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ALGERIA

Fear and silence: A hidden human rights crisis

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SUMMARY

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Extrajudicial executions, deliberate and arbitrary killings, “disappearances”, torture, abductions, death threats, and other abuses have become part of Algeria’s daily reality. As confrontations between security forces and armed opposition groups, who define themselves as “Islamic groups”, continue, killings and abuses are carried out in the name of the “anti-terrorist fight” by some or “holy war” by others, and the civilian population is bearing the brunt of the confrontation.

More than 50,000 people are reported to have been killed in Algeria in the past five years. If many were killed in armed confrontation between security forces and armed opposition groups, thousands of civilians were victims of both targeted and indiscriminate attacks. Both security forces and armed opposition groups have shown utter disregard for the most basic human right of the civilian population - the right to life.

The identity and motives of those responsible for killings and abductions has become increasingly difficult to establish, as patterns of behaviour of security forces and armed opposition groups are often similar: the army and security forces wear plain clothes, use ordinary vehicles and do not identify themselves, whereas armed opposition groups at times wear security forces uniforms and pose as security forces.

The pattern of killings and abuses has become more and more entrenched and has created an atmosphere of fear, where many among the civilian population neither know nor understand why they are being targeted or by whom.

The recently set-up government-backed militias, who define themselves as “self-defence groups” or “patriots” have increasingly been involved in counter-insurgency operations using military and security forces uniforms and equipment, and have also been responsible for deliberate and arbitrary killings. With the atmosphere of increasing breakdown of law and order the civilian population has been drawn more and more into the confrontation.

In addition to extrajudicial executions and deliberate and arbitrary killings, other grave human rights abuses have continued to be committed. Hundreds of people have “disappeared” after having been arrested by security forces; torture and ill-treatment of detainees held in secret detention by security

forces is widespread, and thousands of people have been arbitrarily detained, including prisoners of conscience.

Armed opposition groups, for their part, have also tortured some of their victims before killing them, and have abducted and raped dozens of women. In addition, these groups have repeatedly issued death threats against civilians including civil servants, relatives of members of security forces, journalists, teachers, women, foreigners and many others from various sectors of civilian society.

The increasingly strict censorship of security-related information has kept many of the killings and abuses hidden behind a wall of silence, and the international community has remained indifferent to the plight of victims of human rights violations in Algeria.

This report describes the human rights situation in Algeria, including some of the aspects of the hidden reality. The report is based on testimonies and information collected on a daily basis from a wide range of sources, including victims, their families, human rights activists, lawyers, medical doctors, journalists, members of the security forces, and government authorities.

The organization condemns and opposes the killings of civilians and other abuses committed by armed opposition groups, and has repeatedly called on these armed groups to stop targeting civilians. However, no level of violence by these groups - no matter how serious - can ever justify extrajudicial executions, torture, “disappearances” and other grave violations which continue to be committed by the security forces.

To date not a single case of human rights violations committed by security forces is known to have been thoroughly and independently investigated, and members of the security forces responsible for the violations are allowed to continue violating human rights with impunity.

This report contains recommendations to the Algerian Government to take concrete action to stop and prevent human rights violations committed by security forces, to investigate violations and bring to justice anyone found responsible, and to disband all militias. The report also reiterates calls to all armed opposition groups to put an immediate end to deliberate killings and abductions of civilians, torture and rape, and to stop threatening civilians with death.

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In armed conflicts both governments and those opposing them must observe recognized standards protecting the individual's basic rights. Therefore Amnesty International condemns and actively opposes the deliberate and arbitrary killings of civilians and other abuses by individuals or groups of individuals who claim to act for political objectives. In using neutral terms, like "armed opposition groups", Amnesty International neither recognizes nor extends any legitimacy to these groups; nor does it seek to compare either the abuses or the perpetrators; its concern is for the victims and its objective is to give facts about the human rights situation in the country.

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ALGERIA

Fear and silence: A hidden human rights crisis

INTRODUCTION

“People in Algeria are killed and slaughtered without any reason at all.... Some people are killed because their names were mentioned in a list; others because their names were omitted from another list.... Both the government and the Islamists are killing innocent people.... Algerians are suffering and dying in silence.... The international community has so far remained indifferent to what is happening in Algeria....”¹.

More than 50,000 people are reported to have been killed in the past five years; if many have died in armed confrontation between security forces and armed opposition groups, thousands of victims have been civilians who had no involvement with armed confrontation.

As the circle of violence has continued to expand, the civilian population has increasingly borne the brunt of the confrontation. Both security forces and armed opposition groups which define themselves as “Islamic groups” have murdered civilians and committed other grave abuses. Security forces have extrajudicially executed individuals, including in their homes in front of their families, and in detention; extrajudicial executions have also been used as a means of eliminating known or suspected members or supporters of armed opposition groups instead of arresting them. Armed opposition groups, for their part, have deliberately and arbitrarily killed civilians, both in targeted attacks and in indiscriminate bomb explosions, in addition to thousands of members of the security forces.

The identity and motives of those responsible for killings and abductions have become increasingly difficult to establish, as patterns of behaviour by security forces and armed opposition groups have often been similar; members of the army and security forces often wear plain clothes, use ordinary vehicles, and do not present arrest warrants or identify themselves; and armed opposition groups at times wear security forces’ uniforms and pose as security forces. The recently set up government-backed civilian militias, who define themselves as “self-defence groups” or “patriots”, and who have increasingly been involved in counter-insurgency operations, also use military or security forces’ uniforms and equipment.

Killings and death threats are daily occurrences; the violence spares no one; many fear that they may be targeted, but do not know from which side or why. Killings and abuses are justified in the name of the “anti-terrorist fight” by some, or “holy war” by others, as each side uses terms which de-

¹ Extracts from a letter recently sent by an Algerian to Amnesty International.

humanize the other. The media coverage and condemnation of abuses inside Algeria is often selective; only certain crimes and atrocities being reported. Doing otherwise may be interpreted as “siding with the enemy”.

Every day more lives are lost, but most of the killings are not even reported, or are mentioned only in passing. Reports like “Ten people killed in a ‘terrorist’ attack”, or “Ten ‘terrorists’ eliminated by security forces”, have become routine. The majority of the victims have no face or name; the numbers and statistics concealing the human suffering of each victim, each family.

Amnesty International has continued to visit the country for fact-finding, whenever possible, and to closely monitor the human rights situation, gathering information on a daily basis from a wide range of sources, including victims and their families, eyewitnesses, lawyers, human rights activists, doctors, nurses, journalists, and army and security forces personnel. No other international human rights organization has carried out research in Algeria since 1992.

In armed conflict both governments and those opposing them must observe recognized standards protecting the individual’s basic rights. Therefore Amnesty International condemns and actively opposes the deliberate killings and other attacks on civilians by individuals or groups of individuals who claim to act for political objectives. In using neutral terms, like “armed opposition groups”, Amnesty International neither recognizes nor extends any legitimacy to these groups; nor does it seek to compare either the abuses or the perpetrators; its concern is for the victims and its objective is to give facts about the human rights situation in the country.

As well as placing its concerns about the human rights situation in Algeria on the public record by regularly publishing reports, Amnesty International has continued to raise its concerns with the Algerian Government, in discussions with government officials and through correspondence. The authorities have often denied allegations of human rights violations contained in Amnesty International’s reports, but they have not responded to most of the confidential letters and memoranda requesting clarification and information on specific cases, and general concerns.

This report describes the continuing deterioration of the human rights situation over the past two years.² The report contains further recommendations to the Algerian authorities³ to investigate killings and other human rights violations committed by its security forces and by government-backed militias, to bring those responsible to justice, and to take the necessary measures to stop and prevent further violations, in compliance with its obligations under international human rights treaties to which

² For further background on Amnesty International concerns see: *ALGERIA: Repression and violence must end*; AI INDEX: MDE 28/08/94, of October 1994.

³ In addition to recommendations contained in previous reports and confidential memoranda and correspondence..

Algeria is a state party. The report also calls on armed opposition groups to put an end to the killing and targeting of civilians and non-combatants.

The names and other details which could lead to the identification of certain individuals and families have been omitted, as this could expose them to further risks.

BACKGROUND

In June 1994 Yousef Fathallah, the President of the Algerian Human Rights League, was murdered at the entrance of his office in Algiers. Three weeks earlier he had addressed an Amnesty International meeting in Berlin (Germany), describing the human rights situation in Algeria. He spoke of daily extrajudicial executions, killings and other abuses by security forces and armed groups, of the increasingly widespread fear among the civilian population, and of the increasing censorship and selective reporting of the violence in Algeria.

What he said about the human rights situation in Algeria remains relevant today; the atmosphere of fear he described has become more and more entrenched, and tens of thousands more people have been killed.

