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Algeria - Country Report

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[Annex 2: Extracts from: Mahmoud Khelili: La torture en Algérie (1991-2001) October 2001]

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I. Background: A history of violence as a form of political expression

History is an important tool to understand how the current violence machine could be produced in Algeria. While the history before colonisation does have its importance, the effects of the colonial period were crucial for the present time. The political turmoil of today is related to the history of violent conquest, violent colonisation and the violent war of independence of the years 1954-1962.

[Till innehåll]

I.1. The influence of the colonial period

The period of colonisation lasted from 1830 until 1962 when the French left Algeria. Between these dates lie 130 years of extreme violence. The approach of the French towards the colonies was quite different from the philosophy of the British Empire. They not only wanted to control commerce and economy, but wanted to make the colonised population French in symbolic, cultural and linguistic terms. While the economic colonisation changed the legal system and the appropriation of property, the cultural colonisation demanded a complete metamorphosis. The French wanted the Algerians to be French with every breath. They even taught them at school that their ancestors were the Gaulois. The reason why this background is still so important today is that many characteristics of the current regime are inherited from the colonial period. The Front de libération nationale (FLN) has emerged as an armed liberation force because the French regime had not left any room for politics as a form of internal regulation. The use of arms and extreme violence results from a negation of the political realm. The enemy is labelled a terrorist, a dark force, and is deprived of any kind of political legitimacy. This rhetoric, this negation of the realm of the political, is also inherent in the current regime in Algeria.

The French colonial rule has also influenced Algerian society by raising some groups in the colonised population above others. The Berbers, for example, were always regarded as "better Arabs". The French considered them to be far superior to the Arab population and wanted to make them perfect through Christianization. Arabs and Berbers, however, have a similar attitude towards religion and Christianization was not successful in Algeria. Yet, if there was a tiny number of converters, these were Berbers. Under the French rule, there was a consistent effort to differentiate between Berbers and Arabs and to isolate the Berbers from the rest of the population. In a similar way, the Algerian regime has tried to manipulate them in their struggle against the Islamic opposition.

The Algerian army had to burn the forests of Kabylia with napalm to drive out the huge numbers of resistance fighters, Berbers as well as Islamists. One of the principal leaders of the moderate wing of the FIS, Mohammed Sa'id, who later became the leader of the GIA, is a Berber, as is the leader of another armed group (Sa'id Mekhloufi) and as are countless other Islamist militants. This has not stopped the Western media from portraying Kabylia as impervious to the Islamists, and as 'democratic' as it is 'mountainous'. However, until then the Berber cultural movement, despite its undoubted energy, had been more opposed to the state and the FLN than to its challengers from the FIS. With some degree of success, political manipulation transformed an anti-state movement into an anti-Islamist weapon, going as far as to arm the village militia (and docking the cost from their subsidies), who were destined 'to fight the maquis'. Despite the counter-measures of the Islamist current, this manoeuvre was partially successful. (Francois Burgat: Face to Face with political Islam, I.B. Tauris 2001)

If we look at history, the Berbers as a community have some distinct cultural and linguistic identity, some of it mythical, some of it real. They arrived in Algeria before the Arabization and Islamization of the 8th century. Yet, in principle, the Berbers do consider themselves Arabs and part of the Algerian citizenry. This fact is important in the context of the spring 2001 riots in Kabylia: They are not about the cultural and linguistic rights of the Berbers, but rather part of a popular front against the regime and it would be wrong to use an ethnic frame of analysis for explaining the current riots in Kabylia.

[Till innehåll]

1.2. The current regime

The current regime is in many ways a product of colonial violence. There was no other way to end colonisation than through conducting a very violent war of independence. The military has been drawing its political legitimacy from the fact that they fought this war and that they liberated Algeria. Whoever tries to criticise them is silenced with a reference to the fight for independence. "You would not be here if it had not been for us", has been the main rhetoric of the Algerian regime since 1962. There is no room for the idea that those who led the war of independence could voluntarily give up their power. This is at the core of the current civil war. The civil war of the 1990s is not primarily a war of bad fundamentalists fighting against the good civil society with the help of the tough military. The core of the problem is that the military succeeded in maintaining power since 1962, weathering revolutions, elections, and referenda. Their legitimising ideology is that they stand for the fight for modernity and for democracy. Any political analysis of the Algerian situation must move beyond this facade.

Such an analysis is not always easy to accomplish as the regime has led an extremely successful information campaign in representing itself as the only bulwark against Islamic fundamentalists in Algeria. In the West, this has worked very well as Islam is considered to be an enemy, to be alien to Western rational principles which have been considered of universal value. Islam is the Other for Europe. France itself has many different ways to relate to Algeria, and none of them is neutral. There are the old *pieds-noirs*, the *Harkis*, the young teachers, the young immigrants, and they all have their own way of speaking about Algeria. The military regime has tapped into this Western tradition of considering Islam the enemy, and succeeded in presenting itself as the lesser evil.

In recent years, it has become harder for the regime to manipulate the media. Human rights organisations like Amnesty International have reported on human rights violations and the security situation. The German-based group *algeria-watch* publishes information from many different - government and opposition - sources. Yet, there is a reluctance of Western governments to condemn and put pressure on a regime that says of itself that it conducts a struggle against Islamic fundamentalists. The government still controls the entire Algerian press, there is absolutely no freedom of expression, and censorship is particularly strict with regard to security incidents.

[Till innehåll]

A comedy of pluralism

The history of the regime can be divided into two parts with one common denominator: whatever the institutional facade, the army has been in power. Ten or twelve generals were always pulling the strings in the background.

From 1962 to 1988 - the year of the big October revolt - Algeria had a one-party system with the FLN nominally representing the government. In this one-party system the army controlled the entire revenues. There was a part of the society which was economically marginalized (called the *Heatheets*, the "ones who could only hang out in the streets (leaning against the walls)") and eager to join the FIS movements. The political elite was generally not practising Islam. The answer of the regime to the October revolt was to open up the political system and to draft a new constitution. The period between 1989 and early 1992 thus formed an exception in the history of contemporary Algeria. During this time we could witness some form of political pluralism, even if the power continued to lie with the army. The political opening produced two elections. In the local elections of June 1990 the Islamic opposition achieved a landslide victory. For the parliamentary elections in December 1991, analysts had predicted that the Islamists no longer had the support of the voters and would not be able to gain more than 20% of the votes. Yet, there was again a

landslide victory of Islamist parties. In early 1992, the army dissolved the elected parliament and the Presidency, and nominated a National Transition Council. Soon afterwards, the civil war began.

[Till innehåll]

The function of the head of state

It is important to understand that the head of state does not hold the power either. Apart from Wari Boumédiène (1965 - 1978), who was both President and head of state and who was a real leader, all other heads of state were elected or nominated by the army. An analysis of the situation in Algeria must include the permanent struggle between the head of state and the army who made him head of state. Once elected, all of them wanted to introduce reforms, to change the rules of the game, to effectively be the head of state. This side conflict between the president and the army is very important. From the point of view of the army, it requires the use of violence in order to make the power of the army appear indispensable to win the struggle against armed Islamists.

Those who were weak, like Chadli, whose attempt to open the parliamentary system resulted in the victory of the Islamists, were simply pushed away and asked to resign. His successor Boudiaf was a strong leader who had been in exile before he became President and was therefore dangerous in the eyes of the military. Once he started to investigate the ways in which the oil export was controlled, he had crossed a red line and, in June 1992, was assassinated. He was not killed by the Islamists, but by the regime. An association of opposition army officers in exile - ANP or The Movement of the Free Officers - has documented every single detail of his assassination. (1)

Liamine Zéroual also wanted to transcend the system in his efforts to reform and reconcile the Islamic opposition. Again he stepped beyond the red line when he tried to change the structure of the army command, but also by addressing the regulation of the control of oil revenues. Before Zéroual was eventually asked to resign, two generals close to him had already been assassinated by the army as a warning to Zéroual.

