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Algeria: Time to end impunity for past and present abuses

Ten years since Ordinance 06-01 implementing the Charter for Peace and National Reconciliation was adopted with a view to putting an end to the internal conflict which had engulfed Algeria in the 1990s, Amnesty International calls once again on the Algerian authorities to take effective measures to combat impunity and ensure the non-repetition of serious human rights abuses.

Human rights abuses were committed by all parties during the 1990s internal conflict sparked by the cancellation of the 1992 parliamentary elections which the Islamic Salvation Front (*Front islamique du salut*, FIS) was set to win. According to official figures, up to 200,000 people were killed and thousands of individuals subjected to enforced disappearance. Armed groups committed widespread human rights abuses, including unlawful killings, torture, abductions and rape. Security forces and state-armed militias were responsible for extrajudicial executions and other unlawful killings, enforced disappearances, secret and arbitrary detentions as well as torture and other ill-treatment and rape. Based on its [research on Algeria since 1992](#), Amnesty International considers that the unlawful killings, enforced disappearances, torture and rape committed by the security forces, and possibly abuses committed by some armed groups, during the internal conflict may amount to crimes against humanity.

Instead of investigating these crimes and bringing those responsible to justice, the Algerian authorities adopted from 1999 onwards a series of legislative measures which entrenched impunity and denied victims, survivors and families access to truth, justice and reparation.

Institutionalized impunity

The Charter for Peace and National Reconciliation, adopted by national referendum on 29 September 2005, exempted current and former armed group members from prosecution or offered them clemency. It absolved security forces and state-armed militias from responsibility by stating that they had acted in the interest of the country and specifically denied that the security forces had been responsible for enforced disappearances, although it promised families of the “disappeared” compensation and recognition as “victims of the national tragedy”. A number of victims, families and human rights groups voiced their opposition to the Charter, fearing it would exonerate perpetrators of human rights abuses from responsibility.

Ordinance 06-01 implementing the Charter for Peace and National Reconciliation was adopted on 27 February 2006 by Algeria's Cabinet, having bypassed a debate in Parliament which was not in session. In flagrant disregard to international human rights law, the decree broadened previous partial amnesties for members of armed groups adopted in 1999-2000, provided security forces and state-armed militia with blanket immunity from prosecution and allowed for the imprisonment of any individual criticizing the conduct of security forces. It compelled families of victims of enforced disappearance to obtain death certificates in order to receive financial compensation and imposed a time limit of one year from its date of adoption to lodge a compensation claim. Organizations representing these families vehemently criticized these conditions, with some refusing to accept death certificates without proper investigations and fearing it would allow perpetrators to evade justice.

In 2007, the Human Rights Committee, the body of independent experts that monitors implementation of the International Covenant on Civil and Political Rights (ICCPR), to which Algeria is state party, expressed concern that human rights violations were committed during the 1990s internal conflict and continued to be committed with complete impunity, and that Ordinance 06-01 promoted

impunity and denied victims the right to an effective remedy. This concern was reiterated and expanded upon by the Committee against Torture in 2008. Both Committees issued a series of recommendations which the Algerian authorities have yet to adequately implement.

Amendments to the [Preamble to the Algerian Constitution](#), adopted on 7 February 2016, further entrenched a culture of impunity by proclaiming the success of the “national peace and reconciliation” process and the “will of the Algerian people to preserve it”, thereby ignoring the plight of victims and their families who oppose impunity.

A recent, though long overdue, step forward taken by the Algerian authorities is the adoption of [Decree 14-26 on 1 February 2014](#), which provides for financial compensation for women who were raped by armed groups during the internal conflict.

Peaceful dissent repressed

Impunity in Algeria continues to be fuelled by ongoing restrictions on freedom of expression, association and assembly. Current legislation also allows the Algerian authorities to resort to defamation, public insult and other [repressive laws](#) to quell peaceful dissent.

Associations representing families of victims of enforced disappearance continue to operate without legal registration, with Law 12-06 on associations promulgated in 2012 imposing further restrictions on activities, registration process and access to foreign funding.

Algerian law still requires prior authorization to hold public gatherings while an outright ban on public protests remains in place in Algiers. Although some protests by relatives of disappeared persons have been tolerated, other peaceful demonstrations and marches have been forcibly dispersed while activists continue to report harassment and intimidation.

The Algerian authorities continue to resist international scrutiny of their human rights record. Despite Algeria becoming a member of the UN Human Rights Council in 2014, the Algerian authorities have yet to agree to visits by the UN Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and the Working Group on Enforced or Involuntary Disappearances, despite repeated requests. They have also failed to grant visas to international human rights groups for several years.

Time for truth, justice and full reparation

Amnesty International believes that effective measures to combat impunity and ensure the non-repetition of serious human rights abuses are necessary to achieve genuine peace and national reconciliation.

Amnesty International calls on the Algerian authorities to repeal existing legal provisions which contribute to impunity and which criminalize public criticism of the conduct of the security forces. It further calls on the Algerian authorities to conduct full, impartial and independent investigations into all allegations of crimes under international law and, where sufficient admissible evidence exists, prosecute those responsible in fair trials without recourse to the death penalty. The fate of victims of enforced disappearances must be clarified and their families provided with an effective remedy.

The Algerian authorities must also ensure that Decree 14-26 applies to survivors of all forms of sexual violence and that survivors are afforded medical, psychological, social and other support necessary to facilitate their recovery from violence.

Amnesty International further calls on the Algerian authorities to ratify, without further delay the International Convention for the Protection of All Persons from Enforced Disappearance, which it signed in 2007.

Public document

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