Increasing restrictions by the authorities on access and disclosure of security-related information have made it impossible for the media and others to investigate and

report objectively on killings and other abuses⁴. The censorship of security-related information has been increasingly strict, only allowing information issued by the security forces or by the official press agency to be published by Algerian media⁵. Journalists, in addition to being killed and threatened with death by armed opposition groups, risk imprisonment if they issue unauthorized information on security issues; indeed several have been arrested and prosecuted on these grounds; Amnesty International considers them as having been prisoners of conscience. Several newspapers have been suspended and seized for the same reason.

Initially government censorship of information on the violence curtailed mainly the reporting of abuses by security forces. Killings, abductions and other crimes committed by armed opposition groups were widely publicized, yet crimes such as extrajudicial killings, torture, “disappearances” and other violations committed by the security forces remained hidden by a wall of silence. Fear, censorship and the political positions of certain media account for such selective reporting.

While some killings of members of the security forces by armed opposition groups have been reported, many others, especially those resulting from armed confrontations between armed opposition groups and security forces or from attacks and ambushes by these groups on army and security forces, have usually not been reported. Bomb explosions and other attacks on civilians committed by armed opposition groups, especially in rural areas, have also been kept silent. Similarly, bombings, house demolition and other attacks, including with heavy artillery, by the army and security forces in villages and in areas where armed opposition groups are believed to be hiding have also not been reported. In the past two years information on murders, bombs and other attacks by armed opposition groups has been increasingly censored, as the authorities describe the security situation as having improved and the violence as being only “residual”.

Some media have not only kept silent about human rights violations committed by security forces, but they have attacked human rights organizations and others who have reported and condemned such violations. The suggestion that human rights violations committed by the security forces are crimes which must be investigated and stopped is taken by many as an expression of support for armed opposition groups or as a defence for their crimes.

⁴ A confidential Decree from the Ministry of the Interior of June 1994 laid down strict criteria for media coverage of security-related information. In February 1995 further restrictions were imposed with the creation of censorship committees. Several journalists have been detained, interrogated and prosecuted, several newspapers have been repeatedly suspended and hundreds of issues of different newspapers have been seized for publishing unauthorized security-related information.

⁵ For example, the French-language weekly *La Nation* of 4 March 1996, which contained a dossier on the human rights situation in Algeria describing abuses by both security forces and armed opposition groups, was seized. The dossier was published in France by the monthly *Le Monde Diplomatique*.

Increasing restrictions have also been imposed on foreign media; several foreign journalists have been banned or expelled from Algeria; others are unable to obtain access to the country and most of those who visit Algeria are under permanent security forces escort⁶. There are few independent reports of the confrontation which has cost the lives of tens of thousands of people, and the true extent of the human rights crisis in Algeria has been kept hidden.

The media routinely report killings of groups of individuals described as “terrorists”, in most cases without mentioning the identity of the victims or the circumstances in which they were killed; reports of killings by armed opposition groups are often equally vague. It is mainly the killings of foreigners or well-known Algerians which are reported in detail, while the majority of the victims remain nameless. The lack of interest from the international community in the human rights crisis in Algeria has left those who live in terror in Algeria feeling that they have been forgotten.

The Algerian authorities have repeatedly refuted reports by Amnesty International and others that human rights violations such as torture. Extrajudicial executions and “disappearances” have been committed by security forces; they have not, however, called into question the veracity of reports by the same organizations about killings and other abuses committed by armed opposition groups. Similarly, Islamist groups have denied accusations that armed opposition groups are responsible for killing civilians, raping women and other abuses, but have not refuted reports of violations by security forces. Meanwhile, the pattern of abuses demonstrates that on both sides human rights abuses are an integral part of their strategy.

In some cases the authorities have referred to the possibility that “*bavures*” (mistakes) or “*dépassements*” (excesses) may have been committed by members of the security forces in isolated cases. However, human rights violations are committed on such a scale that they cannot be seen as isolated abuses of authority or individual “excesses”.

The Algerian authorities have in some cases stated that investigations are carried out into complaints of violations by security forces; however, to date not a single case of extrajudicial execution, torture, “disappearance” and other violations perpetrated by security forces is known to have been independently and thoroughly investigated. Members of the security forces responsible for such violations have not been brought to justice, and are thus able to continue to violate human rights with impunity.

⁶ The security escort is for the journalists’ own protection; however, foreign journalists have complained that such measures have curtailed their ability to research and investigate certain issues; often foreign journalists are only allowed access to the country on condition that they accept this type of protection.

KILLINGS OF CIVILIANS: A CAMPAIGN OF TERROR

Of the tens of thousands of people who have been killed in Algeria since the beginning of 1992 many were civilians, often killed in their homes in front of their families, or after having been abducted, or in circumstances which were never clarified, or were victims of indiscriminate attacks. The pattern of extrajudicial executions by security forces and deliberate and arbitrary killings by armed opposition groups has become deeply entrenched since 1993. The victims come from all walks of life; many of them youths, but also women, children, civil servants, teachers, journalists, religious figures, and political activists.

There has been an increasing proliferation and fragmentation of armed groups which define themselves as “Islamic groups”, whose composition and leadership remain unclear. There are also indications that armed opposition groups and common law criminals have taken advantage of the atmosphere of fear and breakdown of law and order to engage in activities such as racketeering, extortion, and plundering; these crimes are generally referred to in the Algerian media as “terrorism”.

Civilians have borne the brunt of a complex situation of political violence and counter-violence, where all those involved have shown utter disregard for the most basic human rights - the right to life - of the civilian population.

Statistics of killings from official sources have often been contradictory and failed to give an accurate reflection of the reality. At the end of 1994 Ministry of the Interior sources gave a figure of 20,000 “terrorists” killed in the previous two years. In a report published at the beginning of 1996 by the official human rights body, the *Observatoire National des Droits de l’Homme* (ONDH)⁷, 5,029 individuals described as “terrorists” were said to have been killed by the security forces during 1994 and 1995 (while in the same period armed opposition groups killed 1,400 civilians). However, the ONDH states in the report that these figures are underestimates, given that they are the result of a compilation of security forces’ communiques published in the press.⁸ The authorities and security forces have often stated that there are only a handful of “terrorists” and that most of the “terrorists” have been “neutralized”. For example, in August 1996 the Algerian newspaper *Liberté*, quoting security forces’ sources, stated that the number of existing “terrorists” is 2,000, compared to 1,100 in 1993.

⁷ The ONDH was set up in 1992 to replace the Human Rights Ministry which had been created in the summer of 1991, after the imposition of the state of siege. The mandate of the ONDH, which reports to the President of the Republic, includes investigating human rights violations by government security forces; however, since its existence the ONDH has not adequately investigated human rights violations by government forces, and has focused most of its activities on publicizing killings and other acts of violence committed by armed opposition groups.

⁸ As stated in the ONDH report 1994-95 (page 39, para 1.14).

It is hard to reconcile these figures with other official accounts of the thousands who were killed and described as “terrorists”.

CIVILIANS CAUGHT BETWEEN TWO FIRES

As violations and abuses by both government forces and armed opposition groups have continued to spread, an increasing number of civilians have found themselves caught in the spiral of violence, targeted by one side or the other, or by both. People, especially youths living in areas where there had been widespread support for the *Front Islamique du Salut* (Islamic Salvation Front), FIS, at the time of the 1991 elections, often poor districts, have been particularly vulnerable. After the cancellation of the election many youths from these areas were arbitrarily arrested and thousands of them were detained in internment camps in the desert in the south of the country and held there for months without charge or trial⁹. As armed groups started to emerge, and especially since they stepped up their attacks in 1993, thousands were arrested, tortured and killed by the security forces who suspected them of having links with armed opposition groups or of supporting or failing to denounce such groups, or in retaliation for attacks committed by the armed opposition groups. At the same time armed opposition groups killed or threatened to kill youths who refused to join or support them, comply with their orders to leave their job, or to observe a certain behaviour¹⁰. Security forces also targeted relatives of members of armed opposition groups, and armed opposition groups targeted relatives of members of the security forces.

Eyewitnesses have described to Amnesty International how raids by security forces have resulted in groups of people being rounded up, beaten, bundled into car boots and taken away, or shot dead on the spot. Others have witnessed attacks by armed opposition groups, who rounded up groups of people, killing some - often by slitting their throats or decapitating them - and threatening others with death before leaving. Often such raids and attacks by security forces or armed opposition groups appear to have been carried out in retaliation for previous attacks and raids, or simply to terrorize and intimidate the population.

⁹ At the beginning of 1992, after the cancellation of the second round of the legislative elections thousands of people were detained; of these more than 10,000, many of them youths, were detained administratively in desert camps in the south of Algeria; most of them were released after a few months, but more than 640 of them were held without charge or trial until the end of November 1995, when the last camp in Ain M’Guel was closed and the inmates released.

