

Kopieret 1 3. et. av EBR. 24/11-97

[EMBARGOED FOR: 18 November 1997]

36

amnesty international

Im. Fin.søkr. 19 J.nr. 97/71511-3

21 NOV. 1997 EBR

Antal bilag

Aktnr. 7

ALGERIA

Civilian population caught in a spiral of violence

November 1997

SUMMARY

AI INDEX: MDE 28/23/97

DISTR: SC/CO/GR

The last year has seen the longest and most intense spell of violence since the beginning of the conflict in Algeria, and the human rights crisis has continued to worsen.

The civilian population has each day been drawn further into a conflict which has claimed tens of thousands of lives. Many of the victims are from the most vulnerable sectors of society. Thousands of men, women, children, elderly people and the poor have been slaughtered, decapitated, mutilated, burned alive in their homes or shot dead in an unprecedented escalation of violence.

Hundreds, often thousands of people have been killed every week. In an atmosphere of increasing lack of protection for the civilian population, thousands of civilians have fled their homes.

At the same time, the Algerian Government has continued to claim that the security situation is "under control" and that violence is "residual". In the absence of any concrete measures to ensure the protection of the civilian population, such rhetoric has done little to allay fears for those who are at risk, or to comfort the thousands of families of those who were murdered.

Most of the massacres have taken place in areas around the capital, in the country's most militarized region, and often in very close proximity to military barracks and security forces posts. However, the army and security forces have never intervened to stop the massacres and the murderers were, in each case, allowed to leave undisturbed.

The massacres of the past year have taken place against a background of systematic human rights abuses committed by security forces, state-armed militias and armed opposition groups, who call themselves "Islamic groups". Extrajudicial executions, deliberate and arbitrary killings, torture, "disappearances", abductions, arbitrary detention and death threats have been part of the daily reality in Algeria for the past six years.



To date no independent and impartial investigation has been carried out into these human rights abuses. The authorities have encouraged the civilian population to take up arms and form militias who are allowed to operate outside the parameters of the law. The impunity afforded to perpetrators of human rights abuses by all sides has further exacerbated the breakdown of law and order and has left the civilian population feeling increasingly unprotected and abandoned.

The Algerian authorities, who routinely accuse those who express concern at the human rights situation in Algeria of "interference" in Algeria's "internal affairs", are at the very least responsible for a consistent failure to provide protection to the civilian population.

Censorship and manipulation of information defined by the Algerian authorities as "security-related" has contributed to building a wall of silence and indifference around the human rights crisis in Algeria.

Year after year, and despite the continuing worsening of the human rights situation in Algeria, the world has remained indifferent to the plight of the victims of this tragedy. It is time for the international community to break this silence and to find solutions to this human rights crisis.

Amnesty International calls for an international investigation into the massacres and other human rights abuses, so as to reveal the truth with a view to bringing the perpetrators of these crimes to justice and ensuring the protection of the civilian population.

KEYWORDS: MASS KILLING / EXTRAJUDICIAL EXECUTIONS / IMPUNITY / COMMUNAL VIOLENCE / ARMED CONFLICT / NON-GOVERNMENTAL ENTITIES / MILITARY / ARMED CIVILIANS / PARAMILITARIES / WOMEN / CHILDREN / AGED / DISAPPEARANCES / TORTURE/ILL-TREATMENT / ARBITRARY ARREST / INCOMMUNICADO DETENTION / HARASSMENT / SEXUAL ASSAULT / RELIGIOUS INTOLERANCE / CENSORSHIP / TRADE UNIONISTS / DOCTORS / TEACHERS / JOURNALISTS / EDITORS / AI AND GOVERNMENTS /

This report summarizes a 37-page document (16,909 words). ALGERIA Civilian population caught in a cycle of violence (AI Index: MDE 28/23/97) issued by Amnesty International in November 1997. Anyone wishing further details or to take action on this issue should consult the full document.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

[EMBARGOED FOR: 18 November 1997]

amnesty international

ALGERIA

**Civilian population caught in a
spiral of violence**



November 1997
AI Index: MDE 28/23/97
Distr: SC/CO/GR

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

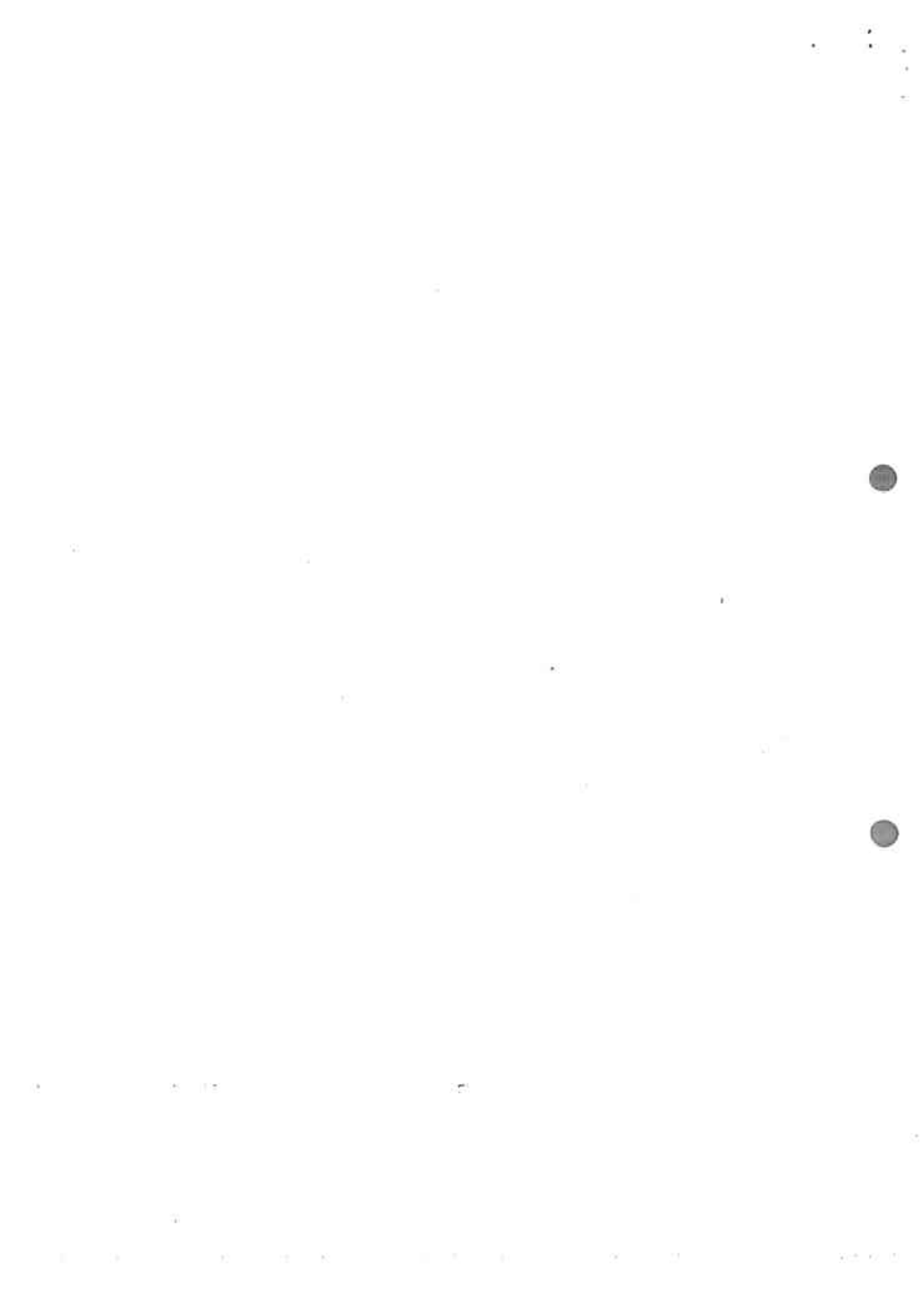
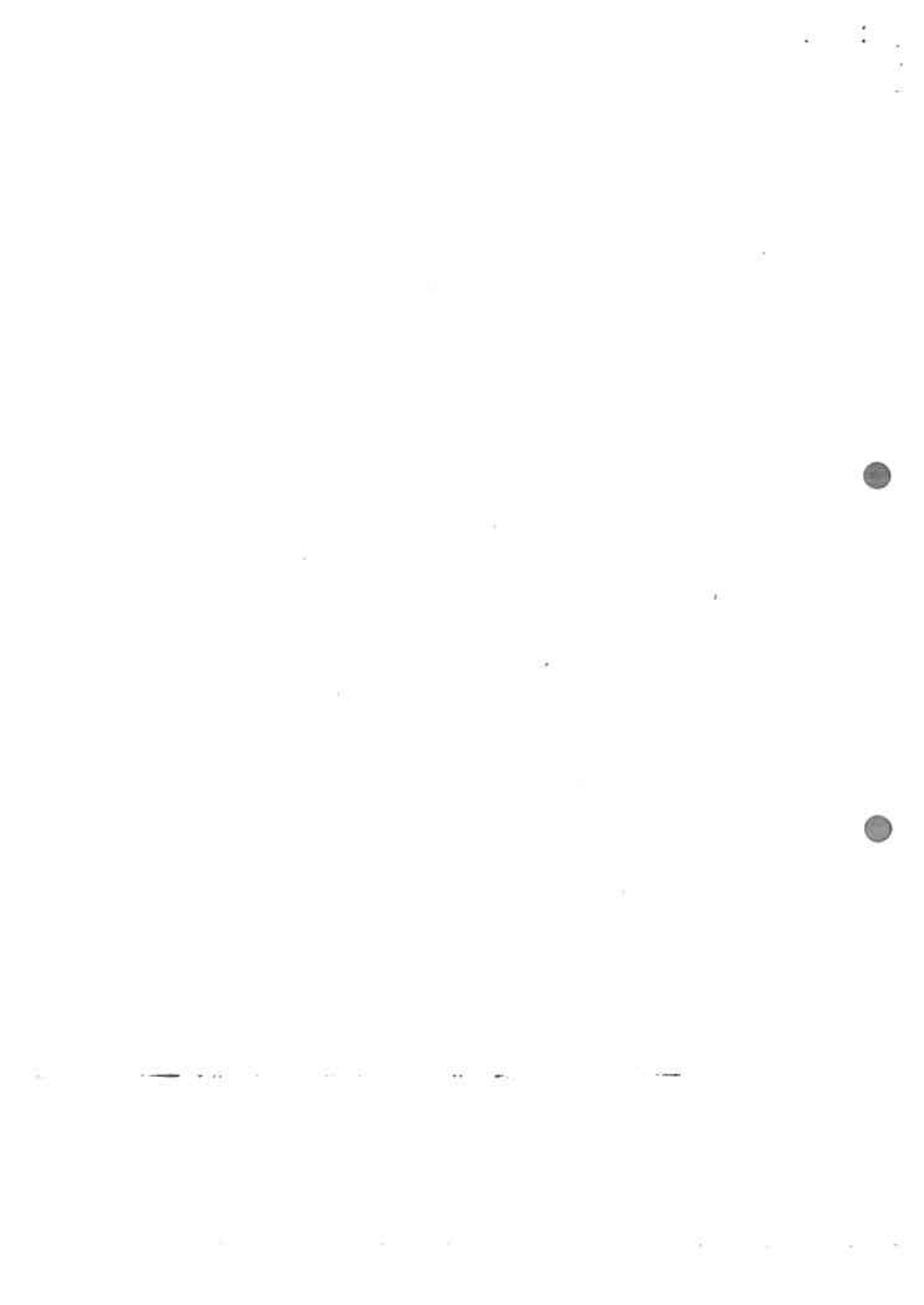


