

Algeriet (2)

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Human Rights Watch



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Human Rights Developments

More than 1,500 people were killed in a tenth successive year of endemic political violence involving the security forces and armed groups claiming to be Islamist. The casualty level, although down from the mid-1990s, refuted official claims that the violence was "residual." As well as security force members and militants killed in clashes and ambushes, the casualties included hundreds of civilians who were indiscriminately attacked in their homes, at roadblocks, and in public places.

The year also saw the first mass popular protests since a state of emergency was imposed in 1992. The protests were concentrated in the Berber-majority Kabylie region. According to local nongovernmental organizations, over ninety civilians died in the unrest, most of them victims of shootings by the security forces.

In the realm of public freedoms, Algeria presented a mixed picture. Massive anti-government demonstrations were sometimes permitted, at other times forbidden or aggressively broken up. Revisions to the penal code threatened press freedom, yet private newspapers continued to criticize President Abdelaziz Bouteflika daily.

Sweeping impunity prevailed for the perpetrators of massive human rights violations on all sides of a conflict that has claimed well over 100,000 lives.

The 1999 "Civil Harmony" law offering amnesty or leniency to surrendering militants, known as *repentis*, failed to end the political violence. There were apparently few new surrenders in response to President Bouteflika's suggestion in February that the amnesty offer was still available even though the deadline specified in the law had passed. In June, the level of violence increased and spread to regions that had been relatively spared in recent years.

Much of the violence was blamed on two armed groups that had rejected the amnesty, the Armed Islamic Group (Groupe islamique armé, GIA) and the Salafist Group for Preaching and Combat. According to the often-sketchy available information, the GIA slaughtered civilians indiscriminately and systematically while the Salafist Group frequently targeted members of the security forces and government-backed militias, but also killed civilians. Attribution was often difficult because the assailants usually fled without being apprehended and rarely claimed responsibility or explained their motives.

The governorates (wilayas) of Tipasa, Medea, Chlef, and Mascara were

particularly affected, while the Mitidja south of the capital suffered a resurgence of attacks. On February 10, for example, an unidentified group of armed men gunned down four families living in a shantytown near the city of Berrouaghia. Most of the twenty-six killed were women and children. On August 12, in one of numerous attacks committed by men who had set up roadblocks on intercity roads, seventeen passengers were killed by armed men dressed in military uniforms in the wilaya of Mascara. On September 26, attackers invaded a wedding party in the city of Larbaa, killing thirteen in attendance and nine others who happened to be in their path, according to reports in Algerian private newspapers. The terror drove thousands of Algerians toward more urban areas that offered relative safety but also social and economic hardship.

A total of some 6,000 militants had applied for amnesty since the Civil Harmony law went into effect in July 1999, according to government statements made during 2001. A *de jure* blanket amnesty was given to members of the two armed groups that had formally agreed to disband in January 2000. Amnesty-seekers from other groups were required to disclose their past deeds to government-controlled probation committees. These bodies were charged with conducting investigations and deciding whether applicants should be exempt from prosecution or, if they were suspected of committing serious crimes, face reduced sentences.

In practice, the probation committees tended to exonerate repentis after a cursory examination, according to victims' rights groups. As a result, suspected assassins were reportedly cleared to return home without punishment, even though the Civil Harmony law states that persons who participated in killings or rape are disqualified from receiving probation or reduced sentences.

Prime Minister Ali Benflis told European Parliament member Hélène Flautre in May that some four hundred surrendering militants were facing prosecution, but this figure could not be independently verified. The committees operated behind closed doors, and excluded victims, their survivors, and the public from their deliberations. Even if accurate, the figure of four hundred prosecutions would represent only 7 percent of the militants who were reported to have turned themselves in.

More than ninety Algerians were reported killed during street protests that began on April 21 and continued sporadically for months. The demonstrations were sparked by the death on April 20 of Berber high school student Guermah Massinissa, who, two days earlier, had been shot while in custody in a gendarme barracks. Local youths rejected gendarmerie claims that the shooting was accidental and alleged that the gendarmes had increasingly harassed the local population in the preceding months.

