

Algeriet (2)

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HUMAN RIGHTS DEVELOPMENTS

Political violence declined overall but continued to claim an average of 125 lives monthly, most of them civilians. Frequent protests in the Berber-majority Kabylie region, not all of them peaceful, led to arrests and, at times, harsh repression by the security forces. Demonstrations and riots erupted frequently in other regions, in protest of poor living conditions, repression, corruption, and the impunity enjoyed by security forces, officials, and those with influence. Between March and April, some fifty prisoners died in a series of uprisings and fires set by inmates of several prisons protesting against harsh conditions and the jailing of pre-trial defendants for long periods rather than releasing them on bail.



In the aftermath of the September 11, 2001 attacks on the U.S., Algeria, in its first report to the United Nations Counter-Terrorism Committee, welcomed the new global efforts as "corroborating its own consistently argued position on the nature of terrorism . . ." Algeria, the report stated, had "long suffered the ravages of terrorism, often in the face of indifference" from the international community.

As in previous years, officials claimed that Algeria's armed groups were on their last legs. Army chief-of-staff General Mohamed Lamari told the London-based *el-Moushahid as-Siyassi* in June that the number of armed Islamists nationwide had dropped to seven hundred and that "the end of these criminal groups is imminent." Authorities refused, however, to end the ten-year-old state of emergency that granted the Interior Ministry special powers to forbid public gatherings and detain individuals without charge.

While security in the major cities had improved, rebel groups that had spurned President Bouteflika's 1999 offer of amnesty continued to massacre civilians in rural areas and smaller cities. These groups were also believed responsible for placing deadly bombs in public places. The province of Chlef was particularly hard-hit, with at least 120 persons slain between July and October, including twenty-six in an August 16 attack and

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twenty-one on October 24, both in isolated villages. A bomb blast in a busy market in Larbâa killed thirty-eight persons on July 5. The perpetrators of such attacks rarely, if ever, provided specific claims of responsibility or justifications for their acts. Active groups included the Armed Islamic Group, which had for several years been indiscriminately targeting civilians, and the Salafist Group for Preaching and Combat, which was better known for attacks on military targets.

There was a noticeable decline in reports of human rights violations committed by the security forces compared to the mid-1990s. But the pattern of violations suggested that any decline was caused more by the drop in political violence than by stronger safeguards against abuse. While there were no new confirmed "disappearance" cases, police wearing plainclothes continued to arrest young men and hold them incommunicado beyond the legal twelve-day limit and without informing their families. While reports of torture were down in absolute numbers, prisoners were still at high risk of being tortured by their interrogators.

Impunity remained a paramount concern. President Bouteflika pledged more than once to bring to justice the security force members accused of using excessive force in putting down Berber protests in 2001, which left more than ninety dead. The president kept his promise to withdraw some of the controversial gendarme units stationed in the Kabylie, but little was done to bring offenders to justice. Similarly, despite pledges by a new presidential human rights commission to resolve the issue of the "disappeared" by the end of 2002, no progress had been achieved as of mid-November.

The Berber protest movement focused on demands for recognition of cultural and linguistic rights, and an end to repressive and corrupt behavior by the security forces. On the question of regional political autonomy the movement housed diverse viewpoints.

In elections held May 30, the National Liberation Front, the ruling party during Algeria's three decades of one-party rule, captured 199 out of the 389 seats in the lower house of parliament. Three legal Islamist parties won a total of eighty-two seats, although the Interior Ministry had disqualified tens of their candidates on the grounds that they belonged to an "illegal organization," namely the Front Islamique du Salut (FIS). (Authorities banned the FIS in 1992 after it performed strongly in the first round of legislative elections. A military-backed coup canceled the second round of those elections to prevent the FIS from capturing a parliamentary majority.) Wafa, a party expected to capture strong support among Islamist voters, could not participate in 2002, since the Interior Ministry had refused it legal recognition two years earlier, saying it was too close to the FIS.

During the campaign period, authorities prevented two Berber-dominated political parties that favored an election boycott from holding rallies and meetings in public venues, explaining that these were reserved for the parties competing in the vote. State-controlled television also denied coverage to the pro-boycott movement, but it covered the range of participating parties and candidates.

In parts of the Kabylie, the vote was marred by acts of intimidation, vandalism, and disruption committed by activists associated with the pro-boycott Coordination Inter-Wilaya, a collective of local Berber activist groups and councils in several provinces. However, the turnout was extremely low even in those parts of the Kabylie where no disruptions were reported, and reached only two percent for the region as a whole.

In local elections held October 10, the National Liberation Front, together with its ally the Democratic National Rally, won control of a majority of town councils and provincial assemblies. Again, pro-boycott activists in the Kabylie tried to dissuade voters through acts of intimidation and violence.

