

44

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Algeria Country Report on Human Rights Practices for 1998

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ALGERIA

President Liamine Zeroual, a former general, was elected in November 1995 to a 5-year term. Zeroual previously had served as president of a transition government established by the army in 1994, which included a National Transition Council (CNT) as a surrogate parliament. The President controls defense and foreign policy, appoints and dismisses the Prime Minister and cabinet ministers, and may dissolve the legislature. The presidential election was competitive. According to government figures, Zeroual received 61 percent of the votes; losing candidates claimed that there were instances of fraud but did not contest Zeroual's victory. In a flawed referendum in November 1996, the Government obtained approval of proposed changes to the Constitution, including the provision of a second parliamentary chamber and greater presidential authority. In June 1997, Algeria held its first parliamentary elections since January 1992 and elected the first multiparty Parliament in Algerian history. The cancellation of the 1992 elections, which the Islamic Salvation Front (FIS) was poised to win, suspended the democratization process and a transition to a pluralistic republic, and escalated fighting, which still continues, between the security forces and armed Islamist groups seeking to overthrow the Government and impose an Islamic state. Provincial and municipal elections also were held in 1997. The election campaigns were marked by increased openness; however, international observers and political parties pointed out numerous problems with the conduct of the elections. Although President Zeroual was scheduled to remain in office until 2000, on September 11 he announced publicly that he would resign upon completion of multiparty elections to be held before the end of April 1999. The Government does not always respect the independence of the judiciary.

The Government's security apparatus is composed of the army, air force, navy, the national gendarmerie, the national police, communal guards (a local police), and local self-defense forces. All of these elements are involved in counterinsurgency and counterterrorism operations and are under the control of the Government. The security forces committed numerous serious human rights abuses.

The economy is slowly developing from a state-administered to a market-oriented system. The Government has implemented successfully stabilization policies and structural reforms. However, privatization of state enterprises and the restructuring of the banking and housing construction sectors have just begun. Uncompetitive and unprofitable state enterprises constitute the bulk of the industrial sector. The state-owned petroleum sector's output represented about a quarter of national income and about 95 percent of export earnings in 1998. The agricultural sector, which produces grains, fruit, cattle, fibers, vegetables, and poultry, makes up 10 to 12 percent of the economy. Algeria is a middle-income country; annual per capita income is approximately \$1,600. Officially, about 28 percent of the working-age population is unemployed, and about 70 percent of persons under the age of 30 can not find adequate employment. Some made a living from petty smuggling or street peddling.

The Government's human rights record remained poor; although there were improvements in some areas, serious problems remain. Citizens do not yet have the effective right to change their govern-

ment peacefully. The security forces committed extrajudicial killings, were responsible for numerous disappearances, routinely tortured or otherwise abused detainees, and arbitrarily arrested and detained or held incommunicado many individuals suspected of involvement with armed Islamist groups. Human Rights Watch (HRW) reported that on some occasions, from late 1997 continuing into January 1998, security forces failed to intervene to prevent or halt massacres of civilians. HRW claims that there were questions raised about security forces' indifference to, or complicity in, civilian deaths. Prison conditions are poor. Prolonged pretrial detention and lengthy trial delays are problems. Although the Constitution provides for an independent judiciary, executive branch decrees restrict some of the judiciary's authority. Illegal searches and infringements on citizens' privacy rights also remained problems. The Government censored news about security information and the armed groups. The Government also continued to restrict freedom of speech, press, assembly, association, and movement. During the 1997 legislative, municipal, and provincial elections, there were credible reports of irregularities such as government harassment of opposition party observers and fraud in vote-tally procedures. The independent press commented openly and regularly on the upcoming 1999 elections. The Family Code limited women's civil rights, and domestic violence against women remained a serious problem. Child abuse is a problem. In July the Government passed a law that made Arabic the official language, leading to concern among the Berber ethnic minority. Child labor is a problem.

Although the number of security incidents involving armed groups and terrorists decreased significantly and became more localized when compared with previous years, these opposition forces committed numerous serious abuses and killed thousands of civilians. Armed Islamists continued their widespread campaign of insurgency, targeting government officials and families of security members, as well as persons whose lifestyles they consider to be in conflict with Islamic values.

Armed groups continued to kill numerous civilians, including infants, by massacres and small bombs. Armed Islamists particularly targeted women; there were numerous instances of kidnaping and rape. Bombs left in cars, cafes, and markets killed and maimed persons indiscriminately. Some killings were also attributed to revenge, banditry, and land grabs. There were estimates that as many as 7,000 civilians, terrorists, and security forces died during the year in domestic turmoil, and that as many as 77,000 persons have been killed during the past 7 years.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were credible reports that security forces were responsible for extrajudicial killings. In February Kamel Nachev, who was being held in Tizi Ouzou on charges of supporting terrorism, died while in police custody. In October the press reported that 27 prisoners died of asphyxiation while being transported in a police vehicle from one jail to another. The Government maintains that the security forces resort to lethal force only in the context of armed clashes with terrorists. The Government also contends that, as a matter of policy, disciplinary action is taken against soldiers or policemen who are guilty of violating human rights. In April the Government claimed to have investigated and arrested suspects in 128 separate cases of alleged abuse by members of the security forces. However, the local press reported that all but 7 of the 120 officers detained ultimately were released.

