

EXTERNAL

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MEDICAL CONCERN

Killings in Serkadji Prison ALGERIA

Between 21 and 22 February 1995, at least 96 detainees were killed in Serkadji prison in Algiers following the suppression by the security forces of a mutiny. The figure of 96 dead is the official figure given by the authorities and there have been allegations that the number may have been higher. According to official and other reports, at the time of the killings Serkadji housed more than 1,500 inmates, including both pre-trial detainees and convicted prisoners. Of these, 920 were accused or convicted of "terrorist" acts on behalf of armed Islamist groups. The remaining 620 were common-law detainees or prisoners housed in a separate block. At least 80 of the detainees killed were accused under the "anti-terrorist" law and, of these, 28 were under sentence of death, 12 were serving sentences of life imprisonment, 14 were serving other terms of imprisonment, and 26 were held in pre-trial detention on charges of "terrorism". 16 of the dead were detainees held in pre-trial detention on common criminal charges. Some of the detainees killed on 21-22 February 1995 had been moved to Serkadji prison in the weeks and months prior to the incident. Moreover, the detainees under sentence of death, and most of those serving life or long prison sentences (i.e. the majority of those killed) were held in Serkadji Prison in violation of the Algerian Prison Code.¹ Among the detainees killed some had been held in prolonged pre-trial detention (in some instances since 1992) in breach of Algerian law.

To date - almost one year after the event - no independent judicial investigation has been carried out and a veil of secrecy still surrounds the circumstances in which these detainees were killed. A commission of inquiry set up at the end of March 1995 by the official human rights body, the *Observatoire National des Droits de l'Homme* (ONDH), failed to investigate the circumstances of the prisoners' deaths. No autopsies were conducted and most of the victims' bodies were buried in anonymous graves before relatives or others could see them. The Algerian Bar Association and the country's two independent human rights leagues refused to take part in the ONDH commission whose report, when it appeared, mirrored the version of events given by the Algerian authorities a few days after the incident. Amnesty International gathered information on the incident from lawyers, families of victims and other detainees, and from Algerian human rights organizations. There are serious discrepancies between the accounts of these latter sources and the ONDH report. The absence of a thorough independent and public investigation has left many questions unanswered.

¹ The Algerian Prison Codes stipulates that prisoners under sentence of death can only be imprisoned in four prisons in Algeria (The prisons of El-Asnam, Berrouaghia, Tazoult-Lambèze, and Tizi-Ouzou). Serkadji Prison is classified as a re-education establishment, for prisoners serving sentences of up to one year, or who are serving the last year of their sentence.

Amnesty International sent a delegation to Algeria on two occasions following the killings. The delegations, which visited in March and June 1995, included a doctor with long experience of investigation into human rights violations. Amnesty International's delegates were not allowed access to Sèrkadji prison, and were unable to meet government officials and the relevant judicial

authorities to discuss the matter.

Other human rights organizations attempting to gain access to the prison to conduct on-site investigations were similarly refused permission to do so.

During the first Amnesty International visit, the delegation was not provided with any pertinent documentation such as lists of the dead and injured, medical certificates, death certificates or records from morgues and cemeteries. The delegates were, however, able to visit the cemetery where they saw the un-named graves where most of the detainees were registered as buried. They also saw the cemetery register and the interment permits on which most of the detainees had been registered only as "*X Algèrien*" (Algerian - identity unknown).

Anonymous graves of detainees killed in the prison of Sèrkadji in February 1995

Accounts of the attempted escape and subsequent mutiny

According to the Algerian authorities and the ONDH, the incident began in the early morning on 21 February 1995 with the attempted escape of a small group of detainees. The Ministry of Justice stated shortly after the incident that an attempted escape could never have succeeded given the particularly high security at Sèrkadji prison. (It is surrounded by the Ministry of Defence, the Ali Khodja military barracks, the headquarters of the Gendarmerie, the Gendarmerie barracks and a Gendarmerie station.) The attempted escape was said to have been undertaken by a small group of detainees acting with the complicity of a recently-appointed prison guard who was identified by the authorities as having provided weapons (four guns, three grenades and ammunition) to the detainees. During the attempted breakout, four prison guards were killed by those attempting to escape who then opened the doors to the other detainees' cells, marking the beginning of the mutiny. Some detainees have said that the individuals who opened their cell doors on the morning of 21 February were masked, and that it was therefore impossible to identify them or to know for certain whether they were detainees.

