of the number of persons being detained and held incommunicado by the security services have fallen in recent years. [11] [12] However, human rights reports refer to a recent increase in cases of prolonged detention by the security forces contrary to legal procedures. [6c] [26c] [27c] In such cases the individual is often reported as missing until he is returned to his family. [6c]

6.12 A country report prepared for the Canadian immigration authorities in 2001 stated that, according to most

interlocutors and judging from what evidence there is available, it is unlikely that any Algerian is at risk of disappearing, much less of being executed summarily, by the authorities, except in cases involving a threat to security or a case of excess on the part of members of the security services. [11]

6.13 Torture and violence Several reports state that, although prohibited by the Constitution and legislation, the security forces have committed extrajudicial killings, tortured, beaten or otherwise abused detainees, and arbitrarily arrested and detained, or held individuals incommunicado. [6c] [11] [12] [13] [26c] [27c] [41] However, in general such abuses continued to decline and reported incidents of torture by the security forces are now substantially fewer. [6c] [11] [12] [13] [27c] [29] However, victims may hesitate to complain for fear of reprisal. [6c] [12] [26d] HRW consider that the pattern of violations suggested that any decline was caused more by the drop in political violence than by stronger safeguards against abuse, and that prisoners are still at high risk of being tortured by their interrogators. [27c]

6.14 The risk of maltreatment or torture is greatest for people suspected of membership of, or sympathy with, armed groups in the context of the Government's continued battle with terrorism. [6c] [11] [12] [13]

6.15 Some security forces also committed serious abuses in connection with riots and demonstrations in the Kabylie region. [1a] [6c] [12] [26b] [26c] [26c] [27c] [29] See Events of 2001-2003 in Kabylie. In the past most killings by the security forces occurred in the context of the battle with armed groups [6c] but about 71 civilians were killed by security forces in 2002, the majority during protests in the Kabylie region. [6c]

6.16 Torture Methods Reported torture methods include severe beatings, including on the soles of the feet ("bastonnades") including with rubber hoses and sticks; forcing dirty water, urine and/or chemicals down a victim's throat to the point of choking ("chiffon"); the "chalimeau" (blowtorch) to burn parts of the body; electrical shocks to the body; placing lighted newspapers on the body; insertion of glue, or bottles, sticks and other objects including firearms in the anus; suspending the detainee in a contorted position; and sexual assault. [12] [26d] [27b] [27c] [28] [41]

6.17 Government response The Government maintains that the security forces resort to lethal force only in the context of battles with armed terrorists. [6c] The government also contends that as a matter of policy disciplinary action is taken against soldiers or policemen who are guilty of human rights, and that some disciplinary action was taken during the year. [6c] [12] Some officers have been brought to trial and disciplined for their actions in Kabylie. [1a] [27c] (see Events of 2001-2003 in Kabylie)

6.18 Although the Government does not routinely release details of such cases, in 2000 government officials reported that between 350 and 400 security officials had been punished for human rights abuses. [6c] The Algerian Ministry of Justice has kept diverse international human rights organisations informed of criminal prosecution against members of security services and Groupes d'Autodéfense on the grounds of human rights violations since 1992, without however providing detailed information. [12]

6.19 Preventive Measures The head of the security forces told a national newspaper in July 2001 that changes were needed to improve training and culture. He said that security forces frequently breach the law and he attributed that to the lack of education and culture within the force and to recruitment without respecting criteria and conditions. This had led to the dismissal of over 1700 policemen in 1997 of whom over 280 were tried. [67a] In September 2002 the head of the Gendarmerie also announced a reorganisation policy, including a purge of those implicated in abuse during the Kabylie riots in 2001. [59a]

6.20 Since 2000 judges have to include in their judgement the behaviour of Police Judiciaire (PJ), the officers who interrogate suspects when they first are arrested, towards the suspect in custody. [6c] [12] Also at the end of the custody a medical examination of the suspect has to be carried out. [6c] [12] Public prosecutors occasionally inspect the detention centres where suspects are held. [12]

6.21 Human rights awareness has become an integral part in the training of police and gendarme officers in recent years. It is usually given in cooperation with foreign - usually French - police. [12] The ICRC has assisted with instruction of International Humanitarian Law for the country's armed and security forces. [33]

6.22 Members of Security Forces A 1994 report stated that members of the police force wishing to be discharged must have their resignation approved by a special police commission and leaving the force without authorisation can incur punishments ranging from a fine to imprisonment. [8a] However a recent country report stated that the police can leave the service without a problem by giving notice. [13] From a general point of view, police who leave their job without having formally given notice do not normally risk a penalty of imprisonment and are not generally regarded as deserters. [13] However, officials who have had access to

confidential information, such as policemen in the secret service, are in a different situation. Policemen seeking asylum in this category may risk a penalty of imprisonment if they return. [13] Police prove their identity by means of a service card, which is withdrawn on leaving the service [13] The profession of policeman is a coveted job with relatively good wages. [13]

6.23 The local police have more restricted powers than the other police groups. [13] A 1999 report stated that the police force is considered less important than the Gendarmerie and is the lowest paid in the security forces in Algeria. Also it is unlikely that the authorities would search for a police candidate who failed to report after he had made the list of successful candidates and called for duty. [8q]

6.24 Members of the security forces are often killed by armed groups in the course of their anti-terrorist operations, at the rate of one to two every month. This is in part because they are representatives of the state and in part because they have desirable weapons and identification papers. It is extremely difficult to obtain firearms in other ways as there is no large black market in weapons. [13]

6.25 Local militias - patriots/communal guards AI in 1996 and other reports claim that these militias deliberately killed individuals who they believed were terrorists, and that they either act with the security forces, or sometimes abuse their power, and take action on their own initiative. [7f] [8t] The Algerian authorities have said that security forces would be tried for human rights abuses. [6c] There have been no recent reports of pro-government militia killing civilians as there had been in the past. [6c] However, in December 2002 the army disarmed about 250 patriots who had been complicit with armed groups in the Saïda, Chlef and Relizane. [65a]

ARMED GROUPS

For more details on armed groups and areas of operation see Annex C Main Armed Groups

6.26 Since the cancellation of the elections in 1992 and the banning of the FIS political party which was poised to win it, several Islamic armed groups have been operating in Algeria. [1a] [6a] [6c] [10] [11] [12] [24a] [24b] These groups have carried out attacks on various categories of persons and the civilian population, issued death threats and subjected their victims to kidnap, rape and other forms of torture. [1a] [6a] [6c] [24a] [26c] [27c]

6.27 President Bouteflika has said that over 100,000 people were killed in the violence of the 1990s. [6c] About 1386 civilians, terrorists and security force members died during 2002. [6c] Deaths at the hands of armed groups decreased by about 30% from 1124 in 2001 to 782 during 2002. [6c] Killings continue to take place at the rate of about 100 to 150 a month. [5c] [13] [26d] [27c] compared to about 200 a month during 2001 [66a] and 200-300 a month during 1999 and 2000. [26d] The authorities continue to mount anti terrorist operations. [6c] The Algerian authorities are in control of the vast majority of their territory. [11] [12]

6.28 The main groups operating now in Algeria are the Armed Islamic Group (GIA) (Groupe Islamique Armé) and the Salafist Group for Call and Combat (GSPC) (Groupe Salafite pour la Prédication et le Combat). [1a] [6a] Both are proscribed organisations in the UK under the Terrorism Act 2000. The Islamic Salvation Army (AIS) (Armée Islamique du Salut) no longer exists (see Civil Concord Law below) A number of other groups have also emerged. See Annex C Armed Groups

6.29 Both the GIA and GSPC are alleged to have links with Al Qa'ida. [1a] [7z] [13] [41] [61a] About 2800 Algerians are estimated to have passed through al Qa'ida camps in Afghanistan making Algerians the third largest contributor of manpower to the group after Saudi Arabia and Yemen. A number of Algerians have been convicted of terrorist operations in Europe and North America. [1a] [7z]

6.30 The motives for the current killings by armed groups in Algeria are attributed to the Islamic ideological struggle, but some of their activities are criminal rather than political such as "turf wars" between rival groups, revenge banditry, land grabs, committing robberies or operating protection rackets. [6c] [8z] [11] [12] [26d]

6.31 The types of attacks now committed by the GIA include apparently indiscriminate attacks and killings. [6c] They also ambush intended victims by mounting fake roadblocks. [6c] [8y] and threaten individuals (such as shopkeepers and entrepreneurs) in dangerous regions. [8z] The GIA also kidnap women for servitude and rape. [6c] [7i] [8z] In the early and mid-1990s the GIA made specific threats against many categories of people who they considered anti-Islamic such as members of the security forces and women who wore

western dress. [24a] However, there are no recent reports of attacks being conducted on account of lifestyles that conflict with "Islamic values". [8av]

6.32 The GSPC armed group targets security force infrastructure and personnel, rather than civilians. [7i] [26d] A report in 2000 stated that young men of conscription age can be subjected to threats before they do their national service [8z] but more recent reports state that there is no widespread threat to conscripts who have done, or are about to undertake, their national service. [12] See Threat to Military servicemen from Terrorists The GSPC are suspected to be responsible for the kidnapping of a number of foreign tourists in the Algerian Sahara in early 2003. [7ac]

6.33 The violence takes place primarily in the countryside and smaller towns as the security forces have largely forced the insurgents out of the cities. [1a] [5a] [6a] [6c] [8w] [8y] [8ac] [11] [12] [13] except in the strongholds of the armed groups. [8z] Cities such as Algiers, Oran and Constantine are surrounded by police forces. Terrorist violence has decreased enormously and attacks occur more and more rarely in comparison with the difficult years of the 1990s. [13]

6.34 According to one former policeman who contributed to a recent country report, the backbone of organized terrorism has been broken. [13] The groups are now fewer and worse equipped than before. They do not have the same effectiveness they once had. It should normally be possible to avoid threats by armed groups by the person concerned going to any of the largest cities which are considered as safe. [13]

6.35 Membership of armed groups Reports about the number of terrorists who remain operational vary from several hundred to several thousand [6c] [7z] [8z] [8am] [13] [25b] [26d] [61a] [62a] [68a] Government forces are reported to be mounting operations against them and regular reports of armed encounters with the security forces and terrorist attacks on the population and military targets continue. [6a] [6c] [7i] [7v] In the short term there is nothing to suggest that the armed groups now operating will lay down their arms. [8z] [13]

6.36 Recruiting to armed groups is said to be done through family ties. Where there are no mountains in which to hide, armed group members may hide out in villages. The villagers are then forced to observe secrecy by means of threats of violence, and give provisions to them. [13]

6.37 Civil Concord Law The Civil Concord Law of 1999, which was endorsed by a referendum of September 1999, led to the offer of an amnesty for terrorists who had not committed murder, rape and bombings. [1a] [11] [12]

6.38 Shortly before the expiry of the amnesty in January 2000 one of the main groups, the AIS, and another smaller group, the LIDD, reached agreement with President Bouteflika and disbanded with unconditional amnesty terms. [1a] [7a] [7b] [12] They had been observing a unilateral cease-fire since October 1997. [1a] Members of the AIS who took advantage of the amnesty were reported to be integrated into the army. [1a] Subsequent reports suggested that some had returned to fight with the armed groups [7f] [26c] There was also resentment by some victims of the violence and their relatives at the apparent impunity that had been extended to terrorists. [7a]

6.39 No official account of the response to the Civil Concord Law and presidential decree has been issued. [7e] [26d] The GIA and GSPC turned down the plan from the start. [12] However a number of individual terrorists availed themselves of the offer. Estimates of those who surrendered initially include more than 8000 according to a leaked report [62a], and about 5500 from AI and HRW, quoting government sources, to 7000 by a former defence minister. [7e] [26a] [26d] [27c] It was estimated by some sources that just over 1000 were from the AIS and the Islamic League for the Call and the Combat (LIDD) - groups associated with the 1997 ceasefire. [7b] [7e] [26a] Although Government officials told AI in May 2000 that judicial proceedings had been initiated against some 350 people who surrendered under the Civil Harmony Law, it is not known whether any of these have been convicted of human rights abuses. [26d]

6.40 President Bouteflika has said that the amnesty is still available to those who want to give up terrorism although there is apparently no formal extension of the Civil Concord Law. [7c] [26b] [26d] According to an EU report in December 2001 although the amnesty formally ended on 13 January 2000 in practice it is still open. [51] AI noted that hundreds more armed group members appear to have been granted exemption from prosecution on an arbitrary basis, despite the possibility that they have committed human rights abuses which may amount to crimes against humanity. [26d] Consistent reports indicate that individuals or groups of individuals who gave themselves up after the expiry of the amnesty have been allowed to return home immediately or shortly after their surrender. [26d] Some have been given an official certificate bearing their name, photograph and dossier number to prove they are exempt from prosecution. [26d] Such certificates bear no date. [26d]