TABLE OF CONTENTS

INTRODUCTION	1
BACKGROUND	4
MASSACRES OF CIVILIANS: NO ONE IS SAFE	6
Who is behind the killings? State negligence or complicity?	7
Reasons alleged to be at the origins of the massacres	10
PUNITIVE STRIKES VERSUS PROTECTION	12
OTHER PATTERNS OF ABUSES: VIOLATIONS BY STATE AGENTS	13
• Extrajudicial executions have replaced judicial executions.	14
• The pattern of "disappearance" has become widespread.	16
• Torture and impunity for torturers has become routine.	17
ABUSES BY ARMED OPPOSITION GROUPS: THE TARGETING OF CIVILIANS	19
• Targeting the most vulnerable	20
• Death threats are often followed by murders	20
• Indiscriminate and random attacks	21
• Abductions and rape and other methods of torture	22
THE PRIVATIZATION OF THE CONFLICT: THE ROLE OF THE MILITIAS	23
Legalizing the militias	25
BUILDING A WALL OF SILENCE: INCREASING OBSTACLES TO INDEPENDENT RESEARCH AND INVESTIGATIONS	26
The Algerian Media	26
The foreign media	29
Human rights organizations	30
The reaction of the Algerian Authorities to criticism of their human rights record	31
THE INDIFFERENCE OF THE INTERNATIONAL COMMUNITY	32
Recommendations to the Algerian Government:	35
Recommendations to all armed opposition groups in Algeria:	36
Recommendations to the United Nations:	36
Recommendations to other intergovernmental organizations:	37



ALGERIA

Civilian population caught in a spiral of violence

INTRODUCTION

A human rights crisis in Algeria which has already claimed tens of thousands of lives has continued to worsen. In the past year thousands have been killed in what has been the most intense period of violence since the beginning of the conflict. Men, women and children have been slaughtered, decapitated, mutilated and burned to death in massacres.

The large-scale massacres of civilians of the past year have taken place against a background of increasingly widespread human rights abuses by security forces, state-armed militias and armed opposition groups. Arbitrary and secret detention, unfair trial, torture and ill-treatment, including rape, "disappearances", extrajudicial executions, deliberate and arbitrary killings of civilians, hostage-taking and death threats have become routine. As the toll of victims continues to rise, the climate of fear has spread through all sectors of civilian society.

In the absence of official statistics, and given the restrictions imposed by the authorities on obtaining such information, no accurate figures are available of the total number of victims since the beginning of the conflict. Up to 80,000, many of them civilians, are reported to have been killed since 1992. However, according to other sources, including Algerian political parties, health workers and journalists, the number of victims is considerably higher.

The Algerian authorities claim that "terrorist" groups are responsible for all the killings, abductions, and other human right abuses and acts of violence which have been committed since the beginning of the conflict. They also blame the massacres of the past year on these same groups. Yet, while most of the massacres have been in areas around the capital, in the most heavily militarized region of the country, and often in close proximity to army barracks and security forces outposts, on no occasion have the army or security forces intervened to stop or prevent the massacres or to arrest those responsible.

At the very least, the Algerian authorities are responsible and should account for the consistent failure to provide protection for the civilian population. However, there is growing concern, from testimonies of survivors and eyewitnesses of the massacres, that death squads working in collusion with, and under the protection of, certain units or factions of the army, security forces, and state-armed militias, may have been responsible for some of the massacres.

In spite of evidence of grave and widespread human rights violations such as extrajudicial executions, "disappearances", and torture by security forces, the Algerian authorities have systematically failed to carry out investigations and to bring those responsible to justice.

The impunity afforded to those responsible for human rights violations has exacerbated a situation of increasing breakdown of law and order and has contributed to an increasing confusion and lack of protection for the civilian population. With killings and abductions carried out by members of the security forces who behave like armed opposition groups, and by armed opposition groups who wear uniforms and pose as security forces, the civilian population has found itself hostage in an atmosphere of fear, often unable to establish where the threat may come from and to whom to turn for protection.

Faced with an increasing level of targeted and indiscriminate violence from armed opposition groups, the authorities distributed weapons to the civilian population and encouraged the creation of militia groups, whose stated task is to protect their community from attacks by armed opposition groups. Given a free hand to carry out "anti-terrorist" operations, they have themselves committed extrajudicial executions and other abuses. If the existence of these militias has in some areas contributed to providing protection against attacks by armed groups, in other areas it has drawn the civilian population further into the conflict. By delegating law-enforcement tasks to paramilitary militias, who have not received the necessary training and who are allowed to operate outside the parameters of the law, the Algerian authorities have abdicated their responsibility to ensure the protection of the civilian population, and have allowed the rule of law to be further eroded.

Censorship and manipulation of information defined by the authorities as "security-related", denial of access to the country to foreign media and international human rights organizations, and strict surveillance and restrictions imposed on those journalists and human rights workers who have been allowed into the country, have played a major role in creating confusion about the complex reality of violence and counter-violence, and have contributed to building a wall of silence around the human rights crisis in Algeria. The heavy-handed management of "security-related" information by the Algerian authorities has kept the plight of a civilian population increasingly caught in a growing spiral of violence away from television screens and newspapers' front pages for more than five years. Thus, tens of thousands of people have been killed and the world has hardly noticed. It is only in recent months, as the largest massacres took place on the outskirts of the capital, that the silence has begun to be broken; in spite of the usual paucity of images and information the international media has begun to show some concern and raise questions about the human rights situation in Algeria.

The international community has for too long remained indifferent to the tragedy of the civilian population in Algeria. Bodies such as the United Nations (UN) and the European Union (EU), and their member states have from time to time expressed concern at, or condemned, the violence in Algeria - but have done nothing to stop it. Their lack of action in the face of a human rights crisis which has claimed tens of thousands of lives in the past few years makes such "expressions of concern" sound increasingly hollow.

Amnesty International has repeatedly condemned the high level of abuses by armed opposition groups which call themselves "Islamic" groups who have been responsible for large scale killings, abductions and other atrocities against both civilians and security forces members, as well as the destruction of public property. The organization has continued to urge all armed opposition groups to put an end to the targeting of civilians, and all those who can have any influence on these groups to call on them to spare civilians' lives.

The organization has also continued to call on the authorities to investigate human rights abuses and bring to justice those responsible - be they members of the security forces, of state-armed militias, or of armed opposition groups. Algeria is a state party to international human rights treaties which require that human rights abuses be promptly, impartially and independently investigated.

However, the authorities have consistently failed to carry out independent investigations into the massacres of civilians or into other killings and human rights abuses which have continued unabated since 1992, and have continued to impose increasing restrictions to prevent human rights organizations and media from investigating human rights abuses. In the absence of adequate investigations the reign of impunity has been further consolidated.

In light of the continuing deterioration of the human rights situation it is imperative that urgent measures be taken by the international community to ensure that an international investigation is set up, so that the responsibility for the massacres, killings and abuses against civilians can be established, and that the necessary measures are taken to remove from positions of authority anyone responsible for human rights violations, to disband all paramilitary militia groups, and to guarantee the protection of the civilian population.

This report focuses on the lack of protection for the civilian population in Algeria, highlighting the factors which have contributed to creating a wall of silence and indifference around this human rights crisis, and stressing the need for concrete action to be taken to stop and prevent the massive human rights abuses. The report also recalls other patterns of abuses which have been widespread since the beginning of the conflict and which have been detailed in previous reports.¹

¹ Over the past years Amnesty International has documented many cases where security forces and state-armed militias were responsible for killings and abductions of individuals and groups of civilians which have been blamed by the authorities on "terrorists".

BACKGROUND

For almost six years Algeria has been caught up in a growing spiral of violence. In January 1992, after the *Front islamique du salut* (FIS), Islamic Salvation Front, had won a large majority of the seats decided in the first round of Algeria's first multi-party elections, the authorities cancelled the second round of elections and imposed a state of emergency, which remains in place. Security forces resorted to excessive use of force and firearms to break up protest demonstrations and gatherings by FIS supporters. Thousands of known or suspected FIS supporters were arrested and more than 10,000 were placed in administrative detention without charge or trial in internment camps in the desert in the south of the country. Thousands of others were held in police stations and prisons, and torture, which had been virtually eradicated between 1989 and 1991, quickly became once again widespread.

The FIS was outlawed in March 1992 on the basis that it contravened the law on political parties, which stipulates that no party can be based on religion. However, two other Islamist political parties, HAMAS (Islamic Society Movement) and *Islamic Nahda* (Renaissance), which also contravened the same law, were not banned.² The FIS president and vice-president (Abbassi Madani and Ali Belhadj), already detained since June 1991, were sentenced to 12 years' imprisonment in July 1992, and the interim FIS leader (Abdelkader Hachani) was arrested in February 1992.³ Other top and middle-ranking FIS leaders were also arrested, others fled the country, and the rest went underground. In the course of 1992, some members, including leading members, supporters and sympathizers of the FIS, began forming armed opposition groups. In the first year of the conflict armed opposition groups targeted mainly members of the security forces, but since then the confrontation has continued to escalate, and since 1993 civilians have found themselves increasingly targeted by both security forces and armed opposition groups.

² In 1997 these two parties were eventually forced to drop any reference to Islam from their names in order to continue existing; HAMAS changed its name to MSP (Movement of the Society for Peace) and the *Islamique Nahda* dropped the word *Islamique* and was renamed *Nahda*.

³ Abbassi Madani and Ali Belhadj were arrested after the general strike organized by the FIS in June 1991. They were sentenced to 12 years' imprisonment on charges of undermining state security, sabotaging the economy, and distributing subversive material. In September 1994 they were released from prison and placed under house arrest, but were taken back to prison a few months later. Since the beginning of 1995 Ali Belhadj has been detained in a secret location without any access to his family, lawyers or the outside world. Abbassi Madani was again transferred from prison to house arrest in an undisclosed location, and was subsequently released in July 1997, but was again placed under house arrest in September 1997, after he sent a public letter to the UN Secretary General. Abdelkader Hachani was detained without trial for five and half years; he was eventually brought to trial in July 1997 and sentenced to five years' imprisonment, but he was released as he had already been detained for longer than the sentence imposed at the trial.

Since 1992, a plethora of armed opposition groups, break-away factions and splinter groups have emerged. These groups define themselves as "Islamic groups", but their leadership, composition and aims are in most cases unclear. There are frequent reports of the formation of new groups, usually described as breakaway factions of existing groups, which are often not heard of again. The main groups are the *Armée islamique du salut* (AIS), Islamic Salvation Army - the armed wing of the FIS, which claims to attack only security forces and military targets, and the *Groupe islamique armé* (GIA), Armed Islamic Group, an assembly of seemingly loosely-organized groups whose leadership and composition remain unclear, and which are reported to be responsible for many killings of civilians, massacres and other atrocities. The GIA has also issued death threats against FIS leaders and has reportedly killed FIS members and supporters. Other, reportedly small, armed groups which have also issued communiqués and declarations include the *Ligue islamique de la daawa et le djihad* (LIDD), Islamic League for Preaching and Holy War, and the *Front islamique pour le Djihad armé* (FIDA), Islamic Front for Armed Holy War.