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According to press reports, in early January government troops killed 35 civilians during a manhunt for the killers of more than 400 villagers. There were also press reports that police killed one rioter during protests after the killing of popular singer Lounes Matoub by Islamic rebels.

Progovernment militias also killed civilians during the year. In April the Government arrested the mayors of two municipalities in the province of Relizane, along with several other officials, on charges that they were responsible for the deaths of as many as 77 villagers over a 5-year period. The mayors were given suspended sentences and placed under "judicial control," a practice that requires them to check in regularly with the local police.

In June the criminal court of Tizi Ouzou announced the verdict in the case of a group of communal guards, tried on charges ranging from arson to premeditated murder, for an August 1997 raid against the homes of villagers known to be family members of terrorists. Three villagers were killed, and several houses were burned during the raid. The sentences ranged from 10 years' imprisonment to capital punishment in absentia.

Armed groups targeted both security force members and civilians. In many cases, terrorists randomly targeted civilians in an apparent attempt to create social disorder. They carried out massacres in numerous towns and villages and also massacred civilians at roadblocks. They also used bombs to kill civilians and create panic. For example, in August a bomb exploded in a neighborhood of Algiers, killing 19 persons and injuring 61 (also see Section 1.g.). In other incidents, terrorists specifically targeted their victims as instruments of the State or as individuals whose lifestyles they considered in conflict with Islamic values. During January armed terrorists killed hundreds of citizens. Among the worst instances were the massacres in the village of Sidi Hammad and in a number of villages in the western province of Relizane, in which it is estimated that as many as 126 civilians were killed and 76 were wounded. In Sidi Hamad, many of the victims apparently were killed when a bomb exploded in a room where a large group was watching a video. In the village of Haouche Sahroui, persons reportedly were killed as they left a mosque.

There were numerous massacres committed by rebel forces. For example, in March attackers slit the throats of six persons, including four blind women, in the village of Haouche Mean, south of Algiers. In April 16 persons were killed--many of them in their sleep--near Medea, 60 miles south of Algiers, and M'sila, 125 miles southeast of the capital. At the end of the month, 40 persons were massacred in a village in Medea province. In mid-May, suspected Muslim rebels cut the throats of 22 persons, including 3 children, in Oran. On May 27, rebels killed 11 persons, including 7 children, and wounded 5 others, in Melouane, Blida province. On June 25, Lounes Matoub, a popular singer and supporter of the Berber cause, was killed at a false roadblock on Beni Douala Road, southeast of Tizi Ouzou. The Armed Islamic Group (GIA) claimed responsibility for the killing. The killing occurred hours after another group slit the throats of 17 persons in an isolated village. The death of Matoub led to protests and riots in several cities. According to press reports, nearly 1,000 youths in Tizi Ouzou stoned police; police responded with clubs and tear gas. Police shot and killed one demonstrator and injured three others. In October the Government announced the capture of five suspects alleged to be mem-

bers of the terrorist group GIA and responsible for Lounes' death. In mid-October, Muslim rebels slashed the throats of nine persons in the village of Hamma Bouziane. In late November, the press reported that up to 200 skeletons, believed to be those of the victims of Islamic guerrillas, were unearthed from mass graves in two wells 12 miles southwest of Algiers. In early December, Muslim rebels slashed the throats of eight villagers in Les Eucalyptus, 55 miles east of Algiers. On December 10, an armed band killed 45 persons in Tadjena, about 125 miles west of Algiers. In mid-December, Muslim militants slashed the throats of four villagers in Ahmer el Ain, about 35 miles west of Algiers. At the end of December, 40 armed men killed 15 persons in the village of Ain N'sour; most were stabbed to death.

During the year, no journalists or foreigners died in terrorist attacks.

A series of brutal massacres during Ramadan prompted a request in February from the European Parliament for an investigation by a U.N. Special Rapporteur. Claiming that the issue was one of terrorism and not human rights, the Government refused the request on grounds of national sovereignty.

In their final report, a six-member U.N. panel of eminent persons noted that the Government had permitted it visits to different regions of the country during its 2-week stay, including to some sites where massacres had occurred. However, the panel was not permitted to go to the area of Blida where a massacre had occurred 2 days before the panel's arrival.

b. Disappearance

There are credible reports of disappearances occurring over a period of several years, many of which involved the security forces. In September the Ministry of Interior established an office in each district to accept cases from resident families of those reported missing. By year's end, the Ministry had agreed to investigate 1,735 cases of reports of alleged disappearances at the hands of the security forces. Families of the missing, defense attorneys, and local human rights groups insist that the Government could do more to solve the outstanding cases. The Government asserts that the majority of reported cases of disappearances involve either terrorists disguised as security forces or former armed Islamist supporters who went underground to avoid terrorists' reprisals.

Terrorist groups kidnaped hundreds of civilians, including family members of the security forces. Sometimes the mutilated corpses of such victims were found later. However, in many other instances the victims disappeared, and their families could not obtain information about their fate. Armed Islamist groups reportedly kidnaped young women and kept them as sex slaves (see Section 1.c.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Both the Constitution and legislation ban torture and other cruel, inhuman, or degrading treatment; however, according to local human rights groups and defense lawyers, the police regularly resort to torture when interrogating persons suspected of being involved with, or having sympathies for, armed Islamists. There were several credible reports of torture at the Algiers police facility called Chateau Neuf.