6.41 A recent report by the Dutch authorities also states that the Civil Concord, and the amnesty declared by the President on the eve of its expiry in 1999, are still in force in practice. This means that people who have been with armed groups can count on full amnesty and rehabilitation in civil society if they report voluntarily to the authorities and hand in their weapons. These people have, without being tried, been released and rehabilitated after questioning. According to the Ministry of Religious Affairs, 600 former Islamic militants are now officially in public service as imam in a mosque again. Also, those who are abroad and regret their involvement with armed groups can also apply to the Algerian embassy in the country and can then travel back to Algeria undisturbed. [12]

6.42 In a further recent country report by the Swedish immigration authorities, all but one of the persons interviewed considered that members of armed groups who give themselves up can still enjoy an amnesty in accordance with the presidential decree and the provisions of the Civil Concord Law. A former policeman informed the authors of this report that members of the armed groups are still being given amnesties regardless of whether they have committed serious offences or not. However there is evidence that members of armed groups are no longer given amnesty without being judged in accordance with penal code. [13]

MISSING PEOPLE

6.43 The government has been criticised for failing to respond adequately to the concerns of relatives and local and international human rights groups about the fate of persons reportedly missing after detention by the armed forces during the 1990s. [6c] [26c] [26e] [27c] [27d] The vast majority of the cases known to AI occurred between 1994 and 1998. [26d] The total number involved is debated: official public estimates refer to 4480-4700, local NGOs report the total as 7-8000 and comments by government officials include figures of 3200-3300, and also as possibly 12,000. [1a] [6c] [12] [25b] [27c] A total of 7200 disappeared persons was referred to as documented and legitimate by the chairman of the mechanism set up in September 2003 to deal with this issue. [67g]

6.44 There are no recent reports of disappearances of this type but cases of prolonged detention have been reported. [6c] [12] [27c] [27d]

6.45 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, defence attorneys, and local human rights groups insist that the Government could do more to solve the outstanding cases. [6c] [26c] [27c] [27d]

6.46 Relatives, including members of the National Association for the Families of the Disappeared, who hold peaceful protests about their grievances are sometimes violently dispersed by security forces. [26c] 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 [6c] or that some six hundred joined armed groups. [27c]

6.47 In August 2003 President Bouteflika decided to set up a mechanism on the question of missing people under the aegis of a semi-official human rights group, the National Advisory Commission for the Promotion and Protection of Human Rights (CNCPPDH - Commission nationale consultative de promotion et de protection des droits de l'homme). The body was also to draw up a national plan for promoting human rights [69a] The mechanism was set up under a complementary legal decree in September 2003 to act as an interface between the authorities and the families of the "disappeared". [67g] AI called for the mechanism to be granted appropriate powers and resources. [26e]

FREEDOM OF SPEECH AND THE MEDIA

6.48 Freedom of Speech The current US State Department country report states that the government continued to restrict freedom of speech in varying degrees in 2002. [6c] However, a country report prepared for the Canadian immigration authorities in 2001 stated that there is a remarkable degree of freedom of speech in Algeria. [11] Individuals who spoke to the author of the report who were critical of the government were not at all hesitant to say so, and many have done so publicly. [11] However, the authorities will remain

tolerant up to the point where someone's views begin to cause them problems. [11] In general, criticism of senior military figures is also liable to attract the adverse attention of the authorities. [6c] [11] [12]

6.49 Many artists, intellectuals, and university educators fled the country after widespread violence began in 1992; however, some continued to return in recent years. A growing number of academic seminars and colloquiums occurred without governmental interference. [6c]

6.50 Newspapers and Media There are approximately twenty daily newspapers, forty weekly publications and thirty monthlies on sale in Algeria. [10] Many are openly critical of the government. [11] [27c] The most significant independent newspapers are El Khabar, Le Matin, Liberté, Le Soir d'Algérie, La Tribune and El Watan. [10] [12] Other than El Moujahid, which is the official government newspaper and reflects the FLN views, there are no newspapers owned by political parties. [6c]

6.51 Self-censorship appears to be applied by not publishing criticism of specific senior military officials although the press widely criticises current and retired senior military officers. [6c] The independent section of the press reports regularly on security matters without penalty. The government-controlled press reports on terrorism in an increasingly straightforward and accurate manner [6c] [11] [12] [27c]

6.52 Unlike in the past, when journalists deliberately did not report on current possible abuse by security forces to avoid difficulties with the Government, the independent press reported openly on abuse by the gendarmerie during the recent violence in the Kabylie region. [6c] [12]

6.53 The Government continued to exercise pressure on the independent press through the state-owned advertising company, which was created in 1996. [6c] However the private press says it has to turn down advertisers for lack of space, which means there are limits to this tool. [11]

6.54 The state of emergency gives the Government broad rights to restrict freedom of speech [6c] [12] and these regulations have been enforced. [6c] On June 27 2001 the Government enacted a series of amendments to the Penal Code that provide for fines of up to 250.000 Dinars and jail sentences of up to one year in cases in which reporters "defame insult or injure" the President, government officials, judges, members of the military and any other authority of public order. [6c] [12] [27c] [29]

6.55 A number of reporters, cartoonists and editors at private newspapers were summonsed for police questioning by police or investigating judges in 2002. [27c] At least six prosecutions have occurred under the Penal Code amendment. [6c] However journalists who were sentenced to prison terms during 2002 appealed against their convictions and none was actually incarcerated during the first ten months of 2002. [27c] [29]

6.56 Human rights groups, including HRW, Reporters sans Frontières (RSF) and Committee for the Protection of Journalists (CPJ) have drawn attention to a number of cases where journalists have been assaulted by security forces or brought to trial for alleged libel against prominent people. [27c] [31] [32a] They have also protested at the use of prison sentences for press offences and treatment of journalists who tackle taboo subjects such as human rights violations and criticism of the military. [27c] [31] [32a]

6.57 In August and September 2003 RSF and CPJ deplored the actions of the authorities against a number of newspaper staff, editors and journalists, and a cartoonist. In August several Algerian daily newspapers did not appear in print form for several days after they received a warning notice about debts with their printers. In a joint statement the editors of six newspapers accused the President and Prime Minister of attempting to punish and silence the press. According to the reports journalists and staff of several newspapers, including Le Matin, and Liberté, were summonsed for police questioning about articles in their newspapers about government corruption and financial malfeasance. State prosecutors allege that the articles defame state institutions. [31b] [32b] [32c] [32d] [32e] On 22 September 2003 a dozen independent newspapers staged a "No-Press Day" in protest at their situation. [32e]

6.58 Radio and television Algerian radio and television are under state control. [6c] [12] [27c] However, the reception of foreign television stations via satellite dishes is permitted and is widespread. [6c] [11] [12] Algerians thus have access to broadcasting from European and Middle Eastern countries and even further afield. [11]

6.59 Television is extremely popular. There is a Berber television channel based in France. [12] Foreign programmes are announced in the written press. [10]

6.60 Internet The Internet is freely accessible to Algerian citizens. [12] There were no reports of sites being

blocked although service providers are required to monitor constantly the content available to their subscribers to prevent access to information contrary to the public order or morality. [12] Opposition parties also disseminate information via the Internet and communiqués. [6c]

FREEDOM OF RELIGION

6.61 The official religion is Islam and the vast majority of the population is Sunni Muslim. [1a] [1b] [6b] [6c] [12] Most are adherents of the Maliki school, a traditional and hard line school which emphasizes the good of the community. [25b] Islamic beliefs are deeply rooted in Algeria and affect all aspects of life, including culture, politics and family life, and the position of women. [25b]

6.62 Discrimination on the grounds of religion is prohibited by the Constitution, and the Government respects this right in practice. [6b] [29] Although the law limits the practice of other faiths the government follows a de facto policy of tolerance by not enquiring into the religious practices of individuals. [6c] A very small number of citizens practise non-mainstream forms of Islam or other religions and there is minimal societal discrimination against them. [6c] [29] Non-Islamic proselytising is illegal. [6b] The generally amicable relationship among religions contributes to religious freedom. [6b]

6.63 The government appoints preachers to mosques and gives general guidance on sermons. [6c] [12] [25b] [29] Activities in mosques are monitored for security reasons. [6b] [6c] [12] Amendments to the Penal Code in June 2001 established strict punishments for anyone other than a government designated Imam to preach in a mosque. [6b] [12] [25b] [29] There are no known prosecutions under this ruling. [6c]

6.64 The civil conflict has pitted self-proclaimed radical Muslims against the general Islamic population. [6c] Religious extremists carried out attacks against both the Government and moderate and secular Muslims. [6b] [25b] In 1994 the GIA declared its intention to eliminate "infidels", including Jews, Christians and polytheists, from Algeria. [6b] [25b] Now, the majority of the country's armed groups do not differentiate between religious and political killings. [6c] The authorities are capable of providing protection if such a need arose. [12]

6.65 Christians No official statistics are available [25b] but the US State Department report on Religious Freedom estimates there are about 25,000 Christians who tend to be Roman Catholics. [6b] A recent UN paper reports contains estimates of 10,000 Catholics and between 5000 and 20,000 Protestants, and a very small Adventist church. [25b] A very small Jewish community may remain [6b] but there is no working synagogue. [25b] For security reasons both Christians and Jews have concentrated in the cities of Algiers, Constantine and Oran. There is also a Christian community of several hundred in Kabylie. [6b] [12] At present the Bible Society in Algeria is working on a translation of the Bible into Tamazight, the Berber language. [12]

6.66 There is one Christian missionary group operating full time in the country. [6c] While Christians do not proselytise actively they report that conversions take place without government sanction or interference. [6b] Conversions from Islam have been comparatively rare because of safety concerns and potential legal and social problems. Individuals who do convert from Islam tend to practice their religion clandestinely. [6b]

6.67 However conversions may be happening more frequently than before. [25b] Evangelical campaigns have been staged, mainly in Kabylie. [25b] In general the Christian minorities do not feel their religious observance brings them any problems. [25b]

6.68 There are no known cases in recent years of Christians being a target of armed Islamic groups. Leaders of the Christian communities in Algiers have stated that the government is certainly willing and able to offer protection if the need arose. [12]

FREEDOM OF ASSEMBLY AND ASSOCIATION

6.69 Assembly and Association The Constitution provides for the right of assembly, but the 1992 Emergency Law and government practice sharply restrict it. [6c] [12] Citizens and organizations must obtain a permit from the local governor before holding public meetings. The government frequently grants licences to

political parties, NGOs, and other groups to hold indoor rallies although such permission is often given only shortly before the event, thus impeding publicity and outreach. [6c]

6.70 Some of the demonstrations by Berbers in the Kabylie region and elsewhere have been allowed, while others have been suppressed, often with excessive force. [1a] [6c]

6.71 Non Government Organisations (NGOs) Domestic NGOs must be licenced by the government and are prohibited from receiving funding from abroad. [6c] Some unlicensed groups operate with a reasonable degree of freedom. [6c] [12] Local NGOs and other organisations are able to criticise the government publicly over its human rights record. [5c] However, some human rights groups and activists are subject to harassment. [6c] [12] See Human Rights Activists below Some unlicensed groups continue to hold regular demonstrations, including groups dedicated to the cause of persons who have disappeared. Police sometimes disrupt and disperse such demonstrations. [6c] [26c] [27c]

6.72 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 for human rights advocacy or research purposes, nor to visit prisons except as allowed between a lawyer and a client. [6c] The LADDH regularly criticises the authorities. [12]

6.73 The less-active Algerian League for Human Rights (LADH) is an independent organization based in Constantine. [6c] [12] It has members throughout the country who follow individual cases. [6c]

6.74 The National Observatory for Human Rights (ONDH) was a semi-official group established by presidential decree in 1992 and funded by the government. It dealt with issues about missing people in the 1990s. [12] [27d] In 2001 the ONDH was abolished and replaced by the National Advisory Commission for the Promotion and Protection of Human Rights (CNCPPDH - Commission nationale consultative de promotion et de protection des droits de l'homme) [6c] [6f] [27c] [27d] The chairman has stated his priority is the issue of disappearances. [12] At the same time the government appointed a national Human Rights Ombudsman. [6c]

6.75 Organisations campaigning for the rights of victims of abuses by armed groups include Djazairouna and Soumoud. [26d] Associations working on the issues of "disappearances" include SOS-Disparus and the Association des familles de disparus de Constantine. [26d] There is a collective of lawyers campaigning for the families of demonstrators killed in Kabylie. [26d] Groups working for womens rights include Wassila network, a loose association of women's and childrens groups, health workers and other individuals. [26d]