The Algerian authorities have maintained a contradictory discourse on the nature of the conflict. They have argued that the conflict has no political dimension and no link with the 1992 cancellation of the elections and banning of the FIS. However, at the same time the authorities have maintained contacts with the FIS leaders, presenting these contacts as efforts to solve the political crisis and stop the violence. Most recently, in the summer of 1997, negotiations between top generals in the Algerian army and leaders of the AIS resulted in the announcement by the AIS of a unilateral truce, which received wide coverage by Algerian state television, radio and newspapers.

Since the outbreak of the current conflict in 1992, Amnesty International has regularly conducted visits to Algeria and documented in extensive reports⁴ cases and patterns of human rights abuses committed by security forces, armed opposition groups which define themselves as "Islamic groups", and, more recently, by militias armed by the state, and has issued appeals and recommendations to the government authorities and to armed opposition groups. Amnesty International regrets that its requests for talks with the Algerian Government, as well as its substantive communications, have remained without response and that no measures have been taken to address its concerns.

⁴ - *Algeria: Fear and silence; A hidden human rights crisis* (AI Index: MDE 28/11/96); November 1996.

- *Algeria: Killings in Serkadji Prison* (AI Index: MDE 28/01/96); February 1996.

- *Algeria: Repression and violence must end* (AI Index: MDE 28/08/94); October 1994.

- *Algeria: Executions after unfair trials; A travesty of justice* (AI Index: MDE 28/15/93); October 1996.

- *Algeria: Deteriorating human rights under the state of emergency* (AI Index: MDE 28/04/93); March 1993.

MASSACRES OF CIVILIANS: NO ONE IS SAFE

Over the past year the civilian population has been targeted in an unprecedented manner, with the emergence of a pattern of massacres of large numbers of civilians, many of them women and children, in rural areas. The pattern has become increasingly widespread - often a daily occurrence. Villagers have been massacred in the most brutal ways; slaughtered, decapitated, and mutilated with knives, machetes and saws; some have been shot dead and others burned alive as their homes were set on fire.

The massacres have systematically been committed at night, by large groups of men who attacked the inhabitants, often in their sleep, killing entire families and villages and pursuing and killing whoever attempted to escape. No one is safe from the brutality. Men, women, children, small babies and elderly people have been hacked to death, decapitated, or mutilated and left to bleed to death. Pregnant women have been disembowelled. Survivors, relatives of the victims and medical personnel are traumatized by the horror they are forced to witness.

Some survived only because their attackers left them lying injured, believing they were dead, while others managed to escape in spite of their wounds. Dozens of women are reported to have been abducted by the attackers, raped and then killed.

As a result of these massacres thousands of people have fled their villages, some because their homes were destroyed or burned down, but most from fear of further attacks. Their numbers add to the thousands of others who have been displaced by the conflict in the past few years.

Several thousands are reported to have been killed in these massacres, but there are no accurate figures. In the majority of cases the government does not comment and issues no information about killings and when it does, the figures are considerably lower than those figures given by other sources. In the wake of the massacres the sites are often sealed off, preventing access to journalists and others. Survivors, relatives of victims, medical personnel, ambulance drivers and cemetery workers who give figures and other details to journalists usually do so on conditions of anonymity to avoid problems with the authorities. Because of these restrictions, the exact figures and details of the massacres are in most cases impossible to verify, and the information published by the heavily censored Algerian press often varies from one newspaper to another, while many killings go completely unreported in the press.

Who is behind the killings? State negligence or complicity?

Most of the massacres have taken place around the capital in the Algiers, Blida and Medea regions - in the most heavily militarized part of the country. In many cases massacres, often lasting several hours, took place only a very short distance, a few kilometres or even a few hundred metres away from army and security forces barracks and outposts. However, in spite of the screams and cries for help of the victims, the sound of gunshots, and the flames and smoke of the burning houses, the security forces have not intervened - neither to come to the rescue of those who were being massacred, nor to arrest those responsible for the massacres, who got away on each occasion.

Survivors and neighbours have told of telephoning or running to nearby security posts seeking help, with the security forces there refusing to intervene, claiming that they were not mandated to do so. In at least two cases, several survivors described how people who had tried to escape from villages where a massacre was taking place had actually been turned back by a cordon of members of the security forces who stood by while the villagers were being slaughtered and did not come into the village until after the attackers had left.

That army barracks and security forces outposts are located next to the sites of several massacres is an undisputable fact. That the security forces have not intervened during the massacres is also a fact, which is not disputed by the Algerian authorities. The question which remains unanswered is why was there no intervention? The Algerian authorities have not commented officially on any specific incidents, but newspapers close to the authorities have often reported that the security forces could not intervene because the terrain around the villages where the massacres were committed had been mined by those who committed the massacres to prevent the security forces' intervention. However, this seems to be unlikely given that during the massacres villagers managed to flee from the villages and after the massacres survivors, ambulances, helpers, and security services have gone in and out of the villages without stepping on any mines. If such movements have been possible both during and after the massacres, it should also have been possible for security forces to go into the villages to stop the massacres.

The largest massacre of civilians reported to date was committed during the night of 28 August 1997 in Sidi Rais, south of Algiers. According to a wide range of sources, including medical personnel, up to 300 people, many of them women and children, and even small babies, were killed and more than 100 injured. The authorities did not issue any information on the massacre until late that afternoon, when they announced that 98 people had been killed and 120 injured. Sidi Rais is located in close proximity to the army barracks of Sidi Moussa, about three kilometres away, the army barracks of Baraki, about six to seven kilometres away, the security forces outpost of Gaid Kacem, about four kilometres away, and other security forces posts a few hundreds metres away. Survivors told Amnesty International that in addition to the security forces barracks nearby, security forces' units

were also stationed just outside the village, and were aware that the massacre was being committed because those who were able to flee at the beginning of the attack had gone to seek help and refuge with the nearby security forces. Yet the security forces never intervened, either to stop the massacre, or to prevent the attackers from getting away. A survivor of this massacre told Amnesty International:

"Why did this happen? Why didn't anyone stop it? There is no law any more. The army and the security forces were right there; they heard and saw everything and did nothing, and they let the terrorists leave.... They [the army] waited for the terrorists to finish their dirty task and then they let them leave. What does this mean to you? I had been threatened by the fundamentalists but I almost got killed by the army. Even my friends in the army don't understand anything anymore these days..."

Testimonies of survivors gathered by Algerian journalists, some of which were cited in Algerian newspapers, have also emphasised how massacres have occurred close to army barracks.

"...People banged on my door screaming. Frightened neighbours wanted to pass through my house to run to the army barrack, which is not far - about 100 metres - to alert the army and seek their protection. Many neighbours were thus able to get away and be safe. Just as I was letting through an elderly woman a terrorist shot me and wounded me in the shoulder but I managed to run to the army barracks..."⁵

In the evening of 5 September 1997, more than 60 men, women and children were massacred in Sidi Youssef (Beni Messous), on the western outskirts of Algiers. Many of the victims lived in makeshift homes built next to the residential district of Beni Messous. According to testimonies received, people from a nearby neighbourhood, who were alerted by the screams and banging of pots and pans (a means of attracting attention for those in danger), telephoned the security forces to alert them but were told that they could not intervene as the matter was under the mandate of the *gendarmerie*. They called the *gendarmerie* but received no reply. Beni Messous hosts the largest army barracks and military security centre of the capital, as well as three other *gendarmerie* and security forces centres from which the site of the massacre is clearly visible. The army barracks of Cheraga is also only a few kilometres away. However, as with all the other massacres, there was no intervention by the security forces to stop the massacre and the attackers left undisturbed. The authorities did not issue any details about the massacre nor did they provide information on the number of fatalities.

⁵ *La Tribune* 29-30 August 1997

In the night of 22/23 September 1997, more than 200 men, women and children were massacred in Bentalha (Baraki), south of Algiers. Bentalha is near five different army and security forces outposts, including the army barracks of Baraki, about three kilometres away, the army barracks of Sidi Moussa, about five kilometres away, the Gaid Kacem security forces post, less than one kilometre away, the communal guard barracks about one kilometre away, and the security forces posts at the entrance of Bentalha. Survivors have told Amnesty International that at the time of the massacres armed forces units with armoured vehicles were stationed outside the village and stopped some of those trying to flee from getting out of the village. Similar reports have been received from journalists who have interviewed survivors. A survivor told Amnesty International:

"I don't understand, the army was surrounding Bentalha but they did not intervene; we had been worried for some time, and especially since the massacre at Rais a few weeks before. We had asked the authorities for weapons but we were told we had to wait. When we realized that we were being attacked we tried to resist, we got onto the terraces and rooves and threw stones and objects at them, whatever we could find. Some patriots [local militias] came from Baraki to help us when they heard that the massacre was happening, but the army did not let them into Bentalha. The terrorists had lists of people to kill, but they also killed at random. It's beyond comprehension. The massacre went on for several hours and then the terrorists left and no one stopped them; then the ambulances came in and cleared the bodies. I don't know what is going on, but I know it is not safe. After the massacre the authorities gave us weapons; I've now got a gun, but we don't envisage going back to live in Bentalha for the time being; I'll stay with relatives and try to keep my family safe. Even talking about it is risky; my neighbour who lost all his family in the massacre was telling a journalist what had happened and a policeman told him to shut his mouth or else he'd see. Who can help us? Nobody cares."

Amnesty International is gravely concerned by such testimonies, which add further weight to reports that armed groups who carried out massacres of civilians in some cases operated in conjunction with, or with the consent of, certain army and security forces units. The scale, frequency and geographical concentration of the massacres in the past year raise serious questions about the apparent inability or unwillingness of the military and security forces to take adequate measures to protect the civilian population, and about the lack of investigations into such incidents. In the absence of thorough, independent and prompt investigations in accordance with the minimum international standards for such investigations, such as the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, it is difficult to establish responsibility for these massacres.

The massacres fall within a pattern whereby large groups of men have been able to come from their supposed hiding places in the mountains and forests into the villages, which

often entails crossing main roads, carry out killings lasting several hours, and leave to return - undisturbed - to their hiding places. The sound of gunfire and bomb explosions, the screams of the victims, and the flames and smoke of the houses on fire are audible and visible from a distance.

The lack of response by security services to calls by residents alerting them to night-time attacks taking place is not new. Over the past three years scores of individuals have reported to Amnesty International that the security forces had either not responded or refused to intervene when they had called at night, either by telephone or in person, to report attacks on their homes, killings of their relatives, attacks on neighbours, or shootouts. Daytime roadblocks, checkpoints and patrols are withdrawn at night, when the population is most vulnerable to attacks and when massacres are committed. The army and security forces usually do not come to the site until several hours after the massacres, and often not until the following morning. The reason most frequently cited in the past for their lack of response is the security forces' fear of being trapped by a false alert and ambushed. Understandably it may often not be possible for them to intervene in time to stop individual attacks, which tend to happen very quickly, or to arrest the attackers, who may easily hide and escape. However, the situation of massacres is fundamentally different in so far as the massacres often last for several hours, during which nearby security forces should have ample time to intervene to stop the massacres and to apprehend the attackers, who up to now have always been able to leave undisturbed.