In a March 12 speech to the nation, President Bouteflika addressed some Berber grievances without responding to others. He decreed that Tamazight, the Berber tongue, would become a "national" language, a concession that fell short of the demand that it become an "official" language, like Arabic. The president also announced that twenty-four gendarme agents and five officers had been charged with homicide or improper use of their firearms for their conduct during the Kabylie unrest. "The trials will take place in complete openness," he declared, "without any ambiguities or aspects left untreated The state will not yield to impunity." However, in the months following this strong statement, it was possible to verify only two or three cases where security force agents had been brought to trial. These included the October 29 conviction by a military court of gendarme Merabet Mestari. Merabet was sentenced to two years in prison for involuntary homicide in the killing of student Massinissa Guermah, the incident that triggered months of protests in the Kabylie in 2001. In isolated instances, gendarmes, police, and members of government-organized civilian defense patrols were prosecuted for human rights abuses; however, the feared Military Security agency continued to be above any kind of public accountability for its conduct, notably its torture of suspects under interrogation.

Both the unrest and the repression in the Kabylie sharpened during March, despite the president's speech. There were frequent sit-ins, marches, clashes, and acts of vandalism against public property. Residents complained of "retaliatory" and "punitive" raids by security personnel, who ransacked and looted homes, cars, and businesses, and punched and clubbed passersby in the street. Seven youths died in various incidents between March 21 and April 1, and scores were seriously wounded by live and rubber bullets, teargas, and beatings. Authorities arrested some three hundred people during March, including demonstrators and the leaders of the protest movement. Many were quickly tried and sentenced to up to two years in prison on charges such as participating in an illegal gathering, damaging public property, incitement to riot, blocking traffic, and distributing subversive tracts. The arrests and trials sparked further sit-ins and rallies to demand their release. These continued sporadically in the region until President Bouteflika on August 5 amnestied all those who had been arrested in connection with the protests in the Kabylie up until that point. However, both the protests and the arrest of demonstrators and their accused leaders continued after August.

On March 14, police in Algiers forcibly blocked a march called by the Berber-based Socialist Forces Front, turning back cars with out-of-town license plates and briefly arresting scores of marchers. Nine months earlier, authorities had banned all demonstrations in the capital "until further notice." However, in other parts of the country, political demonstrations often took place without incident, such as an April 20 march by some one hundred thousand in Tizi-Ouzou.

On April 2, an uprising in a prison near Constantine resulted in the death of some twenty inmates in unclear circumstances. Throughout April and early May, prisoners staged disturbances and set fires in several facilities across the country. Nearly fifty were killed, including about twenty in an April 30 mutiny in Serkadji prison. Among the leading grievances expressed were the courts' preference to detain suspects pending trial and the often-lengthy pre-trial detention that resulted. Mohand Issad, who headed a

presidential commission on judicial reform, blamed the disturbances also on prison conditions, including "overcrowding . . . unacceptable food and disastrous medical conditions." In press interviews in May, he asked, "When detainees are piled on top of one another in small cells, when juveniles are next to adult criminals and healthy persons next to sick ones, what should you expect?" President Bouteflika said on October 30 that authorities had "heard" the prisoners "cries of distress." He promised improvements in prison conditions and urged judges to respect the "exceptional" character of pre-trial detention in Algerian law.

There was no progress in elucidating the fate of the estimated seven to ten thousand persons who "disappeared" between 1993 and 1998 at the hands of the security forces and their paramilitary allies. On October 28, Major General Mohamed Touati, a presidential advisor, called "disappearances" an "unfortunate and prickly issue that must be addressed by the governing institutions," marking the first time a senior officer of the army had publicly acknowledged the problem.

The president's National Consultative Commission for the Promotion and Protection of Human Rights, founded in 2001, told Human Rights Watch on November 6 that it had 4,743 dossiers submitted by families regarding persons presumably "disappeared" by state agents, and that it continued to receive previously unreported cases. Commission President Moustapha Farouk Ksentini said he believed the real total of "disappearances" was "7,000 to 10,000, possibly even 12,000." In a June 28 interview with the online journal *Algeria Interface*, Ksentini said, "The question of 'disappearances' must be definitively resolved before the end of the year . . . If we reach the conclusion that the State is guilty, we will say so clearly . . . The truth must become known, whatever it may be. The honor of the country and its institutions are at stake. The horrible things from the last few years must never be repeated."

Ksentini acknowledged to Human Rights Watch on November 6, however, that neither the government nor his own commission had thus far satisfactorily elucidated a single case of "disappearance." Nevertheless, authorities continued to make unsubstantiated claims during the year that the government was "clarifying" cases that families had brought to its attention. On March 10, Justice Minister Ahmed Ouyahia said on Algerian radio that some six hundred "disappeared" had in fact joined terrorist groups, out of a total number that he put at 3,200 to 3,300. He did not elaborate.