¹⁰ Certain armed opposition groups have issued communiqués forbidding smoking, playing modern music, mixed (men and women) camping and other activities which they consider as “un-Islamic”.

This is the testimony of a young man who left Algeria. Amnesty International has verified the information relating to his case with his family, lawyers, neighbours and others in Algeria. His account is echoed by many others whose testimonies have been gathered both inside Algeria and abroad:

“I was arrested at the beginning of 1992 in a raid; they tortured me and then sent me to a camp in the desert for over three months and then released me; they never even brought me to a judge. I was glad to be out but then life became a nightmare; some of my childhood friends from the neighbourhood became ‘terrorists’ or supported the ‘terrorists’ and were putting pressure on me to join too; I didn’t want to have anything to do with things like that, but I was scared, they kill people just like that, for nothing. I was arrested again in 1993 and they tortured me again, but it was nothing compared to others; one of those who was detained with me, Yassine Simozrag, was tortured very badly, they burned his face with a blowtorch and did other horrible things to him; and in the end he was killed in prison¹¹. Others who were detained with me in Chateauneuf have “disappeared”. Some guys from the neighbourhood were killed by the army, and others were killed by the ‘terrorists’; but not in armed battles, they were assassinated by one side or the other. A ‘terrorist’ group kills a policeman, or makes an ambush or some other attack and leaves; and then the security forces come and round up people at random and take them away or kill them, because they suspect them of being accomplices of the ‘terrorists’ or maybe just to punish them for not having stood up to the ‘terrorists’. The ‘terrorists’ also come and kill and threaten people to take revenge after raids by the security forces, because they suspect that local people may have given information to the security forces. So people who manage to escape an attack from one side are then in danger from the other side”.

Some people have left the district where they lived because they felt at risk from armed opposition groups or from the security forces, or from both. However, in a situation of high unemployment and housing shortages moving is often difficult; some have gone to stay with relatives elsewhere, and a few have succeeded in leaving the country, but the majority continue to live in fear.

Several medical doctors have been accused of cooperating with armed opposition groups for having failed to report to the security forces instances when they were forced to treat injured members of armed opposition groups. In the atmosphere of fear and insecurity some doctors have refrained from informing the security forces of such incidents because they feared that this would put them and their families at risk of retaliation from the armed groups, and that they would not be able to obtain any effective protection from the security forces.

¹¹ Yassine Simozrag was one of the detainees killed in the massacre in Serkadji Prison in February 1992; see page 41.

Many people who were threatened with death by armed opposition groups if they did not leave their jobs did not want to give in to the threats, or could not afford to lose the income, but were unable to obtain any protection. Amnesty International gathered testimonies from civil servants, judges, town hall officials appointed to replace the elected FIS mayors, and others who stated that when they sought protection from the authorities they were only offered a gun to protect themselves. Many do not want to carry a gun because they fear that this may make them even more a target of armed opposition groups; others because they feel that a gun would give them little protection, given that in most cases people who are assassinated are victims of surprise attacks. Some stated that they had tried to resign out of fear of being killed by armed opposition groups but their resignations were not accepted; others expressed fear that if they tried to resign this would be interpreted by the authorities as an expression of support for the armed opposition groups, putting them at risk from the security forces.

A civil servant who fled Algeria told Amnesty International:

“Both myself and my wife worked for the government, and we lived in a poor district where we know a lot of people because we both grew up there. I used to be a member of the Syndicat Islamique du Travail, SIT [Islamic trade union, close to the FIS, banned since 1992] and a sympathizer with the FIS, but since the trouble began in 1992 I stayed out of politics. At the end of 1994 some guys from my district came to me and told me that both myself and my wife had to comply with the request of the ‘mujahidin’¹² and quit our jobs. I tried to explain to them that with our salaries we supported our families, but they said that God would provide for us and our families; they said that they would give us three months to quit our jobs. I did not know what to do, and a little while after they came back and gave me the same warning again. I know that they were serious and that they could have killed us. We could not leave our jobs because I was afraid that the security forces would have taken it as declaration of support for the ‘terrorists’ and for that they also could have killed me. I have already been arrested once, my brother is in prison and my cousin has ‘disappeared’ after having been arrested. His brother was a ‘terrorist’, but he himself had nothing to do with the ‘terrorists’. Two of my neighbours were killed by the security forces; they arrested them from home and then they were found dead and reported in the press as two ‘terrorists’ killed; one of them had a brother who was a ‘terrorist’, but they were not ‘terrorists’. So whatever you are or whatever you do, you are not safe. We felt completely trapped and so we left. My wife’s sister also received death threats from the ‘terrorists’; she worked for a foreign company and she got a letter under her door saying that because she worked for foreigners she would be

¹² Literally means holy fighters; a term used by armed groups who define themselves as “Islamic groups” to refer to their members.

killed; she wasn't even warned to resign; they just told her that they would kill her and they also tried to get into her flat, so she too left".

EXTRAJUDICIAL AND SUMMARY EXECUTIONS BY GOVERNMENT FORCES

Detailed information gathered from eyewitnesses, relatives of victims, members of the security forces and the army, medical doctors, journalists, and others, indicates that, in addition to killings which occur during armed confrontations with armed groups, extrajudicial executions are widespread.

Extrajudicial killings seem to be used by the security forces as an alternative to arrest, as a way of eliminating individuals known or suspected of having links with, or supporting, armed opposition groups, and in revenge for killings and other acts of violence carried out by these armed groups. Victims of extrajudicial executions have been killed in their homes, in the street, in detention, and after having been captured from hiding places.

Thousands of killings by the security forces of people, described as "terrorists" or "criminals" have been reported in official communiques as having taken place when security forces stormed hiding places of armed opposition groups. According to these official reports, some of the victims were not even armed, and in the overwhelming majority of cases reported all the individuals in the group were killed; none were injured or arrested, and no casualties were sustained by members of the security forces in the confrontation. The frequent instances whereby the security forces have killed entire groups of people when storming houses or armed opposition groups' hideouts raises the question of how many of these people were deliberately extrajudicially executed, including killings as a result of excessive use of lethal force in situations where they posed no threat to the lives of the security forces.

Testimonies and information gathered by Amnesty International from a wide range of sources, which include eyewitnesses, relatives of victims, members of the army and security forces, and government officials, point to an increasingly deeply rooted pattern of deliberate physical elimination of individuals and groups of individuals by the security services. In many cases such extrajudicial executions are not reported at all, while in other cases the victims have been reported as having been killed by the security forces in the context of armed confrontation, and in other cases still as having been killed by "terrorists". Some families have reported that they had to sign declarations stating that their relatives had been killed by "terrorists", even though in some cases the families knew that their relatives had been killed by the security forces, and in other cases they did not know who had killed them and they were provided with no evidence that they had been killed by armed groups. Other families reported

having to sign statements that their sons were “terrorists” who had been killed in armed confrontations, even though their sons had either been extrajudicially executed by the security forces, and not killed in armed confrontations, or had been killed in circumstances they knew nothing about. Families of such victims are often too frightened to complain for fear of reprisals; the fact that no inquiries have been held to date into such cases, and that no members of the security forces have been brought to justice for committing extrajudicial executions leaves families of the victims feeling that they have no recourse for seeking justice.

On the night of 10 to 11 May 1996, an 84-year-old man and four of his sons, aged between 46 and 23, were killed in their home in front of their family. This is the testimony of the mother of the four men:

“It was about 11.30 at night and we were watching television, myself, my husband, three of my sons, my daughter, and the wives of two of my sons; my youngest son was in bed, convalescent; my other sons were absent. Four armed men dressed in plain clothes, some wore jeans and they all wore blue jackets and balaclavas, came to the house; my oldest son went to open the door and they came upstairs and took him and the two others downstairs and made them lie face down; then they took my youngest son from his bed and also took him downstairs and made him 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; their guns had silencers; then as they were leaving one of them shot the dog three times with a gun without a silencer, but did not kill it. Before leaving they said ‘a head for a head’. They asked no questions and said nothing else. A car was waiting for them outside and the driver was not hooded and we recognized him; he is from the security services and is from our area but no longer lives here; four or five members of his family had been killed two weeks before by the ‘terrorists’. One of my sons was a ‘terrorist’ and he was killed over a year ago; he had taken up arms and he was killed and we did not complain, but my other children and my husband had nothing to do with it, they didn’t do anything; when the security forces were looking for my son who was a ‘terrorist’, in 1994, they arrested another son and kept him for two weeks then released him. After my son was killed in 1995 the security forces again took another son and kept him for a few days and then released him. They [the security forces] knew that none of my children had anything to do with their brother, who had left home a long time ago. After they killed my husband and my four children they made us sign a paper saying they had been killed by the ‘terrorists’; we signed; what can we do? We don’t want them to come back and kill my other children”.

