

Amnesty International's 2009 annual report

28 May 2009

ALGERIA

Head of state: Abdelaziz Bouteflika

Head of government : Ahmed Ouyahiya (replaced Abdelaziz Belkhadem in June)

Death penalty abolitionist in practice

Population :34.4 million

Life expectancy :71.7 years

Under-5 mortality (m/f) :34/30 per 1,000

Adult literacy: 69.9 per cent

Terrorism suspects were detained incommunicado and subjected to unfair trials. The authorities continued to harass human rights defenders and journalists. Converts from Islam and individuals deemed to offend its tenets were prosecuted. Irregular migrants faced arrest, indefinite detention, ill-treatment and collective expulsion. Hundreds of people were sentenced to death but there were no executions. Impunity remained entrenched for members of armed groups and security forces who perpetrated grave abuses during the internal conflict of the 1990s.

BACKGROUND

According to media reports, between 60 and 90 civilians were killed in continuing political violence, many of them in bomb attacks for which a group calling itself the Al-Qa'ida Organization in the Islamic Maghreb claimed responsibility. Dozens of suspected members of armed groups were killed in skirmishes and search operations by security forces; some may have been extrajudicially executed.

In May, the UN Committee against Torture (CAT) recommended that the government take measures to combat impunity, investigate all past and present cases of torture, including enforced disappearance and rape, and ensure that Algeria's anti-terrorism measures comply with international human rights standards. However, the government took no steps in this regard.

On 12 November, parliament approved a constitutional amendment lifting the two-term limit on the presidency, paving the way for Abdelaziz Bouteflika, in power since 1999, to stand for a third term in presidential elections scheduled for April 2009.

COUNTER-TERROR AND SECURITY

The authorities, including the Department for Information and Security (DRS) military intelligence agency, continued to detain terrorism suspects incommunicado, putting them at risk of torture and other ill-treatment. Those detained included several Algerian nationals returned from other states.

"Habiba Kouider, a Christian convert from Islam, was arrested in March after police found copies of the Bible in her bag."

Rabah Kadri, an Algerian national returned from France in April, was reported to have been arrested on arrival and then held incommunicado by the DRS until he was released without charge 12 days later.

In Seven former detainees held at the US naval base at Guantánamo Bay were returned to Algeria during 2008. All were arrested and detained incommunicado upon return for periods ranging from eight to 13 days. On release, they were placed under judicial control and faced charges of belonging to terrorist groups abroad. Fourteen Algerian nationals continued to be held at Guantánamo Bay.

People suspected of subversive activities or terrorism continued to face unfair trials. Some were denied access to legal counsel while held in pre-trial detention. The courts accepted as evidence, without investigation, "confessions" that defendants alleged had been obtained under torture or other duress.

In January, Blida military prison authorities acknowledged for the first time the detention of Mohamed Rahmouni, although he had by then been held for six months. Although a civilian, he was expected to be tried before a military court in Blida on terrorism-related charges. He was not allowed access to his lawyer, who had made at least six unsuccessful attempts to visit him.

The trial of Malik Mejnoun and Abdelhakim Chenoui on charges of belonging to an armed terrorist group and of the murder of singer Lounes Matoub was postponed indefinitely in July. The two men, who had been held without trial

for over nine years, partly in secret and incommunicado detention, remained in prison at the end of the year. Both alleged that they were tortured in detention but the authorities did not order an investigation, even though Abdelhakim Chenoui said that his “confession”, which implicated Malik Mejnoun, was extracted under duress.

At least 30 detainees held on terrorism-related charges at the prison of El Harrach said they were severely beaten by prison guards in February after they refused to return to their prison ward in protest against the transformation of their prayer zone. No investigations were conducted into the allegations.

In May, the CAT urged the authorities to ensure that no detainees are held beyond the maximum period of pre-arraignment detention, to investigate reports of secret detention centres and to bring all DRS detention centres under the control of the civilian prison administration and judicial authorities.

FREEDOM OF EXPRESSION

Journalists and human rights defenders continued to face harassment. Some were prosecuted on defamation or other criminal charges for criticizing public officials or institutions.

Human rights lawyer Amine Sidhoum was convicted in April of bringing the judiciary into disrepute, in relation to comments attributed to him in a 2004 newspaper article. He was sentenced to a suspended six-month prison term and a fine. After an appeal court confirmed the conviction in November, the case was referred to the Supreme Court as a result of appeals by both the prosecution and Amine Sidhoum.

Hassan Bourras, a journalist for El Bilad newspaper, was sentenced to two months' imprisonment and fined in October after the Saida Court of Appeals upheld his conviction for defamation, imposed after he published an article about alleged corruption in the city of El-Bayadh. He remained at liberty pending a possible further appeal.

Hafnaoui Ghoul, a journalist and human rights activist with the Djelfa branch of the Algerian League for the Defence of Human Rights, faced four separate judicial proceedings for defamation and contempt after five Djelfa governorate officials complained about articles he had published in Wasat newspaper about mismanagement and corruption. The charges also related to allegations he had made about secret detention centres and torture.

