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AMNESTY INTERNATIONAL'S CONCERNS RELATING TO ASYLUM-SEEKERS FROM ALGERIA

Since the imposition of a state of emergency in Algeria at the beginning of 1992, over 3,000 people have died as a result of political violence in Algeria. They have been killed by the security forces and by armed Islamist opposition groups. Both extrajudicial executions by the security forces and deliberate and arbitrary killings by armed Islamist opposition groups continue to increase. Islamist groups have deliberately killed scores of civilians and killed hundreds of members of the security forces, many of them while *hors de combat* after they were captured or incapacitated by wounds.

Even according to official figures the number of those killed by the security forces far exceeds the number of civilians killed by the opposition groups. Moreover, the number of those killed by the security forces is reported to be substantially greater than the official figures. Although the Algerian authorities state that those killed by the security forces have been killed in the context of armed conflict, extrajudicial executions have become increasingly widespread. Many of those extrajudicially executed are killed in revenge at the killings of members of the security forces.

The Algerian authorities are also responsible for other human rights violations, such as widespread torture and ill-treatment of detainees held in prolonged incommunicado detention, arbitrary arrests, administrative detention without charge or trial, unfair trials, death sentences and executions.

With regard to those targeted by armed Islamist opposition groups, in the first year after the imposition of the state of emergency those targeted were generally police officers and other members of the security forces. Over 1,000 members of the security forces have been killed, either in armed clashes or in attacks and ambushes, in many cases when they were off duty either in their own homes or in the street. More recently, especially since the state of emergency was renewed at the beginning of 1993, civilians playing no part in the conflict have increasingly been the targets of such attacks. Among those who have been killed have been civil servants (such as the officials who were appointed in the place of FIS [*Front Islamique du Salut*, Islamic Salvation Front] mayors who were dismissed after the FIS was dissolved in March 1992), journalists and other intellectuals (including many who were known for their opposition to the political agenda of the armed Islamist opposition groups), and other ordinary citizens, including moderate Islamists, who may have been perceived as supporters of the government. Many of the civilians and members of the security forces killed had previously received death threats by letter or telephone, or by having their names on "hit lists" which are often put up in mosques and other public places. Most recently, foreign nationals in Algeria have also been targeted.

An ostensibly civilian anti-Islamist organization (*Organization des Jeunes Algeriens Libres*, OJAL) was set up in the summer of 1993, but there are reports that it may be set up or controlled by the security forces. The OJAL has vowed to revenge the killings of secularist civilians by "lex talionis" (an eye for an eye), and has claimed responsibility for killing, kidnapping and torturing Islamist civilians. In March the OJAL announced that it would increase its attacks on Islamists and said it would kill 20 veiled women and 20 bearded men for every woman killed for not wearing the *hijab*. At the end of March, soon after the killing of a teenager, reportedly because she refused to wear the *hijab*, two veiled teenagers were shot dead at a bus stop in the east of Algiers.

This pattern of killings calls into question whether the Algerian authorities are in a position to provide effective protection to those who are targeted by armed Islamist opposition groups. Among those who are most likely to be targeted are civil servants, journalists, intellectuals and others who have made

known their opposition to the political agenda of the armed Islamist opposition groups. Moderate Islamists who oppose the policies of the armed Islamist opposition groups are also likely to be at risk. In recent months the threat from armed Islamist groups has extended to civilians in certain professions, such as teachers of the French language, and women who do not wear Islamic dress or who travel on public transport. In some cases the actions of the government have been such that those targeted are prevented from taking steps to reduce the risks to themselves. For example, over the past year in many instances the government has repeatedly refused to accept resignations tendered by the officials appointed in the place of elected FIS mayors. In recent months government officials, including the former Prime Minister, and leaders of secularist political parties have increasingly been calling on civilians to organize themselves, including by taking up arms, to react to the threat of armed Islamist groups. It thus appears that the authorities are effectively acknowledging the limits to the protection they can provide for civilians against the threat from armed Islamist groups. This is borne out by the continuous increase in the incidence of killings over the past two years which the authorities have apparently not been in a position to prevent.

Those fleeing Algeria and seeking protection abroad include people who, if returned, would be at risk of human rights violations by the security forces and those who would be at risk of being killed by armed opposition groups. In all cases where asylum-seekers would be at such risk if returned, Amnesty International calls on governments to fully observe their obligations under the international principle of *non-refoulement*, set out in the 1951 Convention relating to the Status of Refugees:

"No Contracting State shall expel or return (*refouler*) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

The authorities in countries where Algerians seek asylum should take account also of similar provisions in Article 3 of the Convention Against Torture: "No State Party shall expel, return ("*refouler*") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture"; Principle 5 of the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions: "No one shall be involuntarily returned or extradited to a country where there are substantial grounds for believing that he or she may become a victim of extra-legal, arbitrary or summary execution in that country", and Article 8 of the UN Declaration on the Protection of All Persons from Enforced Disappearance: "No State shall expel, return ("*refouler*") or extradite a person to another State where there are substantial grounds to believe that he would be in danger of enforced disappearance".

This principle of *non refoulement* should be applied to those from opposition groups who may face torture, extrajudicial execution or "disappearance" at the hands of the Algerian security forces, as well as to those who would be at risk of deliberate or arbitrary political killings by armed opposition groups and for whom the government is not in a position to provide protection. On this point, the UNHCR *Handbook on Procedures and Criteria for Determining Refugee Status*, in identifying various forms of persecution which should lead to the granting of refugee status, states:

"Persecution is normally related to action by the authorities of a country. It may also emanate from sections of the population that do not respect the standards established by the laws of the country concerned. ... Where serious discriminatory or other offensive acts are committed by the local populace, they can be considered as persecution if they are knowingly tolerated by the authorities, or if the authorities refuse, or prove unable, to offer effective protection."

Amnesty International calls on the authorities in countries where Algerians seek asylum to take full account of these points when examining the claims of asylum-seekers who state that they are at risk from the authorities or that they would be targeted for killing by opposition groups in Algeria.