The sister and wives of the four men who were present when they were killed confirmed the mother’s testimony.

On 30 January 1996 a 17-year-old boy was taken by members of the security forces from his high school in Algiers and “disappeared”. All efforts by his family to establish his whereabouts remained in vain, until 14 February 1996, when his father found his body in the morgue; he had been killed by several bullets in the chest and his body had been brought to the morgue on 31 January 1996. His family were not allowed to take the body back for burial, and there was no record of the circumstances of his death at the morgue. No other report was issued by the security forces about the killing of a young boy; yet his body was taken to the morgue by the security forces. Five days before his abduction and killing, the security forces had gone to his home at night and had questioned his parents about their children, who were in the house but were not questioned. Two days later, on 27 January 1996 members of the security forces went to the boy’s school and questioned the staff about him; he was at the school but was not questioned. They returned on 30 January and took him away from his classroom. The staff at the school confirmed the information, but said they were unwilling to testify out of fear. Repeated requests by the boy’s family for his death to be investigated have yielded no result to date.

KILLINGS OF DETAINEES

Amnesty International has received widespread reports of extrajudicial executions of detainees while they were held in secret detention weeks or months after their arrest. These victims are sometimes described by the authorities or by the media, citing security forces’ communiques, as “terrorists” killed during armed confrontations. Their families are not informed of their deaths by the authorities and in some cases learn about it from the newspapers or from other sources. The responses of the authorities concerning some of these cases point to a deliberate effort to conceal the evidence that the victims were extrajudicially executed.

Fouad Bouchelaghem, a 30-year-old lecturer of physics at the University of Blida, married and father of a 10-month-old baby, was arrested by members of the security forces at his home in Algiers on 3 June 1994 at 1.15am. The members of the security forces, who did not present an arrest or a search warrant, searched the apartment and reportedly took a portable computer and Fouad Bouchelaghem’s car. After his arrest he “disappeared” and his family was unable to find out where he was detained. He was seen for the last time as he was being taken away, hooded and in poor physical condition, from the Chateaneuf security centre - where detainees are routinely tortured - on 20 July 1994. His family continued to look for him and on 8 September 1994 found a record in the morgue that his body had been brought in on 21 July 1994 and buried on 15 August 1994. No details were available at the morgue or at the cemetery of the cause or circumstances of his death.

In 1996, in reply to inquiries about the case the Algerian authorities stated that Fouad Bouchelaghem had been arrested in July 1994 and had been killed by security forces as he tried to escape. The explanation given is that during interrogation he confessed to knowing the hiding place of an armed group, and that the security forces took him to this location, where there was an exchange of fire between the security forces and the armed group. During that time Fouad Bouchelaghem tried to escape and was killed. The Algerian authorities do not indicate either the date of his arrest or the date on which he was killed, nor do they explain why his family, who was looking for him, was never informed of his death.

Amnesty International has examined a number of police statements in connection with the case which contain contradictory information: one police statement dated 25 June 1994 contains details of an interrogation of Fouad Bouchelaghem and is signed by him and by a member of the security forces. Another police statement dated 28 June 1994 states that Fouad Bouchelaghem is dead. Another police statement dated 3 July 1994 states that Fouad Bouchelaghem is sought by the authorities and is on the run. Another police statement dated 20 July 1994 states that Fouad Bouchelaghem agreed to show the security forces the hiding place of Mokhtar Djilali and Smain Kouissi in an apartment in the Bab El Oued district in Algiers, and that once arrived at the apartment there was an exchange of fire between the security forces and the two men in hiding were killed, as was Fouad Bouchelaghem who tried to escape. However Mokhtar Djilali and Smain Kouissi had actually both been arrested in May 1994; Amnesty International examined police statements according to which they were detained and had been interrogated in June 1994, and other detainees stated that they had seen them in detention at that time.

Amnesty International had been informed of the arrest of Fouad Bouchelaghem immediately following his arrest and had written to the Algerian official human rights body, the ONDH, on 19 June 1994; his family also contacted the ONDH on 25 June. The ONDH wrote to the Ministry of the Interior and to the Police and *Gendarmerie* headquarters on 9 July 1994. By 17 September 1994, that is almost two months after he was killed, the ONDH had yet not received any reply. More than two years after Fouad Bouchelaghem's death, and despite repeated requests for an investigation to be carried out into his illegal prolonged secret detention and allegations that he was tortured and extrajudicially executed, no investigation has been carried out. Moreover, in spite of the evidence that he was arrested on 3 June 1994, the authorities continue to claim that he was arrested later, in July 1994, in contradiction to their own interrogation records and in an apparent attempt to conceal his illegal and prolonged secret detention, torture and the circumstances surrounding his death.

A similar case is that of **Saghir Bouhadida**, a journalist and assistant lecturer at the Institute of Communications and Information and at the Institute of Social Sciences in Algiers, who was arrested on 11 June 1995 at about 7pm with two students after leaving the Institute

of Social Sciences. The two students arrested with him were released after three days but he remained “disappeared” and his family’s inquiries with the local authorities bore no fruit. He was seen by other detainees in a detention centre in *La Montagne* suburb of Algiers in the weeks following his arrest. Amnesty International repeatedly asked the Algerian authorities for information on his whereabouts and reasons for detention but received no reply. In 1996 the Algerian authorities responded to inquiries about his case denying that he had ever been arrested and saying that he had been killed during a security forces operation aimed at arresting members of an armed group. They provided no explanation as to why his family, who was looking for him, was not informed of his death and was not allowed to see his body before burial.

Abdelhamid Kechouane, a manual worker for a state company, married and the father of ten children aged between one and 18 years, was arrested from his home in Bougara on 7 April 1993 and “disappeared”. In raising his case with the Algerian authorities Amnesty International mistakenly reported the date of his arrest as 7 February 1993 instead of 7 April. The Algerian authorities never responded to Amnesty International, but in 1996 they stated that Abdelhamid Kechouane had joined the “terrorist” groups in 1993 and was killed in an armed confrontation with the security forces on 8 February 1993 in Bougara. The date given by the Algerian authorities as the date of his death corresponds to the day after the date of arrest initially given by Amnesty International; however, he was only arrested on 7 April 1993, that is two months later, and up to the date of his arrest he lived at home and went to work, and this information was confirmed by his family, neighbours and colleagues.

THE SERKADJI PRISON MASSACRE

On 21 and 22 February 1995 at least 96 prisoners were killed when the security forces intervened to quell a mutiny.¹³ Five prison guards had also been killed before the beginning of the mutiny. During the two days of the incident and for several days after the families of the detainees in Serkadji Prison were unable to obtain any information and were left wondering if their relatives were dead or alive. The families of those who were killed were not informed of their deaths until after their burial. The majority of the victims were buried in nameless graves marked only “*X Algérien*”. No autopsies or ballistic tests were carried out; although these could have been crucial in establishing facts about the manner in which the detainees were killed. There were allegations that many of the detainees were deliberately extrajudicially executed, even after the incident had ended and the detainees had returned to their cells;

¹³ For a more detailed account of the incident see the report *ALGERIA: Medical concern; Killings in Serkadji Prison*; AI Index: MDE 28/01/96, of 26 February 1996.

information gathered from surviving detainees, lawyers and other sources have strengthened these allegations.

At the end of March 1995 the ONDH announced that it was setting up a commission of inquiry, and in May 1995 it published a report of its findings. However, the focus of the inquiry it carried out has little to do with seeking to establish the truth about the death of some 100 people. The ONDH commission of inquiry failed to investigate the most crucial issue, namely the circumstances in which the detainees were killed. Its account of the events is almost identical to that given by the authorities immediately after the incident. The commission of inquiry did not set out to examine the bodies of those killed or the weapons used, and no autopsies or ballistic tests were ever carried out. The ONDH report states that, in quelling the riot, the security forces chose not to use teargas in order to avoid causing suffocation in a confined space¹⁴, but it does not explain why the security forces chose to use grenades and live ammunition instead, which resulted in such a disproportionately high number of casualties among the detainees. Even though at the time of the incident there were about 1,500 detainees in Serkadji Prison, the ONDH commission of inquiry only interviewed 10 detainees, most of whom had already testified on Algerian television a few days after the event giving an account of the incident similar to that of the authorities. While the ONDH report mentions some detainees' account of the incident, it fails to mention the allegations by other detainees of the deliberate extrajudicial execution of detainees and other information concerning the incident.

