

ALGERIA: PROGRAMME OF ACTION TO END HUMAN RIGHTS CRISIS

Open Letter to all governments from the Secretary General of Amnesty International

The UN Commission on Human Rights (UN Commission) opens in Geneva on 16 March 1998. This year marks the 50th anniversary of the Universal Declaration of Human Rights as well as the five year review of the Vienna Declaration and Programme of Action. The forthcoming UN Commission will be an important test of the commitment of all governments to uphold the guarantees set out in these documents.

Amnesty International is calling on all governments, and in particular those states who are members of the UN Commission, to take immediate and effective action on the acute situation of human rights in Algeria. An estimated 80,000 people have been killed since the start of the conflict in 1992 by security forces, armed groups which call themselves "Islamic groups", and more recently by militias armed by the state.

In October 1997¹, Amnesty International and other non-governmental organizations urged the international community to establish an international investigation into massacres and abuses by all parties to the conflict. In the five months which have followed, some 2,000 people have been killed in Algeria. At the end of December 1997 and the beginning of January 1998, hundreds of men, women and children were shot, slaughtered, decapitated, hacked to death and burned alive by groups of assailants who fled the area after the killings. On 30 December 1997, some 300 people were killed in villages in the western province of Relizane, and on 11 January 1998 more than 100 people were massacred in Sidi Hamed, south of Algiers.

According to the Algerian authorities all those who have been killed since the start of the conflict have been victims of "terrorist" attacks or were themselves "terrorists" who were killed by security forces in the context of armed conflict. It is true that armed groups who define themselves as "Islamic groups" have killed thousands of civilians in both targeted and random attacks, often with unspeakable brutality. Such groups have also issued death threats against civilians, have been responsible for abductions and have subjected their victims to torture, including rape. However, the monopoly on violence is not theirs alone.

¹See AI Index: MDE 28/25 /97, joint appeal by Amnesty International, International Federation for Human Rights, Human Rights Watch and Reporters sans frontières

The Algerian security forces have increasingly violated human rights, including extrajudicially executing individuals and groups, sometimes in their homes and in front of their families. Other victims of the security forces include people who have been killed in detention after having been arrested, detainees who have been subjected to the widespread practice of torture, and hundreds - possibly thousands - of people who have "disappeared" into secret detention after having been arrested. To date not a single investigation is known to have been carried out to shed light on any of these cases of extrajudicial executions, torture and "disappearance".

The civilian population has been increasingly trapped in a spiral of violence, which has affected all sectors of society, but in particular, the poor and most vulnerable. The policies of the Algerian Government over the past three years to arm civilians and encourage the establishment of militia groups has not helped to reduce the level of violence. It has further drawn the civilian population into the conflict and undermined the rule of law.

Yet member states of the UN have failed to propose and implement any measures to find solutions to this tragedy, despite repeated recognition of the severity of the situation by UN officials such as the Secretary-General, the High Commissioner for Human Rights and the High Commissioner for Refugees and by some governments. The recent mission by the European Union Troika² failed to secure an assurance from the Algerian Government that two UN Special Rapporteurs³ would be urgently granted access to the country. The Organization of African Unity (OAU) has failed to develop and lead a regional response to the serious human rights situation in Algeria. Indeed, it is not even on the agenda of the ministerial meeting of the OAU which is currently taking place⁴.

Amnesty International continues to believe that an international investigation into the massacres and wide range of gross human rights abuses by all parties to the conflict would be an essential starting point for finding solutions to this crisis. The UN Commission can and should recommend a programme of action which fulfils the tasks of an inquiry and ensures that the human rights situation in Algeria is under constant and public scrutiny leading to recommendations for a long term human rights plan. The programme of action should comprise the following components:

(a) **The appointment of a Special Rapporteur on Algeria.** The human rights situation in Algeria requires urgent, in-depth and sustained scrutiny. The appointment of a country rapporteur would go some way to meeting this demand. The UN Commission must swiftly appoint a person who fulfils the highest criteria of expertise in human rights investigations, independence and impartiality. This post would be the focal point for action by a range of experts and would ensure constant and public scrutiny. The Special Rapporteur should issue frequent and public reports and report to the UN General Assembly as well as to the UN Commission.

²The Troika comprises past, present and future presidencies, currently Luxembourg, United Kingdom and Austria. The Troika visit took place on 19-20 January 1998.

³The Algerian Government had previously agreed in principle to on-site visits by the UN Special Rapporteurs on summary, arbitrary or extrajudicial executions and on torture. During and following the Troika visit, the government refused to allow these visits to proceed.

⁴The OAU Council of Ministers meeting is being held in Addis Ababa, Ethiopia from 23-27 February 1998.

(b) **Support by thematic mechanisms and technical experts for the Special Rapporteur.** The scale of the problems in Algeria is too large and complex to be dealt with adequately by one expert. The Special Rapporteur on Algeria should be expressly mandated to co-operate and co-ordinate with relevant thematic mechanisms of the UN Commission. His or her work should also be expressly supported by technical experts, including from outside the UN, such as forensic specialists.

(c) **Urgent on-site mission.** The first and most pressing priority for the Special Rapporteur would be to carry out an on-site mission. The UN Commission should instruct the Special Rapporteur, as a matter of urgency, to conduct a joint on-site mission with at least the Special Rapporteurs on summary, arbitrary or extrajudicial executions and on torture, and with the support of relevant technical experts. The UN Commission should request the joint mission to be carried out and a first report circulated to all members of the UN Commission within two months of the appointment of the Special Rapporteur.

The on-site investigation should focus primarily on establishing the facts surrounding, and responsibility for, the massacres and other gross human rights abuses. The report should include recommendations for further on-site investigations and additional action by the UN Commission and other parts of the UN, including development of a long term human rights strategy for Algeria. Member states should ensure that these proposals are implemented.

(d) **The UN High Commissioner for Human Rights** will have a key role to play in co-ordinating action by the UN Commission's experts on Algeria, as well as ensuring the integration of activities of relevant UN agencies and departments.

(e) **Resources.** It is essential that the work of the Special Rapporteur on Algeria, supported by thematic and technical experts, be properly resourced. The programme of action must not flounder in the face of financial insecurity or a lack of political will.

The consequences of six years of human rights atrocities and continuing widespread abuses can no longer be ignored by the international community. Tens of thousands of people have already been killed, tortured and "disappeared". Children are orphaned, women and girls raped and sexually abused. Families are fleeing their homes, their communities and their country in fear for their safety. The UN Commission cannot remain silent in the face of this horror. It must urgently and effectively promote and protect the human rights of the people of Algeria, and it must do so now.

Yours sincerely,

Pierre Sané
Secretary General