Whether or not certain units of the army and security forces have been actively involved in the massacres must be investigated. In the meantime it is clear that there has been a conscious abdication by the Algerian authorities of its responsibility to protect the civilian population in areas whose position and security and communications network should make such protection possible.

Reasons alleged to be at the origins of the massacres

According to the authorities and security services all the massacres have been committed by the GIA and other such groups with the aim of terrorizing and punishing the population hostile to them, or who formerly supported them but who had recently withdrawn their support, or relatives and current supporters of rival armed groups.

Many massacres have taken place in areas where a large percentage of the population had voted for the FIS in the 1990 municipal elections and in the 1991 legislative elections. Amnesty International has received reports that many of the victims of recent massacres were relatives of members and supporters of armed opposition groups, people who had in the past been detained on charges of "terrorist activities" and their relatives, and people who had in the past refused to take up arms and set up militia groups. Members of

the security forces and militias are reported to have said to local inhabitants and journalists that the victims of some of the massacres had met the fate they deserved because they had supported the "terrorists", and thus deserved no protection.

Many massacres are believed to have been carried out by armed groups with the aim of eliminating supporters of rival groups, or supporters of the FIS, which has increasingly often condemned killings of civilians and other abuses by these groups. However, there have been allegations that some of the massacres have been committed by groups acting on instructions, or with the consent, of certain army and security forces units and paramilitary groups, with the aim of eradicating the grassroots base of armed opposition groups, which continue to maintain a presence in these areas in spite of repeated armed action against them by the army and security forces over the years.

The victims of the massacres seem to have been mostly ordinary people, often poor and living in makeshift homes, including people who had settled in the area in recent years after having fled their homes elsewhere because of the conflict. The FIS' armed wing, the AIS, does not appear to have been present in any significant way in the region (the AIS is reportedly present mainly in the east and west of the country, but not in the centre), whereas GIA groups have reportedly been based in the area. However, it is not known to what extent the local population really supported such groups, and if so to what extent it did so willingly or out of fear.

The pattern of large-scale massacres has developed against a background of years of escalating violence. Security forces killed members of armed groups, their relatives and people known or suspected of supporting such groups; while armed opposition groups targeted relatives of security forces' and militias' members, as well as families and supporters of rival armed groups. In this context, some believe that certain massacres have been committed as a vendetta, in retaliation for previous massacres and killings of relatives or communities by rival forces. In addition, there are allegations that part of the violence is the result of rival government factions' interests and power struggles linked to economic issues, including the forthcoming privatization of agricultural land and state-owned enterprises, exploitation of oil resources and corruption.

The sharp reduction in the level of violence at the time of important events such as the presidential elections of November 1995 and the legislative elections of June 1997 - in spite of increased threats issued by armed opposition groups against civilians who participated in the election processes - indicates that the Algerian authorities have the means to ensure a higher level of protection for the civilian population throughout the country when it is necessary for them to do so.

Whoever the perpetrators of these massacres may be, and whatever logic they may use to justify such atrocities, urgent and concrete measures must be taken to stop the

unprecedented level of violence and brutality, and to protect the civilian population, especially those who are most vulnerable to such attacks such as women, children, the elderly and the poor. As a first step, a full and independent investigation must be carried out to establish who is responsible for these killings and other crimes which continue to be a daily occurrence, and to ensure that those responsible be brought to justice.

PUNITIVE STRIKES VERSUS PROTECTION

Armed groups who have carried out these massacres have mainly used weapons such as knives, axes, machetes, saws, metal bars, some light firearms (shotguns, hunting rifles, Kalashnikovs) and home-made bombs. The army and security forces possess far more sophisticated weapons and equipment, including armoured vehicles, rocket launchers, heavy artillery and combat aircraft - which they regularly use in large scale "clean-up, anti-terrorist" operations in different parts of the region and elsewhere in the country.

The Algerian government rarely issues information on military operations, but they do allow the Algerian press to publish, regularly, information which quotes un-named security forces sources saying that scores or hundreds of GIA members were killed in the course of military and security operations. However, in the absence of independent sources it has not been possible to establish the number and identity of those killed or the circumstances in which they were killed and media reports are often contradictory. Two large-scale operations were reported in Atatba and Thala Acha, in July and September 1997. As is customary, the Algerian government issued no information directly, but allowed the Algerian media to report the operations, saying that, according to un-named military and security sources, between 100 and 200 GIA members were killed in Atatba and more than 100 in Thala Acha, including those who had been responsible for recent massacres. However, the media gave different versions of the same event; for example, at the end of July 1997 some newspapers claimed that Antar Zouabri, presented as the GIA leader, was killed in the Atatba operation (different newspapers gave different versions of his killing⁶), a piece of information which could not be confirmed, and which was subsequently denied by a communique reported to have been issued by the GIA, and by other media reports. At the beginning of September 1997, Algerian newspapers again reported that Antar Zouabri had been killed, this time in the Thala Acha operation⁷, but the information was again subsequently denied. A month later, in the first military operation which some Algerian

⁶ See *ElTribune* 27 July 1997, *LeMatin* 26 July 1997, and *El Watan* 26 July 1997.

⁷ See *El Khabar* 11 September 1997.

journalists were invited to cover, an un-named army officer was quoted as saying that Antar Zouabri was still alive⁸.

Announcements by the authorities officially, or via the Algerian media, that the perpetrators of certain murders, massacres, or other crimes have been killed by security forces form part of a regular and long-standing pattern. In recent years similar announcements have been made that the killers of the most well known victims - journalists, intellectuals and foreigners - had been killed by the security forces. To date not a single individual has been arrested and prosecuted for any of these assassinations which received widespread media coverage in Algeria and outside. Similarly, to date no one has ever been prosecuted for the massacres committed in the past year.

Thus, according to official information, the security forces - who have often swiftly caught and killed the groups responsible for murders and massacres - have consistently been unable or unwilling to intervene to stop and prevent the massacres of civilians.

This pattern whereby the "killers of X" are regularly reported to have been killed, and no one ever arrested and prosecuted, raises serious questions - especially given that the Algerian authorities consistently refuse to provide the information on the basis of which their conclusions were reached, and do not allow independent investigations to be carried out.

OTHER PATTERNS OF ABUSES: VIOLATIONS BY STATE AGENTS

In addition to the large-scale massacres, which are the most recent and serious concern, other patterns of abuses, committed by security forces, state-armed militias and armed opposition groups (known as "Islamic" groups), which have emerged in previous years, have become increasingly entrenched.

Algeria has ratified important international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), and the African Charter on Human and Peoples' Rights. Algerian law, despite recent amendments⁹, also contains important provisions, which, if applied, would

⁸ *Le Matin* 8 October 1997.

⁹ The emergency decree "relating to the struggle against subversion and terrorism" issued in September 1992, officially repealed at the beginning of 1995, was incorporated virtually in its entirety

constitute an important safeguard for human rights. However, disregard for both national law and international law and human rights standards has become the rule rather than the exception. Investigations into abuses have not been carried out and those responsible have not been brought to justice, and the judiciary has little authority over the security forces. As a result, an atmosphere of increasing lawlessness and impunity has set in, as security forces, especially the military security, know that they are not held accountable for their actions to the judicial or indeed any other authorities.

Since 1992 the human rights record of the Algerian authorities has consistently deteriorated; certain patterns of violations have been replaced by others, often more serious.

• ***Extrajudicial executions have replaced judicial executions.***

After the execution of 26 people accused of "terrorist" acts and convicted in grossly unfair trials in special courts in 1993, the authorities announced in early 1994 that executions were suspended, and the moratorium remains in place. However, extrajudicial executions have since become widespread and appear to be often used as an alternative to arresting and prosecuting people known or suspected of being members of, or linked to, armed opposition groups.

The case of Rachid MEDJAHED: On 12 February 1997 security forces stormed an apartment block in central Algiers and killed eight people, including two women and two small children. The authorities announced that the "group of terrorists" who had been killed had been responsible for planning and carrying out the assassination of Abdelhak Benhammouda, leader of the *Union générale des travailleurs algériens* (UGTA), General

into the *Code Pénal* (CP), Penal Code, and *Code de Procédure Pénale* (CPP), Code of Penal Procedure. This decree, and subsequently the 1995 amendments to the CP and CPP have: increased the scope of the death penalty, lowered the age of criminal responsibility to 16 years, extended the period of incommunicado detention (from two to 12 days); given a broad and vague definition of "terrorist" or "subversive" activities and extended offences threatening state security to include reproducing or distributing "subversive" literature, "justifying terrorism by whatever means" (*faire l'apologie du terrorisme par quelque moyen que ce soit*), or "being active in any terrorist or subversive association, group or organization abroad". The extremely vaguely worded provisions of the amended CP are clearly open to abuse. They do not make clear what exactly is prohibited, and people are tried and convicted without sufficient evidence to show that they have committed a recognizably criminal offence. Trial proceedings consistently violate international standards for fair trial. Courts routinely accept as evidence confessions retracted in court by the defendants as having been extracted under torture, refusing to order medical examinations requested by detainees who allege that they were tortured. They fail to investigate the prolonged secret detention of the defendants by the security services, and refuse to call prosecution witnesses whose written statements are used against the defendants and whose presence is requested by the defence for cross-examination.

Union of Algerian Workers, a figure of national prominence, who was shot dead outside the UGTA's office in central Algiers on 28 January 1997. Shortly before his death Abdelhak Benhammouda had announced that he was going to head the new "official" political party (the *Rassemblement national pour la démocratie*, (RND), National Democratic Rally, which won the legislative elections in June 1997, barely two months after its creation, and which is led by and composed of ministers and other government figures). On 15 February 1997 Rachid Medjahed was arrested and "disappeared" into secret detention until he appeared on Algerian television (ENTV) on 23 February 1997 confessing to having planned and directed the killing of Abdelhak Benhammouda, and giving the names of the members of his group who had been killed by security forces during the 12 February raid of an apartment opposite the UGTA's office in Algiers.

After his television appearance Rachid Medjahed's family, who had never been informed of his arrest, began seeking information as to his whereabouts but to no avail. Approaches to the judicial authorities by his family, his lawyer and by Amnesty International met with no response. At the end of March 1997 Amnesty International learned that Rachid Medjahed was mentioned in a police report as dead, and on 3 April 1997 his parents were informed that he that he was dead and were given a certificate stating that he had died of bullet wounds. His parents were allowed to see his body, which reportedly had bullet wounds in the upper thighs, abdomen, back and neck, but were refused permission to take the body for burial. However, in a meeting with Human Rights Watch delegates on 8 April 1997, the Minister of Justice, Mohamed Adami, stated that Rachid Medjahed was alive and was receiving medical treatment in hospital, and on 24 April 1997, the President of the official human rights body, the *Observatoire national des droits de l'homme* (ONDH), Kamel Rezzag-Bara told Human Rights Watch that he was still awaiting confirmation of Rachid Medjahed's death. Eventually, on 25 May 1997 the President of the ONDH wrote to Amnesty International saying that Rachid Medjahed had died on 18 February 1997 as a result of bullet wounds sustained at the time of arrest. However, Rachid Medjahed did not appear to have any bullet wound when he appeared on television on 23 February, and those who saw him in detention reported that he had not been injured at the time of his arrest, and that they believed that he had been extrajudicially executed.

