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ALGERIA: LEGACY OF IMPUNITY THREATENS FUTURE

AMNESTY INTERNATIONAL



UP TO 200,000 PEOPLE WERE KILLED DURING THE INTERNAL CONFLICT THAT RAVAGED ALGERIA IN THE 1990s, ACCORDING TO OFFICIAL ESTIMATES. THOUSANDS OF PEOPLE VANISHED AFTER ARREST, VICTIMS OF ENFORCED DISAPPEARANCE. OTHERS WERE TORTURED. MANY WOMEN WERE RAPED OR ENSLAVED.

BACKGROUND

Algeria's internal conflict was sparked by the cancellation of the 1992 legislative elections, which were expected to be won by the Islamic Salvation Front (Front Islamique du Salut, FIS). A state of emergency was declared, the FIS was banned and the President resigned.

Seeking to claim the electoral victory of the FIS by means of violence, armed groups targeted state institutions and then civilians. They committed widespread abuses, including massacres of civilians, abductions, rape and other torture. Algerian authorities played a major role in escalating the violence. Security forces and state-armed militia were responsible for the disappearance of thousands of people, mostly men, as well as unlawful killings, arbitrary detention and torture on a vast scale.

Although the conflict has subsided, survivors and relatives of the victims continue to suffer because of the government's failure to address adequately the legacy of grave human rights abuses committed by armed groups and the security forces. That failure is also undermining hopes for genuine national reconciliation and lasting peace.

Today, partly as a result of sweeping amnesty measures that have entrenched impunity, the security forces continue to violate human rights without fear that they will be held to account for their actions. Among those targeted are people suspected of terrorism-related offences.

In addition, the courageous women who refuse to give up their fight for truth and justice for their sons, brothers or husbands who died or disappeared in the conflict face intimidation and harassment in an attempt to silence them.

HIGH PRICE OF IMPUNITY

Amnesty measures championed by President Abdelaziz Bouteflika, in power since 1999, were presented as positive steps to "turn the page" on the "national tragedy". However, denying truth, justice and reparation to the victims and their families means that perpetrators of grave human rights abuses can carry on committing such crimes without fear of punishment.

Ordinance No.06-01 of February 2006 implements the Charter for Peace and National Reconciliation that was approved by referendum in September 2005. The Ordinance granted blanket immunity from prosecution to security forces and state-armed militia, and broadened the terms of previous amnesties to members of armed groups.

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A protest by families of the disappeared in front of the National Advisory Commission for the Promotion and Protection of Human Rights, Addis Abeba Square, Algiers, on 1 November 2008, Algeria's national day.

CAMPAIGNERS TARGETED

Activists and families of victims of enforced disappearances continue to demand truth and justice despite threats. Women have been at the forefront of this struggle. Louisa Saker, for example, whose husband disappeared after arrest in 1994, was convicted in 2008 of participating in an unauthorized march after she demonstrated with families of the disappeared in Constantine in eastern Algeria. She remains undaunted.

"Anyone who, by speech, writing, or any other act, uses or exploits the wounds of the national tragedy to harm the institutions of the Democratic and Popular Republic of Algeria, to weaken the state, or to undermine the good reputation of its agents who honourably served it, or to tarnish the image of Algeria internationally, shall be punished by three to five years in prison and a fine..."
Article 46 of Ordinance No.06-01

AMINE SIDHOUM


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Human rights lawyer Amine Sidhoum has been judicially harassed, apparently because he has defended terrorism suspects. In 2008 he received a six-month suspended prison sentence for "bringing the judiciary into disrepute". He was apparently misquoted in a newspaper article on the detention of a client.

ATHMAN HOUMEL AND ALI LAKHDAR-CHAOUCH


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Athman Houmel was arrested on 25 February 1996 at his parents' home in Cheraga, near Algiers. He was 23 and working in his father's business. Ali Lakhdar-Chaouch (*pictured*) was arrested on 1 April 1997 at Kouba hospital in Algiers, where he worked as an orthopaedic surgeon. He was 27 and had no political affiliations.

These two young men were among many people who were never seen again after their arrest. Their distressed families, like many other relatives of victims of enforced disappearance, wrote to the President, government ministers, the judicial authorities and the official human rights body pleading for information and intervention, but without success.

Instead of responding to the families' pleas, the authorities offered families financial compensation under Ordinance No.06-01 on condition that they presented a death certificate. Many refused out of principle, others out of fear that accepting would close the door on the possibility of genuine investigations taking place and of perpetrators being brought to justice.

‘THEY TOOK MY FOUR SONS AND MADE THEM LIE FACE DOWN AND SHOT ALL FOUR OF THEM IN THE BACK OF THE HEAD AND KILLED THEM. MY HUSBAND PANICKED AND STARTED TO SCREAM AND THEY SHOT HIM IN THE FACE AND KILLED HIM…’

A woman speaking to Amnesty International about the killing of her sons and husband in May 1996



UNLAWFUL KILLINGS

The wave of killings that engulfed Algeria shattered families from all walks of life. The majority of those killed were not members of armed groups or the security forces, but civilians simply trying to survive the mayhem.