There were reports that the police applied electric shocks to sensitive body parts and sexually molested female prisoners. There were no reports of the use of the torture technique "le chiffon" during the year. Police beatings of detainees continue to be a common practice. Many victims of torture hesitate to make public allegations due to fear of government retaliation. The Interior Ministry and the government-funded National Observatory for Human Rights (ONDH) have stated publicly that the Government would punish those persons who violated the law and practiced torture, but they have never revealed whether any individuals accused of torture have been investigated and punished.

The Government used force to break up several demonstrations (see Section 2.b.).

There were unconfirmed reports that security forces personnel were responsible for several rapes.

Armed Islamic groups also committed numerous abuses such as beheading, mutilating, disemboweling, and dismembering their victims, including infants, children, and pregnant women. These terrorists also committed dozens of rapes of female victims, many of whom were murdered thereafter. There were also frequent reports of other young women being abducted, raped for weeks at a time, and effectively held as sex slaves for the use of leaders and members of the group.

Prison conditions are poor, and prisons are very overcrowded. According to human rights activists, cells often contain several times the number of prisoners for which they originally were designed. Medical treatment for prisoners is available, but is severely limited.

In general, the Government does not permit independent monitoring of prisons or detention centers. However, in November the Government received a delegation from the International Committee for the Red Cross (ICRC). Talks between ICRC representatives and the Government resulted in agreement to conduct prison visits after the 1999 elections. However, the Government refused the ICRC access to military prisons and to several jailed FIS leaders. The Government allowed the visiting members of a U.N. panel of eminent persons to visit a prison in August, but denied them access to jailed leaders of the outlawed FIS party (see Section 4).

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the security forces continued to arrest arbitrarily and detain citizens. The Constitution stipulates that incommunicado detention in criminal cases prior to arraignment may not exceed 48 hours, after which the suspect must be charged or released. According to the Antiterrorist Law of 1992, the police may hold suspects in prearraignment detention for up to 12 days; they also must inform suspects of the charges against them. In practice the security forces regularly ignore this 12-day limit.

The chairman of the Government's human rights body, the ONDH, confirmed to the press in May that the ONDH has proof that some detainees are in a secret place of detention in the country. FIS president Abassi Madani, who was released from prison in 1997, remains under house arrest and is allowed to receive visits only from members of his family (see Section 2.d.). The press reported that jailed oppositionist and FIS vice president Ali Benhadj, who had been held incommunicado since 1992, was permitted a family visit in October. A number of lawyers who had defended suspects in security cases were held in incommunicado detention during the year.

The Antiterrorist Law of 1992 suspended the requirement that the police obtain warrants in order to make an arrest. During the year, the police made a few broad nighttime sweeps of neighborhoods in the Algiers suburbs in search of suspected terrorists and often detained suspects without identifying themselves. In some cases, the police purposely arrested close relatives of suspected terrorists in order to force those suspects to surrender (see Section 1.f.). Police and communal guards sometimes detain persons at checkpoints (see Section 2.d.).

Prolonged pretrial detention was a problem. Persons accused of crimes sometimes did not receive expeditious trials. Hundreds of state enterprise officials arrested on charges of corruption in 1996 remained in detention.

Under the state of emergency, the Minister of Interior is authorized to detain suspects in special camps administered by the army. In 1995 the Government announced that it had closed the last camp and released the 641 prisoners there. However, there were subsequent allegations the camp still exists and that some of the prisoners were re-arrested later.

Forced exile is not a legal form of punishment and is not known to be practiced. However, there are numerous cases of self-imposed exile involving former FIS members or individuals who maintain that they have been accused falsely of terrorism as punishment for openly criticizing government policies. One such case involves Ali Bensaad, a professor at the University of Constantine, who remains in exile in Germany after he was sentenced to death in absentia by the courts for allegedly being a party to a terrorist act.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the Government does not always respect the independence of the judicial system.

The judiciary is composed of the civil courts, which try misdemeanors and felonies, and the military courts, which have tried civilians for security and terrorism offenses. There is also a Constitutional Council that reviews the constitutionality of treaties, laws, and regulations. Although the Council is not part of the judiciary, it has the authority to nullify laws found unconstitutional. Regular criminal courts try those individuals accused of security-related offenses, but there have been very few actual trials. Some observers maintain that, as a result of the 1995 abolition of the special security courts, long-term detentions without trial have increased, as the security forces are reluctant to release suspects to ordinary criminal judges.

According to the Constitution, defendants are presumed innocent until proven guilty. They have the right to confront their accusers and may appeal the conviction. Trials are public, and defendants have the right to legal counsel. However, the authorities do not always respect all legal provisions regarding defendants' rights, and continue to violate due process. Some lawyers do not accept cases of individuals accused of security-related offenses, due to fear of retribution from the security forces. Defense lawyers for members of the banned FIS have suffered harassment, death threats, and arrest.

There are no credible estimates of the number of political prisoners. An unknown number of persons who may be considered political prisoners were serving prison sentences because of their Islamist sympathies and membership in the FIS.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of the home, but the state of emergency authorizes provincial governors to issue exceptional warrants at any time. Security forces often entered residences without warrants. Security forces also deployed an extensive network of secret informers against both terrorist targets and political opponents. The Government monitors telephones and sometimes disconnects service to political opponents and journalists. Security forces detained relatives of suspects to attempt to compel the suspects to surrender (see Section 1.d.).