6.76 ONVT and ONVITAD The ANFVT (Association nationale des victimes du terrorisme) was founded in 1994. Following a reorganisation in 1999 the current head, Mme Flici, was re-elected as President. At this point the organisation changed its name to ONVT (L'Organisation nationale des victimes du terrorisme). However in press reports the two names of this organisation are still often used interchangeably. The ANFVT/ONVT is regarded as close to the government. [5g]

6.77 A similar human rights group was set up in 1999 - ONVITAD (Organisation nationale des familles des victimes du terrorisme et des ayants droit). The ONVITAD is headed by Mme Tounsi Rabah. It is also regarded as close to the government. [5g] The purpose of both groups is to assist the families of victims of terrorist activities, particularly with compensation claims. They are the only two groups officially recognised for this purpose. [5g] They receive government subsidies for their activities. [50b]

6.78 In an interview of 9 July 2001 Mme Flici stated that asylum requests by ONVT members are rarely justified now and that only certain specific categories such as important political militants could encounter problems. Mme Flici stated that ONVT members are mainly widows, grown-up children and parents of those who have died. She also stated that the organisation changed its stationery and membership cards in 1999 to reflect its change of name. [50a] In a further interview in 2002 she further stated that only private individuals who have been victims of terrorism are allowed to be members of the ONVT. [50b]

6.79 With regard to attestations, Mme Flici stated that the ONVT never issues certificates, except occasionally to help people who want to travel. [50a] The ONVT is not legally entitled to deliver attestations to individuals. [50b]

6.80 It appears that there are many false documents - cards and attestations - in existence. Some are allegedly sold from within the ONVT itself, and there is also a large black market in forged ONVT and ONVITAD documents. [50b] During an extraordinary conference of ONVITAD in December 2002, Mme

Tounsi claimed that one of the major problems facing the victims of terrorism is the commerce of false identity cards. [5g]

6.81 The government has allowed some visits by international NGOs in the past year such as the ICRC, AI and the UN Special Rapporteur on Freedom of Religion or Belief. [6c] [25b] [26d] [33] The ICRC has signed an agreement with the Algerian government to establish a permanent office in Algeria. [33]

6.82 Human rights activists A number of human rights groups have drawn attention to the situation of human rights activists in Algeria. [26c] [29] [38] The International Federation of Human Rights Groups (Federation Internationale des ligues des droits des hommes) (FIDH) stated in July 2002 that human rights defenders have been one of the main targets of repression since the 1990s and that over twenty complaints have been filed against activists over a period of 18 months. [38] A joint report of the FIDH and World Organisation against Torture (OMCT) also called attention to the arrest, detention and harassment of a number of human rights activists in Algeria. [35]

6.83 AI and HRW also drew attention to cases where human rights activists have been harassed and intimidated. [26c] [27c] These include Mohamed Swain, the President of the LADDH branch in Relizane who was sentenced in February 2002 to one year in prison on charges of defamation, after raising questions related to the state's involvement in serious human rights violations. [26c] [27c] Human rights groups also report occasional harassment by government authorities in the form of obvious surveillance and cutting off their telephone service. [6c] [12]

6.84 Political Activists The Constitution provides for the right of association but the 1992 emergency law and government practice severely restrict this right. [6c] The government must approve all political parties before they can be established. [6c]

6.85 Law 97-09 of March 1997 prohibits the creation of parties on a basis that is "religious, linguistic, racial, gender-related, corporatist or regional". [1a] To obtain approval a party must have 25 founders from across the country. [6c] In 2002 a new electoral law altered the provision that the government could remove electoral candidates from party lists for security reasons. [6c]

6.86 Thirty political parties were dissolved on 19 May 1998 for failing to abide by the new rules on political parties. The most prominent political parties dissolved were Ettahadia (Arabic acronym for Solidarity, Progress and Democracy, the Democratic Movement for Algerian Renewal, the Union of Democratic Forces, and the Liberal Social Party. [1a]

6.87 A broad range of political parties and movements is currently active in Algeria, both in the parliament and the government. [12] See Section 5 Political System and Political Organisations Annex B

6.88 FIS Party Membership of the FIS party remains illegal [1a] [6c] [12] However two country reports stated that solidarity with the FIS does not lead to criminal or extra-judicial persecution by the government. [11] [12] Several politicians with a "FIS past" are representatives for another party in the parliament. [12] In October 2000 Abdelaziz Belkhadem, an Islamist conservative known for his sympathy to the FIS, was appointed as Foreign Minister. [7f] The former FIS officials that are in Algeria have rallied behind the Civil Concord initiative. [12] Extreme measures taken in the past by the authorities against opponents such as FIS members have now ceased. [11]

6.89 Nevertheless other reports state that FIS members might still be at risk in Algeria: they might be targeted either by the Government or the GIA. Persons who are suspected to be FIS or AIS sympathisers might be detained and/or tortured and requested to work as informers. [8ak] [41] Lawyers for members of the banned FIS suffered harassment, death threats and arrest. [6c] An unknown number of persons who could be considered political prisoners are serving prison sentences because of their sympathies with Islamist groups and membership in the FIS. [6c] Two founding members who were imprisoned in 1991 were released in July 2003 on completion of their sentences. They are still subject to restrictions on political activity. [7ac]

See also Annex B FIS

EMPLOYMENT RIGHTS

6.90 Workers have to obtain governmental approval to establish a trade union. [6c] about two-thirds of the labour force belong to unions. [6c] The General Union of Algerian Workers (UGTA) is an umbrella organisation of unions. [6c] The law prevents unions from associating with political parties. [6c]

6.91 Forced or compulsory labour is incompatible with the Constitution's provisions on individual rights, and the Penal Code prohibits compulsory labour, including forced or bonded labour by children. [6c] 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. [6c]

6.92 The law provides for collective bargaining and the government permits this right in practice. [6c]

6.93 Under the state of emergency the government is empowered to require all workers to stay in their jobs in the event of an unauthorised or illegal strike. [6c] The government states that the law is not directed against the rights to strike or organise and has never been used against workers exercising the right to strike peacefully. [6c]

6.94 A number of unauthorised protest strikes have occurred in the Kabylie region. [6c] See Ethnic Groups - Berbers

FREEDOM OF MOVEMENT

6.95 The law provides for freedom of internal and foreign travel and freedom to emigrate. However, the Government at times restricts these rights. Under the state of emergency the Interior Minister and the provincial governors have the authority to deny residence in certain areas to those regarded as a threat to 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. [6c] [12]

6.96 Armed groups intercept citizens at false roadblocks in various regions, sometimes using stolen police uniforms and equipment, to rob them of their cash and vehicles or to kill them. [6c]

6.97 There is considerable internal and foreign travel by Algerians. [10] Internally, air travel is the most reliable form of transport for long distances and for connections to cities located in or near high risk areas. [10] Externally, large numbers of Algerians regularly make return trips abroad either by air or sea. [10] [12] Many Algerians travel to France and neighbouring countries, especially Tunisia, for a short or longer stay. [10] [12]

6.98 Entry and Exit Controls at airports and ports, as well as at official border crossing points, are strict. [12] The police and the communal guards operate checkpoints throughout the country. [12] They routinely stop vehicles to inspect identification papers and to search for evidence of terrorist activity. They sometimes detain persons at these checkpoints. [6c] The only country to which an Algerian may travel without a visa is Tunisia. [13]

6.99 Apart from certain legal or traditional limitations imposed on minors, married women under the age of 18 and certain professional categories, Algerians are required to complete exit or entry formalities at the frontier post. They have to fill in a travel questionnaire and present a certificate of exemption or dispensation from military service. [10]

6.100 There is no criminal penalty attached to illegally leaving the country. [12] There is an offence of travelling on a plane without a travel document for which a fine of 100.000 dinars or up to two years imprisonment is liable. [12] In practice this is rarely invoked. [12] It is only invoked if the person is caught red-handed and not if the person later returns to Algeria. [12]

6.101 Illegal residence abroad is not punishable under Algerian law. [12] People who return to Algeria after illegally leaving the country are questioned by the security forces at the border about the reasons for their illegal exit and their illegal stay abroad. There are no known cases of ill treatment or torture during these interrogations. [12]

6.102 Official Documents Documents are normally issued in Arabic but may be obtained in a French

version. In the latter case the document is stamped "valable uniquement pour l'étranger" to state that it is only valid abroad. [13]

6.103 Identity Card In principle, all Algerian citizens aged 18 and over are required to carry an identity card on their person. [8c] [10] [12] In Algeria the relevant administrative authorities at provincial (Wilaya) level or exceptionally, district (Daira) level issue these documents. [8c] [10] [12] The card can be obtained using the birth certificates (register extract) of the person concerned, their father or sometimes their grandfather, as well as a certificate of residence (certificat de residence) from their municipality. The issued document comes in the form of a light green book and entirely written in Arabic [8c] [10] [12] apart from the bearer's name which is also written in French. [8c] [13] The figures are Western. [13] The bearer's fingerprint is on the card. [13] It is valid for ten years. [8c] [10] [12] [13] There is no specific registration number for each citizen. [13]

6.104 Algerian diplomatic representatives overseas, are in principle only entitled to issue new identity cards if the person concerned has registered with it and can only issue or renew passports under certain conditions, in particular once they have checked the identity of the person concerned using certain documents. [10]

6.105 Birth Certificate An Algerian birth certificate - acte de naissance - is 21cm by 27cm, or 21cm by 29.7cm, with only a few slight variations, according to the local authorities, which issue these documents. [8as] [13] Individual and family documents are usually 13.5cm by 21cm, with a few slight variations. [8as] Birth certificates and individual and family documents are usually printed on vellum paper in light type. Sometimes if it is impossible to obtain this type of paper in the local authority, another type could be used. [8as]

6.106 Family Book Civil marriage must be entered into in order to receive a family book. The document facilitates, for example, registration of children at school. If one has a family book, one can also obtain a birth certificate, (la fiche individuelle) with information regarding an individual or la fiche d'état civile familiale regarding the whole nuclear family, from any local authority. Otherwise, one has to apply to the local authority of one's birth in order to obtain documents concerning one's civil status. [13]

6.107 Passports A passport can be obtained from the provincial authority using the following documents - identity card, birth certificate (Register extract) of the person concerned, their father, certificate of residence (certificat de residence), which can be obtained from the municipality), work certificate or declaration from their educational or professional establishment. The waiting period is from two days to ten weeks. [12] A passport is valid for five years and can be extended. [10] [12] Two standard forms of passports are currently in circulation - one light green and the other dark green. [10]

6.108 Overseas, a permanent residency permit from the host country and registration at the consulate are required. If an Algerian loses his/her passport and is not registered or if it is not possible to establish the identity fully, the relevant Consulate can issue a "Pass" solely designed to allow the person to return to Algeria. [10]

6.109 Children Both parents may have the children registered in their passport at the same time. After a divorce, the mother receives actual custody and the father legal custody of the children when they are small. When the mother wants to travel abroad with the children, she must accordingly have a certificate that the father consents to travel abroad (l'autorisation paternelle) with a photograph of the children. She must have two copies, of which one is handed over upon departure and the other upon entry. In September 2002 a decree was issued that if the mother is resident abroad, the father's permission is not required for departure with the children. [13]

6B. HUMAN RIGHTS - SPECIFIC GROUPS

ETHNIC GROUPS

The Berbers

6.110 The Berbers are the major ethnic minority in Algeria and comprise a little over one quarter of the population - 9 million people. [6c] The Berbers are concentrated mainly in the mountainous areas of Kabylia, Chaouia, the Mزاب and the Sahara. They were the original inhabitants of Algeria. [3] [14h] [24a] Many

citizens claim to have Berber ancestry. [24a] [24d] Through centuries of amalgamation of the original Berber population with the Arabs, a clear dividing line between these two groups can no longer be drawn. [11] [66b]

6.111 Berber Language and Culture The Berbers wish to keep their own culture and languages, notably Tamazight (alt. sp. Amazigh) which is mainly found in the Kabylie area. [3] [14h] [24a] [49] Other Berber dialects exist, although rarely written, in other rural areas. [3] [49] The National Charter of 1996 recognised the Berber culture and language as one of the components of Algerian identity. [11] [12] In April 2002 the constitution was amended to recognise Tamazight as a national language. [6c] [7r] The law requires that Arabic be the official language for use in official documents. [6c] [8x]