At first, armed groups targeted people they suspected of supporting the authorities. Later, they also carried out indiscriminate attacks, bombing markets, cafés and other public places. Sometimes, they massacred hundreds of men, women and children in a single night.

Meanwhile, the security forces and state-armed militia shot dead unarmed civilians in their homes. They summarily executed people, sometimes parading their bodies, sometimes mutilating them. They tortured people to death. They were also said to have stood by and done nothing as villagers were slaughtered.

Attempts by the authorities to conceal evidence of massacres and their refusal to investigate properly the killings mean that the true death toll is not known. For example, in January 2004 human remains were exhumed without any precaution from a mass grave in Relizane, western Algeria, in an apparent attempt to conceal or destroy evidence discovered a few months earlier by Mohamed Smain, a local human rights activist. In 2007, he was sentenced to two months in prison for “denouncing imaginary crimes”. More than 200 civilians had disappeared around Relizane at the hands of a state-armed militia between 1993 and 1998.

Meanwhile, the amnesty measures granted immunity from prosecution to members of armed groups who committed murders of a non-collective nature. In 2007 the authorities said that over 7,000 individuals had benefited from “pardons and the discontinuation of criminal proceedings” in the framework of the 2006 Ordinance. However, the details of the beneficiaries, the process used, the number of people brought to justice after surrendering and the number of those who were acquitted or convicted and for what crimes remain unconfirmed.

“No legal proceedings may be initiated against an individual or a collective entity, belonging to any component whatsoever of the defence and security forces of the Republic, for actions conducted for the purpose of protecting persons and property, safeguarding the nation or preserving the institutions of the Democratic and Popular Republic of Algeria. The competent judicial authorities are to summarily dismiss all accusations or complaints.”

Article 45 of Ordinance No.06-01



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Left: **Mohamed Smain holds up clothes identified as belonging to a victim of enforced disappearance – Abed Saidane (*above*) – at the mass grave in Sidi Mohamed Benaouda, Relizane, November 2003.**

"[Algeria should] ensure that no pardon, commutation or remission of sentence or termination of public proceedings is granted in respect of any person, whether a State official or member of an armed group, who has committed or commits serious human rights violations such as massacres, torture, rapes and disappearances, that a thorough and exhaustive inquiry is conducted by the competent judicial authorities, into other violations and that the courts are able to examine the crimes of which these persons are allegedly guilty before any decision on a pardon, commutation or remission of sentence or termination of public proceedings is taken."

UN Human Rights Committee, concluding observations on Algeria, December 2007

WOMEN, RAPE AND INJUSTICE

Women have endured and continue to endure gender-specific abuses, including rape and enslavement. The authorities have failed to investigate these abuses or provide rehabilitation services to survivors, even though many are still suffering physically, mentally and often socially because of their ordeals.

In 2008 the UN Special Rapporteur on violence against women, its causes and consequences, expressed her concern that victims of sexual violence during the internal conflict had not received adequate redress. She called on the Algerian authorities to establish an independent commission to investigate acts of sexual violence committed during the conflict, identify and bring perpetrators to justice, and provide women victims of sexual violence with prompt and adequate compensation.

'FAMILIES OF THE DISAPPEARED ARE VICTIMS OF A DOUBLE INJUSTICE: THEY TAKE YOUR MOTHER AND THEN THEY FORCE YOU TO SHUT UP.'

Abdelkader, whose mother Douia Gat Benaziza disappeared after arrest in 1996



People run past the scene of a car bomb attack near the Prime Minister's headquarters in central Algiers, 11 April 2007.

TORTURE CONTINUES

The Department for Information and Security (Département du renseignement et de la sécurité, DRS), formerly known as the Military Security, continues to violate human rights with impunity in the name of security. This is part of the price Algerians are paying for the government's failure to address the violations committed by the DRS in the 1990s, including torture and enforced disappearances.

In May 2008 the UN Committee against Torture called on the Algerian authorities to: put DRS-run places of detention under the control of civilian authorities; respect the maximum 12-day period of pre-arraignment (*garde à vue*) detention; grant detainees access to lawyers, their families and independent medical examinations; and investigate all allegations of torture and bring those responsible to justice. The authorities appear to have ignored these recommendations.

ATTACKS BY ARMED GROUPS

The al-Qa'ida Organization in the Islamic Maghreb is reported to be the main remaining active armed group and claims responsibility for attacks on both civilians and military personnel and installations.

Amnesty International unreservedly condemns deliberate attacks against civilians and indiscriminate attacks, which show a complete disregard for the right to life. It has repeatedly issued such condemnations, including following bomb attacks in Issers and Bouira in August 2008, and in Algiers and Batna in 2007.


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'...AMNESTIES OR OTHER IMPEDIMENTS WHICH PRECLUDE OR INDICATE UNWILLINGNESS TO PROVIDE PROMPT AND FAIR PROSECUTION AND PUNISHMENT OF PERPETRATORS OF TORTURE OR ILL-TREATMENT VIOLATE THE PRINCIPLE OF NON-DEROGABILITY.'