This case also illustrates the systematic use of secret detention outside the control of the judicial authorities. The fact that such senior government officials as the Minister of Justice and the President of the official human rights body (which reports directly to the President of the Republic) were not able to obtain information for several weeks about the death of Rachid Medjahed, whose arrest and detention had been confirmed by his television appearance, gives some indication of the total breakdown of the rule of law and of the cover of impunity which protects the security services.

The death in custody of Rachid Medjahed has raised further questions about the murder of Abdelhak Benhammouda. Amnesty International has called for an independent and impartial inquiry into the killings of Abdelhak Benhammouda and Rachid Medjahed.

• ***The pattern of "disappearance" has become widespread.***

Algerian law allows for a maximum of 12 days' incommunicado detention.¹⁰ In practice those arrested are routinely held in secret detention outside any legal framework for weeks or even months. The security forces responsible for arrests and secret detention systematically deny holding the detainees and refuse to provide information to their families and lawyers. It is during this period, when detainees are cut off from the outside world that they are most at risk of being tortured, killed or "disappeared". The judiciary appears to have little control over the different security forces (police, *gendarmerie*, military security, paramilitary units) who arrest and hold suspects in secret detention centres, often for prolonged periods of time. Examining magistrates and judges have consistently shown little interest in establishing how the detainees came to be in the custody of the security forces, where, when and by whom they were arrested, where they were detained and for how long - even when there is ample evidence that the detainees were held in secret detention in violation of the law. Even the official human rights body, the ONDH, which has frequently denied allegations of human rights violations committed by security forces, has admitted in its reports that secret detention is a problem. However, to date no judicial investigation is known to have been carried out into cases of secret detention.

The case of Dr Messaoud OUZIALA: Messaoud Ouziala, a 41-year-old kidney transplant surgeon, was abducted as he was driving home on 8 July 1997, after he left the Mustapha Hospital in central Algiers where he worked. After his "disappearance" his wife, also a medical doctor, and his family contacted the security services and the judicial authorities, but the security services refused to register a complaint about his "disappearance". Amnesty International also contacted the Algerian authorities immediately after his abduction but received no reply until well after his release. At the time of Dr Ouziala's abduction it was not possible to establish if he had been abducted by the security forces or by an armed opposition group, given that both sides often operate in the same manner. However, the fact that the security forces refused to register a complaint for his "disappearance", and that Algerian newspapers told Amnesty International that they could not publish the information about his abduction, indicated that he had indeed been taken by security forces. He was eventually released without charge or trial on 22 July 1997, after 15 days of secret detention. The President of the ONDH wrote to Amnesty International on 30 July confirming that Dr Ouziala had been released, but he did not comment on the fact

¹⁰ Article 51 of the *Code de Procédure Pénale* (CPP), Code of Penal Procedure (as amended by Order No. 95-10 of 25 February 1995).

that he had been abducted and held in secret detention in violation of both Algerian law and international human rights standards.¹¹

Since 1993, and especially since 1994, Amnesty International has obtained and documented evidence of hundreds of cases of "disappearances"; however, according to information received from different sources and reports, the number of "disappeared" may be as high as 2,000. These individuals, mostly men but also some women, have "disappeared" after having been arrested by the security forces in their homes, their place of work, or in the street. The efforts of their families and lawyers to obtain any information on their whereabouts have been in vain as the authorities have systematically denied all knowledge of these individuals, even in the cases of people whose detention was confirmed by other detainees, members of the security forces, or other officials who informed families confidentially. Some of the "disappeared" are reported to have died as a result of torture or to have been extrajudicially killed in custody. Over the past two years government authorities have responded to UN bodies which inquired about cases of the "disappeared" that some were either killed by security forces in combat, or when attempting to escape, and that others were assassinated by "terrorist" groups. However, they failed to provide the necessary details and to explain why for months or years they had not informed the families and lawyers, who had continued to seek information on their whereabouts from the authorities, of the fate of these "disappeared"

Mokhtar YOUSSEFI, a 40-year-old man, married with two children, was arrested at his home in Ain el-Turk (Oran) on 2 November 1994. All efforts made by his family to find out where he was detained were in vain. Amnesty International also raised the case with the Algerian authorities, but received no response. In October 1996 the authorities replied to the UN Working Group on Disappearances, who had inquired about the case, saying that he had been killed in a shoot-out "between security forces and his terrorist group" on 3 November 1994. Up to now, the authorities have provided no further details, nor any explanation as to why the family of Mokhtar Youssfi, who had made repeated inquiries with the authorities, has not been informed of his death.

• ***Torture and impunity for torturers has become routine.***

The practice of torture, which became widespread from the beginning of 1992, has continued unabated. Detainees are usually tortured during secret detention, which often lasts for weeks or months. Those who are released without trial are generally unwilling to

¹¹ Dr Ouziala had previously been arrested in February 1992 and detained administratively, without charge or trial, for almost four years in a desert camp in the south of Algeria; he was then released without charge in December 1995. In February 1996 he resumed his work at the hospital. After his release in 1995 he had periodically been summoned by security forces for routine questioning.

file complaints about their torture out of fear of being arrested and tortured again. Thousands of detainees have complained to examining magistrates and in court that they were tortured, and lawyers have filed numerous complaints of torture on behalf of their clients and requested medical examinations and investigations into the complaints. In the past five years Amnesty International has raised hundreds of cases of detainees who reported that they had been tortured with the Algerian authorities and has asked them to ensure that investigations are carried out. However, to date not a single judicial investigation is known to have been carried out, even when the detainees appeared before the examining magistrate or in court with bruises and other physical injuries. The manifest lack of will on the part of the authorities to investigate cases of torture has contributed to strengthening the cover of impunity for the torturers, and has left the victims of torture, their families and lawyers feeling less and less confident about the administration of justice. The sister of one detainee told Amnesty International:

"When I went back to Algeria to visit my family my brother had been "disappeared" since his arrest two weeks earlier, and my mother and brothers had not been able to find out anything; the police and the *gendarmerie* denied he had ever been arrested. I tried to make more inquiries; I contacted the public prosecutor, the commander of the *gendarmerie*, the ONDH and even wrote to the Minister of Justice and to President Zeroual. We thought the problem was at the level of the security forces and that the judiciary would sort it out. But when he was taken to the judge, six weeks after his arrest, he said he had been tortured, and my mother visited him in prison and came home crying saying that he was unrecognizable because of the torture. Neither the judge nor anyone else did anything about it. They knew he had been held in secret detention and tortured for weeks, but did absolutely nothing; it's not just the police and the SM (*Sécurité Militaire*, Military Security); there is no justice at any level."

Her brother was released in May 1997, after six months' detention.

In recent years Amnesty International has raised hundreds of cases of extrajudicial executions, "disappearances" and torture with the Algerian authorities, and has asked them to ensure that the cases be investigated. The repetitive frequency of such cases indicate that these are well-entrenched patterns and not "isolated incidents of abuse of power" or "unfounded allegations", as it has sometimes been claimed by the authorities. Unless thorough, independent and impartial investigations are carried out into these abuses and measures are taken to bring to justice those responsible, the rule of impunity will continue to prevail over the rule of law.

ABUSES BY ARMED OPPOSITION GROUPS: THE TARGETING OF CIVILIANS

Armed groups which call themselves "Islamic" groups have deliberately and arbitrarily killed civilians, carried out indiscriminate and random attacks resulting in the death of civilians, issued death threats and subjected their victims to rape and other forms of torture.

Whilst in the first year of the conflict these groups attacked mainly military and security forces' members, since 1993 they have increasingly targeted civilians from all walks of life. They have killed men and women whom they regarded as supporters of the authorities, relatives of members of the security forces, those who refused to join or support them or who opposed their political agenda, people in certain professional categories, youths who done the compulsory military service, and people whose lifestyle they considered as "un-Islamic" or "immoral".

The manner in which armed groups have killed civilians has very often been particularly brutal; men, women and children have been slaughtered, decapitated and mutilated, often in front of their families.

Among the relatives of victims interviewed by Amnesty International are several children whose parents were killed in front of them. Two sisters, aged 11 and 13, spoke of the horror of the night when their parents were killed:

"We woke up at the noise; some armed men were hitting father with a shotgun. Mum ran towards them screaming and the other men grabbed her and hit her. They pushed father into the kitchen and the others took mum out into the courtyard and tied her hands. They cut her throat. The other men called from inside the house and the one who slaughtered mum shouted: 'Wait, I'm finishing'. Before running away they threatened us and told us not to tell anyone and not to go to school. One of them was from the village; he is called Boudjema. We pulled mum into the house and closed her eyes and covered her with a blanket, and also covered father; he had also had his throat cut. We cried and screamed. Then we waited until the morning with our brothers [aged 6 and 8]; now we live with our aunt, mum's sister".

Words cannot describe the bewilderment of these children, and it difficult to imagine how they will ever be able to cope with such a trauma. The children's aunt told Amnesty International that their father had previously received death threats and that four months before an armed group had come to the house at night looking for him; not finding him, they had threatened his wife and told her that they would come back.

- **Targeting the most vulnerable**

Women, children and elderly and disabled people have not been spared by armed opposition groups. On the contrary, they seem to have often targeted the most vulnerable because they are easier targets and as a means of putting pressure on relatives who are members of the security forces. Communiqués signed by the GIA have often justified and called for such crimes.

Among the reports received is the killing of 16 children, aged between 12 and 15, who were shot dead with their driver on 5 October 1997, as they were travelling from their mountain village of Sidi Selhane to their school in Bouinan (near Blida). The children and the driver were killed as the van they were travelling in was machine-gunned. Four members of a local militia who were escorting the minibus in a separate car were also reportedly killed as their car drove over a mine and exploded. The following day Algerian media reported that 12 men suspected of having carried out the attack had been killed by security forces.

The previous week, on 26 September, 11 women teachers were slaughtered in front of their pupils by an armed group outside the Ain Adden school, in Sfizef (south of Mascara). Armed groups such as the GIA have in the past killed teachers and issued death threats both against teachers of a specific subject, like French language, and against teachers in general.

The targeting of women by armed opposition groups has increased since the beginning of the conflict. One of the first women to be killed by such groups was Karima Belhadj, a 20-year-old secretary at the *Direction générale de la sûreté nationale* (DGSN), General Directorate of National Security, who was shot dead near her home in the Eucalyptus suburb of Algiers in January 1993. In February 1994, Katia Bengana, a 17-year-old high school student, was shot dead near her home in Meftah (Blida). She had previously received death threats for refusing to wear, and speaking out, against the *hidjab* (Islamic veil).