6.112 Tamazight is taught at a number of primary schools in the Kabylie area. [12] There are professorships of Amazigh culture at the University of Tizi Ouzou and it is possible to study for a degree in Berber culture and Amazigh. Periodicals appear in the Berber language and the government-owned national television station broadcasts a brief nightly news programme in Tamazight. [12] [13] [41] In the Kabylie area, many television shows and documentaries are shown in Tamazight. [11] [13] [41] In July 2003 the Government announced a decision to enhance the teaching of Tamazight in the national education system. [60b] [67e] It was also announced in August 2003 that a national centre would be set up to promote the Berber language. [59e]

6.113 Berber groups The Mouvement Cultural Berbère (Berber Cultural Movement) (MCB) was founded in 1976 and is not so much a political party as a pressure group for Berber issues. [24a] It is associated with the FFS and RCD. It is engaged in efforts to promote the Berber language and identity. Each April the MCB organises demonstrations in Kabylie towns to commemorate the "Berber spring" when a number of students were killed in demonstrations in Tizi Ouzou in 1980. [10] [24a]

6.114 The RCD and FFS parties have largely Berber membership. [6c] [12] RCD members were part of the government until they withdrew in May 2001 in protest at the government's handling of protests in Kabylie (see below). [1a] There is a great mutual rivalry between the parties. [12] Mouvement pour l'Autonomie Kabylie (MAK) led by Ferhat Mehenni is a minor party that advocates an autonomous Kabylie. [12] A report in 2003 stated that the MAK, although supported outside Algeria, is not popular in Kabylie. It has been used by the authorities to divert attention from the demands of the protest movement. [37c]

6.115 Treatment of Berbers Berbers hold high office in the government, army, business, and journalism. [11] [12] [24d] [41] They participate freely and actively in the political process. [6c] Berbers do not face official discrimination, but their cultural identity and heritage has not been fully recognised under the law. [29] Berber protests and boycotts in Kabylie since the events of April 2001 (see below) and surrounding the May and October 2002 elections, underscored the economic and social neglect felt by many in this community. [6c]

6.116 The MCB was quite unequivocal in stating in 2001 that Berbers were not persecuted in Algeria and that anyone claiming so is doing it merely to advance his own interests. [11] UNHCR have recognised Berber aspirations for recognition of their identity and culture but stated in 1997 that Algeria's population is ethnically mixed and ethnic minorities seem to fear no more and no less than other Algerians. [24b]

6.117 Events of 2001 - 2003 in Kabylie From April 2001 to date there has been a series of protest demonstrations and strikes in this largely Berber area. In 2001 up to eighty people were killed in riots following the death of a young man, Massinissa Guermah, in police custody. [1a] [6c] Demonstrations and riots quickly spread in reaction in Kabylie and other parts of the country. [1a] [6c] [7j] [12] [26c] A number of large demonstrations took place in Kabylie and Algiers in 2001. [1a] [1b] [7j] [12] Some were banned by the authorities. [1a] [1b] [7k] [12]

6.118 Outbreaks of strikes and demonstrations and armed altercations between security forces and rioting civilians have continued, sometimes resulting in death. The security forces reportedly used excessive force throughout the region. [1a] [1b] [6c] [7n] [7q] [7r] [7s] [12] [26c] [27c]

6.119 The demonstrations were seen by observers as having developed from the security forces mishandling of the immediate situation in Kabylie in 2001. They ignited further protests over the traditional Berber agitation for language and cultural recognition, and encompassed wider expressions of anger and despair over poverty, unemployment and lack of housing, and against the perceived failure of the regime to deal with these issues. [1a] [6c] [7a] [11] [12] [26c] [27c] See Economy

6.120 In June 2001 the Berber leaders produced a list of demands known as the El Kseur manifesto. [1b] [7l] [12] These included official recognition of the Berber language, and judicial trials for paramilitary policemen involved in killing unarmed civilians in April and May. [1a] [1b] [7l] [37c]

6.121 In July 2001 the report by an independent commission chaired by a respected jurist, Mohand Issad, held the gendarmerie mainly responsible for the violence. It concluded that the violent reaction of the people was provoked by the no less violent reaction of the gendarmes, which kept events going for two months. [1a] [6c] Speaking shortly before the report was issued, the head of the security forces acknowledged the need for improvements in the police force and said these would be addressed. [67a]

6.122 In March 2002 the President announced a number of measures, addressing some of the El Kseur demands. These included the adoption of the Berber language as a national (but not official) language, and compensation for victims of the violence. [1a] The President did not agree to one of the El Kseur demands - the withdrawal of gendarme units from the area - saying that this was impractical. [1a]

6.123 The President also stated that twenty four gendarme agents and five police officers had been charged with homicide or improper use of their firearms and that their trials would be open. [1a] However only two or three such cases were verified. [27c] In isolated instances individual members of the security forces were prosecuted for human rights abuses. [13] [26d] [27c] These included the sentencing of the gendarme who had killed Massinissa Guermah to two years imprisonment for involuntary killing. [26d] [27c] [56b] Another policeman was sentenced to twenty years imprisonment for killing a man in an altercation in June 2001. [26d] AI was informed that cases involving twenty three other gendarmes were said to be under investigation. [26d] The President also agreed in August 2002 to an amnesty for Berber demonstrators arrested the previous year. [60a]

6.124 Several opposition parties have taken part in the protests, including the FFS, RCD and PAGS, and womens groups. [1a] [1b] The RCD, the mainly pro-government Berber political party, withdrew from the Government in protest in May 2001 at its handling of the riots, especially the excessive use of force by the gendarmerie, including the use of live ammunition against demonstrators. [1a] [6c]

6.125 Much of the local organisation was provided initially by the village committees, (aarch or aarouche) which rejected local officials politicians and police. [1a] [1b] There are two main aarch groups - the Coordination des Aarouch, Dairas et Communes (CADC) which coordinates local committees in the Tizi Ouzou area, and the Coordination Intercommunale de Béjaia (CICB) in and around the city of Béjaia. [7v] [12] The Interwilaya Co- ordination Council (CIW) is a collective of local activist Berber groups and councils in several provinces. [27c] [37c]

6.126 During 2002 the RCD and FFS parties were seeking to regain support lost to the aarch movement. [7v] A report in 2003 stated that the FFS and RCD were taken by surprise in 2001 and were sidelined by the popular protests. They have since sought to regain this lost ground. [37c]

6.127 Voting in the May 2002 legislative elections and the October 2002 local elections was widely boycotted in Kabylie. [7s] [7w] Both the RCD and FFS parties refused to participate in the May election. [7s] However the FFS took part in the October election. [7w]

6.128 Strikes, sit-ins and demonstrations were held in response to the arrest and detention in October 2002 of aarch leaders who had organised protests. [6c] [7w] Some of the imprisoned leaders began a hunger strike. [7y] In April 2003 Thousands of Berbers took part in a mass demonstration to mark the anniversary of the Berber spring and the protests of April 2001. A one day general strike also took place. [7ab] [50c]

6.129 The position taken by the aarch groups that the El Kseur demands were not negotiable has led to entrenched positions between the groups and the government. [7ad] The aarch movement has developed internal dissension and lost popular support. [59c] [59d] However in June 2003, after the release of aarch leaders who had been imprisoned since the previous year for taking part in protests, the movement reportedly decided to have talks with the government. [7ad] However the conditions for these talks continued to be a source of division among the Berber groups. [67b] [56c] [56d] [58b] [65c] [67d] [67f]

6.130 A report by the international Crisis Group (ICG) in June 2003 analysed the situation in Kabylie. [7ad] [37c] The report noted that the protests that started in 2001 were about local government failings and socio-economic grievances and that they have continued so long in Kabylie as opposed to other parts of Algeria because of the specific conditions there. The principal complaint of the rioters of 2001 in Kabylie and elsewhere in Algeria was the contempt they receive at the hands of authority (hogra) who abuse their power with impunity. [37c]

6.131 The ICG report states that two factors have reinforced the specificity of Kabylia and the resentment many Kabyles feel. These are lack of employment and income, and lack of effective political representation,

as the two main Berber parties have been confined to opposition roles. Most of the rioters are young males (12 to 30) who are in a situation of despair from increasing social and economic marginalisation. This group have lost the traditional deference for older members of the community and the strategy of using the political process and peaceful methods to meet their aims. [37c]

6.132 The report also states that the Coordinations are political mobilisations whose structures are based on a traditional tribal system. However it is misleading to call the protest movement the aarch and regard them as traditional. [37c]

6.133 The report also states that the power of the Coordinations has declined since 2001 It has failed to build on impetus of the mass protests. The following factors are in play:

- treating the demands for recognition/compensation (the El Kseur platform) as non-negotiable was unrealistic. This - especially the demand for withdrawal of the gendarmerie - has blocked the situation indefinitely.
- splintering and contraction of the movement as moderates withdrew or were forced out.
- placing itself at odds with a growing proportion of public opinion in the region for its representational credentials as well as its tactics, notably resorting to strong arm methods. [37c]

6.134 The report also states that the movement has thus become radicalised, as further evidenced by its decision not only to boycott the parliamentary and local elections of May and October 2002, but to prevent them from taking place. The movement has also been manipulated by various interests. These could include political parties, the intelligence services and local mafia circles. [37c]

6.135 The report also states that the El Kseur demands for compensation for victims of police violence and bringing to justice of the perpetrators were clear and probably well supported. However, the demand for withdrawal of the gendarmerie was unclear and subsequent extreme denunciation of the corps by the Inter-Wilaya Council put forward a view of the gendarmerie which is not widely endorsed in Kabylie. [37c]

6.136 The report also noted that since the advent of pluralism in 1989 substantial practical concessions have been made to acknowledge the separate Berber identity of Algeria. However, although the Algerian Government has made concessions it has not handled the issues well. [37c]

6.137 Touaregs The Touaregs are nomadic people of Berber origin. The 12,000 Touaregs live almost exclusively among the mountainous massifs of Ajjer and Ahaggar in southern Algeria. [3] [6c]

WOMEN

6.138 Legal and Social Situation Since 1996, Algeria has been a party to the UN Women's Treaty (CEDAW) on the banning of all forms of discrimination against women). [12] [25a] The Constitution outlaws discrimination based on birth, race, sex, belief, or any other personal or social condition. However women face legal and social discrimination. Parts of the law, as well as tradition, discriminate against women. [6c] [10] [11] [12] [25a] [25b] [27c] [42]

6.139 The 1984 Family Code is based largely on Islamic law, and treats women as minors under the guardianship of a husband or male relative. [6b] [6c] [11] [12] [27c] [42] The decision to marry is taken on behalf of women by their legal guardians. [25b] [42] The Family Code authorises polygamy without the consent of the existing wives. [25b] [42] although this rarely occurs in practice. [6c] A woman may enter into civil marriage at the age of 18, subject to her father's permission. Girls may also be married in a religious ceremony when they reach puberty. Arranged marriages are usually religious. [13]

6.140 Divorce is difficult for a wife to obtain except in cases of abandonment or the husband's conviction for serious crime. [6b] [6c] [42] Custody of children is normally granted to women but they remain dependent on the approval of the father for several aspects of their upbringing. [6c] The marital home goes to the man after a divorce even if the mother is given custody of the children. Women who try to go back to their father's home with their children are generally rejected. If they have no other guardian to look after them, they have the right to a house provided by their former husband only if he can afford it. [42]

6.141 The Family Code also prohibits women from marrying non-Muslims, although this is not always

enforced. [6c] Muslim men are allowed to marry non-Muslim women. [6b] Non-Muslim women married to Algerian Muslim men face societal pressure over maintaining their religion. [25b] The children of such marriages are automatically registered as Muslims. [25b]

6.142 The husband is legally the head of family and only he can pass his citizenship to their offspring. [6b] [6c] He can also turn his wife and children out of the home with impunity, leaving them no legal recourse in relation to his house or income. [6b] [11] [42] There has been an increase in such cases, especially among uneducated and unskilled women from small towns and villages, due to social tensions arising from unemployment and poor housing. [8ao] [11]

6.143 The abuse of wives by their husbands is reported by women's rights groups to be common, especially in rural areas. [6c] [11] Although rape is illegal there are no laws to protect women from rape or abuse by their husbands and women need to produce medical certification of the effects of assault before they can lodge a complaint with the police. Women's rights groups claim that less than half of the women attacked visit doctors. They also claim that the police and courts are lenient with men who are accused of spousal abuse. [6c] [8ao] In 2001 and 2002 women living alone were attacked by groups of men. [6c] [25b] [27c] Trials were held for both cases with prison sentences meted out. [6c]

6.144 Social and economic conditions have had an impact on women in Algeria. Unemployment and housing shortages have forced more young men unable to support a family to remain unmarried, which means more young women are living at home longer, putting pressure on their families and exacerbating social tensions. [11] [8ao] [13] [25b] [42] [60c]