Not only has no proper inquiry been carried out almost two years after the massacre, but other evidence has come to light which raises further questions about the impartiality of the ONDH's inquiry. The report states that all the bodies were photographed, fingerprinted and numbered, to allow for post-burial identification, and that for each body there was a descriptive medical certificate.¹⁵ *The President of the ONDH visiting London in April 1995 also told Amnesty International that each body had been photographed and fingerprinted before burial.*

An Amnesty International delegation, which included a prominent human rights medical doctor, visited Algeria in March and June 1995 and attempted to investigate the killings in Serkadji Prison, but were not allowed access to the prison or to the documentation. In June 1995 Amnesty International delegates met with members of the ONDH commission of inquiry in Algeria and requested copies of the photographs of the bodies and of the medical certificates; the members of the ONDH

¹⁴ See page 24 of the ONDH report.

¹⁵ See pages 27 and 28 of the ONDH report of May 1995 into the Serkadji events.

commission of inquiry stated that they were not in possession of the photographs or other documents, but that they had seen them in the course of their inquiry.

In May 1996, Amnesty international delegates visiting Algeria once again requested from the President of the ONDH copies of the photographs, but were told that he was not aware of the existence of any such photographs; when the delegates pointed out that these photographs are mentioned in the ONDH report, which he himself signed as the rapporteur of the ONDH commission of inquiry, he replied that he could not remember the existence of any such photographs. Another member of the ONDH commission of inquiry, who in June 1995 had told Amnesty International delegates that he had himself seen the photographs and commented on these,¹⁶ told Amnesty International delegates in May 1996 that he had never seen the photographs. Requests for the photographs from the Ministry of Justice also yielded no results.

The unwillingness of the Algerian authorities to disclose information (such as the photographs of the bodies and the medical certificates) which they claim exists and which could help to clarify the circumstances in which the massacre took place, and the increasingly obvious inconsistencies of the ONDH's inquiry, further increase existing concerns that either the photographs do not exist, or that they contain evidence of serious human rights violations by security forces, including possible extrajudicial executions. The Algerian authorities have a duty, both under Algerian law and under the international human rights treaties ratified by Algeria, to ensure that such a serious incident is thoroughly, independently and impartially investigated¹⁷. The fact that to date no adequate investigation has been carried out can only increase concerns about the lack of will to hold accountable those responsible for extrajudicial executions and other violations.

DELIBERATE AND ARBITRARY KILLINGS BY GOVERNMENT-BACKED MILITIAS

An increasing number of government-backed militias, who define themselves as "self-defence groups" or "patriots", have come into existence in the past two years, mainly in rural areas, where the absence of the security forces had left the civilian population

¹⁶ See paragraph 3 of page 5 of the Serkadji Medical Action of 28 February 1995, AI Index: MDE 28/01/96.

¹⁷ The investigation should conform with the *Principles on the Effective prevention and investigation of extra-legal, arbitrary and summary executions* (Annex to the Economic and Social Council resolution 1989/65 of 24 May 1989).

vulnerable to attacks by armed opposition groups. These militias, which do not appear to be subject to any degree of control and accountability, have increasingly been involved in “anti-terrorist” operations and have been responsible for deliberate and arbitrary killings. They are composed of local civilian volunteers, equipped with weapons, including Kalashnikovs, automatic pistols, carabines, and hunting rifles, and ammunition provided by the security forces; some of them also use other equipment, such as military vehicles, radio-transmitters and wear security forces uniforms. They routinely set up road-blocks to check the identity of those coming to, or leaving, the area, and search their vehicles.

Initially militias appear to have been set up to defend their villages and communities against armed opposition groups, who would carry out attacks on villages, killing, plundering and threatening the population with death if they did not comply with their demands or if they did not adhere to a certain code of behaviour. Security forces were not present in many rural areas, and in addition, according to members of militia groups and villagers, the security forces were often unable or unwilling to intervene to protect the civilian population in rural areas because of lack of familiarity with the areas. However the activities of these militias appear to have evolved from a defensive role to an active involvement in counter-insurgency operations, resulting in deliberate and arbitrary killings of individuals and groups of individuals whom they define as “terrorists”. Ambushes and attacks on armed opposition groups are carried out by militias either acting in conjunction with the security forces, or on their own initiative, on the basis of information they receive from the security forces or other sources about the whereabouts of armed opposition groups’ hideouts.

Until the end of 1995 the authorities denied the existence of militias, or played down their role; however, in the past year the authorities have increasingly openly encouraged the existence of such militias, pointing to them as evidence that the civilian population is taking part in the “anti-terrorist fight” alongside the security forces. Much coverage by the national media - both television and newspapers - has been given to the activities of militia groups, portraying them as a key element in the “anti-terrorist fight”. For example, in a documentary broadcast on national television in December 1995 and entitled “Rijal khuliku li-l watan” (men born for their motherland), members of a militia group in the east of the country are filmed as they prepare for their operations, discussing strategies for ambushing armed opposition groups; they have weapons and ammunition and one of them, pointing to his Kalashnikov, says that it was given to him by a friend in the security forces who got it from a “terrorist” whom he killed. They are shown setting up road-blocks, interrogating and searching passers-by, and talking about their experiences, including about people they have killed. A member of a militia group says that once while he and another militia members were hiding behind some rocks they saw two men, one of them armed, walking by whom they thought were “terrorists”; he says:

“I looked at the sky and prayed: ‘my God, if I am wrong may the bullet not touch him, and if he is the faulty one help me to cut his throat, like he cuts the throats of his brothers and then shot him; one bullet went through the back of his neck and came out at the front and the other opened his throat sideways. I then shot the second man and injured him in his right leg and he fell to the ground; as I was recharging my weapon my friend shot him and finished him off’.

Several members of militia groups from the Kabylie region and from other areas near Algiers interviewed by Amnesty International stated that they were determined to track down and “eliminate” all the “terrorists” in their areas. When asked how they knew who was a “terrorist”, they said that there were few “terrorists” left and that they were known, adding that if the security forces had wanted they could have got rid of all “terrorists” long ago, but they did not want to pursue them either because they did not want to risk their lives in rural areas they were not familiar with, or for other unknown reasons. When asked if they had captured members of armed opposition groups during their ambushes and handed them over to the security forces, some militia members stated that they killed all “terrorists” they came across because if handed to the security forces they might be released under the “Qanun al-Rahma” (clemency law)¹⁸. When asked how many casualties there had been in the course of their ambushes and confrontations with armed opposition groups, members of a militia group stated that they had killed approximately 40 “terrorists”, while two members of their militia had been killed. Many members of militia groups are individuals whose relatives or friends were killed by armed opposition groups, and who are determined to take the law into their own hands to avenge their relatives and friends. A member of a militia group told Amnesty International:

“They can kill me, but if they kill one of my relatives I will kill their entire families; this is the only language that “terrorists” understand; they had an easy time terrorizing defenceless people, but they are beginning to understand that they are the ones who should be scared; they don’t dare to come into our villages any more and they are retreating into hiding; but we can find them and will continue to go after them until we have got rid of the last one”.

The grievances and fear expressed by villagers and civilians in rural areas where armed opposition groups have killed civilians and terrorized the population are indeed legitimate, as is their desire to have durable protection against such attacks. However, providing protection for the civilian population is the responsibility of the state, and the task of law enforcement should be carried out only by law enforcement officers who have received the necessary training and who operate within a framework of accountability.

¹⁸ The clemency law of 25 February 1995 (No 95-12) provides for charges to be dropped or reduced penalties imposed for people involved in “terrorist” activities who give themselves up and renounce their activities.

Members of militia groups also told Amnesty International that the members of armed opposition groups they kill in ambushes are usually buried by other members of the group. When asked if the security forces came to investigate to establish the identity of those killed, one of them said: "We inform the gendarmerie after our ambushes and tell them how many we have killed and, if we know, where they are buried, but they don't often come to check; they trust us because we know the area and the local population well".

For the past five years Algeria has been plunged in a situation of violence and counter-violence, where there is an increased tendency for people to take the law into their own hands. The creation of militias has drawn the civilian population further into the confrontation. Members of militia groups told Amnesty International that armed opposition groups have reacted to the existence of militias by killing relatives of militia members and civilians from villages where militias exist, to punish the local civilian population for supporting the militias.

By allowing militias, whom they have armed, to commit abuses such as deliberate and arbitrary killings with impunity, the Algerian authorities have encouraged such abuses and allowed the rule of law to be further eroded and undermined. Any forces necessary for law-enforcement in rural areas should be placed firmly under the chain-of-command control of the regular security forces. Paramilitary forces and militias operating outside the chain of command should be disbanded.