The exact same pattern can be observed with Abdelaziz Bouteflika. As a former Minister for Foreign Affairs, Bouteflika is well known and has international contacts. For the first months of his presidency he was even less credible than Zéroual as all other presidential candidates had withdrawn their candidature citing fraud, and Bouteflika was left as the only candidate. Yet, in bringing up the issue of disappearances, he hence did take significant steps in terms of agenda-setting which might go against the grain of the Algerian army. In addition to making General Larbi Belkhair directeur de cabinet, the army appointed two more generals for the Presidency to control Bouteflika. It also seems that the army is pushing two more candidates for future presidents, Mouloud Hamrouche (former Prime Minister in the late 80s) and Taleb Ibrahim, who have suddenly appeared in the French media giving press conferences, openly criticising Bouteflika. This development seems to indicate that the army is trying to get rid of Bouteflika as well.

[Till innehåll]

The rhetoric of eradication

The experiment with political pluralism between 1989 and 1992 has proven not to be a way for the army to maintain its power. This is why the regime has moved the struggle for power from the political arena to security issues. This way they have a chance to survive as long as they have a radical armed enemy.

There is no doubt that those who the regime calls "terrorists" do exist. (2) They and their violence, however, are not what the army fears. The military fears the majority of the population which is not extremist. They need the extremists to legitimise their grip on power. Their strategy was to represent this extreme violent fringe of the society as their sole opponent. This policy also led to the widespread belief within Western governments that once the military is gone, nothing will be left except the GIA (Groupe islamique armé). The regime thus represents itself as the lesser evil, and by and large it has succeeded with this strategy. In the eyes of the Western world, it has the legitimacy to answer political demands with armed force.

There are two Camps in the current Algerian political system: one - which is actually in the minority - is completely opposed to any kind of political solution. It is composed of a tiny fringe of the armed opposition

which is indeed peace, democracy, and civil rights and of the generals, who know they would lose all legitimacy and disappear, if there were a political solution. The other camp is constituted by about 90% of the Algerian population, including most of the Islamic opposition. The trick of the regime was to give the power of representation exclusively to the tiny radical fringe. The Berbers, the activists of the FLN, the Islamic Front, they all have repeatedly said that they are ready for a political solution. They have convincingly stated that, if they gain the majority, they will respect the minority. The St Egidio process has played a very important role here. Yet, most European institutions, to a certain extent also the French, still believe in the regimes interpretation of the crisis.

The political formula can be described as such: the military created an empty institutional frame - since 1992 there is a fake pluralist system where elections are not run to decide who will be in power but who will be allowed to play the role of opposition. There is a myriad of opposition viewpoints one can take. With Louiza Hanoune, the leader of the Parti du travail (PT), there is even an extreme left politician in Parliament. Yet there is a red line tells one to e.g. never ask for an international enquiry into the violence. As long as a politician respects this limit, he or she can criticise the government for measures it takes e.g. in the social field.

Despite the period when Mohammed Boudiaf tried unsuccessfully - or, for a time, appeared to be trying - to alter the situation, the objective was to embrace any position that identified the armed groups with the use of blind violence, so that the FIS would be cut off from its popular base. Two techniques were adopted to achieve this goal. The immeasurable brutality of the repression swelled the ranks of the most extremist part of the Islamist current to an unprecedented level, which unsurprisingly led to counterattacks that were just as ferocious as those meted out by the state. An Islamic knife is no more deadly than an army bullet, but it allows more sensational headlines.(3)

By employing widespread manipulation, the expected effects of this first step have largely been fulfilled. The many accounts suggest that 'the Islamists disguised as soldiers' were usually just soldiers doing their national service. In order to sway the entire population into the 'antiterrorist' camp, they had to make sure that this brand of terrorism, that produced political dividends, did not just affect the representatives of the regime, but that all categories of society would also suffer at their hands.

By prohibiting any announcement of a loss of power, the official "information" quickly became limited to reporting civilian casualties, for which only the Islamists were blamed. Behind this smoke screen, the daily reprisals of the security forces against the families of resistance members were systematically ascribed to the Islamists and the forms of nocturnal harassment (intimidation, robbery, sexual assaults) that were allegedly committed by "Islamists disguised as soldiers" were inflicted on every sector of society in the name of the armed groups. The regime set up an 'association of the victims of terrorism' who reaped the political dividends, as long as they organised a few highly publicised marches in its support. Even if they did not ameliorate the horror of those crimes which, without question, can be attributed to the Islamists, it is probable that several of the most high profile assassinations of personalities, chosen for their popularity in diverse categories of national or international opinion, fall into this 'blurred'/dark/ambiguous category. So do some of the most unpopular attempts to sabotage the economy, the attacks on the symbols of nationalism (desecration of memorials to the heroes of the war of independence), the arson attacks on schools and public services, the blind explosions such as the bombing at Algiers airport on 26 August 1992,(4) and the assorted macabre productions of provocative communiqués claiming responsibility,(5) etc.

Men and women - of course, there is no absolute proof yet, but a huge pile of witness accounts and indices are available have died just so that their assassins could profit from the revulsion felt by the public.(6) Each segment of public opinion was carefully targeted, as were all social, ethnic or socio-cultural movements, in an attempt to guide them from their natural path and use them in the fight against the Islamists. They included women of course, but also students, football fans and raï supporters, the Berbers, the Islamist moderates, etc. (Francois Burgat: Face to Face with political Islam, I.B. Tauris 2001)

[Till innehåll]

The symbolic function of Islam

A major question in this context is of course why the West is so slow to react, why the rhetoric of the regime works so efficiently. Again the role Islam plays for Europe has to be recalled - it is the Other that has to be shunned and fought. The regime succeeds in suggesting to the West that they share a common

enemy, the Islamic "fundamentalists" and that the regime represents a lesser evil. The West consequently accepts human rights violations for it is convinced that the regime uses these measures to fight a monster. Historically we Westerners only accept the tiny fringe that is totally acculturated to our vocabulary. This is why the West immediately considers any articulation of political demands in Islamic terms as being outside of rational politics, as being connected to violence.

The disappearance of Islamists, however, is not the solution. They will not exist forever as such an important political force, but they exist as a link between the regime and Arab societies and represent a large compartment of society, but it is a huge misunderstanding to think the political system will be more open once Islamism has been eliminated from the political arena.

During independence nationalism was represented by the new flag, economy was represented by the term "ownership". There was the search for an own cultural symbolic existence. Islamism was one of the ways to express the nationalist struggle for freedom from colonialism. Rejecting the vocabulary of the colonial power, some thus started to use the term "shura" instead of "democracy". Independence was thus linked to a resurgence of Islamic culture which had been marginalized under the French colonial rule where Muslim culture was only represented in the museum and not allowed to express universal values/universality.

The French colonial regime did not give room for cultural expression to the population, there was suppression of the local realities in social and cultural terms. The conflict lines in the subsequent history of Algeria have to be seen against the background of the specific role of Islam in the fight for independence. Originally there were no generals in the Algerian army. One of the reforms of Chadli was to raise every colonel to the rank of general in 1980. Many of them had served in the French army, in some cases up to until 1959 - this is one of the reproaches of the Islamic movement vis-à-vis the first generation of the military command. But there is actually a divide within the Islamic movement itself: The leader of the FIS Malek Ben Nabi attempted an Algerianization of Islamic thought and was branded by other more extreme parts of the Islamic movement, who were threatening to kill him for trying to pervert Islam.

Does this resurgence of Islamism as such produce more or a different kind of political violence? Political violence is not related to the vocabulary of political actors. The kind of violence is in proportion to the suppression of political expression. It has to do with the ability of the individuals to accept violence, it is related to education, to the degree of violence they have themselves been exposed to. Every regime has the category of opponent it deserves. If one does not allow for political regulation, one ends up with an armed opposition. The desire to express and live Muslim culture is not violent in itself - it is the regime which determines the ways in which political demands are expressed.