6.145 Under the Family Code women also suffer discrimination in inheritance claims. [6b] [25b] Women under nineteen years of age may not travel abroad without the permission of a male legal guardian. [6c] but this provision is not generally followed in practice. [12] Women living in Algerian families abroad may still be subject to the Family Code. [25b] [42]

6.146 Honour killings can occur in rural areas but are very rare. They can constitute an extenuating circumstance leading to a shorter sentence by a court. [13]

6.147 NGOs There are a number of humanitarian, political and women's rights organisations. Two prominent associations that have received government recognition are SOS Femmes en Détresse and SOS Femmes Battus. [6c] [11] [13] Many campaign for amendment of the Family Code. [6c] [10] [42] There are several rape crisis centres run by women's groups but they have few resources. [6c] Abortion is illegal. [42]

6.148 Education and Employment Women have higher rates of illiteracy than men, especially in rural areas. [12] [25b] [26d] [42] Societal pressure deters many women from undertaking higher education courses or careers, and women make up a very small proportion of the workforce - less than 10%. [6c] [25b] [42] The government has encouraged girls to attend school to reduce the difference in literacy rates. [66b] A total of 86% of girls are now educated to primary level and 53% to secondary level. [66b]

6.149 The 1990 Labour Act forbids sexual discrimination on the labour market [6c] but women's right to work is undermined by their husbands powers to prevent their wives from working. [42] Also, women are confronted with discrimination in employment resulting from societal stereotypes. Leaders of women's organizations reported that discriminatory violations were common. Labour Ministry inspectors did little to enforce the law. [6c]

6.150 However, there is a relatively high proportion of women in the more highly qualified positions (lecturers, lawyers, doctors). About 25% of judges are women. [6c] Reforms of the judiciary since 2001 have increased this number. [6c] A recent country report also stated that women are to be found in many professions. Many continue to work after getting married. Divorced women and widows also work. [13]

6.151 The cabinet appointed in June 2002 had five female members. [6c] [6c] Twenty four of the 389 members of the lower house of Parliament are women. [6c] The upper house has seven female members. [6c] This was an increase of 45% and 14% respectively. [6c] There is one female provincial governor. A woman heads the Workers Party and all the major political parties except one have women's divisions headed by women. [6c]

6.152 Lone women A single woman living in Algeria can make her own living without the aid of her family provided she can find a job. [12] If necessary she can turn to one of the women's aid organisations which run special centres to provide support for poor or abandoned women. The NGO SOS Femmes en Détresse offers

small-scale vocational training courses for single women to enable them to support themselves. [12]

6.153 Another report stated that a woman living on her own would face social pressure for either pursuing higher education or a career. [8ao] Other reports state that a distinction has to be made between women in urban and rural areas. A pregnant unmarried woman going back to urban areas might survive, but in rural areas a woman with a child born out of wedlock would face great difficulties. [12] [41] Another recent country report stated that an unmarried mother is an outcast, as is her child, who may not bear the father's name, and has no right of inheritance. [13]

6.154 Terrorist Threat Women and children have been the main victims of terrorism since the 1990s. Women are sometimes specifically targeted for killing and mutilation during terrorist attacks. [12] [42] They are also held captive for long periods by armed groups for rape and servitude. [6c] [12] [42] There is a rape crisis centre that specialises in caring for women who are victims of rape by terrorists. [6c] Womens associations complain that victims of rape by armed groups do not benefit from rehabilitation, including medical and psychiatric care and other post-traumatic counseling, or from the compensation that other victims of armed groups have received. [26d]

6.155 The GIA made death threats in 1995 against the wives of security force members and government officials. [24a] It was stated that women who wear western dress or pursue a western lifestyle may also be at risk of persecution from Islamist groups, [24a] particularly in rural areas. [41]. However their situation is less problematic now than it was in the mid-nineties. [8av] [41] In the streets of Algiers, many women can be seen wearing western clothing and a western lifestyle is completely accepted. There are no recent reports of attacks being conducted on account of lifestyles that conflict with "Islamic values". [6c] [8av] [11] [12] See UNHCR section

CHILDREN

6.156 The government attempts to protect children. [6c] Children between the ages of 6 to 15 are entitled to free education and receive free medical care. [6b] [6c] Boys and girls receive the same educational treatment although girls are slightly more likely to drop out. [6c] They can then go to vocational training schools. [6c]

6.157 Child abuse is a problem. [6c] However a system for reporting child abuse exists in the school system. [6c] Hospitals treat numerous child abuse cases each year but many cases go unreported. [6c]

6.158 NGOs that specialise 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 dislocation caused by the movement of rural families to the cities to escape terrorist violence. [6c] [38] Children are often the victims of terrorist attacks. [6c] Unicef has set up a special aid programme in collaboration with the Algerian authorities for children traumatised as a result of terrorism. [12]

6.159 The legal age of majority is nineteen under the penal and civil codes. [12] However some legal and civil powers are awarded under this age. [12] The father is the legal guardian of his minor children. [12]

6.160 Child Labour The minimum age for employment is 16 years. [6c] This law is not enforced effectively in the agricultural and private sectors. [6c] Many children resort to informal employment, such as street vending, from economic necessity. [6c] The government prohibits forced and bonded labour by children. [6c]

6.161 Child Soldiers The minimum age for compulsory recruitment into the armed services and local militia is 19. [39] There are no indications of under-18s in the government armed forces, but there have been reports of child participation in paramilitary 'Legitimate Defence' groups. [39] Children and youth have taken part in fighting on behalf of armed groups. [39] Their motives are assessed as frustration with economic and social problems rather than religious. [39]

6.162 Childcare It can be generally stated that the family in the broadest sense of the word will look after the after of an orphaned minor. [12] Nevertheless it is the duty of the state to care for children without family support. [5f] [12] The decision to place a child in a home is made by the authorities concerned when they are abandoned at birth, or by the Infants Judge after an investigation into the situation of the infant. [5f]

6.163 Care homes for lone children are set up and run by the Government. They are regulated by the law,

namely Executive Decree No 92-182 of 13 October 1992. Such care homes are intended to upkeep nurslings and only children below the upper limit of compulsory school attendance may be placed in such homes. They take boys and girls. A number of charities also run care homes, such as the Association Algérienne Enfance et Familles d'Accueil Benevolés. Algerian families often adopt young children from state and charity homes under the Kafala system of adoption under Islamic law. Kafala is widespread in Algeria. But in nearly all cases it concerns babies. [5f]

6.164 Older children who lack family support are placed in homes by court order or allocated to foster care. The fostering of children is regulated by the law, namely Ordinance No72-103 of 10 February 1972 relating to the Protection of Children and Youth. For the purposes of this law infants are defined as being under 21 years of age. The provisions of Ordinance No72-03 applies to those infants whose health, security, morality or education are in danger. As a consequence they are placed under the protection of the State and the Infants Judge is empowered to take all necessary measures. He may decide, depending on the youth's situation, to place him in a specialised centre, a care home, or a vocational centre. He may also entrust a person with the care of the child. [5f]

6.165 The reception centres necessary for this are provided by the state but also by the private sector. These have limited capacity, but the facilities provided are generally regarded as reasonable by local standards. [12] [13] The state institutions also accommodate young people who have come into contact with the legal system. [12]

HOMOSEXUALS

6.166 Article 338 of the Penal Code states that homosexual acts between men and between women are punishable with a term of imprisonment of up to two years. [12] [30] and a fine of 500 to 2000 dinars. [30] Sodomy upon a male person under 18 years may be punished with a sentence of up to three years and a fine of up to 10,000 dinars. [11] [30] Homosexuals cannot therefore express their nature openly and homosexuality is barely tolerated in Algerian society. [8b] [8aj] [11]

6.167 However, in practice there are few, if any, known examples of prosecution of homosexuals in Algeria, [12] [41] UNHCR and other Algerian human rights groups know of no cases of prosecution under Article 338. [11]

6.168 A homosexual lifestyle is possible provided discretion is exercised. [11] Homosexuality does appear to have become discussed more openly. For example, a public radio debate on the subject was broadcast in 2000. [11] [41] In Algiers and other large cities there are public meeting places for homosexuals and transvestites, which are tolerated by the authorities. [11] [12]

6.169 Very little information is available about the treatment of homosexuals by armed groups. However, a 1997 article in a European journal, Al Djamaa, stated that the GIA was killing homosexuals. [8aj]

C. HUMAN RIGHTS - OTHER ISSUES

UNHCR GUIDELINES ON ASYLUM SEEKERS FROM ALGERIA

6.170 UNHCR has made various statements on the Algerian human rights situation in Algeria and asylum claims. Guidelines issued by UNHCR Geneva in November 1997 include the following:

- The authorities do not often target members of the more moderate Islamic parties such as Society of Peace (previously Hamas) and En-Nahda.
- Passive members or sympathisers of FIS are unlikely to be at risk of persecution. People who are known to be, or who are perceived as active FIS supporters could be at risk from the authorities.
- Individuals who have distributed radical Islamic literature may face problems, including imprisonment. [24a]

6.171 UNHCR London issued further statements in a letter to the Home Office of 19 January 1998. [24c] The

most recent authoritative update of UNHCR views is set out in a letter of 13 March 2000 to the Home Office. [24d] Following is a summary:

- The security situation in the country based on the fear of becoming the victim of indiscriminate violence is not sufficient to recognise refugee status;
- UNHCR has never called for a general ban on deportation or for a positive group to be determined on a prima facie basis;
- Claims from Algerian asylum seekers are mainly based on one or more of the following reasons :-
 - Fear of persecution by the Algerian government
 - Fear of persecution by anti-Islamic groups
 - Fear of persecution by radical Islamic groups
 - Insecurity resulting from the situation of violence prevailing in the country;
- Following are examples of categories that may be potential targets for persecution. A well-founded fear must be established on a case by case basis and there is no automatism that the following should be recognised as refugees. Membership or active support of a political movement that is targeted for persecution will provide good reason for considering a fear of persecution well founded:
 - Members and sympathisers of radical armed groups such as GIA and FIJA [FIDA]. Such persons may also be subject to exclusion clauses;
 - Members of government, civil servants, members of security forces, members of the judiciary and intellectuals who may be perceived to support a secular form of government;
 - Relatives, close friends and close associates of above.

Other categories:

- Draft evasion and desertion. UNHCR cannot conclude that draft evasion and desertion are equated to an expression of political opinion. They do not provide grounds for refugee status, unless grounds of conscience can be established.
- Political involvement. Membership or active support of a political movement that is targeted for persecution will provide good reason for considering a claim to be well founded. A lesser degree of involvement may be sufficient if the applicant can show a likelihood of persecution.
- Women. May be treated as a particular social group within the 1951 UN Convention. May claim persecution due to their unwillingness to conform to the code of conduct of the Islamic fundamentalists. A thorough examination of the applicant's background and personality is required. A woman with an established career as a liberal professional may consider restrictions detrimental to her freedom and dignity. Refer to UNHCR Handbook paragraphs 40-42 and 52. An applicant's fear may be considered well founded if she can establish to a reasonable degree that her continued stay in Algeria would be intolerable for the reasons stated in the definition. [24d]

TREATMENT OF RETURNED REJECTED ASYLUM SEEKERS

6.172 UNHCR has not called for a ban on the return of rejected asylum seekers. [8am] [24d] At a seminar in 2001 organised by UNHCR/ACCORD it was stated by a UNHCR participant that one should seek guarantees of safety and be reluctant to return rejected applicants in the cases where the exclusion clauses have to be applied. The seminar report disclaimer stated that "The views and opinions stated in this report do not necessarily reflect the views of the organisers of the workshop This paper is not, and does not purport to be, fully exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum". [41]

6.173 A 1998 report quoting an academic at the Centre for Middle Eastern and Central Asian Studies at the Australian National University stated the following. [8h] "It is certain that an unsuccessful asylum applicant who has a high profile in opposition or held a high ranking position in government, diplomatic corps or the armed forces would be subject to punitive measures by the state. And in the light of the above, if the unsuccessful applicant is neither known to the regime nor is his asylum application, he or she categorically faces no threat to their life or freedom. Algeria is a country of hundreds of thousands of migrants and expatriates, and movement by its citizens is not in itself cause for concern or for state suspicion. Should the state have information on returning asylum seekers, especially those with no history of political opposition,

Islamic affiliation, or criminal activities, some irritations, I should imagine be expected. Asylum is not always about politics; it has economic motivations. This latter category does not necessarily invite state suspicion or retaliation. I see no problem with Algerian seekers of asylum, which more often than not are motivated by economic concerns, returning home without being retaliated against by the state." [8h]

6.174 Since the 1990s European countries have returned hundreds of such persons to Algeria either under formal agreements or on a case by case basis. [8am] [11] [12] An Algerian has no need to fear persecution on return solely on the grounds of submitting an asylum application. [11] [12] [13]