KILLINGS OF CIVILIANS AND OTHER ABUSES BY ARMED OPPOSITION GROUPS

Armed opposition groups which define themselves as "Islamic groups" have continued to kill civilians, and to be responsible for abductions, torture and death threats which terrorize the civilian population. These groups, which up to mid-1993 had focused their attacks on members of the security forces, have increasingly targeted civilians, both in deliberate and indiscriminate attacks, such as bomb explosions in situations likely to result in high civilian casualties. Armed opposition groups have also killed thousands of security forces' members, both in armed confrontation and in targeted attacks.

Over the past few years there have been reports of the existence and activities of various groups, most of which are referred to by their French acronym. The best known such group, the Groupe Islamique Armé (Armed Islamic Group), GIA, has been responsible for many of the worst atrocities against civilians. There have been various reports about the leadership, composition and motives of this and other groups, but it is often not possible to verify the information. As a result of the proliferation and fragmentation of these groups, increased armed confrontations and killings between different groups are reported to have occurred, and the increased confusion has made it

even more difficult to establish who is responsible for killings and other attacks. There is, however, undeniable evidence that these armed opposition groups have killed thousands of civilians and committed other atrocities.

The Armée Islamique du Salut (Islamic Salvation Army), AIS, which is believed to be the armed wing of the banned political party FIS, is also reported to have been responsible for killings and other attacks against civilians. In the past there had been reports that the GIA and the AIS cooperated, at least in certain areas and on certain occasions, but since 1995 armed confrontations between the AIS and the GIA have been reported and the GIA has threatened to kill, and reportedly killed, members of the AIS and FIS leading figures¹⁹. Since 1995 the AIS has openly distanced itself from the GIA and has issued communiques condemning the targeting of civilians, including women, foreigners, journalists and others who are “not involved in the repression”.

Armed opposition groups have issued death threats either directed at specific individuals, by mail, telephone calls and other means, or by communiques posted on walls, sent to the media or in leaflets. Death threats have been addressed to different social and professional categories, to wives and relatives of members of the security forces, youths of conscription age, women, foreigners, and others. As a result hundreds, possibly thousands of people have left their homes. Some have been able to obtain accommodation in housing protected by the security services, but these protection measures are available mainly to government officials, and some prominent journalists, intellectuals and business people. The majority have had to find other alternatives, such as staying with relatives and friends or living in their workplace, and many have been forced to live apart from their families.

Amnesty International has continued to call on all armed opposition groups in Algeria to stop killings of civilians and non-combatants, and to put an end to other abuses such as rape, abductions, and death threats. The organization has also called on the leadership of the FIS, which has repeatedly claimed that it has influence over the armed Islamist groups in Algeria, to condemn clearly and unequivocally all killings of civilians and to call on these groups not to target civilians. In the last two years some FIS spokesmen outside Algeria, including those who had in the past justified certain killings by armed opposition groups, have condemned killings and other attacks against civilians and have increasingly distanced themselves from killings of civilians and other crimes committed by armed groups in Algeria. However, FIS spokesmen have often condemned killings of “innocent civilians” or of “those not involved in the repression”, rather than condemning clearly and unequivocally killings of any civilians.

¹⁹ The Algerian authorities have publicised numerous testimonies of men said to be former GIA members who have “repented”, who have stated that the GIA had “sentenced” to death leaders and members of the FIS and AIS.

Deliberate and arbitrary killings of civilians and non-combatants

Killings of civilians by armed opposition groups have been particularly widespread since 1994. In the capital and other big cities civilians have been killed mainly in targeted individual attacks, or as a result of indiscriminate bomb attacks, whereas in rural areas, armed groups have also killed groups of people in their homes, in villages or at checkpoints where they stopped cars and buses, posing as security forces.

Those who have been killed in targeted attacks have been either shot dead or have had their throats cut, and some were also decapitated or mutilated; in some cases the head of the victim was found elsewhere, far from the body. Victims were at times slaughtered in front of their families, including small children. A young woman told Amnesty International:

“On the night of 21 July 1994 a group of ‘terrorists’ came to our house and took my 17-year-old brother outside; they put adhesive tape on his mouth and tied his hands behind his back; they held him up, grabbed his hair and pulled his head back; he struggled in vain; one of them cut his throat; I watched his body curl up and his arms and legs shake as he collapsed to the ground. On the same night the ‘terrorists’ killed seven other young men; three of them were conscripts. The ‘terrorists’ came back on 18 May 1995 in the middle of the night; they shot my mother dead and my other brother ran away, but he was also shot dead in the street on 31 July 1995”.

After the killing of her mother and two brothers this woman was forced to leave her home for her safety; she was rehoused elsewhere and given a gun by the authorities to protect herself.

Such atrocities have created an atmosphere of terror, where people fear not just being killed, but being killed in these particularly brutal ways. A university lecturer, echoing the same fear expressed by many others, said:

“If I must be killed, I pray it is by bullet and not by having my throat cut”.

Although the victims whose killings have been most widely reported by the Algerian media have tended to be foreigners, well-known figures and people in certain professional and social categories, thousands of ordinary people have also lost their lives. The motives for such killings are often unclear, but certain patterns have emerged indicating that some of the victims were targeted because of their profession, political views, behaviour, or family links, or because of their refusal to support or cooperate with the armed groups or to comply with their demands and threats. Those targeted because of their profession

include civil servants, officials appointed to replace the elected FIS mayors²⁰, tax collectors, Imams (prayer leaders)²¹ in government-controlled mosques, workers in state-owned companies, teachers, journalists and youths who had just finished compulsory military service. These victims were apparently targeted because armed opposition groups considered that through their profession they supported the authorities; this argument has been made to others in the death threats they have received from armed groups warning them to leave their jobs or face death.

*The killings of journalists, more than 60 of whom have been killed since mid-1993 in attacks believed to have been carried out by armed opposition groups, have been among the most widely reported, both in Algeria and abroad. Armed groups have accused journalists of siding with the government because of the media's selective reporting focusing on killings of civilians and other acts of violence by armed opposition groups, while remaining silent about killings and other violations committed by the army and the security forces, or about casualties among the army and security forces in confrontations with, or as a result of ambushes by, armed opposition groups. Strict censorship does not allow the media to report such information, which armed opposition groups would want to see publicized, and which they themselves publish in leaflets and newsletters. The killing of so many journalists has led many to leave the country and others to live in hiding. Some journalists have expressed concern that the censorship imposed by the authorities on the reporting of security-related information has put them at further risk because it only allows them to give a selective coverage of events, while other journalists have alleged that some of the killings of journalists were carried out by the security forces and not by armed opposition groups. Omar Belhouchet, editor of the daily *El Watan*, and Malika Boussouf, journalist at the daily *Le soir d'Algérie*, were prosecuted for making such allegations²².*

*Among the journalists killed in the past two years is Khadidja Dahmani, a 28-year-old woman who wrote for the Arabic-language *el-Chourouk el-Arabi*, who was shot dead on 5 December 1995 in the Baraki district (suburb of Algiers). Another young woman journalist at the same newspaper, Malika Sabour, had also been shot dead inside her home*

²⁰ After the FIS was dissolved in March 1992, FIS mayors who had been elected in the municipal elections of June 1990 were removed by the authorities and replaced by appointed officials called *Présidents des Délégations Exécutives Communales* (Presidents of Executive Communal Delegations), DEC.

²¹ After the FIS was dissolved many Imams were also replaced by the authorities.

²² Omar Belhouchet was sentenced to one year's imprisonment for alleging in an interview with the French TV channel *Canal +* in November 1995, that certain journalists and intellectuals, whose killings were blamed on armed opposition groups, were in fact killed by government forces. In April 1996 Malika Boussouf was sentenced to three months' imprisonment, suspended, for alleging in an interview with the Italian newspaper *Il Manifesto* that Aboubakr Belkaid, a well-known political figure, might not have been killed by armed opposition groups.

*in front of her mother and family on 21 May 1995. Belkacem Sâadi, a 40-year-old journalist for the regional network of the national television (ENTV) in Constantine, was found dead in a forest in Skikda, north of Constantine, on 2 March 1996. He had reportedly been abducted a few days earlier. Another ENTV journalist, Khaled Merioud, had been killed two months earlier; he was found shot dead in the Baraki suburb of Algiers on 23 December 1995, the day after he was abducted from his home in the Algiers suburb of La Montagne. The editor-in-chief, and two journalists of the daily French-language *Le Soir d'Algérie*, Allaoua Ait M'Barek, Djamel Derraz, and Mohamed Dorbane, were killed when a bomb exploded outside the Maison de la Presse (Press House) in central Algiers on 11 February 1996.*

Communiqués signed by the GIA or other armed groups repeatedly threatened with death civil servants and employees of state companies, French-language teachers, wives and relatives of members of the security forces, sellers of newspapers and cigarettes, hairdressers, beauticians, women who do not wear the hijab or who go to mixed schools, college and university students, conscripts, musicians, and many others. In some cases the threats seemed to vary according to the areas, apparently because different groups were present in different parts of the country. Among the civilians killed by armed groups, some had personally received death threats, and some belonged to several categories. For example, in June 1995 Fatima Godhbane, a 17-year-old student was taken from her classroom in Oued Djer by a group of armed men, who dragged her outside the school and cut her throat in front of the other pupils. Before fleeing her murderers wrote "GIA" on her hand. Some believed that she had been targeted because she continued to go to school, or because she did not wear the hijab until shortly before she was killed, or because she was related to a member of the security forces, or simply to intimidate and terrorize others; it will probably never be known what was in the minds of those who committed such a crime.