Many of the protests in the Kabylie were peaceful but in others, protesters threw stones or Molotov cocktails at gendarmes, and damaged public buildings and property, as well as private businesses. During the first and bloodiest week, gendarmes repeatedly opened fire on protesters without warning, using live ammunition. They also beat wounded persons and others not involved in the protests, according to many eyewitnesses.

The demonstrators demanded, among other things, recognition of the Berber language and cultural identity and the withdrawal of the gendarmes from the region. In June, the street rallies spread to other regions, fueled by local grievances over corruption, joblessness, and housing allocations.

On April 30, President Bouteflika announced an independent probe into the events. On May 2, he named a respected jurist, Mohand Issad, to head it. The commission's interim report, made public three months later, contrasted favorably with previous government-ordered inquiries that either were whitewashes or never came out at all. The commission found that the gendarmes had "kept the pot boiling by shooting live ammunition, ransacking, plundering, provocations of every sort, obscene language, and beatings." It concluded that self-defense claims could not justify the gendarmes' fatal shooting of fifty civilians and the wounding of another 218 by gunfire between April 22 and 28. During this period, it noted, one security force member died, by electrocution, although many were injured.

The commission's interim report did not identify gendarmes or officers responsible for the excessive use of lethal force. Issad promised to resume the inquiry in August, but further findings were unavailable as this report went to press.

Shortly after President Bouteflika's address on April 30, security forces began showing greater restraint in their use of live ammunition. Authorities also reassigned many of the troops suspected of acting harshly, and deployed riot police units who used teargas more than live bullets.

These factors helped to reduce casualties despite the larger and more widespread nature of the protests during May and June. On May 21 and 31, huge demonstrations were held, first in Tizi-Ouzou, then in Algiers. But on June 14, a Berber-dominated march of about half a million people in the capital degenerated into looting of shops and clashes involving the police, demonstrators, and local youth. Over three hundred were injured and four killed. Many of the hundreds detained by police were unaccounted for during several days; however, all were eventually released.

On June 18, President Bouteflika banned all demonstrations in Algiers "until further notice." Police were deployed massively in the city and on roads leading from the Kabylie to thwart would-be demonstrators. Pre-announced marches were blocked in this manner on July 5, August 8, and October 5.

On October 3, Prime Minister Ali Benflis met with Berber community representatives and announced that President Bouteflika had promised several initiatives. These included amending the constitution to make the Berber language, Tamazight, a national language; compensating victims of the disturbances; prosecuting those responsible for crimes and killings during the clashes; and restructuring the security forces in those areas of the Kabylie where abuses had taken place. As of October, there was no verifiable information available about prosecutions of security force members responsible for abuses during the protests, although there were unconfirmed reports of arrests.

State-controlled television and radio remained government mouthpieces, usually ignoring major demonstrations and massacres that were covered on locally available European and Arab stations. Opposition politicians received little or no television coverage except during the regularly broadcast sessions of parliament.

Private newspapers, by contrast, often criticized government actions,

publishing eyewitness accounts of the gendarmerie's suppression of demonstrations, and speculating openly about President Bouteflika's future in office. However, they exercised self-censorship concerning the army's role in politics.

In June, *El-Watan* and *el-Khabar* became the first national dailies to print part of their daily circulation at a private press, loosening the indirect editorial pressure that accompanied the state's near-monopoly on printing. However, revisions to the penal code that took effect in July lengthened prison terms and increased fines for defaming or insulting the president, state institutions, or officials. The amendments were justified by officials as necessary to "preserve the dignity of the state and to protect individual and collective freedoms." As this report went to press, no journalist had yet been charged under the new amendments, which also curbed speech in mosques by lengthening to five years the maximum sentence for delivering sermons "capable of harming social cohesion."

Entry visas for foreign reporters were sometimes approved, sometimes ignored without explanation. Country specialists at the Paris dailies *Libération* and *Le Figaro* were prevented from visiting during much of the year.