6.175 According to a country report by the Netherlands authorities, Algerian nationals who return to Algeria after their request for asylum was rejected in another country are often interrogated upon their entry into Algeria to determine their identity and to check whether there are any outstanding criminal proceedings or unfulfilled military service. It can happen that people are held for several days. In the last couple of years there have been no known cases in any European country of former asylum seekers who were maltreated or tortured upon their return. [12]

6.176 Another report stated that while none of the countries concerned appears to have carried out a formal study of what happens to 'deportees', they all believe they would have heard had persons who were returned to Algeria encountered serious difficulties. 'Deportees' sometimes contact the embassies concerned to sort out administrative matters relating to the time they spent in the other country and none have ever complained of their treatment by Algerian authorities upon their return to Algeria. It could also be expected that relatives of 'deportees' would in some cases make it known if a person had suffered at the hands of the Algerian authorities but there has been no incident of this sort ever brought to the attention of the embassies concerned. The UNHCR office in Algiers and the Algerian Foreign Ministry both reported that persons returned to Algeria do not encounter problems. [8am] [11]

6.177 In a further country report by the Swedish authorities in 2003, it was stated that according to unanimous information received, Algerians who seek asylum abroad are not persecuted if returned. [13] The Algerian authorities know that there are many Algerians who seek asylum abroad and therefore they do not have problems on their return. [13]

SAHRAWI REFUGEES IN ALGERIA

6.178 Western Sahara is a territory to the south under the administration of Morocco, whose sovereignty is under dispute. About 165,000 Western Saharans (Sahrawis) were displaced by the fighting between Morocco and Western Sahara forces over 25 years ago and live in four refugee camps just across the border in the Tindouf area of south western Algeria. [1a] [6c] [6d] UNHCR, the World Food Program (WFP), the Algerian Red Crescent, and other organizations are assisting Sahrawi refugees. [6c] [40a]

6.179 Despite efforts by the UN to broker an agreement the sovereignty of Western Sahara is still unresolved. [6d] In 1976 the Frente Polisario (Polisario Front) declared Western Sahara south of Morocco to be an independent state to be known as the Sahrawi Arab Democratic Republic (SADR). The Polisario Front is the freedom movement of the Sahrawi people of the SADR. It operates from the Tindouf camps. The Algerian Government supports the Polisario in its resistance to the Moroccan claim on the Western Sahara. [40] The SADR has been recognised as a separate country by about 70 (non-European) countries (although this number is decreasing) and is a member of the African Union. [1a] The movement has representatives in various countries. [13]

6.180 The refugees live in tents in the harsh desert environment, making living conditions extremely difficult. The survival of the camps is based on the fact that everyone works for the "cause". No one receives a salary but rather a payment in kind is provided, including food and shelter. The refugee camps, once seen as a temporary means of escaping the armed conflict, have housed an entire generation born after 1975. [40b]

6.181 The camps are called El Aiun, Awserd, Dakhla, Smara and 27 February (the day of revolution). The majority are named after towns in the Western Sahara. Each camp, which is called a wilaya, has a governor from Polisario. The camps are well-organised with schools, health centres, etc. [13] In their teens, the children can continue their studies in, for example, Libya, Syria, Cuba and Spain. There is also the opportunity of going to summer schools abroad. [13] The Sahrawi people have strong tribal affiliations and allegiances. [40c]

6.182 There is a three million US\$ aid programme. To a great extent, the Sahrawis enjoy the same rights as Algerian citizens and can settle anywhere in the country. Although they are not granted Algerian citizenship they do receive a kind of passport with a special number and can travel in and out of Algeria. Polisario's headquarters are in the town and military base of Tindouf. [13] The Polisario also has its own armed forces and conscription system in the camps. [36b]

6.183 The 2002 US State Department Report on Human Rights Practices for Western Sahara states that, while independent information from the camps is difficult to obtain, the Polisario reportedly restricts freedoms of expression, peaceful assembly, association, and movement in the Tindouf camps. [6d] A NGO mission to Morocco in 1999 was told that there are human rights abuses in the camps. [40c] However the local UNHCR program officer in Layoune told the NGO that although there could be some instances of human rights abuses, she doubted that there was any systematic campaign of human rights abuse against the refugees in the camps, and did not get the impression that the refugees there were being held against their will. [40c]

6.184 Approximately 1000 Moroccan prisoners are still held by the Polisario as a result of the fighting in Western Sahara. [33] Most have been imprisoned in harsh conditions for at least 20 years and many are in poor physical or mental health. [33] [40b] They are visited by the ICRC which would like to assist with repatriation. [33]

ANNEX A CHRONOLOGY OF MAJOR EVENTS

1962 Algeria gained independence after a war with France. Ben Bella was elected President.

1965 Ben Bella deposed in a bloodless coup by Colonel Houari Boumedienne

1976 November: A new constitution was approved by a referendum, maintaining Islam as the state religion and formulating plans to create a socialist system.

1978 December: President Boumedienne died.

1979 Colonel Ben Djedid Chadli inaugurated as President

1986 Referendum approved a new National Charter. The constitution was amended to take account of Muslim interests.

1987 The Government introduced austerity measures to cope with the decline in petrol prices and the increase in Algeria's national debt.

1988 The austerity measures provoked a series of strikes. In October there were riots in Algiers, spreading to Oran and Annaba. A six-day state of emergency was imposed, and according to official sources 159 people were killed in confrontations with government forces, and more than 1,500 were arrested.

November: A referendum approved the proposal for non-FLN candidates to participate in elections.

December: Chadli elected President for a third term.

1989 February: A new constitution ending the one party state was approved by referendum.

FIS founded and over twenty parties licensed.

1990

Widespread strikes and demonstrations occurred.

June: In the local elections the FIS received 55% of the votes cast.

August: A general amnesty was announced and thousands of political prisoners were released.

December: Demonstrations followed the announcement that Arabic was the official language, and the use of French and Berber in schools and official translations would be punished by fines.

1991

May: FIS organised general strikes to protest about the organisation of the forthcoming elections.

June: Violent clashes between Islamic fundamentalists and security forces resulted in between 20 and 50 deaths.

July: Army units arrested about 700 Islamists and occupied the headquarters of the FIS. The President of FIS, Abbasi Madani, and the Vice President, Ali Belhadj, were arrested.

December: First round of the general election. FIS were the largest party with 47.5% of the votes cast.

1992

January: The National People's Assembly dissolved, and President Chadli resigned. The second round of voting was cancelled. A five member High Council of State (HCS) was appointed to act as a collective presidency until the expiry of Chadli's term of office in December 1993. The chairman was Muhammad Boudiaf.

February: HCS declared a state of emergency.

March: FIS dissolved by the Government.

June: President Boudiaf assassinated. Violence increases and the GIA emerges as the main group behind these operations.

July: Madani and Belhadj were sentenced to 12 years imprisonment.

1993

February: State of emergency renewed for an indefinite period.

May: Large demonstrations took place, mainly organised by the UGTA.

July: Kasdi Merbah, former Prime Minister was assassinated.

1994

January: Liamine Zeroual appointed Head of State for a three-year term. A three year transition period culminating in a presidential election was announced.

September: Madani and Belhadj released from prison and placed under house arrest.

1995

November: Presidential election. There were four candidates, and President Zeroual won 61% of the valid votes. The FLN, FFS and FIS urged people to boycott the elections.

1996

November: A referendum approved changes to the constitution which included changing the law regulating political parties, banning those based on religion, language, gender or regional differences.

1997

January: The Secretary General of the UGTA, Abd al-Hak Benhamouda was assassinated.

March: supporters of President Zeroual set up the National Democratic Rally (RND) to run in the 5 June legislative elections.

April: FIS called for a boycott of the elections. Hamas changed its name to Movement of a Peaceful Society, to conform with the new laws regulating political parties.

June: Elections - the turnout was officially recorded as 65%. The RND won 155 seats and became the largest party in the National Assembly. They formed a coalition with the Islamist Movement for a Peaceful society (MSP), and the National Liberation Front.

September: FIS chief Madani released, but then placed under house arrest.

October: A major split occurred in FIS, when supporters of Madani denounced other FIS leaders for declaring a cease-fire of its military wing, the Islamic Salvation Army (AIS). Local elections were won by the RND. In October and November the main legal opposition groups organised demonstrations against what they saw as fraud in the elections. Demonstrators were beaten with batons.

December: Members of Algeria's local councils chose representatives to sit in the upper house of parliament. The National Democratic Rally gained 35 of the first 42 seats decided.

1998

February: Four other armed Algerian fundamentalist organisations, the Ansar Battalion, the Al-Sharq al-Awsat, the Rahman Battalion and the Islamic League for the Call and the Jihad had joined the truce announced by the armed wing of the FIS in October 1997.

The violence continued in the early part of 1998, and 400 were killed in one massacre.

May: An executive decree was signed by Algeria's Health Minister on 5 May allowing women who had been raped by suspected Muslim rebels to have abortions.

Thirty political parties were dissolved for failing to conform with the new rules on political parties.

June: On 25 June Matoub Lounes, a popular Berber singer, was killed, and his wife and 2 sons were wounded, at a false roadblock by an armed group. Rioting and demonstrations in Berber towns followed.

July: Implementation of a law generalising the use of Arabic in enterprises and public departments.

Visit to Algeria by Eminent Panel appointed by the Secretary General of the United Nations.

September: President Zeroual announced that he would resign before the end of his term of office and hand over power after presidential elections in early 1999.

1999

April: Abdelaziz Bouteflika announced as the winner of the presidential election. On the eve of the presidential election six of the seven presidential candidates withdrew from the elections claiming fraud. [1a]

June: The AIS declared an end to their guerrilla struggle against the Government on 6 June.

President Bouteflika promised an amnesty for the AIS and its supporters and submitted an amnesty law as part of the Civil Concord Law. [1a]

July: Approximately two thousand prisoners imprisoned for terrorist and subversive acts were released. [1a]

September: Referendum on the question of "Do you agree with the Presidents approach to restoring peace and civil accord?" was won by the Yes votes.

November: Abdelkader Hachani, a leader of the FIS, was killed in Algiers. In December a suspect was

arrested [7a] who was sentenced to death in April 2001. [6c]

December: A new Prime Minister, Ahmed Benbitour, and cabinet were appointed. [1a] [7a]

2000

January: About 180 people were killed during Ramadan. [7h]

The AIS and LIDD armed Islamist opposition groups disbanded just before the expiry of the amnesty for armed groups.

It was reported that many AIS members would join the national army to fight the remaining armed groups, mainly the GIA and GSPC groups.

April: Four international human rights groups, including AI, were allowed to visit Algeria. [1a]

August: Ali Benflis was appointed Prime Minister. [1a] [7d]

Security and counter terrorist operations were stepped up, particularly in Algiers, to deal with increased violence and to counter GSPC infiltration of Algiers. [7d]

November: The Government refused to legalise the WAFA party on the grounds that many of its members were ex-FIS members. [7g]

December: Over 300 people were killed in terrorist incidents during the month of Ramadan. [7h] [54c]

2001

Terrorist incidents and clashes with the security forces continued to be reported. Over sixty six terrorist acts were reported in the first three months and about three hundred people were killed. [54c]

Up to eighty people were killed in riots in the Kabylie region between April and June. This followed the killing of a man in police custody during the annual "Berber Spring" demonstrations. The RCD party withdrew from the government in protest at its handling of the situation. [1a]

November: Over seven hundred people were killed in Algiers when floods engulfed the working class district of Bab el Oued following a torrential downpour. [1b]

2002

February: GIA leader Anton Zouabri was killed by security forces. [7p] According to unconfirmed reports Rachid Oukali alias Abou Tourab Errachid, his reported successor, was killed by security forces in June. [7t]

March: The Government agreed a number of concessions in response to the Berber complaints. These included amending the constitution to give official status to the Berber language, and compensation for relatives of victims of the violence. [7q]

June: The FLN party won majority control in elections for a new legislative assembly. [7t] The elections were described in reports as marred by violence and a boycott by the two main Berber parties. [7t] A new government was formed under the previous prime minister, Ali Benflis. [7t]

October: The FLN party won the majority in local elections. [7w]

December: By the end of the year civilian deaths attributed to terrorists decreased by 30% from 2001 totals. [6c] A total of about 1386 civilians, terrorists and security force members died in 2002 as a result of the ongoing violence. [6c]

2003

May Ahmed Ouyahia replaced Ali Benflis as Prime Minister. [7ac]

An earthquake caused serious damage and loss of over 2000 lives in north east Algeria, including parts of Algiers. [72]

July Two main FIS leaders Abassi Madani and Ali Benhadj were released from prison and house arrest on completion of their sentences. [7ac]

ANNEX B POLITICAL ORGANISATIONS

See also Section 5 Political System and Section 6 Political activists

Sources 1, 2, 10, 12, 24a contain more information about Algerian political parties of the past 10 years. Source 37b analyses the implications of the June 2002 legislative elections for various parties and movements.