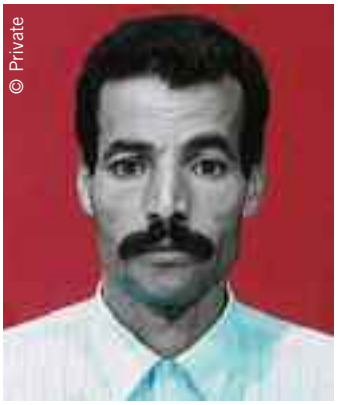
UN Committee against Torture, General Comment No. 2, 24 January 2008

ABDERHAMANE MEHALLI

Abderhamane Mehalli was arrested at his home in Algiers on 26 December 2006 by a group of plain-clothes security officers, believed to include members of the DRS. He was held incommunicado for 11 days at an undisclosed location thought to be the Antar barracks of the DRS in Algiers.

On 6 January 2007 he was brought before an investigative judge in Algiers and charged with terrorism-related offences. He appeared to be ill and distressed, and told the judge that he had been tortured but dared not say more for fear of being taken back to the DRS barracks. In December 2008 he was sentenced to four years' imprisonment. No investigation took place into his torture allegations.

MOUSSA RAHLI


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Moussa Rahli, a 43-year-old construction worker and father of four children disappeared on 17 March 2009 after he was arrested at his home in the commune of Ouled Aïssa, Boumerdes province, east of Algiers. The plain-clothes security agents who arrested him said he would be interrogated and released. It took his family 50 days to find out he was detained at a military barracks in Blida, south of Algiers. His parents and wife were allowed to visit him, but Moussa Rahli was not allowed to speak of his treatment after arrest. The authorities suspect him of being a car driver for armed groups.

MALIK MEDJNOUN


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Malik Medjnoun, 35, was arrested in September 1999, accused of killing the popular Berber singer Matoub Lounes in June 1998, a crime he vehemently denies. He was implicated by Abdelhakim Chenoui who later retracted his "confession", alleging that it had been made under threats of further torture.

Malik Medjnoun was secretly detained and allegedly tortured for seven months in the Antar barracks in Algiers, an unacknowledged place of detention run by the DRS. Torture methods were said to include beatings with the handle of a pickaxe all over his body, electric shocks, and the *chiffon* method whereby a rag soaked in dirty water or chemicals is stuffed into the mouth. He ended up in hospital.

In July 2006, the UN Human Rights Committee ruled that Malik Medjnoun should be tried immediately or released, that his allegations of torture should be investigated, and that the perpetrators should be brought to justice.

Meanwhile, Malik Medjnoun languishes in Tizi Ouzou prison, east of Algiers, awaiting trial nearly 10 years after his arrest and in spite of several hunger strikes to demand trial or release.

'…EFFECTIVE COUNTER-TERRORISM MEASURES AND THE PROTECTION OF HUMAN RIGHTS ARE NOT CONFLICTING GOALS, BUT COMPLEMENTARY AND MUTUALLY REINFORCING…'

UN Global Counter-Terrorism Strategy, adopted in September 2006


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President Abdelaziz Bouteflika announcing the possibility of new amnesty measures through a referendum, at an election rally in Algiers on 6 April 2009. Abdelaziz Bouteflika was re-elected for a third presidential term of five years.



For more information, see *Algeria: A Legacy of Impunity – A Threat to Algeria's Future* (Index: MDE 28/001/2009)

***Front cover:* An Algerian couple demonstrating with the families of the disappeared in Relizane, western Algeria, November 2000.**

DOUIA GAT BENAZIZA


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Douia Gat Benaziza, a widow in her late sixties, was arrested by security forces at her home in Constantine on 2 June 1996 in lieu of her son Ali. He turned himself in to the authorities and was released soon after. His mother, however, has never been seen again, despite the frantic efforts of her family to trace her.

Her son Abdelkader said that the family was denied financial compensation granted to other families of victims of enforced disappearance, reportedly because she was "too old" and not considered as the family's breadwinner.

RECOMMENDATIONS

AMNESTY INTERNATIONAL CALLS ON THE ALGERIAN PRESIDENT TO:

- Repeal laws that entrench impunity benefiting perpetrators of human rights abuses and ensure that no immunity from prosecution is granted to anyone.
- Refrain from introducing new amnesty measures for members of armed groups alleged to have committed grave human rights abuses.
- Clarify the fate of the disappeared and provide their families with an effective remedy, including truth, justice and full reparations.
- Ensure that financial support to families of victims of enforced disappearance is not conditional on the presentation of a death certificate.
- Amend laws that curtail freedom of expression and ensure that families and activists can demand truth, justice and reparation for human rights abuses.
- Investigate all allegations of torture or other ill-treatment, bring those responsible to justice and ensure that DRS officers no longer carry out arrests and detentions.
- Implement the recommendation of the UN Special Rapporteur on violence against women to establish a commission to investigate crimes of sexual violence during the internal conflict and provide adequate compensation and rehabilitation for the survivors.

AMNESTY INTERNATIONAL

Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion – funded mainly by our membership and public donations.

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