Once they had protested through the official channels and appealed unsuccessfully for international solidarity, the Islamists responded by attacking and killing the military, and then the political directors of the strategy of 'eradication'. At first, the growing tide of 'Islamic' violence was aimed at members of the forces of law and order, and then at the authorities nominated by the government in place of the elected assemblies. One Armed Islamic Movement (MIA) in particular was to increasingly claim responsibility for the attacks. (7) (Francois Burgat: Face to Face with political Islam, I.B. Tauris 2001)

Is there a tradition of Islamic violence? There is a specific form of symbolic violence, confusing the symbolic apparatus of modernisation with the essence of their belonging. In Turkey one could be hanged for wearing a fez as Atatürk had decided that the fez was incompatible with modernisation. In Iran veils were torn off for the same reason under the Shah. Islamic actors have succumbed to the same mistake and have misused the Koranic principle of righting a wrong one is witness to.

There has been violence in the most famous Islamic movement. The Muslim Brotherhood, which was founded in Egypt in the 1940s, resorted to political violence for many years. Later on, they also turned to violence in 1982 in an uprising against the Syrian regime. There have been assassination attempts against Baath officials in Syria. Now it finds open expression in Jordan, it has a Europe office in Aachen and there has been a trend to move away from violent struggle and to embrace political struggle. This does not mean the radicals, the Salafists do not exist. But it means that there is no dichotomy - not all of them are violent, not all of them are pacifist.

Even if, as we shall see, it is dangerous to pinpoint the blame, there is another category of political actors to be added to these first victims of the violence Not 'journalists', 'intellectuals' or 'poets' per se, but those journalists, intellectuals and poets who, once the ability of the Islamists to disseminate information was

completely destroyed, accepted the task of producing an ideological cover-up of the repression, thereby legitimising in the eyes of world opinion the 'eradication' option and the reign of its creators.(8) Francois Burgat: Face to Face with Political Islam, I.B. Tauris 2001)

The West emphasises what it considers to be the illegitimacy of Islam. It would be most important to go into the field to see where Islam connects Muslim culture with the universal, e.g. with the feminist movement. With persons famous in the West, one should carefully inquire whether they are also recognised within their own society and especially in the local community.

When trying to enter one of the marches at Tizi Ouzo, the most famous Algerian feminist in the West, Khalida Messaoudi, was refused by the women marching. Due to her proximity to the military she was called "Khalida Lewinsky"(Le monde). She was rejected by the demonstrators because they thought she supported the regime more than she helped the cause of women.

Not all the victims of 'Islamist barbarity' were killed by the state. In this extremely violent area, the media has manipulated common criminality. There have been sensationalised reports on both sides of the Mediterranean about the settling of stores, not just between criminals and the police, the professional and personal rivalries, and 'political' or simply sexual urges that have been systematically and professionally imputed to the 'FIS terrorists'. 'No, Sir,' snapped a gendarme who had just arrived from his native Algeria, 'the FIS is not that important... I can tell you that the FIS had nothing to do with the murder of that doctor the day before yesterday that everyone is talking about. I knew him well, he was alleged to have produced false interment certificates. He's the man you had to see if you wanted to divorce your wife! He had a real scam going. That's why he was killed, no other reason!' Was a young woman killed by her fiancé in 1993 'because she was about to leave him'? This did not stop her name from being plastered over the front pages of the world press as a victim 'of the refusal to wear the hijab'.(9) (Francois Burgat: Face to Face with Political Islam, I.B. Tauris 2001)

[Till innehåll]

Freedom of expression

In Algeria, freedom of expression is severely restricted. As has been mentioned above, censorship is especially strict as regards reporting on the security situation. No journalist who wants him or herself and his or her family to survive can afford to act against the government more than once.

In May 2001, the law against defamation in the press was introduced, i.e. it was passed by the Parliamentary Assembly, but has yet to be ratified by the Senate. There is strong opposition against this law providing to punish everybody who criticises the President or the Ministers. On 28 May 2001, a national strike has been carried out by journalists. According to the new law, the latter are liable to prosecution if they were to write reports or analyses critical of the President of the Republic.

[Till innehåll]

The judiciary

Torture is a very important tool of power, employed by all actors in the violent conflict. Torture is a common denominator and the normal fuel of the judicial system. There are a lot of reports on the constant manipulation of the judiciary. Defendants are presented to the judge for a few minutes to be sentenced and are subsequently executed. There is only room for repression, not for institutional regulation. An article published by Algeria-Interface in May 2001 gives dramatic testimony of the situation of the judiciary:

Algeria's magistrates are always on the verge of resigning. At least the few honest, independent ones left. One does not see many of them. Not just because there aren't many but because they have to keep out of sight of predatory politicians. We take a walk round the Algiers Palais of Justice (law courts) with a seasoned old lawyer. He is a frank speaker and has a tragicomic sense of humour. He warmly hails a merry-looking man of about 50. "See that one? He's a bent magistrate. But he's a nicer guy than that bastard over giving orders to that shy-looking clerk."

What percentage of crooked judges does he think there is in the magistrature. "Maybe 70 or 80%, but there are different degrees. Some will eat off any plate. Others execute orders from on high and others are

basically honest but they let themselves be manipulated."

Some are broken men. One walks pass his face and shoulders twitching. "Poor guy," says another lawyer. "He's never been up to much. And now he's scared. He's just been appointed to preside a criminal court and he doesn't know how." The Algerian magistrature are a cagey lot. If they agree to talk at all, they always insist on not being named. The state prosecutors are the worst - they will not say a word to journalists. All except one who agrees to talk in his office hung with gold embroidered velvet.

He is despondent. "The judiciary suffers from all the ills the rest of the country does," he sighs before clamming up. When asked if he will answer a few questions from the press, he says he will think about. "Thinking" means asking for permission, which almost never comes.

He refuses to breathe a word about recent reforms which place the police under the authority of the investigating magistrate in criminal cases.

On the floor above is another kind of office. It is cramped, plain and the creaking furniture is uncomfortable. It is the office of a trial judge, a rare breed in Algeria's understaffed legal system. Trial judges are said to consider themselves as mere functionaries who do what they are told.

How refreshing it was, then, then to hear a woman trial judge say that she has presided over criminal cases since 1995 and "never had any pressure put on her". She explains that the authorities realise she is impervious to pressure from above. "I've steered clear of trouble because I do my job as it should be done," she says. "I don't get emotional and my only concern is that justice should be done. I am rigorous but not unbending."

But surely it is impossible to ensure justice is done against a background of trumped-up charges, summary investigation and widespread torture.

Hardly surpassing that most of them are uneasy about presiding over cases with political overtones. It is very difficult to consider all the elements in a terrorist case and make allowances.

When a shoddy investigation gives obviously trumped charges, they prefer to turn a blind eye and try to establish the facts in court. "And if there is doubt it is the defendant who gets the benefit," says another woman judge. She prefers to run the risk of acquitting a guilty defendant rather than send an innocent person to prison.

Torture is the bane of the profession. Judges and magistrates alike are powerless to do anything. Only public prosecutors have the power to open proceedings for torture. All they can do is let defendants who have been tortured describe it in court. There seems little likelihood they will take, or have even considered, any concerted, collective action. There is feeling, though, that brighter times are ahead. A new generation of judges made of sterner stuff is coming through. It is scant consolation, but consolation nevertheless, after the terrible years they have sat through cases in the faint hope that justice just might be done this time. (10)

The 1992 Anti-terrorist law extended the detention time for preventive arrest from 48 hours to 12 days. In fact, however, the security apparatus can detain people endlessly. Worse, in May 2001, there was a new bill on criminal procedure. If this bill is adopted, it would provide the investigating judges further possibility to extend the initial period of four months for preventive detention to 20 months, if the related sanction could be up to 20 year-imprisonment, life-term imprisonment or the death penalty. This extended preventive detention could last up to 32 months for terrorist-related crimes and 56 months for transnational crimes.

