

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	95
Land:	Algeriet
Kilde:	Amnesty International
Titel:	"Annual Report 2007"
Udgivet:	23. maj 2007
Optaget på baggrundsmaterialet:	10. oktober 2007

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Amnesty International Report 2007

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ALGERIA

PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA

Head of state: Abdelaziz Bouteflika

Head of government: Abdelaziz Belkhadem (replaced Ahmed Ouyahia in May)

Death penalty: abolitionist in practice

International Criminal Court: signed

The government introduced new amnesty laws entrenching impunity for gross human rights abuses in a stated effort to bring closure to the internal conflict of the 1990s, and criminalizing criticism of past violations by government forces. It made no progress in investigating cases of enforced disappearance and other serious human rights abuses committed during the 1990s or in clarifying the fate of the victims of enforced disappearance. Some 2,200 people who had been imprisoned or detained on terrorism-related charges were released under the amnesty laws and members of armed groups who surrendered were offered exemption from prosecution. However, fighting between armed groups and security forces continued, claiming over 300 lives, including more than 70 civilians. There were persistent reports of torture and ill-treatment of suspects detained by the authorities and accused of terrorism-related activities and there were concerns over the fairness of trials in terrorism-related and politically motivated cases. Journalists, trade unionists and human rights defenders were subject to harassment and prison sentences.

Background

Algeria continued to be affected by the legacy of the long and bloody internal conflict of the 1990s in which as many as 200,000 people are believed to have been killed as a result of attacks and abuses by both armed groups and government security forces. The government branded its policy of "national reconciliation" as the definitive solution to overcoming this brutal legacy. It introduced blanket amnesty measures and exemptions from prosecution for those responsible for past abuses, compensation payments for some categories of victims, social benefits for former armed group members and their families, and measures aimed at reintegrating people who had been ostracized due to their suspected support for the Islamic Salvation Front (Front islamique du salut, FIS). The FIS, whose election success in 1992 had sparked the army's intervention and the ensuing internal conflict, remained banned and excluded from the political process although some of its former leaders actively supported the government's "reconciliation" plan.

Algeria was an important ally in the US-led "war on terror". Violence by residual armed groups persisted, often in connection with criminal activities such as smuggling, protection rackets and money-laundering. The government continued its armed campaign against these groups, which it claimed were aligned with al-Qa'ida. Despite the persistent risk of torture in terrorism-related cases, Algerians were deported from several countries where governments alleged they were a risk to national security. Some countries apparently received assurances from the Algerian authorities that returnees would not be tortured or ill-treated, but Algeria refused independent monitoring of detainees who had been returned from other countries.

Raised oil and gas prices led to high revenues which allowed the government to repay some two thirds of its foreign debt. International financial institutions warned that urgent reforms were needed to diversify growth and create employment. Violent protests over social and economic conditions remained rife amid widespread allegations of corruption.

Impunity

There was no progress towards investigating the numerous gross abuses, including torture, killings, abductions and enforced disappearances, committed by armed groups and state security forces during the conflict of the 1990s. The government continued to fail to co-operate effectively with relevant UN human rights bodies and mechanisms in addressing the human

rights legacy of the conflict.

Impunity was entrenched further by amnesty laws issued under presidential decrees in February, which were said by the government to implement the Charter for Peace and National Reconciliation, a framework document adopted by national referendum in 2005. Human rights groups and associations of victims staged public demonstrations to protest against the new legislation, describing it as unconstitutional.

The amnesty laws declared that any complaint against the security forces and those who acted in conjunction with them would be inadmissible, effectively granting them blanket immunity for human rights violations committed during the years of internal conflict. Moreover, the laws threatened with imprisonment those who speak out about abuses by the security forces. During the 1990s, security forces and state-armed militias carried out widespread torture and thousands of extrajudicial executions and enforced disappearances, all crimes under international law. The amnesty laws contravene Algeria's international obligation to investigate these crimes and hold the perpetrators to account, thereby denying victims and their families an effective remedy for the wrongs to which they were subjected.

The amnesty laws also enlarged the scope of earlier measures granting exemption from prosecution to members of armed groups who surrendered to the authorities within a six-month period, in a stated effort to end fighting by armed groups. The law provided insufficient safeguards to ensure that those who had committed serious crimes, for example killings of civilians, would be prosecuted. According to official statements, up to 300 armed group members surrendered before the deadline expired, but it was not known how many of them were exempted from prosecution and by what process. The authorities announced that those giving themselves up in future would benefit from similar measures beyond expiry of the deadline.

The laws also provided for the release under an amnesty of those detained or imprisoned for alleged involvement in terrorist activities except for collective killings, rape and bomb attacks. According to official statements, some 2,200 people who had been charged with or convicted of involvement in terrorist activities were freed from detention in March and in the following months, but the names of those released and the process for determining eligibility were not published. Several people charged with involvement in international terrorism were initially released, although they were not entitled under the terms of the law. Some of them were later rearrested and detained. Other detainees who would have been eligible for release were still in detention at the end of the year.

• In August the UN Human Rights Committee ruled that Malik Medjnoun, who had been detained without trial for nearly seven years, should be tried immediately or released, and that human rights violations he had allegedly suffered in detention should be investigated. However, the government was not known to have taken any action in response to this decision and Malik Medjnoun remained detained without trial at the end of the year. In 2000, he was charged with participation in the 1998 killing of Lounes Matoub, a prominent singer, a crime which has not yet been fully, impartially and independently investigated. In 1999 and 2000 Malik Medjnoun was held in unacknowledged and secret detention for seven months during which he was reportedly tortured.

Political killings

More than 300 people were reported to have been killed by either armed groups or government security forces during the year, including over 70 civilians.