Internet use continued to grow as connection fees dropped and cybercafes proliferated. There were no reports of sites being blocked, although the Internet regulations required service providers to "constantly monitor the content available to [their] subscribers to prevent access to . . . information contrary to the public order or morality." Early in 2001, police in the city of Boufarik ordered cybercafe operators regularly to submit a log of their patrons' names, and to report any activity that seemed subversive or immoral.

No progress was achieved in locating or learning the fate of the thousands of Algerians who had been forcibly "disappeared" by the security forces, primarily between 1994 and 1996. Although there were no new cases of persons who had been detained by security forces during 2001 and then remained missing for an extended period, families came forward to report additional cases dating to the 1990s. The National Association of Families of the Disappeared stated that its registry of documented cases had surpassed 7,000.

In a speech on October 9, President Bouteflika asked families of the "disappeared" to "trust the authorities" and to refrain from doing anything that "could tarnish the image of the country or of Algerians."

Government officials continued to provide statistics on cases the government claimed to have "clarified," while rarely if ever furnishing any useful information to families. For example, according to a report issued in June by European Parliament member Hélène Flautre, Justice Minister Ahmed Ouyahia told Flautre in May that out of 3,000 missing-person complaints received by the government, "a thousand had been cleared up: 833 [of the missing persons] had joined the armed groups, ninety-three had been killed, eighty-two were in detention, seventy-four had returned home, and seven had benefited from the Civil Harmony [amnesty]."

However, the authorities furnished no evidence to families that particular missing persons had joined armed groups. Few if any turned up among the thousands of armed group members who had surrendered in recent years; nor did these repentis provide information corroborating the

government's claim that many of the supposedly "disappeared" had been alongside them in the mountains.

No headway was made in finding any of the several thousand Algerian civilians said to have been abducted in previous years by armed groups. Few families learned anything about relatives who had been abducted, despite the discovery in recent years of several mass grave sites believed linked to the conflict, and the surrender of thousands of militants, some of whom may have had knowledge of the abductions.

Security forces continued to torture detainees who were suspected of involvement with or knowledge of the armed groups, according to human rights lawyers. However, reports of torture declined along with the number of security-related arrests compared with previous years.

In February, ex-army officer Habib Souaïdia published in Paris *La Sale Guerre* (The Dirty War), the most detailed indictment yet of the army's conduct. Souaïdia detailed a pattern of torture and of summary executions practiced by anti-terrorist units on suspected Islamists, and other abuses that he claimed to have witnessed between 1993 and 1995. Algerian officials dismissed *La Sale Guerre* as part of a campaign to smear the government.

In another challenge to impunity, on April 25, a Paris judge opened an investigation into complaints filed against Khaled Nezzar by Algerians now living abroad who said that they, or their deceased relatives, had been tortured in the early 1990s when Nezzar was minister of defense. Nezzar, in France for the publication of his memoirs, cut short his visit and left the country that night by private plane.

In some trials, including politically sensitive ones, judges conducted the proceedings with seriousness and impartiality, but others were tainted by irregularities. In a one-day trial on April 12, Fouad Boulemia was convicted and sentenced to death for the November 1999 killing of Abdelqader Hachani, at the time the preeminent Front Islamique du Salut (FIS) leader who was at liberty. Boulemia told the judge he had been tortured into signing a "confession" that he now repudiated, but this claim was rejected by the court. Boulemia was questioned neither by his own lawyer nor the prosecutor. Boulemia remained in prison as of this writing.

In another case, journalist Faouzia Ababsa, managing editor of the French-language daily *l'Authentique*, was convicted of defamation on July 11 even though she had not been notified of the trial and was not present. She received a suspended six-month prison sentence and a fine.

In their indiscriminate attacks on civilians, armed groups abducted and raped girls and women, when they did not kill them on the spot. Women's rights groups decried the lack of support services for rape victims.