The question of disappearances relates to the concept of suspected members of FIS, an armed group, their family members or sympathisers, or suspected opposition to the regime. Considerable pressure is being put on the families of rebels in the mountains. They are arrested so that their son surrenders. Yet, as they do not surrender, the family members remain in extended detention. 4,000 are accounted for as missing. Burgat: The families and friends of the disappeared figure among the strongest opposition movements. In his first verbal concessions to the opposition even Bouteflika said: "Yes, I know this is a problem. My own nephew has disappeared". Louiza Hanoune states that her main activity is to document cases of disappearances. There are well founded reasons to believe that there have been massive extrajudicial executions in Algeria from 1993 onwards.

A recent proposal to amend the law on the status of defence lawyers also gives raise to concern for the independence of this profession. The proposal provides for far-reaching powers of public prosecutors over defence attorneys, including the possibility to defer any defence lawyer to the Disciplinary Council of the Order of Barristers. It abolishes the obligatory presence of the president of the bar when police search a barrister's office. (11)

[Till innehåll]

1.3 Prospects for the future

Bouteflika has tried to move beyond the limits of the regime. He tried to achieve some reconciliation with the opponents through the Civil Concord, but it has remained very vague. It is not known who came down from the mountains to surrender - whether it were just the infiltrators to radicalise Islamic groups who came back during the amnesty. He may have reached the limits of the vocabulary and action allowed by the army. Recently, Bouteflika was again pulled back by the military and a new President might be presented by the army.

What are the options for the future given the fact that the generation of militaries who fought for independence will not live forever? There are two or three major directions: the response of the regime to developments such as the protests in Kabylia has usually been to send an infiltrator and to kill perhaps a famous singer and blame the Islamists. Sometimes the regime has used Kabylia to weaken the President.

Now, however, there seems to be an end to the power of manipulation. The people were chanting "pouvoir assassin", meaning the murderers are in power. The sister of the singer Lounes has repeatedly said that she is convinced that her brother was murdered by the regime.

The true opposition has since 1995 convincingly demonstrated many times that even if they are Islamists, even if they are radical secularists, they are ready to respect their opponents. One of the problems in 1990 was indeed that the Islamists thought they could get rid of their opponents and rule like the military did. Slowly these groups are moving towards democratisation. Officers from inside the army are now giving testimony on the violent way the regime maintains power. Their books have been the target of a huge campaign in the Algerian media, but they basically conform to what has already been known. Even policemen had been murdered by the secret service in order to radicalise the police.

Even if there is no independent press as all media belong to different branches of the government, the military is on the verge of losing the battle against information. The situation is different than it was in 1993. It is now possible to find out what is going on. In recent years, intellectuals in France and Britain have opened up a lot and NGOs such as FIDH and Amnesty International have contributed to the demystification of the Islamic groups in Algeria, leading to a certain weakening of support for the military regime. There is, however, enough room left for pessimism as the Western Foreign Ministers still think the military government is the lesser evil and they continue to back the current regime.

Presentation by Mr Mohammed Dayri, additional remarks by Mr Francois Burgat

[Till innehåll]

II. Specific groups at risk

II.1. The current security situation

Continuing violence

In 1999 the Law on Civil Concord was introduced with enormous backing from the population, granting amnesty to members of terrorist groups which had not committed atrocities. At the beginning of the year 2000, many people jumped to the conclusion that the Law on Civil Concord would put an end to violence. Unfortunately, the statistics on killings in the past year proved them wrong. The Algerian government has placed a very strict control on information about security incidents. This makes it very difficult to make exact statements on the security situation. During 2000, around 1500 persons were killed. According to security experts, in 2001 there seems to be a decrease in violence of the security forces against members

of opposition armed groups. However, killings of civilians and the police have increased by 20% compared to 2000. The exact figures of security incidents in 2001 are not known; estimates show about 1200 killings throughout the country.

Currently the most affected Wilaya (administrative district) is Bouira, followed by the Wilayas of Roumerdés, Jijel, Ain Defla and Chlef. This does not mean that the other parts of the country are safe. The Northern belt, especially the rural areas are by and large unsafe. The South of the country, locations in Laghouat, Ouargla, Ghardaia, Tindouf and Tamarasset might be called a safe haven. In the last two years, the myth has been widespread that the urban centres are safe. One has to look very carefully as to the geographical scope of urban centres. In Algiers, only the very city centre is safe, not the outskirts. Already 20 to 30 km south-west of the city one can find very active armed groups, targeting civilians, erecting many false roadblocks. Even if one says that the cities of Algiers, Oran, Constantine, Skikda are by and large safe, one should not forget the occurrence of security incidents in the city of Algiers. (12) There have been reports about killings in Algiers in 2000 and 2001, which is very hard to confirm as the government is very keen on spreading this kind of information in the press -there is a lot of censorship concerning security incidents in urban centres. So one cannot rule out incidents in Algiers itself which nevertheless is declared the safest area. The Algerian government expressed a lot of dismay with the UN when it did not declare Algiers to be safe according to the UN security standards. UN personnel has to circulate and always to be escorted. There is a night curfew and they are not allowed to move further than 30 km outside of the city. In June 2001, the US State Department told its citizens to observe the same rules with regard to security.

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Armed groups

After the elections were suspended, the first armed groups were, as might be expected, made up of people who had been involved in the armed struggle for some time and whose political credo was based on their suspicion of the electoral process. They were refugees from Mustapha Bouyali's movement, joined by 'Afghans', (Islamists who went to fight the Soviet army in Afghanistan in the early 1980s) and supported by Madani's opponents, whose influence had been "hijacked" at the Batna congress. The dissolution of the FIS in March 1992 and the intensifying repression was to rally those who wanted to avenge the death of dozens of their comrades, or who simply realised that there was no guarantee that they would survive in the universe of urban legality.

[Till innehåll]

GIA Groupe islamique armé

The main non-state violent group is the Groupe islamique armé (GIA), led by Antar Zouabri since the assassination of Jamal Zitouni in 1995. Apart from him there are a number of local emirs leading GIA in the villages.

From 1993 onwards, the increasing excesses of violence - the assassination of nationals accused of supporting the regime, and then of figures, or average citizens, whose only crime was that they did not belong to the Islamist camp -were claimed by the evolving Armed Islamic Group (GIA). For a long time, the identity of the GIA was to be defined by the rejection of the FIS leadership. (13) Conversely, the armed groups that were loyal to the FIS were to join forces in an Armed Islamic Movement (divided into several regions), that in June 1994 became the Islamic Salvation Army. (14) (Francois Burgat: Face to Face with political Islam, I.B. Tauris 2001)

The GIA is mainly active in Medea, Chlef, Relizane, as well as Oran. The so-called triangle of death, actually extends further to Ain Defla, Bouira and Roumerdés. The killing of several young people at the beach of Tipaza, just 25 km outside of Algiers in July 2000, was attributed to the GIA. The GIA is very aggressive in the areas of Tipaza and Bouira where many cases of racketeering and extorting money from villagers can be ascribed to them. The GIA also attacks members of the police and steals their uniform to dress up as policemen.

There are many different factions within GIA.; some are opposed to only the regime, some are opposed to the FIS and the AIS, which they considered being too lenient. In 1995, the GIA. condemned to death the moderate leadership of the FIS and the AIS.