Armed opposition groups have also killed soldiers and members of the security forces after having abducted or captured them, and in some cases they reportedly tortured their victims before killing them.

On 6 February 1995 a group of eight men wearing hoods and armed with sawn-off hunting rifles and Kalashnikovs went to the house of Mohamed Ben Arbia, a 55-year-old gendarme in Halamiya, in the Boumerdes province. He managed to escape but his wife, Zahra, a 37-year-old housewife, was shot and injured in front of her 12-year-old daughter and two younger sons. Three weeks later the armed group (the children could not tell if they were the same men or others) came back and shot dead Mohamed Ben Arbia; they then tied his wife by the hands and shot her dead; they then also shot dead another woman neighbour who had taken Zahra Ben Arbia to hospital three weeks earlier, when she was shot and injured. All three killings took place in front of the children.

Relatives of members of security forces, both male and females have been targeted by armed opposition group as a means of hurting their relatives. Among victims of such attacks are Bakhta Moudjani, Fayza Kouadit, Meriem Chabra, Bakhta Metteur, and Fadia Neggaz, aged between 15 and 22 years. They were abducted from their homes in Oued Foda on 18 June 1995 and were found slaughtered outside the town the following day.

Killings of civilians by armed opposition groups who set up road-blocks posing as security forces have continued to be reported. On 21 July 1996 more than 10 passengers of a bus transporting workers of the national company of industrial vehicles (Société nationale des véhicules industriels, SNVI), were killed by an armed group after the bus was stopped at one of these "road-blocks". Other passengers were reported to have been injured when the armed group fired on the bus before leaving.

Youths have been repeatedly threatened with death by armed opposition groups if they do military service. In addition to the hundreds of conscripts killed during armed confrontation with armed opposition groups, in ambushes, or when visit their families, many have been killed after they have finished their military service. Military service is compulsory in Algeria and there is no provision for conscientious objection. The tasks which conscripts have to carry out include manning checkpoints and guarding state-owned oil and other companies; activities which make them very vulnerable to attacks from armed opposition groups. Youths have thus been caught in an impossible situation; many do not want to join the army because they fear being killed by armed opposition groups, or because they do not want to take part in the killings and other violations which are committed by the army, but they have no opportunity to register their objection nor the choice of a civilian alternative service, and are forced to join the army.

Killings of foreigners

Since 1993 more than 100 foreigners have been killed in Algeria. The GIA has claimed responsibility for most of these killings.

The first foreigners to be killed in such attacks were two French surveyors who were killed in September 1993. Communiqués from the GIA had warned foreigners to leave Algeria or be killed and subsequently continued to threaten to kill foreigners who remain in Algeria.

Many of the victims were killed by having their throat cut. On 14 December 1993 12 Croatian workers were killed in Tamesguida, southwest of the capital; all of them had their throats slit. On 7 July 1994 seven Italian sailors were slaughtered on board their boat in the port of Djendjen, in the Djijel region in the east of the country.

Victims have included foreign women married to Algerian nationals; they include Polnya Larissa, a Russian woman shot dead in December 1993 in Algiers and Monique Afri, a French woman working at the French consulate in Algiers who was shot dead in January 1994 in Algiers.

Foreign members of the Christian religious community, including nuns, and monks have also been particularly targeted. Some of these victims were abducted and killed in captivity. Seven French Trappist monks aged between 50 and 82 years who were abducted from a monastery in Tibehirine, in the Medea region, were found dead two months later. The GIA claimed responsibility for their abduction and for the killings.

In August 1996 Pierre Claverie, Bishop of Oran, was killed by a bomb which exploded in his house when he returned from a meeting with the French Foreign Minister who was visiting Algeria. A few days later the Algerian security forces announced that those responsible for his assassination had been killed. To date none of those responsible for the killings of foreigners are known to have been brought to trial; in many cases the Algerian security forces have announced that people involved in the killings of foreigners had been killed. However, the Algerian authorities have not made available the details of any of the investigations.

Indiscriminate attacks resulting in the killings of civilians

In addition to killing civilians in targeted attacks, armed groups have also put bombs in buildings housing security forces and their families. In taking such action they know that the main victims are likely to be wives, children and other relatives of members of the security forces, given that many members of the security forces no longer live in their homes out of fear of being killed.

Bomb explosions near police and gendarmerie stations have often resulted in the killing of civilian passers by. The attack which is believed to have caused the highest number of civilian casualties took place in the afternoon of 30 January 1995, when a bomb exploded in front of the central police station in central Algiers killing 42 people and injuring 286. A FIS spokesman who commented on the bombing stated that the explosion was targeted at the police station, because it was a torture centre. However, those who carried out the attack knew that at that time of day in such a place a large number of civilians would be killed and wounded.

Between mid-July and mid-August 1996 more than 20 people, many of them civilians, were reportedly killed by bomb explosions in public places, including cafés and restaurants frequented by members of the security forces. The attacks included two bomb

explosions in cafés in the districts of el Biar and Bab el Oued on 29 and 30 July respectively. Each explosion killed one person and injured several others.

At least 15 people were reported to have been killed and more than 75 injured on 27 September 1996, when a car-bomb exploded in a market in Boufarik at about 10am, a time when the market is usually crowded.

Official figures for the people killed and injured in these and other recent bomb explosions and attacks are substantially lower than figures obtained from other sources, including journalists, hospital staff and the local population.

Acts of torture committed by armed opposition groups: rape

In 1994 and 1995 there were numerous reports of abductions and rape of women by armed groups, especially in isolated areas where the security forces were not present. Some families living in rural and isolated areas have sent their daughters to live with relatives in the cities out of fear that they may be abducted by these armed groups. The stigma attached to rape and the lack of support structures for victims of rape has made it difficult to gather testimonies and details about such cases and to establish the real extent of such crimes. Several testimonies of women who stated that they had been raped either in their own homes or after having been abducted by armed groups have been broadcast on Algerian national television. Amnesty International has not been able to interview these victims, but has gathered detailed information from a wide range of sources about dozens of women who were raped by armed groups. According to the information obtained, the victims were often abducted from their homes, in front of their families, and in some cases were as young as 16-17 years; some of them managed to escape from captivity, others were freed or were left behind when the armed groups moved from their place of hiding, and others were freed when the security forces attacked the hideouts. In addition to having been raped, some of the victims were also reportedly beaten, tortured and ill-treated in other ways during their captivity, including by being burned with cigarettes, and threatened with death; others were reportedly killed during their captivity.

A 22-year-old woman who was abducted in August 1994 told Amnesty International:

“A group of ‘terrorists’ came to the house and told my father they wanted me for marriage; my father and I refused but they took no notice; they read the Fatiha (opening verse of the Quran read for marriage), then two of them took me, one on each side, and put me in a car with others and drove off into the mountains. Some others stayed behind at my house and they threatened my father and told him not to tell the police. We arrived at a kind of mud-house and there one of them told me I was now married to him. He told me his name, but I noticed that his friends called him by another name. He hit me because I did not want him to touch me and he tried to rape me, but he couldn’t; so he became angry and told me I had put a spell on him. The following morning they took me back to my parents and told them they were witches because they had put a spell and it had not been possible to rape me. They took over the mud-house near our house for a while, and eventually they left. Later the security forces bombed the house because they said we had given shelter to the ‘terrorists’; as if we had any choice; we live near a forest and there is nothing, no gendarmerie and no neighbours to help. Now for me it’s over; the ‘terrorists’ have ruined my life and dishonoured me and my family”.

A student of journalism told Amnesty International that in May 1995 she was abducted in the street on her way home from college by three armed men who pushed her in a car and blindfolded her. She was taken to an isolated farm about two and half hours' drive from the capital, and when she arrived she was questioned by a young man who appeared to be in charge of the armed group. He asked her why she did not wear the hidjab, and told her that God had commanded women to stay at home. He then told her that she would be "married" to a man from the group. She was raped by another man and was also beaten and burned with cigarettes, and she fainted. When she regained consciousness she was in hospital and was told that she had been found on a road outside Algiers.