The more general problem of gender-based violence was dramatized by attacks on women living alone carried out by mobs of men who were apparently unaffiliated with armed groups. On the evening of July 13, more than one hundred men set upon a neighborhood of the oil-rich city of Hassi Messaoud. While other residents were spared, migrant women were pulled from their homes, beaten, clubbed, stabbed, and raped. The assault lasted well into the night, even though security forces monitor the city closely. On October 9, *El-Watan* reported that thirty-eight of the

men had been charged with assault, rape, or other offenses, and of those charged twenty-nine were being held in pretrial detention. According to one version, the assailants were local residents motivated by accusations that the women practiced "loose morals." Later in the month, groups of men in the eastern city of Tebessa twice raided a neighborhood where women lived alone, assaulting three women in one instance and ransacking homes in the other. Attackers who were arrested by police claimed they were fighting "debauchery."

The highly discriminatory Family Code of 1984 remained intact. On March 8, international women's day, President Bouteflika called the code "discriminatory" and said some of its provisions ran counter to "the spirit of Islam." But neither he nor the National Assembly took any initiative to amend articles that favored men in matters of marriage, divorce, inheritance, and child custody.

On October 9, Algeria ratified the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Mine Ban Treaty). It will enter into force for Algeria on April 1, 2002.

Defending Human Rights

Algerian human rights and victims' rights organizations, lawyers, and certain political parties collected information and lobbied in defense of rights. The main obstacle to documenting abuses appeared to be the fear among victims and their families to testify, particularly among rural populations hard-hit by political violence.

Police generally tolerated the regular sit-ins organized by families of the "disappeared" in front of public buildings, but broke them up on occasion. An attempted march by families in the city of Relizane on September 19 was blocked on the grounds that it was unauthorized.

Mohamed Smaïn, a spokesperson of the Relizane bureau of the independent Algerian League for the Defense of Human Rights, was detained on February 23 and held for two days in connection with a defamation suit filed by Hadj Fergane, a former mayor and militia chief whom Smaïn had accused of involvement in kidnappings and extrajudicial killings. Smaïn's identification documents were seized and he was prohibited from traveling without court authorization. On October 28, with the case still pending, the gendarmerie cautioned Smaïn that the travel restriction remained in effect. The confiscated documents had not been returned. In November, however, Smaïn prevailed in another case in which a Relizane court sentenced Fergane to six months in prison for defaming Smaïn.

The National Association of Families of the Disappeared remained active even though its application for legal recognition had gone unanswered. In September, another organization of families of the "disappeared," SOS Disparus, opened a national headquarters in downtown Algiers, the first office devoted solely to this issue.

In contrast to 2000, Human Rights Watch, Amnesty International, and the International Federation for Human Rights were not permitted to conduct fieldwork in Algeria during the first ten months of 2001. However, the French freedom of expression organization Reporters sans Frontières visited in January to investigate the cases of five missing Algerian journalists.

The government 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 the Working Group on Enforced and Involuntary Disappearances (WGEID). The International Committee of the Red Cross conducted its fourth and fifth rounds since 1999 of visits to prisons, including private interviews with inmates. Its agreement with the authorities excluded visits to facilities run by the ministries of interior or defense.

In March, authorities dissolved the nine-year-old National Human Rights Observatory, which reported to the president and was viewed as ineffective by most victims of government abuse who had sought its assistance. It was replaced in October by the National Consultative Commission for Promoting and Protecting Human Rights.

The Role of the International Community

European Union

E.U. countries received 20 percent of their natural gas supplies from Algeria and purchased 70 percent of Algeria's total exports.

Negotiations continued over a bilateral association agreement between the E.U. and Algeria, and the E.U. funded modest programs to support private newspapers and to train the police in forensic science and in human rights.

On June 16, the European Council, composed of the heads of government of the E.U. countries, publicly urged "all those responsible in Algeria" to "act to end the present confrontations and violence," and called on the government to "launch a political initiative to overcome the crisis by means of dialogue among all Algerians." The statement pledged the E.U.'s support for "the political, economic, and social reforms necessary for restoring peace, stability and prosperity."

Human rights received some attention at the ministerial-level "troika" meetings held in Algeria on April 24. (The troika consists of representatives of the current E.U. presidency, the commission, and the High Representative for the Common Foreign and Security Policy.) The Europeans presented a list of some thirty "disappeared" cases and requested clarification. Anna Lindh, the foreign minister of Sweden (at the time E.U. president), stated that the E.U. "takes a serious view" of "disappearances," arbitrary arrests, and torture. She also voiced concern about the proposed penal code amendments restricting press freedom.