Starting in 1993, these groups have been penetrated by the secret service. The Maghreb confidentielle has summarized this attitude perfectly in the following paragraph: „In the shadow world of the fight against the Islamists, the Algerian secret service has since 1993 penetrated the Islamic groups to provoke secessions and to neutralise the moderate leadership by making them uncommendable". By mid-93 the GIA covers both Islamic violence as well as violence instigated by the regime. The head of the renseignement de sécurité Médiène has very successfully applied a strategy of submarine (infiltration). The security agencies resorted to a method called "La Bleuite" used by France during the Algerian war for independence. At present, the army released at times real members of the Islamist groups, after arresting them. The fact that they are released gave the armed groups the impression that their colleagues were now agents of the security services. The armed groups would then decide to kill the "traitors" who were in fact far from being so.

The secret service followed a strategy of creating dissent within the ranks of the Islamists as well as of escalating crimes against civilians, especially against writers, foreigners and women. The third part of the strategy consisted in the physical elimination of those unwanted by the elite, such as former prime minister Koudi Merbah, who was the first victim of the GIA. His death, however, had also been linked to the Military Security as Merbah reportedly wanted to establish a dialogue with the Islamists.

[Till innehåll]

GSDJ (Groupe Salafiyyste de Daw'a et Djihad)

The Groupe Salafiyyste de Daw'a et Djihad (Salafist Group for Call and Combat GSDJ or GSPC) was established by Hassan Hattab, who reportedly is a dissident from the GIA. They are active in Jijel, Tizi Ouzou, Setif and the area around Constantine, i.e. in the Eastern part of the country. At the end of 2000, they kidnapped Russian workers from Annaba when they travelled out of town. Hassan Hattab has staged a dissidence which is probably the reason why he has accused the GIA of attacking civilians. Hattab purports that his group orrly attacked government properties, military and security personnel.

Other Islamist groups

There are two other smaller groups present in the East. One is called the Salafiste Call Protectors, led by Salim al-Afghani. While Benhadjir, head of LIDD, deposed arms after the Civil Concorde, a dissident splinter group of the LIDD continued fighting in Eastern Algeria.

[Till innehåll]

GLD (Groupes de légitime défense/Groups for Legitimate Defence)

The GLD (Groupes de légitime défense/Groups for Legitimate Defence) or so-called "patriotes" are a very strong militia. By and large, they are made up of members of the RND (Rassemblement national démocratique / National Democratic Rally). The RND was initiated by Zéroual to bypass the FLN which has made a step towards reconciliation in Rome. In 1995, the Rome agreement was rejected by the government. After the failure of the Rome agreement, the government wanted to create a new party whose members have not shaken hands with the FIS. As a result of the 1997 elections, out of 371 seats, 154 seats were given to the RND. Members of this party would be identified to be someone very close to power. Therefore it is not very popular for someone to say s/he is a member of the RND.

There have been quite a number of reports of GLD harassment against and abuses of civilians. In 2001 court cases were brought against communal guards who have been a source of insecurity as well as of persecution. One rarely sees someone of the RND being targeted, but it may happen that they are subjected to persecution from the armed opposition as well as security forces or the police. In most cases they would rather be agents of persecution than victims of persecution themselves. This is a question of the credibility of the claimant.

Criminal activity

Criminal groups to a certain extent pretend to be political organisations. Racketing is widely used by armed groups to obtain money and weapons. There is a mixture of politically motivated violence and banditry.

There are also disputes between clans, family conflicts, inheritance conflicts which have been solved by resorting to armed groups. Historically there were bandits who then joined the ranks of the FLN and had genuine political motives for armed struggle. The armed groups are also fuelled by the socially marginalized population, by the unemployed. They join the groups because they feel they fight for social justice.

[Till innehåll]

Extent of violence - effective control of the government

As has been mentioned, the urban centres are overall safe, although there can be security incidents and these incidents do indeed take place. The government has effective control of the military garrisons, but apart from that one cannot guarantee that the government effectively controls any territory in the Northern part of the country. In the South they exert a tight control because the oil fields are located there. Yet it is an arid area which is very difficult to reach and certainly does not constitute an internal flight alternative.

Continuing political repression

In 2001, estimates point at about 5.000 political prisoners. Ali Belhadj is still in detention, Madani is under house arrest, Hachani was assassinated in Algiers in November 1999 in Bab-El Oued district, which is considered a stronghold of the FIS and other Islamist groups.

Surrender of the repentants

Estimates are that about 1.000 members of armed groups surrendered; the government claims that almost 2.000 have surrendered during the year 2000. The armed wing of the FIS, the AIS, founded in 1993 and led by Mizrak Madani, was disbanded at the end of 1999. This surrender was not completely unexpected, as Madani and Hachani had initiated a dialogue with the military and the security forces. There has been a truce on the part of the AIS since October 1997. The AIS, however, benefited from the amnesty even beyond the provisions of the Law on Civil Concord. Recently, there were plans of the AIS to join the army's struggle against the armed opposition. In 2000 a small splinter faction of the "radicals" LIDD, led by Ali Benhadjir, also surrendered.

Are repentants excluded from society? There have been allegations that repentants are subjected to persecution - we do not have verification of this. Unemployment is high, and it is very likely that they are unemployed. One repentant said publicly that, when in the GIA, he had killed journalists and that he would do it again. This statement produced a lot of outrage in the society. Some of the éradicateurs would like to get rid of the repentants and might threaten them with vindictive campaigns.

[Till innehåll]

The Kabylia riots

It is important to understand the scope and the motivation behind the uprising in Kabylia. The large-scale protests against the killing of Massinisa Guernah in April 2001 by the gendarmerie are the avant-garde of the discontent with the regime which can be found all over the country. Their fight is directed against the regime, it is not a fight for the Berbers cultural and linguistic rights. According to a statement by Ait Ahmed, the leader of the FPS, the opposition against the regime is expressed in Kabylia because this is the only region where the regime has not succeeded in suppressing all forms of resistance.

Since the Berber rebellion of April 1980, there has been a tendency to openly face police forces. Recently, there is another new trend: the village committees called tajma'at, which are very much on the forefront and are expressing themselves very openly.

Neither of the experts has knowledge about the existence of Berber underground movements.

According to reliable sources at least 80 persons were killed and more than 200 persons injured during the riots. As far as it is known, the participants in the demonstrations have not faced any consequences in the aftermath of the protests. The State National Inquiry Commission blamed the Gendarmerie and recommended transfer of Gendarmerie officers from Kabylia. Violence continued between protesters and

Gendarmerie during the summer with attacks on vehicles, restaurants, clinics. This resulted in injuries sustained by the protesting youth and Gendarmerie personnel.(15)

There are suspicions that the riots have been manipulated. The fact that the marches have been first authorised and then brutally oppressed in a complete overreaction by the police and thus turned into riots, into a counter-action, supports the assumption that they have been staged in order to put Bouteflika in a difficult position. The population, however, moved beyond the manipulation and kept to their initial slogan - "pouvoir assassin" - "the murderers are those in power".

The National Inquiry Commission established to investigate the killings during the Kabylia riots has presented its findings at the end of July: it stated that the violence used against civilians was a violence of war, employing war munitions.

The sheer number of killings cannot be explained by accidental trajectories of bullets. The entry of bullets shows that the gendarmes have targeted the most fragile, most vulnerable body parts. The fact that the explicit order to refrain from using arms has been disregarded leads one to assume either the loss of control of the command of the gendarmerie or the infiltration of the gendarmerie by external forces with different orders. The reports also point out that nobody in command has given the order to stop firing. This could only have been interpreted as a tacit consent of the government with the methods used. The power, including the president has once again failed to protect its citizens. (taken from excerpts printed in *Libération*, 30 juillet 200: Algérie: La gendarmerie accusée, le pouvoir préservé (José Garçon)(16)

[Till innehåll]

II.2 Targeted groups

Members of the following groups should be recognised as refugees under the Geneva Convention:

Persons expressing an unfavourable political opinion

FIS members might still be at risk in Algeria; they can be targeted either by the government or by the GIA. Persons who are suspected to be FIS or AIS sympathisers would be detained, probably they would be tortured and requested to work as informers.

