

ALGERIA

PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA

Head of state: Abdelaziz Bouteflika

Head of government: Ali Benflis (replaced Ahmed Benbitour in September)

Capital: Algiers

Population: 31.5 million

Official language: Arabic

Death penalty: retentionist

2000 treaty ratifications/signatures: Rome Statute of the International Criminal Court

More than 2,500 people, including women and children, were killed by armed groups which define themselves as "Islamic groups", and by security forces and paramilitary militias. Concerns about impunity increased as members of armed groups were granted amnesty or exempted from prosecution without adequate investigations to determine whether they were responsible for serious human rights violations. No concrete measures were taken by the authorities to bring to justice members of the security forces and paramilitary militias responsible for human rights violations in 2000 or in previous years, and no independent investigations were carried out into thousands of killings, massacres, "disappearances", abductions and reports of torture in recent years. The moratorium on executions declared in 1994 remained in place.

Background

A commission for judicial reforms presented its report to the President in June; the report had not been made public by the end of 2000.

In August the authorities announced certain steps that would be taken at the level of the Ministries of Justice, the Interior and Defence to reinforce judicial supervision over law enforcement officers. Among these were compulsory medical examinations of detainees at the end of the period of pre-arraignment incommunicado detention, with the detainees' consent, and identifying the places where detainees are held by the various security forces before being brought before the judicial authorities. However, by the end of the year the laws governing pre-arraignment detention had not been amended to allow some of these measures to take effect and it was not possible to obtain any information from the authorities about the details and time frame for the implementation of such measures. The state of emergency imposed in 1992 remained in place.

Amnesty for members of armed groups

In January President Bouteflika issued a decree granting amnesty to members of certain armed groups, whose names were to be annexed to the decree. However, the list of names

was not made public. The authorities did not provide precise figures for the members of armed groups who benefited from the presidential amnesty or who surrendered under the 1999 *Concorde Civile*, Law on Civil Harmony. According to government sources, about 5,500 members of armed groups surrendered between July 1999 and 13 January 2000. Of these, just over 1,000 were members of two groups — the *Armée islamique du salut* (AIS), Islamic Salvation Army, and the *Ligue islamique pour la da'wa et le djihad*, Islamic League for Preaching and Holy War — who benefited from the presidential amnesty. Some 4,500 others, who surrendered under the terms of the Law on Civil Harmony, were members of the *Groupe islamique armé* (GIA), Armed Islamic Group, the *Groupe salafiste pour la prédication et le combat* (GSPC), Salafist Group for Preaching and Combat, and other less well known groups.

Under the Law on Civil Harmony, members of armed groups who surrendered within six months of 13 July 1999 and who had not killed, raped, caused permanent disability or placed bombs in public places were immune from prosecution; those who had committed such crimes would receive reduced sentences. Those who surrendered after the expiry of the Law in January could no longer benefit from reduced sentences or immunity from prosecution. However, after the expiry of the Law some government authorities, including the President, indicated that those who surrendered voluntarily would still benefit from some unspecified clemency measures. There were consistent reports indicating that members of armed groups who surrendered after January were also immediately released and exempted from prosecution without adequate inquiries.

Administration of justice and impunity

The government provided no information about investigations which the authorities claimed had been carried out into the massive human rights violations and abuses of previous years or into cases which occurred during the year. No concrete measures were known to have been taken to bring to justice those responsible.

Impunity, which continued to be widely enjoyed by the security forces and paramilitary militias, was extended to members of armed groups responsible for killings, torture and other human rights abuses. The authorities provided no detailed information about the application of provisions of the Law on Civil Harmony. The speed with which certificates of exemption from prosecution were granted, in some cases within days, to those who surrendered after months or years with armed groups, indicated that thorough investigations could not have been carried out to establish what crimes they might have committed. Some of those who were granted certificates were subsequently arrested and charged with offences of which they had just been cleared. Families of victims of human rights abuses by armed groups alleged that those responsible for killings and abductions were either amnestied or exempted from prosecution without the complaints of victims' families being investigated.

Killings

The level of killings, which decreased significantly in 1999, did not diminish further and, indeed, rose again at the end of 2000. More than 2,500 people were killed in individual attacks, massacres, bomb explosions, ambushes and armed confrontations between the security forces and armed groups. Hundreds were civilians killed by armed groups in individual attacks, massacres and indiscriminate bomb explosions. Often groups of up to 25 civilians, including women and children and entire families, were killed in their homes or at false checkpoints set up in rural areas by armed groups. Most killings and attacks took place outside the main cities and the perpetrators were routinely able to escape undisturbed, even though some attacks were committed near army and security force checkpoints or outposts. Hundreds of members of the security forces, paramilitary militias and armed groups were killed in ambushes and armed confrontations. However, as a result of official restrictions on such information it was often impossible to obtain precise details about the identity of the victims or the exact circumstances of their deaths.