Armed Islamists occasionally entered private homes either to kill or kidnap residents or to steal weapons, valuables, or food. After massacres that took place in their villages, numerous civilians fled their homes. Armed Islamist groups consistently used threats of violence to extort money from businesses and families across the country.

g. Use of Excessive Force and Violations of Humanitarian Law

Armed groups were responsible for numerous, indiscriminate, nonselective killings. Terrorists left bombs at several markets and other public places during the year, killing and injuring dozens of persons. In rural areas, terrorists continued to plant bombs and mines, often to prevent security forces from pursuing them following an attack. For example, in February one bomb killed 18 persons and wounded 25 others on a train south of Algiers, and another killed at least 10 persons and wounded 16 on a bus south of the capital. Also in February, one bomb in a café in Algiers killed at least three persons and injured eight. In May a bomb killed at least 16 persons and wounded 61 in the Boumaati outdoor market in El-Harrach, a suburb of Algiers. Also in May, a bomb concealed in a cow's carcass exploded in a market in Khemis Miliana, 70 miles south of Algiers, killing seven persons. In early July, a car bomb exploded in a market in Bab Ezzouar, a suburb of Algiers, killing one person and injuring several others. Also in July, another bomb exploded at a crowded market in a suburb of Algiers, killing at least 10 persons and injuring 21 others. In August a bomb exploded in downtown Algiers, killing 19 persons and injuring 61. In September a bomb in Khemis killed at least 4 persons and wounded 15 others. In early December, a bomb in Ein Delfa, 80 miles west of Algiers, killed 14 persons and injured 23 others. In mid-December, a bomb exploded at a market in the town of Aflou, killing one person. At the end of December, mortar shells and bombs hit the town of Khemis Miliana, killing 15 persons and injuring 40 others.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech; however, the Government restricts this right in practice. A 1990 law specifies that freedom of speech must respect "individual dignity, the imperatives of foreign policy, and the national defense." The state of emergency decree gave the Government broad authority to restrict these freedoms and to take legal action against what it considered to be

threats to the State or public order. However, the Government did not strictly enforce these regulations, and the independent press reported regularly on security matters without penalty. Reporting by government-controlled press organs frequently included deflated numbers of civilians and government forces killed and inflated terrorist casualty counts. In late 1997, the Government issued a directive for the 1998 session of Parliament to take up debate on proposed revisions to the law that would lift some restrictions on journalists. However, Parliament had not completed its review by year's end.

In March 1994, the Government issued an interministerial decree that independent newspapers could print security information only from official government bulletins carried by the government-controlled press service, APS. Compliance with the government directive varied among independent newspapers, but there was a trend during the year toward increased openness about security force losses, and the Government provided the press with more information than in the past about the security situation. The Ministry of Health continued to forbid medical personnel from speaking to journalists. The Government's definition of security information often extended beyond purely military matters to encompass broader political affairs. In 1995 FIS officials who had been freed from detention in 1994 received direct orders from the Justice Ministry to make no further public statements. This ban remains in force.

Journalists at independent newspapers at times avoided printing stories about the security situation and Islamist groups in order to avoid difficulties with the Government.

There were no reports during the year that the Government put journalists under "judicial control." In previous years, the Government used this practice to harass journalists who wrote offending articles by requiring the journalists to check in regularly with the local police and preventing them from leaving the country. The Government harassed journalists through the regular use of criminal defamation statutes to prosecute newspapers for their publications of news and opinions. In July journalist Kadi Ihsan was arrested on his way to a human rights conference in Geneva. He was given a 4-month suspended sentence for allegedly "threatening and insulting" the editor of a progovernment newspaper. In October the editor of *Le Matin* was given a 4-month suspended sentence and fined for publishing articles that were critical of senior officials. In general, journalists exercised self-censorship by not publishing criticism of specific officials.

There are no Islamist newspapers in print due to government pressure; however, legal Islamic political parties have access to the existing independent press, in which they express their opinions freely.

The Government maintains an effective monopoly over printing companies and newsprint imports. In October the Government suspended several independent newspapers' access to the government-controlled national printing press pending payment of costs for newsprint and labor. The suspended newspapers, together with other independent editors who joined them in a solidarity strike, ceased publishing for several weeks. The Government insisted that the issue was a commercial dispute. The independent press maintained that the suspension was politically motivated and intended to obstruct publications that were highly critical of specific officials.

The Government continued to exercise pressure on the independent press through the state-owned advertising company, ANEP, which was created in 1996. All state-owned companies that wish to place advertisements in a newspaper must submit the item to ANEP, which then decides in which

newspapers to place it. In an economy in which state companies' output and government services still represent approximately two-thirds of national income, ANEP-provided advertising constitutes a significant source of advertising revenue for the country's newspapers. However, ANEP tends to provide significant amounts of advertising to publications with a strong anti-Islamist editorial line and to withhold advertising from those newspapers that undertake investigations of corruption. This ANEP policy even applies to those newspapers that have large readerships and may offer cheaper advertising rates.

Since 1995 the Brussels-based International Federation of Journalists (FIJ), a nongovernmental organization (NGO) concerned with press freedom, has maintained an office in Algiers. In November the FIJ received government authorization to function officially in the country for the first time. In March the World Association of Newspapers (WAN) visited for 4 days to examine the working conditions of the press. In October the Government permitted a first-time visit by members of the Committee for the Protection of Journalists and allowed them broad access to local journalists and editors.