- **Death threats are often followed by murders**

Armed groups have also often issued death threats, both individual and collective, against civilians; these have taken the form of communiqués sent to the media and posted in public places, or telephone calls and letters to individuals. Civil servants, wives and relatives of members of the security forces, journalists, artists, women's rights activists, newspaper and cigarette vendors, hairdressers and beauticians, and many others have been the target of

death threats, which have contributed to increasing the atmosphere of fear and terror among the population. A woman teacher of physical education told Amnesty International:

"In 1993 they killed my father; he was a *gendarme*, and as such he had been sentenced to death by the terrorists. Then I began to receive death threats; at the beginning I wanted to be brave and stay and get on with things as normal; but the phone calls continued and one day I found an envelope outside the door of the house; in it was a piece of soap and a piece of white material [symbolizing soap to wash the body of the dead and the burial shroud]; I got too frightened and decided to leave and go to stay with relatives in another town. So I lost my job and for two years I was not able to work; luckily I've now found another job".

Algerian journalists at the *Maison de la Presse* (Press House) showed Amnesty International delegates some of the death threats which they regularly received by fax at their offices. In May 1995, Amnesty International delegates met Mohamed Abderrahmani, the editor of the pro-government daily *El Moudjahid*. At the end of the meeting he told them: "I hope I will see you again, you never know if I will be alive tomorrow". The following morning he was assassinated in his car in Algiers as he was driving his children to school.

The pattern of killings of individuals whose murder received wide national and international media coverage, such as journalists, intellectuals, artists, political and religious figures and foreigners, has gradually been replaced by indiscriminate killings and bomb attacks, and more recently by large-scale massacres.

• ***Indiscriminate and random attacks***

Armed groups have carried out an increasing number of bomb attacks in public places in the past two years. Scores of explosions in markets, cafés, near schools, on railway lines, and other public places have claimed scores of civilian lives in the capital and in other cities. Even when bombs have been planted near police and *gendarmerie* stations the victims have for the most part been civilians.

In January 1995 a bomb exploded outside Algiers Central Police station, killing more than 40 people and injuring over 100 - most of them civilian passers-by. Those who carried out this attack, in one of the capital's busiest streets and in the middle of the day, knew that by doing so they would kill a large number of civilians.

In the night between 4 and 5 October 1997, home-made shells (described by the media as "hub-hubs") were reportedly fired by armed opposition groups on the main garrison town of Blida, south of the capital, killing more than 10 civilians and wounding

scores of others. This was the first attack of this kind reported to have been launched by an armed opposition group on a major town.

As with other killings, the Algerian authorities in most cases do not release any figures of the number of victims of bomb attacks, and when they do the figures are very often considerably lower than the figures given by other sources, including hospital workers and eyewitnesses.

• ***Abductions and rape and other methods of torture***

Reports of the abduction and rape of women by armed opposition groups, especially in rural areas, have been widespread. The shame and stigma attached to the issue, especially in conservative and rural societies, the lack of infrastructure to care for victims of rape, and the restrictions imposed by the authorities on access to the country have made it very difficult to carry out adequate research and assess the scale of the problem. However, the information gathered by Amnesty International inside and outside Algeria indicates that the phenomenon of rape as a weapon of war may be quite widespread.

Scores of women are reported to have been abducted by armed groups and held captive for varying periods of time during which they were raped and ill-treated. According to reports received, the most widespread pattern during 1994 and 1995 was that women were abducted from their homes, especially in isolated rural areas, and held captive by armed groups in their hiding places for varying periods of time during which they were repeatedly raped by a member of the group who usually justified the crime by declaring the woman his "wife". In addition to being raped the women would often be subject to other forms of torture, including beatings, and death threats and in some cases they would also be forced to cook and carry out other chores. In some cases the women were reportedly raped by more than one member of the group, and some were killed when they tried to escape or because they refused to carry out tasks assigned to them. Some women were abducted with the complicity of their brothers or other family members who were members or supporters of armed groups. It seems that most of the women who had been abducted were either able to escape or were released by the armed groups, especially when they had to move from one hiding place to another, or were freed when security forces stormed the hideouts.

Reports of abduction and rape of women had decreased during 1996, but have once again become widespread in the context of recent massacres in regions around the capital. Many families living in isolated rural areas are said to have sent their daughters to live with relatives in towns for fear that they might be abducted by armed groups.

THE PRIVATIZATION OF THE CONFLICT: THE ROLE OF THE MILITIAS

For the past three years the Algerian Government has continued to repeat that there are only "a handful of terrorists left", that the security situation is "under control" and that "terrorism is residual". Yet at the same time the authorities have been distributing arms to the civilian population and have encouraged the formation of militia groups so as to protect their communities from attacks by armed opposition groups. These militia groups, operating outside the parameters of the law and mostly not subjected to any supervision have been allowed to carry out law-enforcement tasks and "anti-terrorist" offensive operations.

In its report of November 1996, Amnesty International expressed concern that by allowing the formation of militias and encouraging the civilian population to take up arms, the authorities were drawing the civilian population more and more into the conflict. The developments of the past year have shown that these fears were justified.

The existence of militias armed by the state and defined as "groups of legitimate defence", "self-defence groups", or "patriots", goes back to 1994. Initially the authorities tended to deny the existence of militias or to play down their role, but from the end of 1995 they openly encouraged the civilian population to take up arms and organize themselves in militia groups. State television gave coverage to the activities of militias, praising their role in "combatting and eradicating terrorism", and even ran "advertising" spots encouraging men to form militias; the motto was *rijal khuliqu li-l-watan* (men born for their motherland). Newspapers also gave increased coverage to the activities of the militias.

As the number of militias grew and more information became available about their activities, evidence emerged that in addition to guarding their villages and communities to defend them from attacks, they were increasingly involved in fully-fledged military operations in their region and elsewhere. In some areas they virtually replaced the security forces - who according to the local population had been absent and had failed to protect them from attacks by armed opposition groups - setting up roadblocks and checkpoints, and organizing ambushes and "anti-terrorist" operations. They also participated increasingly in such operations alongside the army and security forces.

Members of militia groups spoke about their activities to Amnesty International delegates, to foreign journalists and on Algerian television, giving details of how they had ambushed, pursued, tracked down and killed "terrorists", and of their determination to kill as many "terrorists" as they could find, so as to "clean-up" the areas. Some of them, when asked if they had handed over to the security forces people whom they had caught, stated

that they took no prisoners. If they handed the "terrorists" over to the security forces, they said, they might be released under the terms of the clemency law,¹² and "terrorists" do not deserve to live.

Militia groups have been affiliated or closely linked to certain political parties, to different military and security forces and to local officials. The quality of their equipment and weapons varies, and some militia groups have complained that they were more poorly equipped than other groups linked to more powerful people who had sophisticated weapons and equipment. Algerian television showed militia groups wearing official military and security forces uniforms and using official military and security forces vehicles and roadblock signs.

Some people have welcomed the creation of militias as the sole means of protection in the face of the inability or unwillingness of the security forces to protect the civilian population. However, others have opposed it because they believe that the presence of militias makes the civilian population a target of armed opposition groups, who take revenge against the militias by targeting the local inhabitants.

There are widespread reports that militias commit abuses to impose their control over the local population. For example, at the end of 1995, relatives of Antar Zouabri, leader of the GIA, were killed by members of a militia group in Hauch-el-Gros (Boufarik) in revenge for the GIA having killed relatives of a leader of the local militia group. Reports of such incidents are widespread and members of militias have often justified and advocated such crimes. In 1996 members of militia groups told Amnesty International delegates.

They can kill me, but if they kill one of my relatives I will kill their entire families; this is the only language that terrorists understand...¹³

In March 1996, after widespread allegations that militia members had killed civilians and committed abuses with impunity, the Algerian authorities announced that scores of militia groups' members had been arrested and would be brought to trial for human rights abuses, including murder. However, to date no investigation is known to have been carried out and the authorities have not responded to requests for details of these trials.

¹² The clemency law (*Qanun al-rahma*), of February 95, provides for charges to be dropped or for reduced penalties for people involved in "terrorist" activities who give themselves up and repent.

¹³ See chapter on the government-backed militias in the report *Algeria: Fear and Silence; a hidden human rights crisis*, (Index: MDE 28/11/96), issued in November 1996.

Legalizing the militias

In January 1997 the Algerian Prime Minister signed an executive decree which made the existence of the militias official and set out a framework for their activities (*Décret exécutif 97-04 fixant les conditions d'exercice de l'action de légitime défense dans un cadre organisé*). Thus, groups of individuals who are recruited arbitrarily, and acting outside the framework of law-enforcement legislation and without the necessary training and supervision, have been entrusted to carry out law-enforcement tasks which should be the sole responsibility of the state.

The decree, which was passed more than two years after militias came into existence, makes no mention of accountability for thousands of existing militia groups and contains no provision for disbanding existing militias or ensuring compliance with fundamental human rights standards. It contains none of the essential provisions contained in human rights standards such as the ICCPR, the Convention against Torture, the African Charter on Human and Peoples' Rights, the UN Body of Principles on the Use of Force and Firearms by Law Enforcement Officials (Force and Firearms Principles), and the UN Code of Conduct for Law Enforcement Officials (Code of Conduct).

For example, it lacks provisions setting out recruitment and training requirements for members of the "groups of legitimate defence", required under Article 5 of the Convention Against Torture and under Principles 18 to 21 of the Force and Firearms Principles; it contains no provisions to ensure that members of these groups respect and protect human rights, as required by Article 2 of the Code of Conduct, nor does it contain any provision for complaints of human rights abuses by members of these groups to be investigated and for those responsible for the violations to be brought to justice, as required under Article 2 of the ICCPR, Articles 12 and 13 of the Convention against Torture, and Article 7(1)(e) of the African Charter. It contains no provisions for the right to disobey orders to use force and firearms, required under Principle 25 of the Force and Firearms Principles.

This decree states that members of the "groups of legitimate defence" can use force and firearms "in case of aggression, of attempted aggression, or in case of duty to assist persons in danger". However, militias carry out and actively participate in counter-insurgency military operations, either on their own or in conjunction with the military and security forces. They thus routinely violate the terms of this decree with the knowledge and consent of the authorities who have passed this decree and are responsible for its application.

BUILDING A WALL OF SILENCE: INCREASING OBSTACLES TO INDEPENDENT RESEARCH AND INVESTIGATIONS

Various factors have contributed to the building of the wall of silence and indifference which surrounds the human rights crisis in Algeria. Restrictions imposed by the authorities on gathering and communicating information have made it increasingly difficult to research and investigate the violations and abuses which are committed every day. Killings and death threats by armed opposition groups against journalists have created a climate of fear among Algerian journalists. Meanwhile further restrictions have been imposed on foreign journalists, many of whom have experienced increasing problems in gaining access to the country. In the prevailing climate of lawlessness people have been more and more reluctant to give information and testify to the media. In the absence of accurate and verified information, rumours and speculation have thrived adding to the confusion and insecurity.

The Algerian Media

The thief who at night hides along the walls on his way home, it's him. The father who recommends to his children not to tell anyone the nasty job he does, it's him. The bad citizen who hangs around the courtroom, waiting to be interrogated by the judge, it's him. The individual caught in a police raid, hit with a gun-butt and propelled (thrown) to the back of a lorry, it's him. It's him who leaves his house in the morning without knowing if he'll get to his work, and who leaves his work in the evening without knowing if he'll get home. The tramp who doesn't know anymore where to spend the night, it's him. It's him who is threatened in secret in the office of an official - a witness who must keep inside what he knows, a citizen naked and helpless..... The man who vows not to die slaughtered (with his throat cut), it's him. It's him who can do nothing with his hands, nothing else other than his little writings. Him who hopes in spite of everything because, after all, roses can grow on a pile of manure. Him who is all this, and only a journalist.