While there were no new confirmed cases of persons abducted and "disappeared" in 2002, security forces continued to make arrests in a manner that violated Algerian law and that put the detainee at risk of "disappearing." The arresting force often wore plain clothes and declined to identify itself. The detainee was then often held in garde à vue detention beyond the twelve-day legal limit that applies to "terrorism" and "subversion" cases, although flagrant violations of this law were less frequent than in the mid-1990s. During garde à vue, relatives were unable to obtain any official information about the person's whereabouts. For example, ex-prisoner Omar Toumi of Algiers went on an errand on January 26 and failed to return to his family. His family contacted the police but received no official confirmation he had been detained until mid-February. Toumi was eventually brought to court and charged with security offenses. Omar's brother Saïd has been "disappeared" since being arrested in 1994 at his workplace by armed men, some of them in uniform.

Persons taken into detention, whether for security or common criminal

offenses, were at risk of being tortured by their interrogators. Beatings and the "chiffon"—placing a rag soaked in dirty water or household chemicals over the nose and mouth to induce choking—were the most commonly reported torture methods. The use of electric shocks was also reported on occasion in different detention centers. Ahmed Ouali and his father Mohamed and uncle Fouad were all arrested on January 12 near their homes in el-Harrach and brought to a detention center run by the Military Security agency. The three later told defense lawyer Mahmoud Khelili that their interrogators subjected Ahmed, a former FIS activist, to the "chiffon" and electric shocks and bound him by a rope suspended from the ceiling. Fouad suffered similar mistreatment. The two brothers were charged with membership in a terrorist organization and placed in pre-trial detention. Mohamed, who was beaten during interrogation, was released without charge.

Hoceine Rachdi of Relizane was arrested on October 2 and tortured by agents of the Military Security who applied electric shocks to his ears, according to a relative interviewed by Human Rights Watch. The relative said that family members could still see traces of torture on Hoceine's face and hands during an October 14 visit with the prisoner, who was being held on suspicion of aiding a terrorist organization.

Boubaker Kamaz, a former security prisoner who lives in Constantine, was arrested January 9. Kamaz told his lawyer that during his fourteen days in incommunicado detention—two days longer than the legal limit—he was chained to a chair, beaten, whipped, and gagged with a "chiffon." The investigating judge rejected his demand for a medical examination, a decision that was reversed on appeal. When a doctor finally saw Kamaz on May 2, nearly four months after the abuse occurred, he noted scratches from the wrist and ankle restraints. In a rare departure from the usual practice, the trial judge on October 20 acquitted Kamaz on charges of belonging to a terrorist group, apparently after accepting the medical report as grounds for doubting the evidentiary value of Kamaz's confession.

State-controlled television and radio remained government mouthpieces, ignoring or downplaying major demonstrations and massacres that were covered on locally available European and Arab stations. A bright spot was the live broadcasting of sessions of parliament. Private newspapers, in spite of repressive press laws, often criticized government actions, publishing eyewitness accounts of the gendarmerie's suppression of demonstrations, and accusing officials and state institutions of corruption, nepotism, and incompetence. They exercised more self-censorship concerning the army's role in politics.

A number of reporters, cartoonists, and editors at Algeria's private daily newspapers were summoned for questioning by the police or investigating judges in response to complaints filed by the Defense Ministry regarding published articles and political cartoons. Those who were charged risked the longer jail terms and larger fines provided by the 2001 amendments to laws on libel. However, journalists who were sentenced to prison terms during 2002 appealed their convictions and none was actually incarcerated during the first ten months of the year.

Khaled Nezzar, Algeria's defense minister from 1990 to 1993, sued ex-army officer Habib Souaïdia for libel in a Paris court for having declared on French television that Algeria's "generals" had killed "thousands of people" during the political violence of the 1990s. Souaïdia is author of a book on Algerian army abuses entitled *The Dirty War*, published in 2001 in France, where he resides. The weeklong trial in July featured some thirty

witnesses, including persons tortured by the security forces and relatives of persons murdered by armed groups. The court ruled in September against the plaintiff, saying that history, rather than the court, was a better venue to resolve the dispute.

In separate cases, French courts also dismissed complaints against Nezzar filed by torture victims who claimed that Nezzar bore command responsibility for the torture they allegedly suffered at the hands of his subordinates. The French courts decided to close the cases after Nezzar submitted in April to questioning by police who were investigating the complaints. The court ruling was based on the grounds that the evidence directly linking the ex-minister to acts of torture was not sufficiently compelling. In Algeria, meanwhile, a court on April 30 sentenced Souaïdia in absentia to twenty years in prison for having said in a press interview that he had been in touch with a dissident group of ex-officers in exile and if there were a revolt against Algeria's rulers he would come back "to take up arms against the generals."

