

ALGERIA

PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA

Head of state: Abdelaziz Bouteflika

Head of government: Ali Benflis

Death penalty: retentionist

International Criminal Court: signed

The number of people killed in the context of the internal conflict, which had been raging for over a decade, remained high. Hundreds of civilians, including children, were killed in attacks by armed groups. Hundreds of members of the security forces, state-armed militias and armed groups were killed in attacks, ambushes and armed confrontations. Some 10 civilians were unlawfully killed by the security forces in the context of anti-government demonstrations. Torture continued to be widespread, particularly during secret and unacknowledged detention. Human rights defenders were harassed and intimidated by the authorities. The overwhelming problem of impunity for human rights violations continued to block the search for truth and justice in relation to the thousands of reports of torture, "disappearances" and killings committed by the security forces, state-armed militias and armed groups since 1992. The state of emergency imposed in 1992 remained in place. The moratorium on executions declared in December 1993 continued to hold.

Background

The *Front de libération nationale* (FLN), National Liberation Front, which until 1989 had been the only permitted political party, won an absolute majority in legislative elections in May. The elections were marked by the lowest turnout since independence in 1962, with less than half of the electorate casting their vote. The predominantly Amazigh (Berber) region of Kabylia saw an almost total boycott of the polls. Local elections in October were marked by a similarly low voter turnout.

In April the Constitution was amended to include Tamazight, the Amazigh language, as a "national language", which imposes a duty on the state to promote and develop all variations of the language in use in Algeria. Amazigh activists continued to demand that Tamazight be made an official language on a par with Arabic.

In April Algeria and the European Union signed the Euro-Mediterranean Association Agreement. The accord focuses on trade, economic integration, security and political relations, but also contains a legally binding clause obliging the contracting parties to promote and protect human rights.

In June a complaint was lodged in France against retired general Khaled Nezzar, alleging that he was responsible for incidents of torture committed while he was Algeria's Defence Minister from 1990 to 1993. This followed an earlier complaint of torture brought against him in 2001. In July the prosecution in Paris dropped both complaints, noting a lack of evidence

which pointed to the direct responsibility of Khaled Nezzar for the incidents of torture.

In July former army officer Habib Souaidia stood trial in Paris, accused by Khaled Nezzar of defamation. The lawsuit followed statements made by Habib Souaidia on French television about the involvement of the Algerian armed forces in gross human rights violations during the 1990s. The court hearings generated a succession of testimonies relating to the current conflict and the mass human rights abuses which have characterized it, from historians, politicians, members of the military and intellectuals of all political tendencies. In September the court dismissed the defamation suit, arguing that Habib Souaidia had acted in good faith.

Algeria hosted three international meetings relating to "counter-terrorism" and "organized criminality" during the year. Official statements made at the time of these meetings indicated that Algeria was seeking support for its view that the "counter-terrorism" approach it had followed in the last decade had been vindicated in the wake of the attacks in the USA on 11 September 2001. A similar message was given in Algeria's reports of 24 December 2001 and 15 August 2002 to the UN Security Council's Counter-Terrorism Committee which presented steps taken "to prevent and combat terrorism". Some of these measures, including legislative amendments from previous years and ratifications of instruments such as the Arab Convention for the Suppression of Terrorism, present a serious threat to human rights. Algeria's "counter-terrorism" approach was criticized by AI and others as being a pretext to justify mass human rights violations. During the year, the USA publicly declared its support for Algeria's "counter-terrorism" policy.

Killings in armed conflict

Hundreds of civilians were killed by armed groups in both targeted attacks in towns and villages or at false roadblocks, and in indiscriminate bomb explosions. Individual attacks often left dozens dead or seriously injured. In the vast majority of cases no group claimed responsibility and no one was brought to trial for carrying out the attack.

Hundreds of members of the security forces, state-armed militias and armed groups were killed in ambushes and armed confrontations. However, as a result of official restrictions on information about such incidents, it was often not possible to obtain precise details about the identity of the victims or the exact circumstances of their deaths. Dozens of members of armed groups who had surrendered to the authorities in previous years reportedly rejoined armed groups.

More than 40 civilians were killed and dozens more were injured when a bomb exploded in a crowded market in Larba, 25km south of Algiers, on 5 July, the 40th anniversary of Algerian independence.

Killings and arrests during demonstrations

Some 10 unarmed civilians, including a 14-year-old boy, were killed by the security forces in March and April, in the context of waves of anti-government demonstrations. Protests continued to rock parts of the country, particularly the predominantly Amazigh region of Kabylia in northeastern

Algeria, throughout much of the year. The demonstrations focused mainly on political repression and deteriorating socio-economic conditions. Some of the civilians killed were reported to have been shot dead with live ammunition. Others were said to have been beaten or stabbed to death, and some were believed to have died after being hit by rubber bullets or tear-gas grenades apparently aimed at protesters' heads.

Scores of protesters were arrested during or following these demonstrations and detained for several months. Among them were more than 60 political activists from Kabylia who were held without trial from March on public order charges; they were provisionally released in August. Dozens of other demonstrators were tried and sentenced to between several months and several years' imprisonment. Some were freed after serving their terms. The rest were released as part of a presidential amnesty in August.

