

## Eighth session of the UN Human Rights Council, 2-20 June 2008

### Review of Algeria under the Universal Periodic Review: Amnesty International's reflections on the outcome

Amnesty International welcomes the recommendations made by several states to Algeria, including to implement measures to protect detainees from torture and cruel, inhuman or degrading treatment; to cooperate with the Special Rapporteurs on torture and on extrajudicial, summary or arbitrary executions; and to take into account the concluding observations of the Human Rights Committee. The organization regrets, however, that there were no recommendation to investigate the gross human rights abuses of the 1990s, including the enforced disappearances of thousands of persons, and none either to ensure that the 2006 decrees implementing the Charter for Peace and Reconciliation do not provide impunity for such abuses.

Amnesty International has serious concerns about a persistent pattern of secret detention and torture by the Department for Information and Security (DRS)<sup>1</sup> in the context of counter-terrorism measures. Detainees appear to be routinely held in military barracks under the control of the DRS, which are not officially recognized places of detention. They are not allowed access to independent medical assistance or communication with their relatives, nor are they informed of their right to be assisted by a lawyer of their own choosing. Human rights lawyers, who have exposed systematic human rights violations in terrorism-related cases, including the use of torture and the denial of fair trials, have been prosecuted on spurious charges. One such example is the case of human rights lawyer Amine Sidhoum who received a suspended six months sentence for bringing the judiciary into disrepute on 13 April, the day before the consideration of Algeria under the Universal Periodic Review.

Torture and other ill-treatment of detainees suspected of terrorist activities continue to be committed after more than a decade of violence, sparked by the cancellation in 1992 of the multi-party elections which the Islamic Salvation Front (*Front Islamique du Salut*), an Islamist political party, was widely expected to win. The vast majority of the abuses committed by both armed groups and state security forces have not been investigated. The resulting impunity has been further entrenched by amnesty laws introduced in 2006, which provide exemption from prosecution or release of those convicted of or charged with certain terrorism-related offences, and complete impunity for state security forces responsible for thousands of enforced disappearances, torture and extra-judicial executions. Article 45 of Law 06-01 of 27 February 2006 appears to grant a blanket amnesty from prosecution to officials who may have been involved in torture or other ill-treatment, and Article 46 criminalizes criticism against the security forces and may be interpreted as penalizing complaints of torture against state agents.

Testimonies obtained from victims, their families and human rights activists indicate that members of the DRS were responsible for systematic torture and extrajudicial executions of alleged sympathizers of the Islamic Salvation Front during the 1990s. Amnesty International has also received numerous reports of individuals who disappeared while held at secret detention centres operated by the DRS. The families of the disappeared have contacted the police, gendarmerie and the security forces; they have presented their case to the judicial authorities demanding that investigations be opened, and they have filed complaints in court on the grounds

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<sup>1</sup> *Département du Renseignement et de la Sécurité*, DRS), an intelligence agency which specializes in interrogating individuals who are believed to have information about terrorist activities

of arbitrary detention. However, the justice system has mostly failed to provide satisfactory answers to the families and there has been no progress in investigations.

Amnesty International is also concerned about discrimination against women in the Family Code and about continuing reports of violence against women. Hundreds of women were raped by members of armed groups during the internal conflict. Many continue to suffer physical and mental trauma generated by the sexual violence and the social stigma attached to rape; yet there have been hardly any prosecutions of members of armed groups on charges of rape.

Violence against women in the family is prevalent. The authorities have acknowledged this, but have failed to take effective measures to protect women from such violence. Domestic violence, including marital rape, is not explicitly recognized as a criminal offence.

Amnesty International calls on Algeria to take immediate steps to ensure that officers of the DRS, who routinely violate legal safeguards in relation to arrest and detention, no longer exercise such functions; to open full, independent and impartial investigations into all reports of enforced disappearance, secret detention, torture and violence against women, and bring to justice those responsible for such violations; and to repeal laws that discriminate against women and to criminalize acts of domestic violence, including marital rape.