Armed groups continued to carry out attacks on military and, to a lesser extent, civilian targets. Military forces carried out search operations and attacks in areas where armed group violence persisted, killing alleged armed group members. There were concerns that some of these killings might have been extrajudicial executions and that some of those killed were women and children related to armed group members, but details were difficult to obtain.

Violations in counter-terrorism

Torture continued to be used with impunity. There were persistent reports of torture and other ill-treatment in the custody of the Department for Information and Security (Département du renseignement et de la sécurité, DRS), a military intelligence agency which carries out terrorism-related arrests and investigations. Detainees held in DRS custody said they were beaten, tortured with electric shocks, suspended from the ceiling, and forced to swallow large amounts of dirty water, urine or chemicals. They were held by the DRS in secret locations for up to several months, during which they were denied contact with the outside world, in violation of the law. Reports of torture and ill-treatment were not known to have been investigated, despite new provisions criminalizing torture introduced in 2004. At least three people convicted of belonging to a terrorist group were sentenced to death in their absence.

• Hadj Djilali Bouazza, an Algerian national resident in Belgium, was arrested in March, some 10 days after arriving on a visit to Algeria. He was detained in DRS custody for three months during which he was not permitted contact with the outside world and reportedly abused by being stamped on, blindfolded and beaten on the side of his head, causing temporary deafness in one ear. An independent medical examination requested by his lawyer did not take place. He remained in prison awaiting trial for alleged terrorist activities in Algeria and abroad.

• Ahmed Chergui was arrested in Boumerdes province, east of Algiers, at the end of June. He was held by gendarmerie officers for three days, during which time he was reportedly stripped and threatened with a dog. He was then transferred to DRS custody and allegedly subjected to further torture, including severe beatings on his legs. Despite extensive bruising to his thighs, a medical certificate reportedly stated that he had no traces of injuries. He was charged with terrorism-related activities and remained in detention awaiting trial.

Enforced disappearances

No steps were taken to clarify the fate of thousands of victims of enforced disappearance between 1993 and 2002. Dozens of

court cases brought by their families had not led to full judicial investigations or prosecution of the alleged perpetrators. The laws on "national reconciliation" barred courts from investigating complaints against those responsible.

In March the UN Human Rights Committee issued its first rulings on cases of enforced disappearance in Algeria. The Committee found that the state had violated several provisions of the International Covenant on Civil and Political Rights in failing to protect the rights and life of Salah Saker and Riad Boucherf who had disappeared in 1994 and 1995 respectively. The Committee also recognized that the treatment by the authorities of their relatives, who remained without news of their fate or whereabouts, amounted to ill-treatment.

The laws on "national reconciliation" included provisions to compensate families of victims of enforced disappearance, but no payments had been made by the end of the year. In the absence of any investigations or judicial proceedings, many families rejected the compensation offer, fearing that the payments were intended to silence their calls for truth and justice.

Several dozen families of victims of enforced disappearance who had appealed to the authorities for help in previous years were summoned by security forces and given written notification of the death of their loved ones, a prerequisite for any compensation claims. The documents, however, refuted the families' claims that their loved ones had been arrested by security forces, stating instead that they had been killed by unidentified men or while participating in an armed group.

Families of victims of enforced disappearance were intimidated and some were prosecuted in connection with documentation they had produced and their campaigning activities on behalf of victims of enforced disappearance in Algeria or because of their peaceful protests against the government's national reconciliation policies.

Intimidation of human rights defenders and journalists

There were continuing restrictions on freedom of expression and assembly, and several independent organizations, including organizations of families of victims of enforced disappearance, continued to be denied legal status. Some of the restrictions were linked to the state of emergency, imposed in 1992, which remained in force.

The amnesty laws introduced in February criminalized free speech about the conduct of the security forces. Under these new laws, anyone exposing human rights violations or wishing to generate debate about them could face prosecution and up to five years' imprisonment, or 10 years in the case of a second offence. By the end of the year, the laws were not known to have been applied, but victims of human rights abuses and their families, human rights defenders, journalists and trade unionists faced a range of other forms of harassment and intimidation, including the threat of court action for exercising rights guaranteed under international law.

Algerian media reported that some 20 journalists were prosecuted for defamation after complaints by public officials. Some 15 prison terms of up to one year were imposed, but most journalists remained at liberty pending appeals.

In July, President Bouteflika decreed a pardon for all journalists convicted in connection with laws restricting free speech. Dozens of journalists sentenced to prison sentences and fines benefited from the measure. This followed a similar announcement in May which had, in practice, benefited very few of the 200 or so journalists it was officially aimed at. This was because it covered only journalists whose sentences had been confirmed, and most of those prosecuted were at liberty awaiting the outcome of appeals. b Trumped-up charges were brought against lawyers Hassiba Boumerdesi and Amine Sidhoum in September in an apparent attempt to intimidate them and deter them from carrying out human rights work. They remained at liberty pending trial for violating laws governing the organization and security of prisons.

Refugees and migrants

Irregular migrants were at risk of detention and collective expulsion. There were also reports of ill-treatment of irregular migrants by Algerian border police. Thousands of irregular migrants, including possible asylum-seekers, were deported to countries in sub-Saharan Africa without being able to make asylum applications or to appeal against deportation orders.

AI country reports/visits

Reports

- Algeria: Unrestrained powers - Torture by Algeria's Military Security (AI Index: MDE 28/004/2006)
- Algeria: New amnesty law will ensure atrocities go unpunished (AI Index: MDE 28/005/2006)
- Algeria: Torture in the "war on terror" - a memorandum to the Algerian President (AI Index: MDE 28/008/2006)

Visit

AI informed the government in May that it wished to visit Algeria, but was denied access to the country.

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