Magistrates and intellectuals speaking out against the government are at risk as well. A number of intellectuals, who returned to Algeria in the past year (2000 - e.g. the famous professor of Constantine, Ali Bensaad who came back to Algiers last year (in 2000)), had made a deal with the government through delicate and discrete negotiations with the consulates, so that they knew it was safe for them to return. Otherwise, it would have been foolish of them to go back to Algeria.

Family members of those who hold a political opinion questioning the rule of the army inside or outside Algeria might also be at risk.

Family members of security forces and police

They can still be targeted by armed groups prevailing in Algeria.

[Till innehåll]

Members of Islamic opposition groups

Activities and surveillance in exile

The Algerian government shows great ability in controlling the opposition in exile. Government agents go to all the meetings. A prominent FIS member, Shikh A. Sahrawi, was murdered in Paris in 1997 and after the civil war there was another political murder in Algiers of A. Hachani, a leading FIS figure who had started negotiations with the regime as 1997. The control is also exerted on Algerian emigrants and very importantly through the mosques - the Mosqué de Paris is controlled by the regime. The Imam of the Mosqué de Paris was immediately flown to Algeria and appointed as a member of the National Council of Transition in 1992.

Political activities for FIS in exile

These people are definitely at risk, especially somebody who is linked to the FIS, even if s/he is just in the public relations department. They will not necessarily be executed, but almost certainly they will be tortured.

There are FIS members in Algeria themselves; they are not legally recognised, but they still run the risk of being arrested. We cannot say that FIS members, still outlawed, are safe in Algeria, even if some of them are living in Algeria. Belhadj sends messages through his relatives abroad. FIS has not ceased to exist, but continues to work from exile. It is difficult to say which kind of political influence they still have - only free elections can answer this question.

[Till inneh    ]

Family members and sympathisers of the Islamic opposition

As has been mentioned above, family members of those who hold an anti-regime political opinion inside or outside Algeria, be they violent or not, might be at risk. A lot of reprisals against family members of those who went to the Djebel to fight are undertaken by unknown groups, mostly they are attributed to extremists, but this may not necessarily be true. In its November 2000 report Amnesty International mentions the case of a 70-Year-old man who, his son having joined the armed opposition in the Djebel, was arrested on 4 April 2000 and was detained by the security service. He was seen at a detention place a few days after his arrest, and then went "missing".

"Collaborators" - imputed political opinion

In rural areas teachers, doctors, merchants, mechanics, garagistes, farmers would be abused and blackmailed by the GIA in order to extort services from them. There is pressure on these various segments of Algerian society in rural areas; in big urban centres such incidents do not happen that often. Sometimes farmers are racketed to serve as informers, pressured to "give" their daughters to marry members of Islamist violent groups. These groups are at risk of persecution both from the armed opposition groups, forcing them to collaborate, as well as from state agents, treating them as sympathisers of the Islamists and arresting them and/or forcing them to act as informers. According to an AI report a Young man from Kabylia was arrested and tortured because he had reportedly given information to the armed opposition.

[Till inneh    ]

Returnees from Islamic countries (Afghanistan etc.)

When confronted with persons who have been to Afghanistan and Pakistan as aid workers one can apply the grounds of imputed political opinion and thus refer to what has been stated about people holding a political opinion. They would be regarded as fighting for the groups in Afghanistan, they would be subjected to torture and detention and most certainly requested to work for the security service as informers.

The same goes for FIS sympathisers - at the end of the day, those who have no links with violence abroad or FIS or the AIS abroad would still be suspected to have links and would be regarded as political opponents and be requested to work as informers. The security service relies on informers even within the country. In the Harache district and other districts in Algiers, which are considered a stronghold of the Islamists and not meant to be visited by the ex-patriates, there is a wide ranging system of informants as well.

As regards those who have been in Afghanistan or in Bosnia, one has to be very careful when considering to send them back. Complementary forms of protection according to Art. 3 CAT and ECHR may be applicable.

Yemen is sometimes regarded by some Arab States as a place where Islamic radicals are accommodated, especially since Pakistan after 1993/94 has started to crack down on Arabs in Pakistan. They went to Yemen, Syria and Sudan and regularly receive visitors, young people trying to find a purer version of Islam

in Yemen.

People who come back from Yemen, Syria, Pakistan, Sudan, Afghanistan, Bosnia and Chechnya would be associated with violent and other forms of "militant Islam". During his visit to Syria in September 1997 Z  roual produced a list of 30 Algerian extremists in Syria. They were arrested, detained for quite a long time, in some cases for up to 18 months, and many of them were deported to Algeria.

[Till inneh  ll]

Women

One has to make a distinction between the situation in rural and urban areas. In the countryside women are still being raped, kidnapped and subjected to forced marriages. There are also women in rural areas who do not conform to the Islamic code of conduct, but adhere to Western values. They might be subjected to persecution by fundamentalist Islamists and would therefore need protection under the Geneva Convention. However, their situation is now less problematic than it was in the mid-nineties.

A pregnant unmarried woman going back to urban areas may survive, but in rural areas a woman with a child born out of wedlock would face great difficulties. The issue of honour crimes in the Muslim world has to be taken into consideration in this context. She might face violence not from armed groups, but from her family or the local community.

Discussing the situation of women in Algiers, one often arrives at the question of how westernised Algiers is. There are female students and factory workers in Algiers, but except from/next to being a woman one can also have a political opinion. Therefore it is more important to consider if every single person with a political opinion is in danger than asking how westernised she is. Reducing the question to the gender factor is mere simplification.

Are women as a group in danger? The danger of harassment because of perceived misconduct has decreased in comparison to the early 1990s when girls in miniskirts were attacked by armed groups. This type of harassment is not as frequent anymore. The Islamic movement has evolved and cannot impose this standard on the urban population by violence anymore. In March 2001 there was a famous trial of a couple of "married lovers". They were caught by the police out of Algiers and there were huge demonstrations in their favour. Indicted persons did not show up and the accused were both acquitted. A Western type of living is no longer a source of persecution in the cities. Yet, then again one should recall the bathing suit murder in Tipaza. It is crucial to bear in mind this dual reality.

Women have been less and less persecuted in the cities whereas rural women without any Western beliefs have been targeted by violent groups and become subjected to rape and forced marriage with GIA members. Rape and forced marriage have also been attributed to the military.

Next to other discriminatory provisions, the Shar'ia-based Code of Family Law of 1984 does not allow women to receive a passport or exit Algeria without consent of the husband or father.

Deserters (from the army, the magistrates, and the police)

Deserters from the Algerian army indeed do face persecution as do magistrates or police officers who leave their post. They would face torture and execution upon return. The recent publication of two testimonies of former army officers - "La sale guerre" by Habib Soua  dia and Nesroulah Yous' "Qui a tu      Bentaha?" - has added to the risk of these groups. Those kinds of testimonies from e.g. former officers politically active in exile such as the "Movement of the Free Officers" - are a major source of trouble for the regime as they make it increasingly difficult to reject claims that the army is committing atrocities against civilians. Deserters will thus be suspected of breaking the law of silence.

[Till inneh  ll]

II.3 Special issues

The Tamazight

The Berbers make up about 15.20% of the population in Tizi Ouzo. One has to keep in mind that there are three major tribes - the Mozabites in the South, the Kabyle in the area around Tizi Ouzo and the Chawya in the East. It has to be pointed out that even if Tamazight has not been recognised as an official language there is a professorship in Tamazight, their language is taught, the national chart in 1996 referred to Tamazight language and culture as a major component of national identity and culture. The national TV, broadcasts Tamazight programmes. The two parties that are said to represent the Berbers, the FFS (Front des forces socialistes / Socialist forces Front) of Hocine Ait Ahmed and the RCD (Rassemblement pour la culture et la démocratie / Rally for Culture and Democracy) of Said Sadi, are legal parties. The Kabyles themselves hold senior positions among the police, the security forces, in business circles, in the press. While the FFS is a traditional party advocating socialism, the RCD was established with the support of the regime to counterbalance the influence of the FFS.