Al-Islah see MRN

Ennadha (or Nahda)

Led by Hahbib (or Lahbib) Adami. [1a] [2] [12] Fundamentalist Islamist group. [1a] It claims to have many former FIS members in its ranks. [12]

Ettahadi / Challenge - see MDS

Front Democratique (FD)

Headed by former Prime Minister Sid Ahmed Ghazali, the FD applied for registration in May 2000, but received no response within the time period specified by law and has since remained unlicensed. [6c] [12]

Front Islamique du Salut (FIS) / Islamic Salvation Front / al-Jibhat al-Inqath

Leadership Abassi Madani (President); Ali Belhadj (vice-president); Annuoar Haddam (spokesman in exile) [1a] [2] The FIS was founded in March 1989 as an umbrella organisation for Islamist groups. It may have existed in some form prior to this. The FIS was banned on 4 March 1992 and remains illegal. [1a]

The two main founders were Abbasi Madani and Ali Belhadj. They were arrested on 30 June 1991 and charged with conspiring to overthrow the Government. [1a] In July 1992 they were sentenced to 12 years imprisonment. [1a] They were put under house arrest in September 1994, but Belhadj was later returned to prison. [1a] Madani and Belhadj were released in July 2003 on completion of their sentences. They are still subject to restrictions on political activity. [7ac] However Ali Benhadj is reportedly seeking to unify the active forces of the ex-FIS. [55c]

Other leaders included Abdelkader Hachani and Rabeh Kabir. [2] Hachani, a moderate leader of the FIS, was killed in Algiers in November 1999. [1a] [7a] In April 2001 a man was found guilty of the murder and sentenced to death. [6c] Senior officials from the FIS are not normally allowed to travel abroad [6c] However Dr Madani was allowed to leave Algeria in August 2003 for medical treatment. [70]

The FIS party has an organisation in exile. [7u] It is divided into factions between whom there is animosity. [12] In August 2002 a FIS Congress in Belgium ousted Rabeh Kebir from party management. [7u] At a further meeting in Switzerland in October 2002 Mourad Dhina was named as interim head of the party's executive. [59b] The aims of the FIS are to take power after reclaiming a place in the political process and create an Islamic state based on the Sharia. The FIS claimed to be the only true Islamic party and drew its support from all sections of society. [2]

Some ex-FIS members are in the Ennadha, MRN (el Islah), and Wafa parties. [2] See also Political Activists

Front de Liberation Nationale (FLN) / National Liberation Front / Jabha al-Watani

Secretary-General Boualem Benhamouda. Until February 1989 this was the only legal party in Algeria. This party led the seven year war of independence with France, which ended in 1962. It has a basically socialist philosophy. [1a] [24a] The FLN gained a majority in the June 2002 legislative elections and the October 2002 local elections. [7w] [12]

Front des Forces Socialistes (FFS) / Socialist Forces Front

This party was originally set up in 1963, and was revived and legalised in 1989. The President is Hocine Ait-Ahmed, who returned to Algeria in 1999 to participate in Presidential elections following self-exile in Europe. He still lives mainly in Switzerland. [12] The party believes in democratic socialist principles, and dialogue with the FIS. It obtains most of its support from Berbers and middle-class urban residents in Algiers and some other cities. [1a] [2] [12] [24a] The FFS boycotted the June 2002 legislative elections but took part in the October 2002 local elections. [7w] A new first secretary, Djoudi Mammeri, was appointed in April 2003. [7ab]

Front National de renouvellement (FNR) / Algerian National Front

Leader: Zenidine Cherifi. [1a] Won 8 seats in the June 2002 legislative elections. [7w]

Hamas - see MSP

Mouvement Cultural Berbère (MCB) / Berber Cultural Movement

Founded in 1976 and is not so much a political party as a pressure group associated with the Berber FFS and RCD parties. It is engaged in efforts to promote the Berber language and identity. Each April the MCB organises demonstrations in Kabylie towns to commemorate the "Berber spring" when a number of students were killed in demonstrations in Tizi Ouzou in 1980. [10] [11] [24a]

Mouvement Democratique et Social (MDS) / Democratic Social Movement Formerly Ettahadi.

Secretary-General Al-Hashemi Cherif. Left wing. Launched in October 1999 as successor to Ettahadi, itself created as successor to the Socialist Vanguard Party (Parti de l'Avant-Garde Socialiste - PAGS) itself descended from the Communist Party (CPA) founded in the 1930s. Ettahadi boycotted the 1997 and 1999 elections. Its conversion into the MDS signified a renewed commitment to the democratic process and the mixed economy, as well as opposition to any compromise with Islamic extremism. [2] [24a]

Mouvement pour la démocratie en Algérie (MDA) / Movement for Democracy in Algeria

Ceased to exist legally in 1997. [8ak] [24a]

Mouvement de la Société pour la paix (MSP) / Movement of a Peaceful Society / Harakat Moudjtamaa As-Silm Formerly Hamas

The name was changed in April 1997 in order to meet the criteria of the law banning political parties based on religious or ethnic issues. It is a moderate Islamic party and condemns violence and intolerance in the name of religion. It promotes respect for human rights, including women's rights in the workplace. [1a] [2] [24a] The party is represented in the cabinet but lost half its seats in the May 2002 election mainly to the MRN. [12] The party's leader Mahfoud Nahnah died in June 2003. [7ad] Bougherra Soltani was announced as the new leader in August 2003. [58c]

Mouvement de la Renaissance (MR) / Renaissance Movement / Harakat al-Nahda al-Islamiyya

Moderate Islamist. [1a] [2]

Mouvement de Réforme Nationale (MRN) / al-Islah

Also known by its Arabic name al-Islah. Founded in 1998 and headed by Cheikh Abdallah Djaballah. [7x] Its members include former FIS supporters and it is considered ideologically closest to the former FIS. [12]

National Party of Unity and Action

Founded in December 1999 by supporters of President Bouteflika. [7a]

Parti du Renouveau Algérien (PRA) / Algerian Renewal Party

Secretary-General Yacine Terkmane Leader Nourreddine Boukrouh. Moderate Islamist. [1a] The PRA was founded 1989 and advocates Algerian nationalism based on a modern and progressive form of Islam. It favours a free market economy. [12]

Parti du Travail (PT) / Parti des travailleurs / Workers Party

Leader: Louisa Hanoune. Left wing. [1a] [2] At the May 2002 elections the PT increased its seats from 4 to 24. The PT is against all foreign interference, including the activities of the IMF and EU association. It also opposes the privatization of state owned companies. [12]

Rassemblement pour la Culture et la Démocratie (RCD) / Rally for Culture and Democracy

President: Said Saadi [1a] This party was set up in 1989 by former FFS members. It is largely made up of Berbers. It advocates recognition of the Berber language, Tamazight, as a national language. It is secular and anti-Islamic and supports the government in its campaign against the Muslim fundamentalist rebels. It is against legalisation of the FIS. [1a] [2] [24a] The RCD boycotted the June 2002 legislative elections and the October 2002 local elections. [7w] During 2002 the RCD alleged that four of its members and their families had been detained and tortured by persons apparently connected with the Government. The Government apparently has not responded to appeals for clarification and investigation. Two other RCD members also complained of detention and beating. [6c]

Rassemblement nationale démocratique (RND) / National Democratic Rally

In March 1997 supporters of President Zeroual set up the National Democratic Rally (RND) to run in the 5 June legislative election. In the June 1997 elections it won 156 seats [1a] It was the largest party in the National Assembly prior to the June 2002 legislative elections. [1a] The leader is the current Prime Minister Ahmed Ouyahia who was elected secretary-general in January 1999. [1a] [2] [12]

Wafa wa al-adi (Wafa) / Mouvement Fidélité et Justice / Movement for Fidelity and Justice

Leader Ahmed Taleb Ibrahimi (former foreign minister and 1999 presidential candidate) Founded in 1999 but refused government recognition as a political party in 2000 on the grounds that it contained large numbers of FIS supporters. [1a] [2] [6c] [7a] [7g] [11] [12] The Government closed the Party's offices in November 2000. [6c] The Wafa party was widely considered as an attempt to breathe new political life into the FIS. [12]

ANNEX C MAIN ARMED GROUPS

NB A number of smaller armed groups are also listed in sources 10 and 24a. See also -

Section 6 Armed Groups and Section 5 Military Servicemen Threat from Terrorists

1. The main remaining armed groups operating in Algeria now are the GSPC and the GIA. Both are proscribed organisations in the UK under the Terrorism Act 2000. However a number of other groups have also emerged.
2. The violence by armed groups takes place primarily in the countryside and smaller towns as the security forces have largely forced the insurgents out of the cities. [1a] [6a] [6c] [8w] [8y] [8ac] [11] [12] [26d] except in the strongholds of the armed groups. [8z] The authorities are in control of the vast majority of their territory [12] and engage in ongoing anti-terrorist operations. [1a] [6c]

Armed Islamic Group (GIA) aka Armed Group / Groupes Islamiques Armés

3. This group emerged in 1993 and claimed to be involved in a Jihad or holy war. Its stated aim was to overthrow the current regime and set up a fundamentalist Islamic state. [1a]

4. Many GIA members were former guerilla fighters in Afghanistan. Many of these have been killed in combat or are still fighting with the GIA, and some are in Europe. They are considered to be the harshest faction. [8z]

5. The GIA is no longer a nation-wide force. [8z] It is composed of semi-autonomous groups each controlled by local emirs. [8an] [12] [24a] [26d] [61a] Allegedly, Algeria is divided into nine zones, each with an active group of between 20 and 300 members. [12] In 1996 there were splits in the GIA that led to a number of smaller groups being formed. [8z] Antar Zouabri emerged as the leader of the main faction. [1a] Zouabri was killed by security forces in February 2002. [7t] [12] His replacement was reportedly Rachid Abou Tourab (real name Rachid Oukali). [12] [25b]

6. The total number of members of the GIA is unknown. Recent estimates vary from sixty [25b] to several hundred [6a] [8an] [53a] [61a] [68a] to fifteen hundred. [12] Nevertheless they are still not a negligible force, bearing in mind that they are not afraid of the consequences of their actions. The major weakness of this group is that its members have lost the trust of the local population, following the horrible massacres that are attributed to them. [61a]

7. The GIA do not distinguish between active enemies and neutral bystanders and sees any one who is not with them as being against them and thus a potential target. [12] The group's strategy is based on terrorising the population and stealing their provisions. [61a]

8. Many of their attacks are killings of ordinary people in rural areas, which include atrocities such as beheadings and massacres. [12] Some attacks on communities are said to be because they had not provided support to the terrorists, and to steal food and goods. Others are false roadblocks set up by the GIA posing as soldiers for the purpose of extortion, robbery and murder. [6c] [8r] [8z] [11]

9. The group members stay in an area for a few days only. If one of them comes down from the mountains and does not come back within one day, the group immediately leaves its hide-out and moves to another area. This is in case the person in question might have been arrested or might have decided to inform the police about his comrades and their hide-out. [61a]

10. The GIA is mainly active in large sections of the northern part of the country [26d] notably in the central and western parts of the country, and in the Algiers region [8z] especially Mitidja, [8z] [25b] Medea. [8z] and Blida [8r] [61a] They are scattered in various regions inside the chain of mountains in western Algeria such as the wilayas of Ain Delfa, Chlef and Medea. [7i] [8z] [41] [61a] They compete for influence with other splinter groups that are mainly active in the centre-east and eastern provinces. [61a] Between July and October 2002 at least 120 persons were killed in the province of Chlef by armed groups. [27c]

11. The GIA is also very aggressive in the areas of Tipaza and Bouira where many cases of racketeering and extorting money from villagers can be ascribed to them. [41] The GIA does not now have a presence in Kabylia [8z] (although other reports state that a large part of its membership was of Kabyle (Berber) origin. [41] See Ethnic Groups) There are also GIA residue pockets further west in Relizane, Mascara, Tيارت and Saida. [7i]

12. According to two specialists on Algeria in September 1999, the GIA do not use force to recruit members because this would lead to a high rate of desertion and adversely affect combat effectiveness. GIA and other armed Islamic groups must be ideologically committed to the cause. [8r] A recent country report stated that recruitment to the armed groups is done through family ties. [13] However, according to newspaper reports unemployed youth are easy prey for Islamic recruiters: Twenty five GIA recruiters were arrested in the poor suburbs of Algiers and in Blida in December 1997. Another Algerian specialist in the country stated in 1997 that a typical member of the GIA is in his twenties, single, unemployed, with little education and a poor knowledge of French and Arabic. [8r]