Radio and television remained under government control, with coverage biased in favor of the Government's policies and its party, the National Democratic Rally (RND). Parliamentary debates are televised live. Satellite dish antennas are widespread, and millions of citizens have access to European and Middle Eastern broadcasting.

Many artists, intellectuals, and university educators fled Algeria after widespread violence began in 1992. Few returned during the year. As a result, there were few academic seminars and colloquiums, although there appeared to be many more in 1998 than in 1997. The Government did not interfere with nonpolitical seminars; it did sometimes interfere with seminars that were more political in content.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of assembly, but the 1992 Emergency Law and government practice sharply curtail it. Citizens and organizations must obtain a permit from the appointed local governor before holding public meetings. In February the Government used force to break up an unauthorized march against terrorism sponsored by the Socialist Forces Front (FFS). In June the Government used force to end a mass demonstration in downtown Algiers by the Rally for Culture and Democracy (RCD) party to protest the death of Berber singer Matoub Lounes (see Section 1.a.). In August the Government refused to grant permission to the families of missing persons to stage a march through downtown Algiers. However, the group assembled on a daily basis thereafter for more than a week outside the headquarters of the ONDH without government interference. In December the Government refused the Algerian League for the Defense of Human Rights (LADDH) authorization to hold a public commemoration ceremony marking the 50th anniversary of the United Nations Convention on Human Rights. The Government has refused meeting requests by various public interest groups, such as the Association of Victims of Terrorism, the National Syndicate of Magistrates, and the Independent Syndicate of University Professors. In October the Interior Ministry prohibited one of the large youth associations from holding a national conference.

The Constitution provides for the right of association, but the 1992 Emergency Law and government practice severely restrict it. The Interior Ministry licenses all nongovernmental associations and re-

gards all associations as illegal unless they have licenses. It may deny a license to, or dissolve, any group regarded as a threat to the existing political order. After the Government suspended the parliamentary election in 1992, it banned the FIS as a political party, and the social and charitable groups connected with it. Membership in the FIS is illegal.

According to a 1989 law, all citizens except judges, army and security personnel, and members of the Constitutional Council have the right to join political organizations. In 1997 the appointed legislature changed the law regulating political parties, banning political party ties to nonpolitical associations. The Government permits some specialized groups to function such as human rights and women's rights groups, social welfare groups, youth associations, and regionally-based cultural organizations.

c. Freedom of Religion

The Constitution declares Islam to be the state religion but prohibits discrimination based on religious belief, and the Government respects this right in practice. The small Christian and Jewish populations in the country practice their faiths without government interference.

The Government appoints preachers to mosques and gives general guidance on sermons. The Government monitors activities in mosques for possible security-related offenses. The Ministry of Religious Affairs provides some financial support to mosques and limited control over the training of imams.

Conversions from Islam to other religions are rare. Because of safety concerns and potential legal and social problems, Muslim converts practice their new faith clandestinely. The Shari'a-based Family Code prohibits Muslim women from marrying non-Muslims, although this regulation is not always enforced. The code does not restrict Muslim men from marrying non-Muslim women.

In 1994 the GIA declared its intention to eliminate Jews, Christians, and Polytheists from Algeria. The GIA has not yet retracted that declaration, and, as a result, the mainly foreign Christian community tends to curtail its public activities.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for freedom of domestic and foreign travel, and freedom to emigrate; however, the Government at times restricts these rights. The Government retains the policy of placing journalists and others under "judicial control," which prevents them from leaving the country (see Section 2.a.). On at least two occasions, the Government prohibited groups of children who were disadvantaged economically or the victims of terrorism from traveling abroad for recreational purposes under NGO-sponsorship. The Government claimed that the children would be exploited by the foreign media. Human rights groups countered that the Government did not want the children exposed to questions regarding government involvement in security incidents.

The Government does not allow foreign travel by senior officials from the banned FIS. FIS president Abassi Madani, who was released from prison in 1997, remains under house arrest (see Section 1.d.). The Government also does not permit young men who are eligible for the draft and who have not yet completed their military service to leave the country if they do not have special authorization; this

authorization can be granted to students and to those individuals with special family circumstances. The Family Code does not permit married females under 19 years of age to travel abroad without their husband's permission. The code also prohibits unmarried females below the age of 19 or males below the age of 18 to travel abroad without their father's permission.

Under the state of emergency, the Interior Minister and the provincial governors may deny residency in certain districts to persons regarded as threats to public order. The Government also restricts travel into four southern provinces, where much of the hydrocarbon industry and many foreign workers are located, in order to enhance security in those areas.

The police and the communal guards operate checkpoints throughout the country. They routinely stop vehicles to inspect identification papers and to search for evidence of terrorist activity. They sometimes detain persons at these checkpoints.

Armed Islamist groups intercept citizens at temporary roadblocks in various regions to rob them of their cash and vehicles, or to kill them. According to press reports, armed groups sometimes massacred groups of civilian passengers at these roadblocks.