A resolution adopted January 18 by the European Parliament condemned all forms of violence against civilians in Algeria and urged the government to cooperate with the U.N. WGEID. A resolution adopted May 17 criticized the killing of demonstrators and urged greater respect for Berber cultural and linguistic rights. In his statement before the U.N. Commission on Human Rights, the E.U. representative on March 29 urged Algeria to allow visits by U.N. human rights rapporteurs.

France

France was Algeria's leading source of imports and home to the largest Algerian community outside of Algeria. French assistance to Algeria came mainly in the form of credits for the purchase of French exports.

During the conflict that has raged in Algeria since 1992, France has been circumspect on governmental human rights abuses committed against suspected Islamists. In 2001, the French government spoke out more forcefully when the security forces killed some fifty protesters in the Kabylie during the last week of April. Kabyles (Berbers) constitute a large percentage of France's Algerian community and are politically well-organized. On May 2, Foreign Minister Hubert Vedrine warned that France could not remain silent about "the violence and repression" and urged "political dialogue." On June 19, he said the demands by the Algerian people for "real change" were "thoroughly legitimate." In an interview published in *Le Monde* of July 11, Vedrine scoffed at the accusation made by President Bouteflika and others that foreign meddling had caused the recent disturbances: "The Algerian regime knows very well that this is false, that this contestation is the result of internal problems."

On other human rights issues, France was more discreet. Vedrine, Interior Minister Daniel Vaillant, and State Secretary Michelle Demessine all visited Algiers in February and made no public statements regarding human rights at the time.

United States

Never a priority country in the region for the U.S., Algeria received greater attention during 2001. Human rights concerns were raised in bilateral meetings but remained secondary to anti-terror cooperation, U.S. private investments, and resolving the conflict over the Western Sahara.

These were among the topics discussed when President George W. Bush met with President Bouteflika on July 12 in Washington. It was the first meeting between heads of state since a military-backed coup in 1992 halted Algeria's elections. Bush reportedly urged Bouteflika to make progress on human rights, but the White House did not comment publicly on the subject.

Relations had been gradually warming prior to the summit. In February in Germany, Carlton W. Fulford, deputy commander of the American forces in Europe, received General Mohamed Lamari, chief-of-staff of the Algerian army, which is implicated in massive human rights abuses.

Following the September 11 attacks on New York and Washington, Algeria shared with Washington a list of 350 Algerians abroad with alleged links to Osama bin Laden, and a list of alleged Islamist militants inside Algeria, according to news reports. The State Department and National Security Council (NSC) declined to comment to Human Rights Watch on those reports.

U.S. interest in anti-terror cooperation was undoubtedly a factor in President Bush's receiving President Bouteflika again in Washington on November 5. The U.S. made no public comments about what they discussed. But on November 9, an NSC official told Human Rights Watch that Algeria had been asking the U.S. "to be more forthcoming" on licensing private arms sales. He added that the U.S. was maintaining its "go-slow" approach and had not changed its opposition to selling night-vision equipment, an item Algeria has long sought for counter-insurgency use.

Algeria received minimal direct aid from the U.S. However, the U.S.

government-run Export-Import bank, which provides loans and guarantees to assist U.S. investment abroad, stated that its exposure in Algeria rose in the fiscal year ending September 30 to nearly U.S. \$2 billion, a level matched in the Middle East and North Africa only by the bank's exposure in Saudi Arabia. Total private U.S. investment in Algeria was about U.S. \$4 billion, nearly all in the energy sector.

In November 2000, Harold Koh, then-President Clinton's assistant secretary for human rights, democracy, and labor, made his first trip to Algeria. During two days he met with human rights activists and government officials. His public remarks about local rights conditions were general and brief. In the year since Koh's visit, the U.S. government made no high-level public statements on human rights except for the solid chapter on Algeria in the State Department's *Country Reports on Human Rights Practices*.

