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Africa : **Algeria**

PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA

Head of state: Abdelaziz Bouteflika

Head of government: Ahmed Ouyahia

Death penalty: abolitionist in practice

International Criminal Court: signed

UN Women's Convention: ratified with reservations

Optional Protocol to UN Women's Convention: not signed

Overview - Covering events from January - December 2005

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The government promoted a controversial plan aimed at bringing closure to the internal conflict of the 1990s amid continuing restrictions on human rights. The level of violence decreased in comparison with previous years, but hundreds of people were killed, among them dozens of civilians. Tens of thousands of cases of torture, killings, abductions and "disappearances" carried out since 1992 by the security forces, state-armed militias and armed groups had still not been investigated; this remained the key obstacle to addressing the legacy of the conflict. Torture continued to be reported, particularly in the cases of suspects accused of "belonging to a terrorist group". More than a dozen suspected members of armed groups were sentenced to death, most of them in their absence. A moratorium on executions remained in place. Changes to the law gradually improved the legal status of women, but many discriminatory provisions remained unchanged.

Background

Gas price rises at the beginning of the year sparked violent protests throughout the country. Demonstrations, strikes and violent protests erupted throughout the year over a range of social, economic and political problems, including water, job and housing shortages, public



Algeria

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mismanagement and corruption.

An association agreement with the European Union entered into force on 1 September. The agreement, which sets out conditions for trade liberalization and security co-operation, contains a human rights clause which is binding on both parties.

The state of emergency, imposed in 1992, remained in force.

Killings

Some 400 people were killed as a result of continuing violence, including dozens of civilians. Attacks by armed groups on military targets, and to a lesser extent, civilians, continued to be reported. Dozens of people suspected of being members of armed groups were killed during operations by the security forces. There were concerns that some of these killings may have been extrajudicial executions.

Impunity

President Abdelaziz Bouteflika officially stated that some 200,000 people were believed to have been killed since 1992, but there was no commitment to establishing the truth about these killings and other gross human rights abuses, the vast majority of which had not been investigated. Instead, President Bouteflika called a referendum seeking a mandate to exonerate the security forces and armed groups, ostensibly in an effort to bring closure to the conflict of the 1990s.

A Charter for Peace and National Reconciliation was adopted by referendum on 29 September. In a speech made in late March, President Bouteflika declared that reconciliation required that families of victims of human rights abuses make sacrifices and that they might have to renounce some of their rights.

The Charter proposes clemency or exemption from prosecution for members of armed groups who give themselves up to the authorities. Armed groups have been responsible for widespread and grave abuses – such as targeted killings of civilians, abductions, rape and other forms of torture – some of which amount to crimes against humanity. Although perpetrators of certain serious abuses were not to be exempt from prosecution, no details were provided concerning the process for determining who would be eligible. Similar measures introduced in 1999 were applied arbitrarily and resulted de facto in wide-ranging impunity for abuses committed by armed groups.

The Charter denies that the security forces and state-armed militias have been responsible for serious crimes, thus conferring systematic impunity. This denial stands in stark contrast to a body of evidence which points to their responsibility for thousands of cases of torture, extrajudicial executions and “disappearances”, some of which constitute crimes against humanity.

Victims of human rights abuses, human rights defenders, and others opposing the Charter were intimidated by state agents in an effort to stifle criticism. Some continued to express their anger at the authorities’ failure to uphold their right to truth and justice. In the province of Blida, near the capital, Algiers, victims of abuses by armed groups and their families gathered at the cemetery on the day the referendum was held to remember the dead and bury their ballots in protest at the provisions of the Charter.

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions and the UN Working Group on Enforced or Involuntary Disappearances expressed concern about the proposed measures. They urged the Algerian government not to adopt laws which would contravene its obligations under international law to ensure the right of victims of grave human rights abuses to truth and full reparations.

By the end of the year, no concrete measures had been taken to implement the provisions of the Charter.

‘Disappearances’

No new cases of “disappearance” were reported during the year, but several thousand Algerians remained “disappeared” and no progress was made in clarifying their fate and whereabouts. The Charter for Peace and National Reconciliation specifically denies state responsibility for “disappearances”, claiming that past wrongful acts have been punished.

At the end of March the mandate of an official commission on “disappearances”, set up with a narrow mandate in 2004, expired. The head of the commission publicly excluded criminal prosecution of those responsible for the “disappearances” and proposed compensation payments to the families, many of whom continued to endure economic hardship. The

commission remained silent on the state's duty to investigate serious human rights violations and to guarantee the victims' right to an effective remedy. The head of the commission told AI in May that, on the basis of complaints which families had made to the authorities, it had concluded that 6,146 individuals had "disappeared" at the hands of security officers between 1992 and 1998. However, media reports later quoted him contradicting this by saying that half of these were "terrorists", rather than victims of state abuses. The commission did not have powers to investigate cases of "disappearances". The commission's confidential report to the President had not been made public by the end of the year.