This article was written by Saïd Mekbel, journalist and director of the French-language daily *Le Matin*. It was published on the day of his assassination on 3 December 1994.

Since 1993 more than 60 journalists and media workers have been killed in Algeria, more than in any other country. Communiqués signed by armed groups defining themselves as "Islamic" groups, such as the GIA, have threatened to kill all journalists and have claimed responsibility for the assassination of many of them.

Spokesmen for the FIS, and its armed wing, the AIS, have increasingly distanced themselves from, and condemned, the GIA's murders and death threats against journalists. However, in the past they not only failed to condemn such threats and killings of journalists,

but even justified such crimes arguing that journalists who did not report abuses by security forces and who had called for, or supported, the intervention of the army to cancel the 1991 elections were collaborators of the regime and contributed to the repression.

Assassinations of their colleagues and death threats forced journalists underground, away from their homes and families, and to use pseudonyms and change their routines. Few were given protected accommodation, usually only those well connected to official circles, and many left the country.

As time went on, and more and more journalists were killed, allegations began to emerge that certain factions within the military and security forces had been behind the killings of some journalists because they had been investigating sensitive issues, notably state corruption.¹⁴ To date not a single individual has been prosecuted and found responsible for the killing of any of the 60 or so dead journalists. On many occasions the security forces announced that they had killed the killers of this or that journalist, without however producing the evidence which had led them to draw the conclusion that those whom they had indeed killed had been those responsible for the crimes attributed to them. In the absence of any concrete action by the authorities to bring to justice those responsible for the killing of journalists, doubts remain, and journalists continue to live in fear and have learned not to raise certain issues. An Algerian journalist told Amnesty International:

"Writing certain things is impossible, so you don't write; saying certain things is dangerous, even if you don't write it, so you don't say it; but what is worse is that it has become more and more dangerous to know things, even if you don't say that you know it and you don't write about it. So you try not to find out too much, not to stick your nose where you are not supposed to; but sometimes you start looking into something and you find out things, and then you realize that it's too big for you - so you try to forget what you know, but what if someone knows that you know? You're dead".

New laws and regulations, both codified and unwritten, have been put in place by the authorities to restrict the flow of security-related information. In addition to the restrictions on freedom of information imposed under the state of the emergency, a decree issued by the Minister of the Interior in June 1994, giving instructions to newspaper editors of what to publish and how to present it is just one example of the degree of control of the

¹⁴ Omar Belhouichet, editor of the French-language daily *El-Watan* stated in an interview with the French TV channel *Canal +*, in November 1995, that certain journalists and intellectuals whose killings were blamed on armed opposition groups were in fact killed by state agents.

authorities on the media.¹⁵ Even though the decree was confidential (it was not published in the *Journal Officiel* [Official Gazette]), it was obtained and published by human rights and press freedom organizations.¹⁶ Countless cases of seizure, suspension, and outright ban on newspapers which published articles raising "sensitive" issues, and scores of cases of prosecution of journalists and newspaper editors for the same reason have further institutionalized censorship. Numerous journalists and newspapers editors have reported receiving verbal admonitions and threats by government and army officials in connection with material they had published or were planning to publish.

Thus, journalists and editors, risking their lives to carry on with their profession in the face of death threats issued by armed opposition groups, have also come under increasing pressure and threats from the authorities.

If much of the lack of reporting on the violations committed by government forces has been due to censorship and fear, some of it results from political bias. Most newspapers have not reported on such issues, and some have routinely attacked those who, in Algeria or outside, have exposed and raised concerns about human rights violations committed by government forces against known or suspected Islamist activists. For example, the cases of Islamist journalists who have been victims of abuses at the hands of government forces have received little or no coverage in most Algerian media.

Djamaledine Fahassi, a journalist working with Algerian radio, was abducted by security forces near his home in May 1995 and "disappeared". The Algerian media, which gives extensive coverage to cases of journalists victims of attacks known or believed to have been carried out by armed opposition groups, was totally silent on his abduction and "disappearance". While the arrest of a journalist immediately makes the headlines in most newspapers, the arrest and secret detention for more than a week of Khaled Gherdjouma, a journalist with the Arabic-language daily *El Alam el-siyassi* (Political world), in October 1995, was met with silence by most of the press. More recently, in February 1997, Aziz Bouabdallah, also a journalist with *El Alam el-siyassi*, was abducted from his home by security forces and "disappeared". His abduction received little coverage at the time, and has not been mentioned since, even though he remains "disappeared". Several Algerian journalists have stated, off the record, that they know that he was taken by the security forces and that this is the reason why the case is not being talked about in the media. When raising the issue with Algerian journalists, few dispute the facts of these cases; but they say that it is not possible to raise the cases because they are "sensitive". Some said that they had

¹⁵ A confidential Decree from the Interior Ministry of June 1994 laid down strict criteria for media coverage of security-related information.

¹⁶ See the report by Article 19: *Secret decree: new attack on the media in Algeria*, issued on 10 November 1994.

tried to write about their colleague without indicating who had been responsible for the "disappearance", so that if the authorities raised questions they could have protected themselves by arguing that they had written about the case believing that their colleague had been abducted by an armed group, but that their editors had not allowed their articles to be published because they too knew the security forces were responsible for the abduction and were not prepared to take the risk. A journalist who wanted to write about the "disappearance" of Djamaledine Fahassi reported being told by a member of the editorial board of the newspaper, "Do you want the paper to be closed down for good?"

Other methods of curtailing press freedom have been through financial pressures. Newspapers who stepped out of line on political and security issues have been closed down because of their debts with the state-owned printing press, while other more "compliant" newspapers who also have arrears have been allowed to continue their activities. The authorities have stifled any initiatives to set up an independent printing press. In 1996, the government rejected an initiative by the *Fédération internationale des journalistes* (FIJ), International Federation of Journalists, who had offered to donate a printing press to private newspapers in Algeria. In 1997, a private printing press (SodiPress), co-set up as a limited company by the editor of a previously banned newspaper, was seized immediately on the grounds that the co-owner had outstanding debts. The seizure violated Algerian law, which stipulates that a limited company and its assets cannot be seized on the basis of the previous debts of one of its owners. The action was seen as yet another effort by the authorities to thwart any initiative to create a private printing press, which could not be controlled in the same way as a state-owned one.

The foreign media

The death threats by armed groups and the assassinations of journalists and foreigners created a certain level of concern amongst foreign journalists. Some were no longer prepared to go to Algeria, others continued to go, and many more wanted to go but were unable to obtain visas, especially since 1994. At the same time the Algerian authorities began to impose "protection" measures on foreign journalists visiting the country, such as requiring them to be accompanied by security forces at all times, and this has increasingly become a condition for obtaining visas. With such arrangements many foreign journalists were only able to gather information on killings and abuses committed by armed opposition groups, but found it very difficult to do the same on killings and abuses committed by government forces, as such victims and their families are afraid of exposing themselves to further violations.

Gradually foreign journalists began to feel that the security "protection" was a deliberate policy to prevent them from carrying out their professional duties. Scores of newsprint, television and radio journalists from different countries who have visited Algeria

stated that they were unable to work, move around and meet people freely. The security forces' members in charge of their protection often insist on attending their meetings, even inside their hotels, and check the identity of the people they are interviewing, thus increasing the reluctance of people to meet and speak with them. The protection teams have often refused to accompany journalists to places they wish to visit but refuse to let them go on their own. Officials from the Algerian Foreign Affairs Ministry and from Algerian embassies in different countries have summoned journalists to complain to them about meeting certain people, and even about the content of telephone conversations they had from their hotel rooms. Some have been told, implicitly or explicitly, that access to the country depends on the nature of their coverage, especially concerning political and security issues, and many have been refused visas on the same grounds.

Very few foreign media correspondents were able to remain in Algeria after 1993-94. Some were expelled, others could not obtain accreditation and others left saying that the restrictions had become too stringent for them to carry out their work.

Thus the human rights crisis in Algeria has been surrounded by a wall of silence; a tragedy with no images and one of the most under-reported conflicts. Whilst journalists have been able to monitor, report and investigate massacres and other abuses during war and internal conflict in isolated locations in other countries, it has so far proved impossible for journalists to do so in Algeria, where massacres and other atrocities are committed daily, in a region which is at a short distance from a capital which is no more than two hours' flight from the main European capitals.

Human rights organizations

For some years the Algerian human rights organizations have been unable to adequately research, investigate and document the human rights situation. The assassination of Yousef Fathallah, President of the *Ligue algérienne des droits de l'homme* (LADH), Algerian Human Rights League, death threats, imprisonment and harassment of human rights lawyers and activists, banning of meetings and other activities, political divisions and lack of funds, have been among the factors contributing to the paralysis of the human rights organizations in Algeria. However, there remain committed human rights defenders who, despite the difficult and dangerous situation, continue to defend human rights with great courage.

Amnesty International was the only human rights organization to continue to visit the country regularly after 1992, in spite of frequent restrictions on access, and was for too long a lone voice in raising concerns about the continuing deterioration of the human rights situation in Algeria. Since the beginning of 1997, Amnesty International has been denied access to Algeria, but other international human rights organizations carried out fact-finding

visits earlier during the year. The *Fédération internationale des droits de l'homme* (FIDH), International Federation of Human Rights¹⁷, and Human Rights Watch¹⁸ both issued reports in June 1997. The FIDH subsequently sent delegates to observe a trial, in July 1997, but the delegates were not able to obtain access to the court where the trial took place *in camera*. Amnesty International was unable to obtain visas for its delegates to go to observe the same trial.

Press freedom organizations have carried out research and issued reports on freedom of the press in Algeria. Article 19, *Reporters sans frontières* (RSF), Reporters Without Borders, the Committee to Protect Journalists (CPJ), and the FIJ have all issued reports and statements, though only RSF and the FIJ have visited the country in recent years.

Other international human rights and humanitarian organizations have sought but have not been granted access in recent years. The International Committee of the Red Cross (ICRC), last visited Algeria in 1992. Since then, Algerian authorities have on several occasions stated that the ICRC can go to Algeria, but the ICRC remains unable to obtain access to carry out their work in accordance with their mandate in Algeria.

The reaction of the Algerian Authorities to criticism of their human rights record

The Algerian authorities have routinely accused anyone criticizing their human rights record of deliberately lying, interference in Algeria's internal affairs, and political bias.

As a state party to international human rights treaties, Algeria has accepted that its human rights record be subject to international scrutiny. The government has welcomed the "condemnation of terrorism" in Algeria by other governments, inter-governmental and non-governmental organizations, but questions about the human rights situation in the country and about the state's responsibility to respect and protect human rights have been rejected and condemned as interfering with "national sovereignty".

In a media interview in August 1997, in the wake of the massacre of hundreds of people, the UN Secretary General, Kofi Annan, expressed concern at the human rights situation in Algeria, stating that in a situation which has for a long time been considered as

¹⁷ The FIDH focused its research on the administration of justice and the situation of women in Algerian law.

