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Algeria: Investigate and prosecute attacks against women

Urgent action is needed by the Algerian authorities to investigate a series of attacks against women and to bring the perpetrators to justice, Amnesty International said today. In a letter sent today to Algeria's Minister of Justice, the organization has expressed its deep concern over the reported attacks in the town of Hassi Messaoud, and has called on the Algerian authorities to send a clear signal that they do not tolerate violence against women.

Over the past two months, women living in Hassi Messaoud – an oil-rich area 627km south-east of Algiers – in the “36 dwellings” and “40 dwellings” areas, are reported to have been the target of a spate of attacks by groups of unidentified young men. The attacks allegedly take place at night, when the groups (usually composed of five to six people) forcibly enter the homes of women, apparently in order to rob them. Women caught by the groups have been physically assaulted, including with knives, and have had their cellular phones and jewellery taken from them. There are also reports that some women have been sexually abused, including by being disrobed and verbally insulted, such as being called “prostitutes”.

Amnesty International is particularly alarmed that the attacks appear to have deliberately targeted women. Most of the women attacked had come to Hassi Messaoud to find work and either live alone, with other female relatives or with their children. There are concerns that single women are being targeted not just because they are women, but because they are living alone and are economically independent. It has been reported that the attacks were also motivated by the perceived failure of law-enforcement officials to provide effective protection and prosecute perpetrators.

The attacks are reported to have escalated in the past few weeks: in one night on 8-9 April at least five homes were raided in the neighbourhood known as “36 dwellings”. Following the incident, a number of the women attacked approached the local police station to file complaints. After news of the attacks was made public by an article in the *El Watan* newspaper by Salima Tlemcane published on 11 April, the officials are said to have called back at least one woman as part of an investigation. It has also been reported that since 12 April members of the security forces have been deployed nightly to monitor the situation.

In its letter, Amnesty International has welcomed the efforts already made by the authorities, but has stressed that any investigation must be prompt, independent and impartial. Amnesty International has called for those found to be responsible to be brought to justice in proceedings meeting international fair trial standards. The organization has also stressed that the women subjected to the attacks ought to be provided with an effective remedy, including access to any counselling and health and social services they might require. The authorities also have a responsibility to ensure that all complainants, witnesses, and their families are protected from violence, threats of violence or any other form of intimidation that may arise pursuant to the investigations. Furthermore, the authorities need to clearly state women should be free from violence or the threat of violence regardless of their marital status.

Finally, Amnesty International has again called on the Algerian authorities to uphold international human rights law and standards with respect to combating violence against women. To this end, strong public

condemnation of the violence is needed by the authorities, as recommended by Article 4 of the Declaration on the Elimination of Violence against Women. The declaration further calls on states to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the state or by private persons.

Under the International Covenant on Civil and Political Rights, the Algerian authorities are also obliged to ensure that subjects of such violence receive an effective remedy, regardless of whether the violation has been committed by persons acting in an official capacity or by private individuals. As stated by the Human Rights Committee in its General Comment No. 31: “the positive obligations on States Parties to ensure Covenant rights will only be fully discharged if individuals are protected by the State, not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities that would impair the enjoyment of Covenant rights in so far as they are amenable to application between private persons or entities”.

The committee added: “There may be circumstances in which a failure to ensure Covenant rights as required by article 2 [of the ICCPR] would give rise to violations by States Parties of those rights, as a result of States Parties’ permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities”.

Amnesty International remains particularly concerned that the Algerian authorities have yet to fully implement the 2005 recommendation of the Committee on the Elimination of Violence against Women, which urged “the State party to give high priority to the formulation and adoption of legislation on violence against women”. The committee recommended that the Algerian authorities “implement measures to prevent all forms of violence against women, including domestic violence, through education and awareness raising for law enforcement officials, the judiciary, health providers, social workers and the general public”. It also recommended the introduction of measures to provide medical, psychological and legal assistance to those subjected to violence.

Amnesty International echoes the call for the Algerian authorities to adopt “a zero tolerance strategy in investigating and prosecuting all cases of violence against women”, made in 2007 by the Special Rapporteur on violence against women, its causes and consequences.

Background

These latest series of incidents in Hassi Messaoud brings to light the importance of adequately addressing incidents of gender-based violence in order to ensure non-repetition of violations and to break the culture of impunity for abuses against women. Amnesty International has called on the Algerian authorities on numerous occasions to adequately address the incidents which took place in Hassi Messaoud in July 2001, when a group of women were attacked by some 300 men. The majority of the women attacked were subjected to sexual assaults, some were raped and three gang-raped. Some women were stabbed with knives on their face or body; others were burned. To the best knowledge of Amnesty International, only one man was convicted of rape, and subsequently sentenced to eight years. No one was prosecuted for other sexual assaults.

In Algeria, there is an absence of legislation to adequately address violence against women. Under Algerian law, rape is punishable by up to 10 years’ imprisonment, but it is not defined. Forms of sexual violence other than rape are not defined either by the Algerian Penal Code, but can be considered under indecent assaults.

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