

**Flygtningenævnets baggrundsmateriale**

|                                    |                     |
|------------------------------------|---------------------|
| <b>Bilagsnr.:</b>                  | <b>140</b>          |
| Land:                              | Algeriet            |
| Kilde:                             | Human Rights Watch. |
| Titel:                             | World Report 2012.  |
| Udgivet:                           | 22. januar 2012     |
| Optaget på<br>baggrundsmaterialet: | 9. februar 2012     |


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| <b>Title</b>            | World Report 2012 - Algeria                                                                                                                                                                                                                                          |
| <b>Publisher</b>        | <a href="#">Human Rights Watch</a>                                                                                                                                                                                                                                   |
| <b>Country</b>          | <a href="#">Algeria</a>                                                                                                                                                                                                                                              |
| <b>Publication Date</b> | 22 January 2012                                                                                                                                                                                                                                                      |
| <b>Cite as</b>          | Human Rights Watch, <i>World Report 2012 - Algeria</i> , 22 January 2012, available at: <a href="http://www.unhcr.org/refworld/docid/4f2007ec37.html">http://www.unhcr.org/refworld/docid/4f2007ec37.html</a> [accessed 7 February 2012]                             |
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## World Report 2012 - Algeria

### Events of 2011

President Abdelaziz Bouteflika lifted Algeria's 19-year state of emergency in February and announced legal and political reforms amidst increasing economic unrest, pro-reform street protests, and worker strikes. However, at this writing these measures had not given Algerians the freedom to exercise their rights of expression, assembly, and association.

Security forces and armed groups continued to enjoy broad impunity for atrocities committed during the civil war of the 1990s. The state offered compensation to families of persons forcibly disappeared in the 1990s, but not answers about their fate. Armed groups continued to carry out deadly attacks, mostly targeting state security forces.

### Freedom of Assembly

January 2011 saw several days of violent protests and rioting in several cities, triggered by price hikes on basic food items. As the riots subsided, Algerians – inspired by the stirrings in Tunisia and Egypt – on January 22 began attempting to hold weekly peaceful pro-reform demonstrations in Algiers, the capital. Large deployments of police were usually on hand and either prevented the protests from getting started or confined them to small spaces. Larger-scale labor protests also took place, including a march by thousands of communal guards in Algiers on March 7 demanding more pay.

On February 24 President Bouteflika ended the state of emergency. The emergency decree had given the Interior Ministry sweeping powers to administratively detain persons deemed to endanger "public order," close down meeting places, and ban gatherings. However many restrictions on civil liberties imposed during the state of emergency continued, as authorities drew on other repressive laws and regulations. For example, an indefinite ban imposed in 2001 on demonstrations in Algiers remained in effect. Outside the capital, a 1991 decree-law required prior approval for public gatherings. While authorities tolerated some demonstrations critical of the government outside of Algiers, these remained more the exception than the rule.

On March 16 in the city of Mostaganem authorities arrested and held overnight Dalila Touat of the

acquitted her on April 28. Authorities also subjected leaders of Algeria's several independent and legally unrecognized labor unions to various forms of harassment.

### **Freedom of Expression and Association**

The state controls all domestic broadcast media, which provide live telecasts of parliamentary sessions but air almost no critical coverage of government policies. Privately-owned newspapers enjoy a freer scope, but repressive press laws and dependence on revenues from public sector advertising limit their freedom to criticize the government and the military. Authorities barred Al Jazeera television from maintaining a bureau in the country.

In July parliament revised two articles of the press code to eliminate prison terms – but not fines – as punishment for the offense of defaming or showing contempt for the president, state institutions, or courts. In September the Council of Ministers approved a draft press code that, if adopted, would eliminate prison as a punishment for speech offenses; however prison sentences for speech offenses remain present in the penal code.

The Council of Ministers on September 12 adopted a draft law on associations that allows authorities to oppose the creation of an association they deem to be contrary to "the public order" or "good morals." It also makes it easier for authorities to dissolve an association without a court order and harder for an association to receive funding from abroad. Under the proposed law, administering an "unapproved" association would remain a crime.

Authorities required organizations to obtain authorization from the local governor before holding indoor public meetings. The government in June banned two events organized by the Algerian League for the Defense of Human Rights: a conference on the occasion of the Day of the Child scheduled for June 1 in the *wilaya* (governorate) of el-Taref and one to be held in Algiers on June 10 about corruption in the Arab world.