¹⁸ Human Rights Watch focused its research on the preparations for the legislative elections, prior to the start of the elections campaign, and also looked into some individual cases of human rights violations.

an internal problem, it is no longer enough to condemn the violence whilst leaving the Algerian people to their fate, and that an urgent solution must be found. The Algerian Government reacted by saying that these declarations were "unacceptable" and constituted an "interference" in Algeria's internal affairs.

Similarly, the Algerian authorities have condemned the work of human rights organizations on the human rights situation in Algeria, accusing these organizations of being deliberately untruthful and politically biased. For example, the Algerian representative at the UN in Geneva stated at the UN Human Rights Commission in April 1997 that Amnesty International has "a curious human rights pedagogy, which, like the Stalinist bureaucratic apparatus, only gives to its members the possibility to reproduce the ideas of the master - like a sect which demands that its members reproduce the ideas of the guru".

The authorities have often accused Amnesty International of publishing unverified or false allegations. However, they have not been willing to respond to the organization's requests for information or clarification on cases; neither have they produced any evidence to substantiate the claim that the details concerning the cases raised are inaccurate or false. Similarly, they have never called into question the veracity or accuracy of the organization's reports on killings, rape, abduction, and other crimes committed by armed groups which define themselves as "Islamic groups".

Amnesty International believes that the most constructive way to disprove allegations which the authorities claim to be unfounded, and to prove their stated commitment to human rights, would be to provide the information concerning these cases, and the evidence of the investigations which they say have been carried out, and to allow free access to human rights organizations and journalists to carry out investigations on the ground.

THE INDIFFERENCE OF THE INTERNATIONAL COMMUNITY

The international community has for years shunned its responsibilities in the face of a tragedy which takes place *in camera*. This indifference and absence of efforts to stop and prevent the massacres and other atrocities and grave abuses should not continue. For years the cries for help of victims in Algeria and the efforts of human rights organizations to draw attention to the human rights situation in Algeria have received little or no response.

The UN Human Rights Commission has, year after year, carefully avoided addressing the issue of the human rights situation in Algeria. The UN Special Rapporteur on Extrajudicial and Summary Execution has to date not been able to visit Algeria. He was officially invited to visit the country in 1993, and since 1996 he has sought to make

arrangements with the Algerian government in order to visit the country at a mutually convenient time.

The European Union and Parliament have, over the past few years, also tended to avoid dealing with the situation in Algeria in any concrete terms. The European Union's statements to the UN Human Rights Commission in 1996 and 1997 were worded in very general terms, broadly condemning violence and encouraging the government to follow through with the democratic and election process, but failing to recognize any state responsibility concerning the human rights violations or to recommend any concrete action to stop and prevent the violations.¹⁹

The European Parliament has issued several resolutions on the human rights situation in Algeria, in April 1995, December 1996, and September 1997,²⁰ all of them including "calls for political dialogue and condemnation of terrorism". Whereas the 1995 resolution contains a reference to state responsibility in human rights violations, any such reference was dropped in the 1996 and 1997 resolutions - even though the European Parliament was aware that no investigations had been carried out into the human rights violations by government forces mentioned in the previous resolution. Whilst condemning killings and other acts of violence against the civilian population, the European Parliament does not condemn the failure of the state to protect the civilian population, nor does it issue any recommendation for action to be taken to ensure such protection.

The EU is currently discussing a partnership agreement with Algeria, in the context of the Euro-Mediterranean Partnership Agreement, which contains provisions for the respect

¹⁹ EU 1996 statement: "The EU remains very concerned at the situation of human rights in Algeria. We condemn all acts of violence and call for the respect of human rights and humanitarian law. We call on the Algerian Government to follow through the democratic process started by presidential elections in November 1995 and to hold free and fair legislative elections as soon as possible. We hope Algeria will continue on the path to political and social normalisation through peaceful dialogue and the democratic process".

EU 1997 statement: "The EU is very concerned by the situation of human rights in Algeria. WE condemn all acts of violence and renew our call for the full respect of human rights. We are particularly concerned about the repeated terrorist attacks, including murder and sexual violence, against the civilian population. The Union encourages the Algerian Government to work towards further developing the democratic process and enhancing stability and peace in the country. We look forward to the holding of general elections in mid 1997, to be followed by local elections".

²⁰ Resolutions of 6 April 1995, 12 December 1996 and 18 September 1997.

of human rights.²¹ If these provisions are to have a concrete meaning the EU should make efforts to shed light on the human rights situation in Algeria, so as to be able to formulate constructive policies and recommendations.

In November 1994, the African Commission on Human and Peoples' Rights (African Commission) adopted a resolution on Algeria which included its concern about extrajudicial executions, torture and arbitrary detention. The resolution also called on "the international community to mobilise and support democratic forces in Algeria and abroad in their efforts to restore peace, the rule of law, and respect for human rights in Algeria". The resolution was recorded in the final communique of the 16th ordinary session of the African Commission.²² At its 17th ordinary session, held in March 1995, the African Commission decided to discuss again the resolutions adopted at the previous session and proceeded to adopt again all the resolutions of the previous session except the one on Algeria.²³

The double-standard approach of the international community to the human rights crisis in Algeria is blatantly obvious when noting the position they have taken on Algerian asylum-seekers: After the killing of some 100 foreigners in Algeria and the death threats issued by the GIA against foreigners, most western governments took far-reaching protection measures for their embassies in Algeria and advised their citizens not to travel to Algeria. They took such measures because they considered that the risks were serious and that the Algerian authorities could not provide adequate protection for their nationals.

On the other hand, Algerians who had hoped to escape death by seeking refuge in western countries have had their asylum claim rejected on the basis that "it could not be proved that they would be in danger in their country", or that "it could not be proved that they could not obtain protection from the authorities of their country". This is in spite of the fact that tens of thousands of Algerians have been killed and that killings, massacres, "disappearances" and other grave abuses are a daily occurrence.

²¹ The human rights clause (Article 2) states that respect for democratic principles and fundamental human rights principles inspire the domestic and external policies of the Community (EU) and of Algeria and are an essential element of the present agreement.

²² Final communique of the 16th ordinary session of the African Commission on Human and Peoples' Rights, Banjul, 3 November 1994, ACHPR/COM.FIN/XVI; it was recorded that the Commission adopted resolutions on Algeria, the Gambia, Nigeria, Rwanda, the military, contemporary forms of slavery and the human rights situation in Africa.

²³ Final communique of the 17th ordinary session of the African Commission on Human and Peoples' Rights, Lome, Togo, 22 March 1995, ACHPR/COM.FIN/XVII/Rev.3.

If a handful of foreigners, who in most cases live in much safer conditions than Algerians, cannot be adequately protected, how can it be argued that Algerians - who are the overwhelming majority of the victims of the violence - are not at risk? By adopting such a position, western governments have shown that they do not attach the same value to the life of Algerians as they do to the lives of their own nationals.

Moreover, not only have western governments failed to grant protection to Algerian asylum-seekers, but they have made it virtually impossible for Algerians to obtain visas to their countries - thus denying them the possibility of escaping death. The men, women and children who have died in the recent massacres did not fall within the very select category of people who are able to obtain visas to western countries under the current visa policies. Even if they had been able to get to western countries by other means and claimed asylum, their claims would have most likely been turned down, on the argument that there was no evidence that they were facing any particular risk at home. And yet they were murdered, and more people continue to be killed every day. If western governments had adopted a more humane position on this issue, lives could have been saved.

Finally, in September 1997 the UN High Commissioner for Refugees (UNHCR) and the European Parliament recommended that Algerian asylum-seekers who would be at risk if they were forced to return to their country should benefit from international protection. Amnesty International welcomes this recommendation, and considers that it should be a first step in breaking the wall of indifference of the international community to the plight of the victims of human rights abuses in Algeria. Concrete action needs to be taken by the international community to show solidarity with victims of human rights abuses in Algeria and to ensure that the issue of the human rights situation in Algeria - which is the reason why Algerian asylum-seekers have been forced to flee their country - is addressed without further delay.

Recommendations to the Algerian Government:

In the past five years Amnesty International has addressed numerous recommendations to the Algerian Government, and has called on the authorities to take concrete measures to put an end to the practice of extrajudicial executions, torture, and "disappearance", to ensure that prompt, independent and impartial investigations are carried out into all cases of human rights abuses and that those responsible are brought to justice in full compliance with international standards for fair trials, and to disband all paramilitary militias and ensure that security operations are carried out only by law-enforcement personnel who have received the necessary training and who operate in a framework which ensures accountability. Amnesty International is once again calling on the Algerian Government to implement these recommendations without further delay.

Recommendations to all armed opposition groups in Algeria:

Amnesty International has repeatedly called on all armed groups in Algeria to stop targeting civilians and to respect the most fundamental of human rights: the right to life. The organization is now once again reiterating this call.

Recommendations to the United Nations:

On 15 October 1997, Amnesty International launched a joint appeal with three other international human rights organizations²⁴ calling on members of the UN Commission on Human Rights to convene a Special Session to establish an **international investigation** into the recent massacres and other human rights abuses to:

- **establish facts**
- **examine allegations of responsibility**
- **make recommendations.**

Amnesty International believes that such an investigation could lay the foundations for further concerted action by the international community. It would be the start of a process which should include the design of a **long term human rights plan** for Algeria, to which relevant bodies and agencies of the UN could contribute their expertise.

The international investigation should also make recommendations on steps to **bring perpetrators of human rights abuses to justice.**

Amnesty International recommends that existing UN standards for such inquiries, including the Guidelines for the conduct of United Nations inquiries into alleged massacres, the UN Principles for the Effective Prevention of Extra-Legal, Arbitrary and Summary Executions and the UN Manual on their implementation, and the UN Principles Relating to the Status of National Institutions be the basis for drawing up the model and terms of reference for an international investigation.

In addition, the UN Special Rapporteur on summary, arbitrary and extrajudicial executions, as the official vested with a standing mandate to investigate massacres and violations of the right to life, should participate in the design of the investigation.

The investigation should refer to Algeria's treaty obligations as an objective way of assessing the laws, policies and actions of the government. These include the International

²⁴ The International Federation of Human Rights, Human Rights Watch and Reporters sans frontières

Covenant on Civil and Political Rights, the UN Convention against Torture, Cruel, Inhuman and Degrading Treatment or Punishment, and the African Charter on Human and Peoples' Rights. Other international standards relating to, *inter alia*, "disappearances", arbitrary detention and violence against women will also be a guide.

Amnesty International calls on the UN to ensure that the international investigation is adequately budgeted for and provided with necessary resources.

Recommendations to other intergovernmental organizations:

The organization believes that there are various options open to the European Union (EU) to work through, *inter alia*, the Council of Ministers, the European Parliament and the European Commission to support an international investigation and to ensure that it becomes a reality.

Amnesty International urges member states of the Organization of African Unity (OAU) to support an initiative for an international investigation. The organization believes that close cooperation and coordination between the UN and the OAU will be key to seeking long-lasting solutions to the situation.

Amnesty International calls on the Chairman of the African Commission to bring the situation of serious and massive violations of human rights in Algeria to the attention of the Chairman of the OAU, as provided for by Article 58(3) of the African Charter on Human and Peoples' Rights.