The RCD was reportedly created by the regime in 1989 by Prime Minister Hamrouche to confront the FFS which since the 1960s has been a long-time opponent. The RCD formed part of the government coalition in the same year. The RCD has kept saying exactly what the military wants to hear. They are the voice of the regime - they do not see a political solution, but wanted the parliament dissolved.

However, the recent events in Kabylia are a different issue and one cannot give a final interpretation of these events yet. The government has authorised the demonstration and on 31 May 2001 at least 200.000 people were on the streets demonstrating. At the same time it is not a clear-cut situation. Said Sadi from the RDC said that there were people dressed in plain clothes who attacked civilian demonstrators. An inquiry commission has been set up on this issue and the conclusion it will arrive at remains to be seen.(17)

Interestingly, the Generals who ruled Algeria come from one of the Berber tribes, the Chawya in the East. politically, they do not identify themselves as Berbers but as Muslims and even Arabs.

Homosexuals

Art. 58 of the Algerian Penal Code provides a punishment of 2 months to 2 years for homosexuality. This sentence may be raised to three years if one of the partners is less than 18 years old. Although in Shar'ia law homosexuality is prohibited, this offence is rarely prosecuted in Algeria. Homosexuals are by and large tolerated. On 8 October 2000, the state owned radio Chaîne 3 broadcasted a radio programme on homosexuality, with two psychologists and some homosexuals speaking about the issue and responses from the audience coming in. Nowadays it would be extremely unlikely for homosexuals to face persecution.

[Till innehåll]

Conscripts and draft evaders

Draft evaders are in a different situation than deserters. Nowadays there is no more prosecution of these groups and there is no more persecution.

One of the merits of the presidency of Bouteflika is the decision of the army in July 1999 to grant an exemption to young conscripts (born between 1970 and 1974). For the year 2001 there are exemptions for those born between 1974 and 1978. The measures do not apply to deserters nor to doctors. For details the UNHCR resource persons referred to the UK Home Office country assessment (latest update October 2001):

The latest position is that all men born before 31 December 1978 are eligible to apply for exemption. The administrative procedures to be followed for Algerian citizens living abroad 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. Evidence of identity has to be presented with the application form. This can be a passport, ID card or driving licence. [...] Lists of those living abroad who have been granted exemption are published by the Embassy of the country concerned.(18)

A large number of persons have thus been exempted from the military service. In the past there was indeed persecution. A fatwa issued by the GIA targeted young conscripts at false roadblocks. They had to show their carte de sursis (military provisional deferment), only then they were allowed to pass. Those who had been in military service would have their military card showing they were conscripts and would then be executed.

There are not many old draft evaders. The army does not have money and is overwhelmed by the tasks put on them. Before, they had a specially qualified gendarmerie, ninjas that acted against terrorists and had their own set-up. Now they have even other groups trained by North Korea, they call them the Kopsoks, named after a parachutist force in North Korea. This means the army currently does not rely on conscripts. Previously - between 1993 and 1997 - returnees would be readmitted, jailed and sent to harshest frontlines. Now the army does not have the money to cater for conscripts, so draft evaders would not be prosecuted at the moment. Neither would they be persecuted under the 1951 Geneva Convention, unless the person holds unfavourable political opinions.

[Till innehåll]

Human rights activists

Responding to a question on the working conditions for human rights activists M Burgat points again to the difficult conditions under which a critical debate in Algeria can take place. The press being completely dependent from the government, no security-related information can be printed as long as it has not been officially approved. In the current debate there is an emphasis on violence, but one has to keep in mind that this emphasis on violent incidents is used to either strengthen or weaken the role of the President. In this climate, it is not advisable to criticise the government outside the framework established by the regime itself. This is why one has to be very careful when considering the credibility and role of human rights organisations. The association of victims of violence e.g. is on the side of the regime. Of course, wives and children of policemen who have been killed want to be vindicated, but their political stance is not representative of the majority of the society. The president of the FIDH, Abdenour, on the other hand is very well know and respected internationally; him, the regime would not dare to kill.

Christians and Jews

Christians are a tiny fringe of the society. The few Christians living in the country are very close to religious institutions. The most famous incidents of violence against Christians concerned the slaughter of 12 French monks and the murder of Cardinal Duval in Oran in 1997. The main direction of the inquiry is now designating the SM for the slaughter of the monks and of Cardinal Duval. (Le monde)

There has been only a tiny number of conversions - 5 or 6 individuals perhaps. In the Maghreb the Christians converted during the colonial period and they did not survive independence. They were regarded as foreigners even if they had an Algerian passport.

The same applies to the Jews. The decret crémieux which accorded French nationality to the Algerian Jews (but not to the Muslims) in 1870 extracted this group from the national fabric of the society. This "distinction" did not count in their favour at the time of independence. There are only some dozen Jews left in Algeria, unlike in Morocco or in Tunisia where quite a number of Jews live.

Harkis

Responding to a question from the audience, the UNHCR resource persons pointed out that the sons of Harkis are in fact French nationals; therefore no refugee status issue would arise. The independent resource persons added that due to the attitude of their fathers during the war of independence the sons of Harkis will certainly have problems in Algeria - the vendetta logic of armed groups and families might be an important issue to consider in this context.

[Till innehåll]

Internal flight alternative

An estimated 100,000 to 200,000 persons are displaced within Algeria. The Norwegian Refugee Council, in its April 2001 Profile of internal Displacement in Algeria makes the following introductory remarks:

Due to the long-standing problems of access, nearly no information is available about internally displaced persons. In 1998, there were indications that persons were being displaced from Médéa, Blida, Ouled Allel and other towns south of Algiers (Dammers 1998).

However, today even rough data such as this is no longer readily available. It is vaguely reported that the most recent movements of displaced persons is from vulnerable rural areas to the relative safety of metropolitan centres, that the displaced live with family and friends and not in camps or shelters, and that the level of actual population displacement is today far lower than in previous years (undisclosed source). Whether the displaced wish to return home or not is impossible to discern. These individuals remain "invisible" in a security situation that does not permit for real choices about voluntary return.(19)

Can we under the circumstances as outlined above apply the concept of IFA in Algeria? There are many serious difficulties. The non-applicability of the IFA concept refers to both agents of persecution, the government and non-state agents (NSA). With regard to state persecution, there is no internal flight alternative. With regard to persecution by non-state agents, the decisive questions are: Can a farmer or a doctor in a rural area caught in the middle go somewhere else? Can armed groups follow up? Would they know who the person is? At a very generalized level, if one takes villagers from their context, there is no social or economic mechanism that allows the application of the IFA concept. Unlike in Northern Iraq where there is a lot of UN assistance, there is no such aid in Algeria. Due to the war, the social and economic conditions as a whole are deplorable. Medical facilities and the education sector have suffered a great deal as a significant number of doctors have sought asylum and emigrated. Most decisively, the government cannot guarantee sufficient protection. The government does not fully control any territory except for the uninhabitable Southern part where there is no decent livelihood. Hence the south certainly does not constitute a reasonable internal flight alternative. Provision of protection may at times be ensured by the State to some communal guards, the „patriotes" and to the high military hierarchy. One cannot safely put forward that an internal flight alternative would be available for magistrates, journalists, intellectuals or women with a „liberal lifestyle" which contradicts the Islamic code of conduct. As explained in the first section of this report, it is sometimes unclear whether the pressure and the threats emanate from non-state agents or the government itself, directly or indirectly under the cover of non-state agents (see also Annex I) who are then portrayed as terrorising those segments of Algerian society who do not embrace the military's view of public affairs in Algeria.