13. An expert on Algerian armed groups commented in July 2000 that the armed groups are still recruiting among young people. [8z] He also stated that the profile of GIA members is of young people on the fringes of society, unemployed youths or former delinquents, and that the majority of them have no political culture and do not come from the FIS. [8z] Several members of the GIA and GSPC are also involved in racketeering and criminal activities. [8r]

14. The GIA rejected the amnesty law. [12] However, some GIA members surrendered to the Algerian

authorities within the framework of the measures provided by the law on restoring civil accord. [7e]

The Salafist Group for Call and Combat (GSPC) /Groupe Salafiste pour la Prédication et le Combat

15. The GSPC began in the region east of Algiers and Kabylie [8z] The GSPC was a former faction of the GIA but split from the group in mid 1998. [8z] The main emir is Hassan Hattab, a former GIA emir. [8z] Like the GIA, the GSPC is more a collection of local militias than an organization with a clear structure. [12] Some of its emirs are of Kabyle (Berber) origin. [8z]

16. The GSPC is active in the centre-east and the east of the country [61a] namely the region between Boumerdes province and part of Kabylie. [7i] It is reported to have groups in Jijel, Tizi Ouzou, Setif and the area around Constantine. [8z] [41] The GSPC also operates in some cities, such as Boghni [8z] and also the southern part of the country. [26d] Elements of the group operating in Algiers suburbs were dismantled by the security forces in 2002/3. [65b]

17. Hattab directly controls the activities in the centre-east ((known as "the second region" including Tizi Ouzou and the Kabylie region and some coastal areas to the east of the capital). [61a]

18. Abderazzak "El Para" [former parachutist], leads the activities in the eastern province (or what is known as the "fifth region," precisely Batna, the capital of the Aures. [61a] He is also a former GIA emir. [61a] It is possible that he is attempting to extend his group's influence in the Algiers area at the expense of the GIA. [61a]

19. A GSPC group also operates in the Lakhdaria-Kadiriya region (70 km south of Algiers). [57a] The local emir of this El-Farouk phalanx is reportedly Ahmed Djebri. [57a] Hasan Toufik, a GSPC emir to the east of Bouira was reportedly killed by municipal guards in February 2003. [7aa]

20. The GSPC has gained popular support through its pledge to avoid civilian attacks (although, in fact, civilians have been attacked). [6a] [12] It concentrates its operations mainly on the security forces, including conscripts and is often behind the ambushes and killing of soldiers and municipal guards in roads and mountainous areas. [7i] It carries out fewer operations than the GIA but they are more deadly. [8z] It finances its operations by racketeering, cross border smuggling in western Algeria, real estate investments, money laundering activities and Algerian support networks, particularly those outside Algeria. [8z]

21. The strength of the GSPC is unknown. [6a] Estimates are several hundred to several thousand inside Algeria. [6a] [12] [25b] Like the GIA, the GSPC rejected the civil concord law but some of its members have taken advantage of the amnesty. [12] About ninety GSPC members reportedly surrendered under the amnesty law up to January 2001. [8z]

22. The Algerian army is carrying out mopping-up operations on a daily basis in the regions where Hassan's followers are active, mainly in Ali Bounab forest, which Hattab is believed to use as his headquarters. [61a]

23. The authorities have also sought to convince members who are hiding in the mountains to abandon their arms and give themselves up, in exchange for a promise of good treatment. According to some statistics many members of the group have effectively come down from the mountains after they read the fatwas which describe those who carry out operations on behalf of the armed groups as "defectors". [12] [61a]

Katibat El Ahoual/ El Ahwal / Humet el-dawa el salafiyya / Defenders of the Salafi Propagation

24. This is reported as a dissident splinter group of the GIA and one of the most active and dangerous armed groups. It is said to include members who fought alongside the mujahidin in Afghanistan, including the leader, Slim Al Afghani, and to have links to Al Qa'ida. [25b] [61a] It is said to operate to the east of Algiers and to have about seventy members. [25b]

25. It is also said to operate in the centre-west of the country, mainly in El Ouenis in the east, Remka and Relizane [7b] in the west and Chlef in the north, also to the west of Algiers. [8u] [25b]

Groupe Salafiste pour le Djihad

26. This group is said to have about 60 men and is led by Abdelkader Souane. [25b]

Other Groups

27. Some of the people set free by the authorities under the national reconciliation measures have switched to setting up new networks that were responsible for attacks in the spring and summer of 2002. Recent attacks specifically against police officers point to the existence of an autonomous group, according to some observers and comments by the Algerian Minister of Home Affairs in July 2002. [12]

28. The **Djamaat al-Ahrar / independents Group** was claimed to be responsible for a number of attacks in and around Algiers in mid-2002, including killings of policemen. Their communiqué suggested that they have recruited and trained new younger members in urban terrorism. However, they do not appear to be adequately armed. They have been apparently been influenced by FIDA methods and to be above the usual level of GIA members. [55a] The authorities took protection measures [54c] and stated that they had identified some of the members. [54d]

Islamic Salvation Army (AIS)/ Armée Islamique de la Salut

29. The AIS was created in mid-1994 as the armed wing of the FIS. Exact numbers of members are unknown, but in 1995 it was estimated at approximately 6,000. Although the exact relationship with the leaders of FIS is not clear, it may be that the leaders of the AIS acted with a certain amount of autonomy and were not directly controlled by the FIS. [12] [27b] They merged with the Armed Islamic Movement (MIA). The main leader was Medani Mezrag. [24a]

30. Following a ceasefire in October 1997, the AIS declared an end to their guerrilla struggle against the Government on June 6 1999. AIS members were granted an unconditional amnesty by President Bouteflika and disbanded in January 2000. [1a] Some of its members were integrated into the national army in operations against the GIA. [7b] [8z] [12]

31. In February 1998 four other armed Islamist groups, the Ansar Battalion, the Mawt Battalion, the Rahman Battalion and the Islamic League for the Call and the Jihad [LIDD] joined the truce announced by the AIS in October 1997. [1a]

Islamic Front of the Armed Jihad/Front Islamique de Djihad armé (FIDA/FIJA)

32. The leader was Omar el-Fidai. Another organiser, Dr Abdelhamid Talahacht, was killed in 1996. [55a] This group has assassinated prominent regime figures or representatives such as celebrities, and politicians, also intellectuals, journalists and trade unionists. [10] [24c] [55a] The group was neutralised but some link with the Independent Group (see above) may be in place as the action methods are similar. [55a]

Islamic League for Call and Jihad / Ligue Islamique de la dawaa et du Djihad (LIDD)

33. This was led by Ali Benhadjar. Part of the LIDD joined the cease-fire announced by the AIS in October 1997 and also dissolved itself in January 2000. [7i] [12] However, a dissident splinter group of the LIDD continued fighting in eastern Algeria. [41]

ANNEX D PROMINENT PEOPLE

Hocine Ait Ahmed – Socialist Forces Front leader (FFS) who returned to Algeria to participate in the 1999 presidential elections following self-exile in Europe. [1a]

Ali Belhadj – FIS vice president. Sentenced to 12 years imprisonment in 1991 [1a] He was released from prison in July 2003 on completion of his sentence. [7ae]

Ahmed Ben Bella – First President of Algeria after independence. Leader of the now banned MDA. [1a] [8ak]

Ahmed Benbitour – former Prime Minister of cabinet appointed in December 1999. [1a] [7a]

Cheikh Ali Benhadjar – Leader of the Islamic League for the call and the Combat (LIDD) - a fundamentalist

Islamic militia which disbanded in January 2000.

Abdelhak Benhamouda – Former Secretary General of the General Union of Algerian Workers (UGTA). He was killed in January 1997. [1a]

Ali Benflis – Prime Minister from May 2000 [1a] to May 2003. [7ac]

Mohammed Boudiaf – President of Algeria from January 1992 until January 1994. Assassinated. [1a]

Abdelaziz Bouteflika – President of Algeria from April 1999 to date. Formerly the Tourist Minister (1963) and then Foreign Minister. [1a]

Ahmed Taleb Brahini – presidential candidate in April 1999. Leader of **Wafa** party, which was refused recognition in 2000. [7g]

Ben Djedid Chadli – President 1979 until 1992. [1a]

Liamine Cheikh – One of the leading figures in the Rally for Culture and Democracy (RCD)

Abdallah Djaballah – Former leader of Ennahda. Present leader of **MRN** party. He was an Independent candidate in the 1999 Presidential elections.

Salima Ghezali – Editor of the previously banned Algerian newspaper- La Nation. She was awarded the Sakharov prize for freedom of thought.

Abdelkader Hachani – Senior FIS official. Led FIS election campaign in 1991. Murdered in Algiers in November 1999. [1a] [6c] [7a]

Anouar Haddam – Head of the self-declared FIS Parliamentary Mission Abroad.

Hassan Hattab – Leader of GSPC armed group. [8z]

Louisa Hanoune - leader of PT party

Abdelhaq Layada – Former GIA leader-currently in jail

Matoub Lounes - popular Berber singer. Killed at a roadblock in 1997. [1a]

Abbassi Madani – One of the main leaders. Sentenced to 12 years in prison in July 1991, he was put under house arrest. In 1997 [1a] and released in July 2003. [7ac]

Madani Mezrag – AIS Commander

Sheikh Mahfoud Nahnah – Former leader of MPS - formerly Hamas. Came second in the Presidential elections in 1995. Died in June 2003. [7ab]

Ahmed Ouyahia – former Prime Minister and Justice Minister. [1a] Re-appointed prime minister in May 2003. [7ac]

Mohamed Swain - human rights activist See Section 6 Human Rights Activists

Ahmed Zaoui – Former member of the FIS consultative committee and acting official spokesman for the new FIS coordination council abroad. Granted asylum in New Zealand in 2003 but is still in detention pending security investigation by the authorities. [59f] [70]

Ali Zouita – Prominent lawyer- was held in detention from 1993 until 1997 despite being acquitted by a court of aiding a terrorist group

Antar Zouabri – GIA leader [8z] Killed by security forces in February 2002. [7t]

President Liamine Zeroual – President of Algeria from 1995 until he resigned in April 1999. Previously served as president of a transition government established in 1994. [1a]

ANNEX E GLOSSARY

AIS Islamic Salvation Army (Armed wing of the FIS)

CNCPPDH National Consultative Committee for the Promotion and Protection of Human Rights

FFS Front des Forces Socialistes / Socialist Forces Front (political party)

FIDA/FIJA Islamic Front for Holy War (armed group)

FIS Front Islamic de Salut / al-Jibhat al-Inqath - Islamic Salvation Front (banned political party)

FFS Socialist Forces Front / Front des Forces Socialistes (Berber political party)

FLN Front de Liberation Nationale / National Liberation Front / Jabha al-Watani (political party)

GIA Group Islamic Armé / Armed Islamic Group (armed group)

GSPC Groupe Salafite pour la Prédication et le Combat / Salafist Call and Combat Party (armed group)

LADDH Ligue Algerienne de Defense des Droits de l'homme (Algerian League for the Defence of Human Rights)

LIDD Islamic League for Call and Combat (armed group)

MCB Mouvement Cultural Berbere / Berber Cultural Movement (Berber cultural pressure group)

MDA Mouvement pour la Democratie en Algerie - Algerian Movement for Democracy (Political Party)

MDS Mouvement Democratique et Social / Social Democratic Movement (formerly Ettahadi) (political party)

MIA Armed Islamic Movement (Former armed group)

MPS Movement of a Peaceful Society (formerly Hamas) (Political Party)

NCC National Consultative Council

NPA National People's Assembly

OJAL Organisation of Young Free Algerians

ONDH Observatoire national des droits de l'homme (National Observatory for Human Rights)

ONVT Organisation nationale des victimes du terrorisme

ONVITAD Organisation nationale des familles des victims du terrorisme et des ayants droit

PRA Parti de Renouveau Algerian - Algerian Renewal Party (political party)

RCD Rassemblement pour la Culture et la Democratie - Rally for Democracy and Culture (political party)

RND Rassemblement national démocratique National Democratic Rally (political party)

UGTA Union Générale des Travailleurs Algériens / General Union of Algerian Workers

UNEA Union Nationale des Etudiants Algériens / National Union of Algerian Students

UNFA Union Nationale des Femmes Algerien / National Union of Algerian Women

ANNEX F: REFERENCES TO SOURCE MATERIAL

Part I

Part II

Part III

ANNEX F: REFERENCES TO SOURCE MATERIAL

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