The Constitution provides for the right of political asylum, and the Government occasionally grants asylum. The Government cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. It also provided first asylum. For example, it cooperates with the UNHCR on programs to help refugee Sahrawis, the former residents of the Western Sahara who left that territory after Morocco took control of it in the 1970's. The Government also has worked with international organizations that help the Tuaregs, a nomadic people of southern Algeria and neighboring countries. There were no reports of the forced expulsion of persons to a country where they fear persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Despite recent democratic improvements, citizens do not yet have the effective ability to change their government peacefully. The strong prerogatives of the executive branch, supported by the entrenched power of the military and the bureaucracy, prevent citizens from exercising this right.

President Zeroual was elected in a November 1995 presidential election, officially winning 61 percent of the votes cast. The presidential campaign was generally freely contested. Three opposition candidates representing a spectrum of viewpoints had access to both the independent press and the government-controlled media, including radio and television. Their parties were permitted to hold rallies across the country, and they had authorization to send observers to polling stations. An independent election commission supervised the election process, but the opposition parties asserted that the commission did not carefully review complaints that it received about the conduct of the election.

Under the Constitution, the President has the authority to rule by decree in special circumstances. The President subsequently must submit to the Parliament for approval decrees issued while the Parliament was not in session. The Parliament has a popularly elected lower chamber, the National Popular Assembly (APN) and an upper chamber, the National Council, two-thirds of whose members are elected by municipal and provincial councils. The President appoints the remaining one-third of the

National Council's members. Legislation must have the approval of three-quarters of both the upper and lower chambers' members. Laws must originate in the lower house.

In June 1997, Algeria held its first elections to the APN since the January 1992 elections were canceled, and elected the first multiparty Parliament in the country's history. Candidates representing 39 political parties participated, along with several independent candidates. All competing parties and candidates were allowed to campaign actively and had access to radio and television, although there was some government manipulation of the broadcasts. Under a system of proportional representation, the government party, the National Democratic Rally, won 154 seats, followed by the Islamist party Movement for the Society of Peace (MSP) with 69 seats, the National Liberation Front (FLN) with 64 seats, the Islamist party An-Nahdah with 34 seats, the Berber-based Socialist Forces Front with 28 seats, and the Berber-based Rally for Culture and Democracy with 19 seats. Independent candidates won 11 seats, the Workers' Party won 4 seats, and 3 other small parties won a combined total of 5 seats. Hundreds of international observers were present throughout the country. Some observers were refused access to certain provincial electoral commissions. Most observers believed that mobile polling stations, about 5 percent of all polling stations, did not furnish adequate protection of neutrality and transparency. In their final report, neutral observers stated that, of 1,258 (of the country's 35,000) voting stations that they assessed, 1,169 were satisfactory, 95 were problematic, and 11 unsatisfactory. In November 1997, the provincial election commissions announced the results of their adjudication of the appeals filed by various political parties. The RND lost some seats but remained the overall victor in the June Assembly elections.

In 1997 the appointed previous legislature, the National Transition Council (CNT), changed the law regulating political parties. Under the controversial new law, parties require official approval from the Interior Ministry before they can be established. To obtain approval, a party must have 25 founders from across the country, whose names must be registered with the Interior Ministry. No party may seek to utilize religion, Berberism, or Arabism for political purposes. The law also bans political party ties to nonpolitical associations and regulates party financing and reporting requirements.

The more than 30 existing political parties represent a wide spectrum of viewpoints and engage in activities from holding rallies to printing newspapers. The Government continues to ban the FIS as a political party. With the exception of the Government's party, the RND, the political parties sometimes encounter difficulties when dealing with local officials, who hinder their organizational efforts. In June police summoned then-released Nouredine Boukrouh, leader of the Party for the Renewal of Algeria (PRN), after 3 hours of questioning about his criticism of members of the Government. Parties' complaints, particularly claims of official favoritism toward the RND, increased during the period leading up to the 1997 elections. The Government monitored private telephone communications and sometimes disconnected telephone service to political opponents for extended periods (see Section 1.f.). Opposition parties have very limited access to state-controlled television and radio, although the independent press publicizes their views without difficulty. However, during the recent election periods, opposition parties were given much more access to the state media.

Women are underrepresented in government and politics. There are only 2 women in the Cabinet, and there are few others in senior government positions. Eleven of the 380 members of the lower house of Parliament are women. About 25 percent of judges are women, a percentage that has been growing in recent years. A woman heads a workers' party, and all the major political parties except one have

women's divisions that are headed by females. Following the 1995 presidential elections, the Government changed the electoral law to require that women cast their ballots in person rather than give their proxy to their husbands or fathers.

The Government does not ban political participation by any ethnic minority group. The Berbers, an ethnic minority centered in the Kabylie region, participate freely and actively in the political process. Two major opposition parties originated in the Berber-populated region of the country, the Socialist Forces Front (FFS) and the Rally for Culture and Democracy (RCD). These two Berber-based parties were required to conform with changes in 1997 to the electoral law that stipulate that political parties must have 25 founders from across the country.

The Tuaregs, a people of Berber origin, do not play an important role in politics, due in large part to their small numbers, estimated in the tens of thousands, and their nomadic existence.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The most active independent human rights group is the Algerian League for the Defense of Human Rights, an independent organization that has members throughout the country. The LADDH is not allowed access to the authorities or to prisons beyond the normal consultations allowed between a lawyer and a client. Members of the LADDH have suffered harassment. Telephone service to the LADDH president, for example, was intermittently disrupted, and he and other LADDH activists received death threats from unidentified callers.