The new government formed after the May legislative elections included five women ministers, including the renowned women's rights activist Khalida Messaoudi as spokesperson. However, there was no progress made during the year toward modifying the 1984 Family Code, which grants women inferior rights in divorce, inheritance, custody of children, and other matters.

DEFENDING HUMAN RIGHTS

Human rights defenders collected and published information openly in major Algerian cities. However, their work was hampered by selective acts of harassment and prosecution and by the fear of many victims and witnesses to come forward to provide testimony.

Mohamed Smaïn, spokesperson for the Algerian League for the Defense of Human Rights (Ligue Algérienne de défense des droits de l'Homme, LADDH) in the western city of Relizane, was sentenced to one year in prison and a fine by a court of appeals on February 24 on charges of libeling a former mayor, el-Hadj Fergane, and members of an armed self-defense group he headed. Smaïn had long accused Fergane and his colleagues of carrying out "disappearances" and assassinations in the region during the mid-1990s. In February 2001, Smaïn had alerted the press to an earth-digging operation, at which Fergane was allegedly present, to transfer the contents of a mass grave near Relizane to another location. Smaïn was free pending his appeal of the verdict to the Supreme Court, which had not ruled by the time this report went to press. In September, Smaïn's passport and driver's license, confiscated in 2001, were returned to him. Repeated efforts by Human Rights Watch while in Relizane in November to obtain comment from Fergane were unsuccessful.

Organizations built around relatives of "disappeared" persons continued to collect previously unreported cases from 1993 to 1998. They held regular sit-ins in Algiers, Oran, Relizane, and Constantine to demand the return of their relatives or information about their fates. These were tolerated on some occasions and forcibly dispersed on others. On March 18, police dispersed relatives of the "disappeared" who were attempting to gather in front of the United Nations office in Algiers and arrested Abderrahmane Khellil, an activist with the LADDH and SOS-Disparus, an advocacy group launched by relatives of the "disappeared." He was released without

charge after a few hours. Police also used force to break up sit-ins by relatives of the "disappeared" before the headquarters of the president's human rights commission on June 23 and July 3, and to turn back a march of some fifty relatives toward the president's office on November 6.

Khellil and a friend, Sid Ahmed Mourad, were arrested on May 19 near an Algiers university campus where they had gone on behalf of the LADDH to investigate the arrest of students the day before. They were jailed until May 26, when a court gave them a six-month suspended sentence for "inciting an unarmed demonstration," even though they had not arrived at the scene of the demonstration in question until the following day.

Foreign human rights organizations continued to receive visas selectively and sporadically. Between February 2001 and August 2002, no request to conduct missions from Human Rights Watch, Amnesty International, the International Federation of Human Rights, or Reporters without Borders was approved. However, the organizations were able, on occasion, to send researchers and trial observers when they needed no entry visa due to their nationalities. In September 2002, both Human Rights Watch and Reporters without Borders received entry visas for the first time since May 2000 and January 2001, respectively, and both organizations carried out research missions in October.

Algeria continued its refusal to grant long-standing mission requests from the U.N. special rapporteurs on torture and on extrajudicial, summary, or arbitrary executions, and did not accept a request for an invitation from the Working Group on Enforced and Involuntary Disappearances. However, it allowed a visit in September by the rapporteur on freedom of religion or belief.

The International Committee of the Red Cross (ICRC) continued its program of visiting inmates in prisons administered by the Justice Ministry, and opened an office in the capital. The organization was permitted also to visit prisoners in garde à vue detention in police stations. However, detainees held in facilities run by the military—where the most severe abuses were thought to take place—remained off-limits.

THE ROLE OF THE INTERNATIONAL COMMUNITY

European Union

The government of Algeria made progress in rehabilitating its image internationally in late 2001 and in 2002. An overall drop in political violence, President Bouteflika's offer of partial amnesty to the rebels, and his strong anti-terror position following the September 11, 2001 attack on the United States helped to upstage human rights concerns that had kept many Western governments from deepening relations with Algiers.

The president met with President Bush twice during 2001. On November 30 of that year, he hosted Jacques Chirac in the first visit by a French head of state since 1988. One month later he was in Brussels for the initialing of an Association Agreement with the European Union.

Europe remained the chief source of Algeria's imports and the main consumer of its exports, mostly natural gas and oil. France was the state most influential in shaping E.U. policy toward Algeria. It was also the leading source of Algeria's imports and home to the largest Algerian



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