Many families of the "disappeared" feared that the compensation payments would be a substitute for long-overdue investigations. The government did not respond to the interest expressed since August 2000 by the UN Working Group on Enforced or Involuntary Disappearances to visit the country.

Torture and ill-treatment

There were further allegations that individuals arrested after protests were tortured or ill-treated in custody. The vast majority of allegations of torture made during 2005 and in previous years were not investigated. The UN Committee on the Rights of the Child expressed concern about a number of cases of torture and ill-treatment of children reported in previous years. The UN Special Rapporteur on torture was not invited to Algeria, despite repeated requests to visit the country since 1997.

In violation of national and international law, detainees accused of "belonging to a terrorist group" continued to be held in a secret location during *garde à vue* detention (the period before they are brought before the judicial authorities) and denied their right to communicate with their families, putting them at risk of torture.

- Amar Saker was arrested on 19 February and reportedly tortured over a period of 15 days while held by the Department for Information and Security, an intelligence agency formerly known as Military Security. Among other things, he alleged that he was beaten until he lost consciousness, given electric shocks and suspended by his arms for three days to force him to sign a police report which he had not read. He was charged with "belonging to a terrorist group operating in Algeria and abroad" and remained in detention awaiting trial at the end of the year. The allegations of torture were not known to have been investigated, although a prison doctor had certified that his body bore traces of violence when he was transferred to prison.

Freedom of expression and assembly

Journalists, civil society activists and government critics faced harassment and intimidation and risked imprisonment. Pressure on journalists remained high. Dozens of journalists who criticized representatives of the state and security forces or reported on human rights abuses and corruption allegations faced charges of defamation, many of which were filed by public officials. Some 18 journalists were sentenced to imprisonment on defamation charges; others received suspended sentences and heavy fines. Nearly all remained at liberty pending appeals at the end of the year.

- Mohamed Benchicou, former editor of the French language daily *Le Matin*, remained in prison. He had been convicted of violating exchange regulations and sentenced to two years' imprisonment in June 2004. Further prison terms and heavy fines were imposed in a series of lawsuits for defamation, but remained at appeal stage.

Independent organizations, among them human rights groups and independent trade unions, were repeatedly refused authorizations for public events.

- Kamal Eddine Fekhar – a doctor, elected member of the Parliamentary Assembly in the province of Ghardaia in southern Algeria, and a member of the Socialist Forces Front and of the Algerian League for the Defence of Human Rights – was imprisoned for five months, apparently to discourage him and others from political activity. He was accused of incitement to rebellion and arson, among other things, in the wake of violent demonstrations which took place in the area in late 2004. Some of the protesters reported having been beaten on arrest and ill-treated or threatened with torture during questioning to force them to sign police reports incriminating Kamal Eddine Fekhar. Eyewitnesses reported that he had attempted to negotiate a peaceful settlement of the conflict.

The authorities stepped up pressure on families of the "disappeared" to abandon their public protests against the Charter for Peace and National Reconciliation. At least three demonstrations by families of the "disappeared" were violently dispersed by the security

forces. Several relatives of the “disappeared” were summoned by security forces, questioned and threatened with legal proceedings should they continue their protests.

- Belkacem Rachedi, whose father “disappeared” in 1995 and who had publicly accused members of a local militia of having arrested his father and of being responsible for his “disappearance”, was sued for defamation by two of the alleged perpetrators. In one of the cases, a court in Relizane province, western Algeria, sentenced him to a six-month suspended prison term and a fine; the second case remained pending at the end of the year. The court had failed to investigate some 10 complaints lodged by the Rachedi family since 1997 in respect of the father’s “disappearance”.

Women’s rights

In February amendments were introduced to the Family and Nationality Codes. Women were given equal rights with men in transmitting their nationality to their children. Changes to the Family Code revised some provisions discriminating against women but fell far short of offering women equal status with men. Key changes include the introduction of the same legal age for marriage for both men and women, and of a legal requirement for a divorced man to provide housing for his former wife if she has custody of the couple’s under-age children. Homelessness among divorced women and their children had been recognized as a growing problem. The new law also rescinded the legal duty of a wife to obey her husband and introduced equal rights and duties for men and women during marriage.

However, numerous provisions which discriminate against women were maintained. These include polygamy and a husband’s unilateral right to divorce. Discriminatory provisions governing inheritance rights remained unchanged.

Algeria maintained reservations to key articles of the UN Women’s Convention, undermining its purpose. In February, the UN expert committee overseeing implementation of the Convention recommended that the government establish a binding timeline for reforming discriminatory legislation and withdrawing reservations to the Convention. The committee also expressed concern about the lack of progress in addressing the situation of female relatives of the “disappeared” and of women who had suffered physical and sexual violence by armed groups.

An unprecedented study on domestic violence was published, reflecting increasing recognition of violence against women as a problem in Algerian society. The study, which was conducted collaboratively by Algerian governmental and non-governmental bodies, revealed factors facilitating violence against women and identified needs for improving care for survivors.

AI country visits

AI delegates visited Algeria in May.

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