The less active Algerian League for Human Rights (LADH) is an independent organization based in Constantine. The LADH has members throughout the country who follow individual cases.

There is an Amnesty International chapter in the country, but it does not work on cases in Algeria.

In February the Government denied a request from the European Parliament to investigate a series of massacres on grounds of national sovereignty (see Section 1.a.).

In August a six-member U.N. panel of eminent persons, led by former Portuguese President Mario Soares, visited for 2 weeks to assess the social and security situation in country. The panel traveled to different regions, including several massacre sites, and visited a prison. Its members heard from a cross-section of representatives from the Government, political parties, civil society, human rights and women's organizations, the media, religious institutions, the families of victims of terrorism and of persons who had disappeared, and from the general citizenry. The Government refused to allow any meetings between the panel members and jailed leaders of the outlawed FIS party.

Among the conclusions in its final report, the U.N. panel of eminent persons urged international support for Algeria's fight against terrorism, while simultaneously reminding the Government that its efforts to fight terrorism must take place "within the framework of legality, proportionality, and respect for the fundamental human rights of the Algerian people." The report also called on the Government to grant more political openness and to strengthen and invigorate Algerian institutions responsible for the promotion and protection of human rights. The report further called on the

Government to "examine measures to improve the transparency of their decisions, the dialogue with and the flow of information to the Algerian citizenry."

The National Observatory for Human Rights (ONDH) was established by the Government in 1992 to report human rights violations to the authorities. It prepares an annual report with recommendations to the Government.

In 1995 the Government established a national ombudsman (see Section 5).

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on birth, race, sex, belief, or any other personal or social condition. The Government named a national ombudsman in 1995. Provincial representatives were designated in 1996 and 1997. They have a mandate to accept individual grievances and to make them known to the authorities. The ombudsman presents an annual report to the President. The 1997 report indicated that most complaints were about the allocation of public housing; another common complaint was the bureaucracy's unresponsiveness. Women continue to face legal and social discrimination.

Women

Women's rights advocates assert that spousal abuse is common, but there are no reliable studies regarding its extent. Spousal abuse is more frequent in rural than urban areas, especially among less-educated persons. There are no laws to protect women from spousal rape or abuse. Women's rights groups have experienced difficulty in drawing attention to spousal abuse as an important social problem. Battered women must obtain medical certification of the physical effects of the assault before they lodge a complaint with the police. According to women's rights advocates, fewer than half of the women attacked visit doctors for such certification. In August the Government released figures that indicated that by midyear, the whereabouts of 319 women remained unknown and that there were 24 reports by women of rape. Most human rights groups believe that the actual figures are much higher. In October a first-ever rape crisis center was opened in Tipasa province for women who have been raped by terrorists.

Some aspects of the law, and many traditional social practices, discriminate against women. The 1984 Family Code, based on large part on Sunni Islamic law (Shari'a), treats women as minors under the legal guardianship of a husband or male relative. For example, a woman must obtain a father's approval to marry. Divorce is difficult to obtain except in cases of abandonment or the husband's conviction for a serious crime. Husbands generally obtain the right to the family's home in the case of divorce. Custody of the children normally goes to the mother, but she cannot enroll them in a particular school or take them out of the country without the father's authorization.

The Family Code also affirms the Islamic practice of allowing a man to marry four wives, although this rarely occurs. However, a wife may sue for divorce if her husband does not inform her of his intent to marry another woman prior to the marriage. Only males are able to confer citizenship on their children. Muslim women are prohibited from marrying non-Muslims; Muslim men can marry non-Muslim women (see Section 2.d.).

Women suffer from discrimination in inheritance claims; in accordance with Shari'a, women are entitled to a smaller portion of an estate than are male children or a deceased husband's brothers. Females under 19 years of age cannot travel abroad without their husbands' or fathers' permission (see Section 2.d.). However, women may take out business loans and are the sole custodians of their dowries. Legally, if not always in practice, women have exclusive control over any income that they earn themselves.

While social pressure against women pursuing higher education or a career exists throughout the country, it is much stronger in rural areas than in major urban areas. Women constitute only 8 percent of the work force. Nonetheless, women may own businesses, enter into contracts, and pursue opportunities in government, medicine, law, education, the media, and the armed forces. Although the 1990 Labor Law bans sexual discrimination in the workplace, the leaders of women's organizations report that violations are commonplace. Labor Ministry inspectors do little to enforce the law.

There are numerous small women's rights groups. Their main goals are to foster women's economic welfare and to amend aspects of the Family Code, although no such amendments have been passed yet.

During the year, Islamic extremists often specifically targeted women. There were numerous instances of women being killed and mutilated in massacres. As many as 80 percent of the victims of massacres were women and children. Armed Islamist groups reportedly kidnaped young women and kept them as sex slaves for group leaders and members (see Section 1.c.).

Children

The Government is committed in principle to protecting children's human rights. It provides free education for children 6 to 15 years of age, and free medical care for all citizens--albeit in often rudimentary facilities. The Ministry of Youth and Sports has programs for children, but these face serious funding problems. Legal experts maintain that the Penal and Family Codes do not offer children sufficient protection. Hospitals treat numerous child abuse cases every year, but many cases go unreported. Laws against child abuse have not led to notable prosecutions against offenders.