With regard to a woman who has been persecuted in the countryside e.g. in Mascara Province the question arises whether she can be returned to Algiers? A problem arises if she originates from the countryside. In such a case she might find freedom from persecution, but would lack legal or social support in Algiers. There is a big housing crisis and a high rate of unemployment. Unable to sustain a livelihood, a woman returned from Europe would thus go back to the province she originates from where she would again face persecution.

[Till innehåll]

Return of rejected cases/Exclusion clauses

Since 1998 UNHCR has not declared a ban on return of rejected cases, i.e. those who have failed to convince the authorities of their credibility with regard to their past persecution. Apart from those people, one has to check on a case by case basis whether they are willing to repatriate and whether guarantees are given for their safety. We should seek guarantees from the Algerian government, but one should be very reluctant to return rejected applicants in the cases in which the exclusion clauses have been applied, even if we have guarantees, as the government is eager to have them back. In accordance with Art 3 of the ECHR one should be aware that these persons would face persecution upon return to Algeria. S/he might be subjected to torture and even to disappearance or killing - not necessarily immediately after their return, but it is very likely to happen later on.(20)

Documents

It is not difficult nowadays to obtain a passport. One has to produce a birth certificate and then it takes two days to two weeks to be issued the passport. There were some forged passports in the early 90s. A new format was introduced in 1996, so that they are now smaller and are supposed to have a special stamp across the picture.

As regards forgeries of military cards, the carnet sursitaire has also been changed.

As regards the question whether it is easy to cross the Tunisian border, there is co-operation between the

Tunisian border guards and the Algerian government. There was a battle last year at the border and the group was turned back. The relationship with Morocco has been very strained since the Polisario founding in 1975. Morocco has reportedly turned a blind eye to trafficking of arms, but weapons are also stolen and purchased locally.

In order to determine nationality the Swiss authorities use a language test to determine whether somebody is from Algeria, Morocco or Tunisia.

[Till innehåll]

1 The ANP has a website (www.anp.org) providing information on the killing of Boudiaf. ANP stands for Armée nationale populaire, signifying they are the real national army, that the regime has no longer the right to represent it.

2 A decree imposed in 1992 requires the press not to write "Islamist", but "terrorists" instead, so one also has to be careful of the terms one chooses in order not to use the language of the regime.

3 Anyone who dared to interpret the dominant perceptions was at risk of being labelled as a 'friend of the cut-throats', as quoted from Rachid Boudjedra on 17 December 1994, on the airwaves of France Culture radio station.

4 The confessions extracted under torture of the prime suspects of this attack have never convinced Observers. Cf. notably Jacques VERGÈS, op. cit.; et José Garçon, 'L'attentat de l'aéroport', in *Le Drame algérien*, op. cit., p. 186

5 The two women whose 'throats were cut because they refused a temporary marriage' (September 1994) were in fact part of a mujahadin family. Most of the arson attacks on businesses are also suspect, as many of them burnt down while they were subject to a financial evaluation before privatisation. Some districts, and even some entire regions, have been punished for voting for the FIS by the suspension of civil servants' salaries, the destruction of the public infrastructure, the confiscation of vehicles, and the embargo on essential medicines, etc.

6 The last, but by no means the least, of these are the confessions of a group of Algerian policemen who were in hiding in France. They made sensational claims that the state had a planned programme of terrorism. Dozens of policemen, chosen from the particularly popular civil servants in the respective districts, were killed by the military security 'to shock and revolt people'. The police militia were involved in all manner of extortion, notably the robbery of jewellers (*Le Monde*, 7 March 1995, report by Dominique Le Guilledoux).

7 This acronym is the same as was used by the armed group led in the 1980s by Mustapha Bouyali, who was killed in 1987. Its cadres, whose resurgence was witnessed in 1991, were pardoned by President Chadli on 1 November 1989. Apparently, they then disbanded and joined other armed groups, the MIA as well as the GIA (cf. infra).

8 In the almost total silence of the French-speaking press that supported the eradication option, as highlighted by Abed CHAREF in Algérie, le grand dérapage, L'Aube, La Tour-d'Aigues, 1994. On the ambivalence of the status of 'French-speaking' intellectuals and the origins of their relative marginalisation, cf. the articles of Gilbert GRANOUILLAUME and Lahouari ADDI in *Esprit*, January 1995

9 It was by chance that this information came out at a public debate in France about Algeria. At the back of the room, having heard one of the eradicators from Algiers use a name that was all too familiar to her, a young Algerian woman in tears shouted out: 'First of all, S. was my friend. It was her boyfriend who killed her because she wanted to leave him'. The death of S., 'assassinated for refusing to wear the veil', had 'justified' the shooting a few days later of two female students who had chosen to wear it.

10 Algeria-Interface: „There was a crooked judge", 14 May 2001 [Internet <http://www.algeria-interface.com/english/focus/index.htm> accessed 15 September 2001]

11 Le monde 9 August 2001, Algeria Interface 27 July 2001

12 BBC reports the first such incident in the city centre itself in two years on 29 August 2001 when a bomb exploding in the old quarter of Casbah injured 30 people. BBC Algiers bomb wounds 30, 29 August 2001. While no group has claimed responsibility for the attack, the New York Times reports the following on press coverage within Algeria: "Wednesday's blast raised fears that the violence would be reignited in Algiers. It is now concentrated in western and eastern Algeria. Over the past few weeks, the Algerian press has reported that the two leading Muslim extremist groups - the Armed Islamic Group and the Salafist Group for Preaching and Combat - have infiltrated Algiers to carry out attacks aimed at underlining their refusal to lay down arms. New York Times "Bomb Injures 34 in Algerian Capital", 30 August 2001

13 The first assassination claimed by the GIA was that of former Prime Minister Kasdi Merbah (tf. infia)

14 There is no proof that these groups were truly united or that they shared a common doctrine. In May 1994, several pro-FIS groups (for example those of Abderazaq Rajjam and Mohammed Sa'id) elected to form an alliance with the GIA, underlining the ideological and political differences between the different armed branches were not insurmountable. Some members of the ISA returned to the GIA after the signing of the platform of Rome in January 1995. The secret services had been attempting for a long time to stir up discord in the Islamist camp by inventing a war that had a minimal effect, inciting 'scores to be settled' within the movement, in order to try and pit the different factions against each other.

15 For individual cases refer to Salah-Eddine Sidhoum: La Sécurité militaire au coeur du pouvoir. Quarante ans de repression impunie en Algérie, 1962-2001 (September 2001) [internet < http://www.algeria-watch.de/mrv/mrvrepr/repression_1962_2001.htm> accessed 26 November 2001]

16 see also Rapport préliminaire de la Commission nationale d'enquête sur les événements de Kabylie. (Juillet 2001) [Internet <http://www.algeria-interface.com/french/politique/rapportissad0701.htm>]

17 For the results of this inquiry commission please refer to Amnesty International: Every killing must be urgently investigated, 21 August 2001
<http://web.amnesty.org/ai.nsf/Index/MDE280072001?openDocument&of=COUNTRIES/ALGERIA>)

18 UK Home Office Country Assessments October 2001: Algeria, para 4.39f. [Internet < <http://www.ind.homeoffice.gov.uk/default.asp?PageId=228> > accessed 26 November 2001]

19 Norwegian Refugee Council/Global IDP Project: Profile of Internal Displacement in Algeria, as of 17 April 2001, p. 4/5. This report contains a wealth of useful information on the background of the conflict, protection concerns and the humanitarian and social situation of IDPs in Algeria.

20 For a recent case where a deportee from France is suspected to have been detained upon arrival in Algeria and to be at risk of torture please refer to Amnesty International AI Index: MOE 28/008/2001 UA 273101 25 October 2001; Amnesty International extensively reported on the case of a rejected asylum-seeker deported from Belgium who after having been arrested a couple of times after his return according to the Algerian authorities killed himself by jumping out of a window.