### **Freedom of Religion**

Algeria's constitution defines the state religion as Islam and requires that the president to be Muslim. A 2006 law criminalizes proselytizing Muslims by non-Muslims, but not the reverse, and forbids non-Muslims from worshiping except in state-approved locations. In practice authorities rarely authorized Algerian Protestant groups to use buildings for worship. In May the governor of the *wilaya* of Béjaia ordered the Protestant Church of Algeria (EPA) to shut seven "unauthorized" places of worship operating in the *wilaya*. EPA President Moustapha Krim said in October that the churches continued to operate while the EPA appealed the order in the courts. On May 25 an Oran court convicted Abdelkarim Siaghi, a convert to Christianity, of "offending" the Prophet Muhammad under the penal code and sentenced him to five years in prison and a fine. He was freed pending an appeal scheduled for November 2011.

### **Impunity for Past Abuses**

Over 100,000 Algerians died during the political strife of the 1990s. Thousands more were subjected to enforced disappearances by security forces or abducted by armed groups fighting the government and never found. The 2006 Law on Peace and National Reconciliation provides a legal framework for the continued impunity enjoyed by perpetrators of atrocities during this era. The law also makes it a crime to denigrate state institutions or security forces for the way they conducted themselves during the political strife, thus potentially penalizing those who allege that the security forces perpetrated human rights violations.

The law promises compensation to families of "disappeared" persons. But organizations representing families of the "disappeared" criticized the state for its failure to provide a detailed account of the fate of their missing relatives, and for the pressure they said is applied to the families to accept compensation and abandon demands to learn the truth.

Algerian courts pronounced many death sentences during 2011 but observed a de facto moratorium on executions since 1993.

### **Women's Rights**

Algerian women face discrimination under the code of personal status. A man has the right to divorce his wife without cause, but a woman can file for divorce only on specific grounds, such as abandonment. *Khul'a* (a no-fault divorce) is the only option for women who wish to file for a

Attacks by armed groups were down dramatically compared to the mid-1990s, but al Qaeda in the Islamic Maghreb (AQIM) continued to launch fatal attacks, directed mostly – but not exclusively – at military and police targets.

On February 24, the same day the president lifted the state of emergency, President Bouteflika issued a decree authorizing the Algerian army to conduct counterterrorism operations, a role it had played during the state of emergency. A branch of the military, the Department of Intelligence and Security (DRS), was implicated in some of the worst abuses perpetrated during counterterrorism operations since the 1990s.

Also on February 24, Bouteflika promulgated article 125 bis of the code of criminal procedure, allowing judges to place suspects in "protected residence." The law allows this form of custody to take place in a secret location and authorizes prosecution for revealing its whereabouts. "Protected residence" replaced "assigned residence," practiced during the state of emergency against a small number of suspected terrorists. "Assigned residence" involved removing these individuals from the judicial system and detaining them indefinitely in an undisclosed location, cut off from contact with families and lawyers.

After the lifting of the state of emergency the detainees who had been in "assigned residence" were presented in court and transferred to official places of detention. However authorities continued to prevent some from appearing at trials. For example, lawyers for accused terrorists Omar Ferrah and Yacine Aïssani withdrew from the courtroom in protest when the court failed to produce the accused men's co-defendant and alleged leader, Amar Saïfi, at several sessions of their trial between March and June, prompting the adjournment of the trial until November.

In one case dating to the 1990s, Malik Mejnoun and Abdelkader Chenoui were brought to trial on July 18 for the 1999 assassination of Kabyle (Berber) singer-activist Lounes Matoub after they had spent 12 years in pre-trial detention. Both men claimed they were innocent and said they were tortured while in incommunicado detention. The court convicted them and sentenced them to 12 years in prison.

### Key International Actors

Algeria and the European Union have an association agreement and signed an agreement that provides Algeria €172 million (approximately US\$234 million) in aid between 2011 and 2013. In September there was a meeting of the subcommittee of the bilateral Association Council on "political dialogue, security and human rights."

According to the United States government, Algeria "is a major partner in combating extremism and terrorist networks such as al Qaeda and is our second-largest trading partner in the Arab world." The US provides almost no financial aid to Algeria, but is the leading customer of its exports, primarily gas and oil. US President Barack Obama also congratulated the government on February 24 for lifting the state of emergency, noting that "we look forward to additional steps by the government that enable the Algerian people to fully exercise their universal rights, including freedom of expression, association and assembly."

Algeria in 2011 continued to fail to invite five of the special procedures of the United Nations Human Rights Council that had requested to visit the country, including the Working Group on Enforced or Involuntary Disappearances and the special rapporteurs on torture and on human rights while countering terrorism. Algeria hosted a visit by the special rapporteur on the right to adequate housing.

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