Graves of detainees killed in the prison of Serkadji

There is on the whole no discrepancy between the official account and the accounts received from detainees and other sources that four prison guards were killed before the main body of detainees were released from their cells, and prior to the intervention of the security forces. Nor is there any real discrepancy in accounts about the fact that, after cell doors had been opened, many detainees assembled in a courtyard while others remained in the cells.

The various accounts also concur broadly on the following:

- that during negotiations between the detainees and the prison authorities, the detainees requested the presence of lawyers to witness the fact that, during the initial escape attempt, four prison guards had been killed and one detainee injured;
- that the detainees were seeking guarantees that there would be no reprisals against those who had not been party to the killing of the prison guards;
- that this request was refused by the judicial authorities present at the prison on the grounds that it would undermine the authority of the State and the detainees were ordered back to their cells;
- that the security forces intervened and began shooting at mid-afternoon on 21 February and that the incident ended after the security forces led the final assault on the morning of 22 February.

What is disputed is the exact circumstances in which at least 96 detainees were killed after the security forces intervened.

The official account of events is that during the mutiny a small group of detainees who refused to surrender took other detainees hostage, using them as human shields, killing some detainees and threatening others with death if they surrendered to the prison authorities. The official account states that the security forces intervened in the middle of the afternoon of 21 February, shooting warning shots, targeting certain armed detainees and using some live grenades. This continued until about 10 am the following morning, when the security forces led the final assault and the incident ended by about 11 am.

However, according to reports from detainees and other sources, the security forces began to fire on detainees without allowing them sufficient time to return to their cells. There are also allegations that detainees were deliberately killed by members of the security forces in the courtyard, the corridors and inside their own cells or in others' cells where they had hidden to escape the violence. Detainees and their lawyers allege that killings were deliberate and that there was both random firing and the deliberate targeting of individuals, certain detainees being shot after their names had been called out from a list. There are also allegations that after the security forces had regained control of the prison, many detainees were violently beaten in their cells and in the courtyards.

The shortcomings of the ONDH inquiry

The report of the ONDTH commission of inquiry notes that, in quelling the riot, the security forces chose not to use teargas in order not to cause suffocation in a confined space. However, the report does not explain why the security forces chose to use grenades and firearms instead. Given that the authorities and the ONDTH themselves repeatedly stated that only a small number of detainees were armed², and that these were targeted by sharpshooters from the security forces from the afternoon of the first day, it is unclear why such a disproportionately high number of detainees were killed after the intervention of the security forces (at least 96 detainees and one member of the security forces). Moreover, the total number of non-mortally wounded individuals is given as 12 and it would appear that this included five members of the security forces. This raises a number of questions concerning the very high proportion of dead to injured.

The detainees were buried before their families had been informed of their deaths, although many of the families living in or around Algiers, having learned of events from television, had contacted prison and judicial authorities, the morgue in Algiers to which the bodies had been taken, and the cemetery in which they were buried. The dead were buried in un-named graves, labelled only as "X - Algérien" (Algerian: identity unknown).

No autopsies or ballistics tests were carried out, although these could have been crucial in establishing facts about the manner in which the detainees were killed, e.g. how many were shot by weapons belonging to the security forces and at what range and how many were killed by grenades used by the security forces. This is particularly important given claims by the authorities that some detainees were killed by others, sometimes with knives. The Prosecutor General, who had been present in the prison, was unavailable to the AI delegation for comment concerning the episode.

According to the ONDTH report, its commission of inquiry enjoyed unrestricted access to the surviving detainees, to material evidence and to the scene of the incident. However, the report states that the commission of inquiry only interviewed 10 detainees (out of a total of about 1,500 detainees held in the prison), most of whom had already been shown on Algerian national television two days after the event giving an account of the incident similar to that of the authorities. Given that there had been allegations that some of these detainees had been forced to testify under duress, it is not clear why the ONDTH commission of inquiry chose not to interview a larger sample of detainees who had been witness to events.

In meetings with members of the ONDTH commission of inquiry Amnesty International delegates raised a number of questions both about the events themselves and about the conduct of the ONDTH inquiry, but were unable to obtain the necessary details.

- With regard to the hasty burial of victims without autopsy, and when asked why the ONDTH had not sought to exhume the bodies for purposes of examination, members of the ONDTH commission of inquiry stated that it was unnecessary to perform post-mortem examinations as it was known that the detainees had been shot dead. This was despite the fact that their report mentions the use of knives and grenades.