Secret detention

Cases of secret and unacknowledged detention continued to be reported. The government and judicial authorities systematically denied all knowledge of the detainees until after they were brought to court or released.

☞ Malik Medjnoun and Samir Hamdi-Pacha, arrested in September and December 1999 respectively, were held in secret detention until the beginning of May. They remained in detention awaiting trial at the end of 2000 accused of having links with armed groups.

☞ Hilal Gouasmia, arrested in September in Constantine, was released after nine weeks in secret detention.

Torture/ill-treatment

There were continuing reports that the security forces tortured and ill-treated criminal suspects and people arrested on suspicion of having links or contact with armed groups.

☞ Redouane Dahmani, a 15-year-old secondary-school student, was arrested in Dellys in June. He alleged that he was taken to a nearby police station where he was shown another detainee being tortured and told he would face the same ordeal if he refused to talk. He claimed that when he said he had no information to provide, he was taken to a cell, undressed, laid on a bench and beaten on his face and body until he started vomiting blood; bound hand and foot, soaked in water and given electric shocks on his toes and genitals; forced to swallow large quantities of dirty water through a cloth placed in his mouth; and that burning cigarette ash was thrown into his eyes and a cigarette was extinguished on his face. Even though his face bore visible traces of torture when he appeared before an examining magistrate eight days after his arrest, no investigation was ordered.

No investigation was known to have been carried out into other allegations of torture and ill-treatment by the security

forces which occurred during the year or in previous years.

Reports of torture by armed groups which define themselves as "Islamic groups" continued to be received. Women who were abducted by armed groups from their homes, mostly in rural areas, were reportedly raped and subjected to other forms of torture before being killed.

'Disappearances'

Cases of "disappearance", which had lessened considerably in 1999, did not decrease further; several cases were reported in 2000. The authorities were as unwilling to investigate these new cases as they were to clarify thousands of "disappearances" reported in previous years.

☞ In April El Hadj M'lik, a 73-year-old father of eight, "disappeared" after being arrested at his home in the centre of Algiers in broad daylight and in front of his family and neighbours. Officers from the gendarmerie visited his home the day before his arrest and again two days after his arrest, seeking information about two of his sons, one living abroad and another thought to be with an armed group.

☞ Habib Hamidi and Ahmed Ouadni were arrested at their homes in Reghaia and in Algiers in April and August, respectively, and remained "disappeared" at the end of the year.

No concrete action was known to have been taken by the authorities to clarify the fate of some 4,000 men and women who had "disappeared" after arrest since 1993, despite the pledges made by President Bouteflika during and immediately after the 1999 presidential election campaign and by other government officials since 1998.

In May the Ministry of Justice stated that of the 3,019 complaints of "disappearance" received, 1,146 had been "clarified", but only provided a list of seven named people. A list of the cases which the authorities claimed to have clarified, with sufficient information to allow identification, was requested but no such information was received during 2000.

Freedom of expression and association

Human rights groups which criticized or opposed government policies on human rights issues faced restrictions. Some were refused legal registration by national or local authorities and others, which were already legally registered, were denied authorization to hold meetings and public events. Demonstrations by associations of families of the "disappeared" and of victims of armed groups, and by trade unionists and students were sometimes broken up by the security forces who beat demonstrators; several demonstrators were arrested. At least two political parties which applied for legal registration were refused, in violation of national law.

International human rights and intergovernmental organizations

The UN Working Group on Enforced or Involuntary Disappearances asked to visit Algeria, but was not granted

access to the country during 2000. The International Committee of the Red Cross (ICRC) continued prison visits, resumed in 1999. The authorities allowed AI and other international non-governmental organizations to visit Algeria after having denied them access to the country for up to four years.

AI country report and visits

Report

- Algeria: Truth and justice obscured by the shadow of impunity (AI Index: MDE 28/011/2000)

Visits

AI delegations visited Algeria in May and November and on both occasions met with government and other officials, victims of human rights abuses and their families, human rights defenders, and other members of civil society. In October AI received a response from the authorities to a memorandum sent to them in August detailing the organization's concerns. In the communication, the authorities expressed their wish for further cooperation with AI, but provided no responses to any of AI's specific questions and requests for information, despite promises made to AI delegates during the May visit. No such responses materialized later in the year.