FREEDOM OF RELIGION

The Constitution makes Islam the state religion but guarantees freedom of conscience. Amid indications of an expansion of evangelical Christian churches in Algeria, the authorities were reported to have ordered the closure of dozens of churches of the Protestant Church of Algeria. The Minister of Religious Affairs and Endowments denied that any “authorized” churches had been closed.

At least 12 Christians and converts to Christianity from Islam were prosecuted on charges of breaching Ordinance 06-03, promulgated in February 2006, regulating faiths other than Islam. The Ordinance criminalizes incitement, coercion or other “seductive” means to convert a person of Muslim faith to another religion and religious activities that are not regulated by the state. Several of those prosecuted were reported to have been sentenced to suspended prison terms and fined.

Habiba Kouider, a Christian convert from Islam, was arrested in March after police found copies of the Bible in her bag. She was charged with “practising a faith other than Islam without authorization”. Her trial was adjourned in May and she was reported to have been told by judicial officials that the prosecution would be dropped if she returned to Islam.

Six men were tried in June in Tiaret for allegedly breaching Ordinance 06-03. Two denied adherence to Christianity and were acquitted; the others were convicted and received suspended prison terms and were fined.

Other people were charged with “denigrating the dogma or precepts of Islam”.

Ten men were tried in two separate cases in September for publicly breaking fast during the holy month of Ramadan. Six were acquitted on appeal, having been sentenced to four years’ imprisonment and heavy fines by a lower court in Biskra. The others were sentenced to three years in prison and fined by a court in Beir Mourad Rais. The sentence was reduced to a two-month suspended prison term on appeal in November.

MIGRANTS’ RIGHTS

Thousands of Algerians and other nationals, mostly from sub-Saharan African countries, attempted to migrate to Europe from Algeria. Hundreds were intercepted at sea.

On 25 June, parliament passed Law 08-11, which regulates the entry, stay and movement of foreigners in Algeria. The law allows foreigners issued with

expulsion orders by the Interior Ministry to have their removal stayed pending appeal, but empowers governors to order deportations without any right of appeal of foreigners deemed to have entered or to be residing in Algeria illegally. This increases the risk of arbitrary, collective expulsions. The law also provides for the establishment of “waiting” centres for irregular migrants where they may face indefinite detention, and prescribes severe penalties for smugglers and any other individuals who assist foreigners to enter or remain in Algeria irregularly.

In August, the Council of Ministers approved a draft law to amend the Penal Code in order to introduce heavier penalties for the smuggling of migrants and make it a criminal offence punishable by up to six months in prison to leave Algeria illegally.

IMPUNITY

The government took no steps to address the gross and widespread human rights abuses committed by armed groups and state security forces during the internal conflict of the 1990s in which as many as 200,000 people are thought to have been killed.

In May, the CAT urged the government to amend Articles 45 and 46 of the 2006 Decree implementing the Charter for Peace and National Reconciliation (Law 06-01), which gives immunity to the security forces and allows for the punishment of victims and their families, human rights defenders and others who criticize the conduct of the security forces during the internal conflict.

ENFORCED DISAPPEARANCES

The authorities had still not investigated the fate of thousands of people subjected to enforced disappearance.

In May, a senior official stated that 5,500 families of victims of enforced disappearance had accepted compensation but that 600 others had refused, insisting that they be told the truth about the fate of their missing relatives. Later, the head of the National Advisory Commission for the Promotion and Protection of Human Rights said that 96-97 per cent of the families of the disappeared had accepted compensation, but gave no details. Under Law 06-

01, relatives can seek compensation if they obtain a death certificate from the authorities for the person who disappeared. Some families complained that they were put under pressure to seek such certificates.

Victims' families continued to be harassed when seeking truth and justice.

No progress was made in resolving the disappearance of Salah Saker, a teacher arrested by state agents in 1994. In August his wife, Louisa Saker, head of the Association of the Families of the Disappeared in Constantine, lost her appeal against a decision of the judicial authorities of the Tribunal of Constantine to dismiss her complaint regarding her husband's disappearance. In November, the Constantine Court of Appeals upheld the conviction against her for participating in an unauthorized "unarmed march" in connection with a peaceful demonstration in 2004 by families of victims of enforced disappearance. She had received a suspended fine. Louisa Saker appealed against the decision. Her two co-defendants, who were tried in their absence, were sentenced to one year in prison and fined.

DEATH PENALTY

Hundreds of people were sentenced to death, mostly on terrorism-related charges, but the authorities maintained a de facto moratorium on executions. Many of those sentenced were alleged members of armed groups who were tried and convicted in their absence.

In December, Algeria co-sponsored a resolution at the UN General Assembly calling for a worldwide moratorium on executions.

VIOLENCE AGAINST WOMEN

According to judicial police, 4,500 complaints of violence and harassment against women were received between January and June 2008. The actual number was believed to be much higher.

Constitutional changes passed in November included a provision calling for the promotion of women's political rights.

The 2008 report of the UN Special Rapporteur on violence against women commended advances in women's rights in Algeria, but criticized the failure of the authorities adequately to address violence and discrimination against women. The Special Rapporteur urged the authorities to investigate sexual

violence committed during the internal conflict, to compensate the survivors and to bring perpetrators to justice.