Torture and secret detention

Torture remained widespread. Many of those reported to have been tortured had been arrested on suspicion of having links with armed groups. They were reportedly tortured during periods of secret and unacknowledged detention lasting days or weeks, often in bases belonging to the military security service, officially known as the *Département du renseignement et de la sécurité* (DRS), Department of Information and Security. During these periods of secret detention, the government and judicial authorities systematically denied all knowledge of the detainees and only acknowledged their detention when they were brought to court or released.

Reported cases of torture were believed to represent only the tip of the iceberg since many victims, particularly in common-law cases, chose not to complain, fearing that this would only exacerbate their predicament or expose family members to reprisals from the authorities.

☞ Brahim Ladada and Abdelkrim Khider, both shopkeepers in their early thirties living in the northeastern coastal town of Dellys, were repeatedly tortured in March while in secret and unacknowledged detention at a DRS base near Algiers. They were allegedly forced into making statements, dictated to them by their torturers, in which they confessed to having links with both an armed group and an Algerian human rights lawyer living in exile in Switzerland. AI believes that Brahim Ladada and Abdelkrim Khider may have been arrested and tortured because they had passed reports of human rights violations committed by the security forces to this lawyer. The two men were allegedly stripped naked and kept in this state throughout the 12 days or so that they spent at the DRS base. On several occasions, they were reportedly beaten with batons and plastic pipes and also tortured by the so-called *chiffon* method, in which a rag is forced into the mouth and dirty water, containing detergent and other impurities, is poured through it.

Human rights defenders

Human rights activists were harassed and intimidated during the year by the Algerian authorities. Some were brought to trial

on apparently politically motivated charges. Others, including lawyers and relatives of the "disappeared", received threats, including death threats, from members of the security forces or people believed to be security agents.

☞ Mohamed Smain, President of the Relizane branch of the *Ligue algérienne de défense des droits de l'homme* (LADDH), Algerian League for the Defence of Human Rights, was sentenced to one year in prison in February on charges of defamation, after raising questions in the press relating to the state's involvement in serious human rights violations. At the end of the year he was at liberty pending the outcome of an appeal to the Supreme Court.

☞ Abderrahmane Khelil, an LADDH member in Algiers and an activist in the *Comité SOS-Disparus*, a committee working on the issue of the "disappeared", and his friend, Sid Ahmed Mourad, were each given a six-month suspended prison sentence in May for undertaking research into the circumstances surrounding the arrests of university students in the lead-up to the May legislative elections. The two men were sentenced on the vague charge of "inciting an unarmed gathering".

Prison conditions

Some 50 prisoners died and around 100 were injured after fires broke out in separate incidents inside 12 prisons in April and May. The head of the official human rights body, the *Commission nationale consultative de promotion et de protection des droits de l'homme* (CNCPPDH), National Advisory Commission for the Promotion and Protection of Human Rights, called for investigations to take place into allegations that the high death tolls were due to inhumane prison conditions, including gross overcrowding. The Justice Ministry said it had opened an inquiry into the events, but no findings had been made public by the end of the year.

Failure to establish truth and justice

The head of the CNCPPDH made repeated statements during the year about the need for investigations into human rights abuses and pledged, in particular, that the problem of the "disappeared" would be resolved before the end of the year.

However, no concrete action was known to have been taken by the authorities to clarify the fate of some 4,000 men and women who "disappeared" after arrest by members of the security forces or state-armed militias between 1993 and 2000. Similarly, no steps were known to have been taken to investigate information provided by families about the alleged burial place of relatives who had been abducted and killed by armed groups, but whose bodies were never found.

The gendarme accused of shooting dead schoolboy Massinissa Guermah inside a gendarmerie in Kabylia in April 2001 was sentenced to two years' imprisonment for "manslaughter" by a military court in October. The shooting had sparked off a wave of protest demonstrations in the region. However, by the end of the year, only a very limited number of judicial proceedings were known to have been started against those responsible for the unlawful killings of more than 100 unarmed citizens in the context of demonstrations in the region, despite the authorities'

repeated announcements that the security force personnel involved would be brought to justice. An official commission of inquiry had concluded in 2001 that the security forces had repeatedly resorted to excessive use of lethal force during the demonstrations.

No full, independent and impartial investigations were carried out into the mass human rights abuses committed since 1992, including thousands of cases of extrajudicial executions, deliberate and arbitrary killings of civilians, torture and ill-treatment, and "disappearances". In the overwhelming majority of cases, no concrete measures were known to have been taken to bring to justice those responsible for human rights abuses committed by the security forces, state-armed militias or armed groups in 2002 or previous years.

International organizations

The UN Working Group on Enforced or Involuntary Disappearances, which had asked in 2000 to visit Algeria, had not been granted access to the country by the end of 2002. Long-standing requests by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and the UN Special Rapporteur on torture to visit Algeria had not resulted in invitations by the end of 2002. The UN Special Rapporteur on freedom of religion or belief visited the country in September.

In October, when giving its assent to the Association Agreement between the European Union and Algeria signed in April, the European Parliament passed a resolution which expressed serious concern about different aspects of the human rights situation in the country, including impunity, killings and "disappearances".

The International Committee of the Red Cross (ICRC) continued prison visits, resumed in 1999.

AI country reports/visits

Report

- Algeria: When token gestures are not enough – human rights and the Algeria-EU accord (AI Index: MDE 28/007/2002)