² According to the authorities, the ONDTH, and detainees, there were four guns and three grenades available to the detainees; of these one was thrown but did not explode, one exploded in the hands of a detainee, injuring him (this detainee was then said to have surrendered), and another grenade was shown on Algerian television after the event, apparently unexploded.

- When the Amnesty International delegation asked the ONDTH how many of the bodies were intact and how many showed signs of mutilation other than gunshot wounds, an ONDTH commission member responded that most had only one bullet wound to the head. When the delegates expressed surprise at this response, stating that this suggested deliberate targeting, he said that perhaps detainees had received two or three bullet wounds.
- The ONDTH commission of inquiry claimed that, prior to burial, the bodies were photographed and fingerprinted, and that descriptive medical certificates were issued for each victim. However, neither the victims' families or lawyers, nor Amnesty International or other human rights organizations have been permitted to view or obtain copies of these photographs.
- Most of the victims were recorded only as "*X-Algérien*" both on burial certificates and graveyard records and, in addition, some families were given burial permits with the same grave number as others, increasing doubts as to where their relatives are actually buried.

Lawyers acting on behalf of victims' families have from the outset made numerous requests and complaints to the courts, including requests for the incident to be investigated; for a list of the dead to be made public; for families to be allowed to see the bodies; for investigations to be opened as to why a number of the detainees were moved to Serkadji Prison before the incident and why some were detained in this particular prison in breach of the Algerian Prison Code; why the prison guard reportedly responsible for providing weapons to the detainees was appointed to Serkadji Prison shortly before the incident; why certain prison guards were appointed to certain sections without the necessary training, and why no independent observer was allowed to enter the prison to inspect the scene of events.

A year after the incident, the Algerian authorities have still not made public a list of those killed, and no thorough and independent investigation has been carried out. Such an investigation could easily have been carried out, or permitted, by the authorities, given that the incident occurred in a confined location under the control of the authorities who had full access to the bodies and to other material evidence.

This is not the first incident in which detainees have been killed in prisons in circumstances which have not been clarified. In November 1994, just three months before the Serkadji massacre, a reported prison disturbance in Berrouaghia, south of Algiers, resulted in the loss of the lives of several detainees. The authorities reported that eight inmates died, but there have been allegations that the number killed was considerably higher. As with Serkadji, no independent investigation was carried out, and the families of detainees reported to have been killed have to date been unable to discover where their relatives were buried.

Amnesty International is concerned that such incidents are allowed to occur without adequate investigation and also holds concerns about the burial of the dead without proper identification and about the failure of the authorities to provide the prompt publication of a list of victims or details of how they died.

Amnesty International urges the Algerian authorities to ensure that a full and independent investigation is now carried out, including exhumations and/or independent examination of the photographic evidence which the authorities claim exists. It is calling for the list of those killed and the results of the investigation be made public.

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MEDICAL LETTER WRITING ACTION

Killings in Serkadji prison ALGERIA

Keywords

Theme: Prison killings

Summary

In February 1995, at least 96 detainees were killed in Serkadji Prison in Algiers, when members of the security forces intervened to quell a prison mutiny. Four guards and one member of the security forces were also killed. There are allegations that many of the detainees were deliberately extrajudicially executed, even after having returned to their cells. The vast majority of those killed were detainees accused or convicted of terrorist acts. A year after the incident, no independent investigation has been carried out to establish the circumstances in which these detainees were killed, despite repeated requests for such an investigation by lawyers and families of the victims, and by Algerian and international human rights organizations.

An inquiry carried out more than a month after the killings by the official human rights body, the *Observatoire national des droits de l'homme*, (ONDH), National Human Rights Monitoring Body, failed to investigate the circumstances in which the detainees were killed.

Please see the details on the Serkadji killings attached.

Recommended Actions

Letters are requested from medical professionals to the addresses below:

- expressing concern that, a year after the incident, no adequate investigation has been carried out into the circumstances in which the detainees were killed.

- expressing concern that the detainees were buried before their families, independent doctors, or any other observers had been allowed to see the bodies; that no autopsies were carried out; and that the photographs and other evidence which the authorities claim exist have not been made available to the victims' families, their lawyers, or to human rights organizations.
- urging that access to the photographs, medical certificates and any other material evidence which may exist be promptly granted to allow independent forensic assessment.
- urging that a full, independent and public investigation now be carried out into the incident, including exhumations at which independent experts are present, in order to aid in establishing the precise cause and circumstances of the victims's death.

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