People with Disabilities

The Government does not mandate accessibility to buildings or government services for people with disabilities. Public enterprises, in downsizing the work force, generally ignore a law that requires that they reserve 1 percent of their jobs for the disabled. Social security provides for payments for orthopedic equipment, and some nongovernment organizations receive limited government financial support. The Government also tries to finance specialized training, but this initiative remains rudimentary.

National/Racial/Ethnic Minorities

The Berbers are an ethnic minority, centered in the Kabylie region. Berber nationalists have sought to maintain their own cultural and linguistic identity while the Government's Arabization program continues. As part of the National Charter signed in 1996, the Government and several major political

parties agreed that the Berber culture and language, Amazigh, were major political components of the Algerian identity. In July the Government passed a law that made Arabic the official language of Algeria and required, on pain of fines, that all official government business be conducted in Arabic. The law also requires that Arabic be used for all broadcasts on national television and radio, for dubbing or subtitling all non-Arabic films, for medical prescriptions, and for communications equipment. The law triggered widespread protests in early July in Berber regions, including the closing of shops and a call by the Berber Cultural Movement for Berbers to stay indoors in protest.

There are professorships in Amazigh and Berber culture at the University of Tizi Ouzou, and in September the University started offering for the first time a degree in Amazigh and Berber culture. The government-owned national television station began broadcasting a brief nightly news program in Amazigh in 1996. Berbers hold influential positions in government, the army, business, and journalism.

In June Matoub Lounes, a popular Berber singer and outspoken advocate of the Berber language and culture, was killed when his car was stopped under suspicious circumstances on a road in the Kabylie region (see Section 1.a.). His death triggered massive riots by Berbers who demanded the Government acknowledge Berber ethnic concerns.

The Tuaregs, a people of Berber origin, live an isolated, nomadic existence and are relatively few in number.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to establish trade unions of their choice. About two-thirds of the labor force belongs to unions. There is an umbrella labor confederation, the General Union of Algerian Workers (UGTA) and its affiliated entities, which dates from the era of a single political party. The UGTA encompasses national syndicates specialized by sector. There are also some autonomous unions, such as syndicates for Air Algeria Pilots (SPLA), airport technicians (SNTMA), and teachers (CNES).

Workers are required to obtain government approval to establish a union. The 1990 Law on Labor Unions requires the Labor Ministry to approve a union application within 30 days. The Autonomous Syndicates Confederation (CSA) has tried since early 1996 to organize the autonomous syndicates, but without success. The application that the CSA filed with the Labor Ministry still was pending at year's end, although the CSA continues to function without official status. The law prohibits unions from associating with political parties and also prohibits unions from receiving funds from foreign sources. The courts are empowered to dissolve unions that engage in illegal activities. The labor union organized by the banned FIS, the Islamic Syndicate of Workers (SIT), was dissolved in 1992 because it had no license.

Under the state of emergency, the Government is empowered to require workers in both the public and private sectors to stay at their jobs in the event of an unauthorized or illegal strike. According to the 1990 Law on Industrial Relations, workers may strike only after 14 days of mandatory conciliation, mediation, or arbitration. This law states that arbitration decisions are binding on both parties. If

no agreement is reached in arbitration, the workers may strike legally after they vote by secret ballot to do so. A minimum level of public services must be maintained during public sector service strikes.

In July the Journalists' National Union went on a 21-day hunger strike to protest relocation of their government-subsidized office space from a downtown hotel to one well outside of Algiers. The Union and the Government reportedly found a mutually satisfactory solution to the problem. In October there was a 12-day strike by Air Algeria Pilots, which was joined by the UGTA and the SNTMA. Other separate strike actions during the year involved university teachers (CNES), telecommunications workers (PTT), and metalworkers.

Unions may form and join federations or confederations, affiliate with international labor bodies, and develop relations with foreign labor groups. For example, the UGTA has contacts with French unions.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining for all unions, and the Government permits this right in practice. The law prohibits discrimination by employers against union members and organizers, and provides mechanisms for resolving trade union complaints of antiunion practices by employers. It also permits unions to recruit members at the workplace.

The Government has established an export processing zone in Jijel.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is incompatible with the Constitution's provisions on individual rights. The Penal Code prohibits compulsory labor, including by children, and the Government generally enforces the ban effectively. However, armed Islamist groups reportedly kidnap young women and keep them as sex slaves (see Sections 1.b., 1.c., and 5).

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 16 years. Inspectors from the Ministry of Labor enforce the minimum employment age by making periodic or unannounced inspection visits to public-sector enterprises. They do not enforce the law effectively in the agricultural or private sectors. Economic necessity compels many children to resort to informal employment, such as street vending. The Government prohibits forced and bonded labor by children and generally enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work

The law defines the overall framework for acceptable conditions of work but leaves specific agreements on wages, hours, and conditions of employment to the discretion of employers in consultation with employees. The Government fixes by decree a monthly minimum wage for all sectors; however, this is not sufficient to provide a decent standard of living for a worker and family. On January 1, the minimum wage was raised to \$93 (5,400 dinars) per month. Ministry of Labor inspectors are respon-

sible for ensuring compliance with the minimum wage regulation, however, their enforcement is inconsistent.

The standard workweek is 40 hours. There are well-developed occupation and health regulations codified in a 1991 decree, but government inspectors do not enforce these regulations effectively. There were no reports of workers being dismissed for removing themselves from hazardous working conditions.

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