THE "DISAPPEARED": WHERE ARE THEY?

The phenomenon of "disappearances" has become increasingly widespread. Amnesty International has gathered information about hundreds of people who have "disappeared" in the past three years, and has heard of hundreds, possibly thousands, of others who have also suffered the same fate. The vast majority of those who have "disappeared" are known or believed to have been arrested by the military security, gendarmerie, and police²³.

Thousands of men and women are living in anguish, wondering if their "disappeared" relatives are still alive, looking for traces and clues of where they might be held, hoping to find someone who can give them any news.

"I just want to know where he is; if he is alive or dead". This is what families of the "disappeared" keep repeating, but to date most have received no answer.

Many of these "disappeared" were arrested from their home, in front of their families and often at night; others were taken from their place of work or in the street. In the days, weeks and months following their arrest their families went to police and gendarmerie stations to ask about them. Some were told that there was no record of their arrest, and others were told that they were detained and could not be visited, but would be released soon; in other cases the police and gendarmerie stations accepted the food and clothes brought by the families for their relatives, but after a few days or weeks the families were told not to bring food or clothes any more because their relatives had been transferred elsewhere.

Some of those who had "disappeared" in secret detention have "reappeared" after months; they were either transferred to prisons or released without charge or trial and

²³ Armed opposition groups do not control territory in Algeria and have no detention camps. Only the security forces have secret detention centres.

without there being any record of their arrest and detention. Those who have come out of secret detention have provided information about some of the “disappeared” who were held with them in secret detention centres and army barracks. However, in most cases the information relates only to the first few months of detention.

Families have also tried to obtain information about their “disappeared” relatives from relatives and acquaintances in the security forces and the army. Some were told that their relatives are still alive in detention and others were told that they were killed; however, members of the security forces or the army who give such information to families are usually unwilling to give them further details because they feel it is not safe for them.

A police officer whose brother was arrested three years ago and has since “disappeared”, told Amnesty International:

“I cannot do anything to find my brother because he is in the hands of the military security. I know those who arrested my brother but they then passed him on to the military security and they themselves have no idea where he is kept, or if he is still alive. My brother was an active FIS member and had been a FIS candidate in the elections, and so it is even more difficult for me to ask about him because even my colleagues could suspect me of sympathizing with the ‘terrorists’. As a police officer I am threatened with death by the ‘terrorists’; I rarely go home and I sent my wife to live with relatives because in the district where we lived everybody knows what my job is, and so I was afraid that she may be killed because she is my wife. I do not share my brother’s political views, but I know that he was not a ‘terrorist’ and that he had nothing to do with the ‘terrorists’. And in any case, if they accuse him of something they should bring him to justice and put him in prison, but it is not fair to make him “disappear” like that. My brother is not the only one in that situation, hundreds of others have ‘disappeared’; I think many were killed soon after they were arrested. Some families have contacted my mother, because they know that I am a police officer and they asked my mother to ask me to find their sons, but I can’t do anything even for my own brother, so what can I do for them? I would not even dare to ask about them, even when I tried to ask about my brother I did so very discreetly and only asked colleagues whom I trust and whom I know trust me and would not think that I might sympathize with the ‘terrorists’”.

Another of the “disappeared” was arrested in July 1994 at the house of a police officer whom he was visiting. The security forces had first gone to his own house looking for him late at night and his parents had told them that he was visiting a police officer friend and they went there to look for him. The family recognized some of the members of the security forces who came to the house; they wore plain clothes and said they were security forces but did not specify from which service. They then went to his friend’s house

and there they arrested him; his friend also recognized the members of the security forces who took him. Since then he has “disappeared”; his family has received assurances from acquaintances in the security forces that he is alive in secret detention, but has not been able to obtain any information through official channels. Shortly before the man’s arrest one of his brothers had also been arrested and held blindfolded for one week by the military security in an unknown place of detention, before being released on the motorway and told to make his way home.

Often, as in the above case, other members of the family were also arrested at around the same time as the “disappeared”. Djamel Farsadou, a 42-year-old cinema operator, married and the father of a small child, was arrested from his home on 5 June 1995 at around 2pm in the presence of his family and neighbours, and has since “disappeared”. A few days before his arrest his 70-year-old father had also been arrested by members of the security forces who came to the family home in the middle of the night and took him away in his pyjamas. He was taken to a detention centre where he was tortured during interrogation and accused of sheltering “terrorists” in his house. He was released the following morning at around 10am on the highway leading to his district, still in his pyjamas, and given some money to get a taxi to go back home.

Families have often kept silent about their relatives’ “disappearance” for months hoping that they would be released and because they feared that publicizing the case could put the “disappeared” at risk, or simply because they did not know what to do or who to contact - this is especially the case in rural areas. However, hundreds of families have contacted lawyers, human rights organizations, political parties, and the Algerian authorities; some have written hundreds of letters - but have received no reply. The father of a “disappeared” told Amnesty International:

“I have contacted everyone I could think of; I don’t understand much about politics or things like that and I never knew who the ministers were, even all the presidents since independence I don’t know; but now I can tell you the names of all the ministers [and he started to recite names of various ministers], because I have written to all of them many times; I am illiterate, but I dictate the letters and my other children write them. I haven’t received any reply, but I still write, and when a new minister comes I write again; I hope one of them will do something to help me to find my son. I even looked in the morgues and in the cemeteries but I didn’t find his name anywhere. An acquaintance in the army told me that he is alive but couldn’t tell me anything else. My son is not a “terrorist”; I know that you may say that all parents think that their children are good, but if he has done something let him be brought to justice; all I want is to know where he is”.

The families of some “disappeared” have spared no efforts to find their relatives, and have tried to break the silence which surrounds the fate of their relatives, but in most cases the Algerian authorities have simply ignored enquiries on behalf of the

“disappeared”. However, in some cases where the families have been particularly insistent and have contacted international human rights organizations and intergovernmental human rights bodies, the authorities have felt compelled to respond. The inaccurate and contradictory information contained in the replies to several of these cases indicates that instead of carrying out investigations to establish the fate of the “disappeared” efforts are made to cover up the involvement of the security forces in the “disappearance”.

For example, a group of 16 men were arrested from their homes in Rass el-Oued during the night between 21 and 22 July 1994 and have since “disappeared”. Their families made repeated enquiries to try to establish their whereabouts but in vain; some of the families were dismissed by the authorities who told them that their relatives had probably gone to join the armed opposition groups. No investigation was carried out by the authorities to try to find them and there was no mention of their case in the media. Amnesty International made enquiries with the Algerian authorities but received no response. In March 1995 the ONDH told Amnesty International that they had no information about these cases, but that the individuals concerned might have disappeared of their own accord as, according to the ONDH, has happened in other cases. In September 1995, after more than one year of continuous and fruitless research, two of the families, who live outside Algeria and who had been the most active in searching for their “disappeared” relatives, received letters from the ONDH informing them that on 22 July 1994 - that is the day after the arrest of their relatives - 15 bodies were found in a forest some distance from Rass el-Oued and it appeared that they had been abducted and killed by a “terrorist group”. The ONDH did not inform these two families whether the bodies identified were those of their relatives or of others in the same group and all attempts by these families to obtain further information were in vain. In May 1996 the authorities claimed that only two of these 15 bodies could be identified, and named them as being two of the group of the 16 “disappeared” from Rass el-Oued. The authorities also stated that all the bodies had been photographed before burial. The authorities gave no reason why the families of these two “disappeared”, who had been inquiring about their “disappeared” relatives incessantly, had up until then not been informed of their death, or allowed to see the bodies, so as to confirm their identity prior to their burial, or to be present at the burial, or to see the photographs of the bodies, so as to confirm their identity after their burial.

Djamaleddine Fahassi, a 40-year-old journalist with the national Algerian radio, married and the father of a six-month-old girl, “disappeared” after being arrested near his home in the el-Harrache district of Algiers in the afternoon of 6 May 1995. He had left his daughter with a relative to go to buy some food. Despite repeated enquiries his family received no reply from the authorities, who now claim that he was probably abducted by a “terrorist group”. However, his arrest and “disappearance” received no coverage in the media, which has given wide publicity to all cases of journalists killed or abducted by armed opposition groups; the silence about his case suggests that it was known from the

beginning that he was abducted by the security forces and not by an armed opposition group. In 1991, Djamaleddine Fahassi had been tried by the Blida Military court for an article criticizing the military which he had written in el-Forkane (a newspaper close to the FIS which was shut down in 1992) and had been sentenced to three months' imprisonment. He was arrested again at the beginning of 1992, along with more than 10,000 other people, and held for six weeks in an internment camp in Ain Salah, in the desert in the south of Algeria; he was then released without charge or trial.

Among the hundreds of "disappeared" is also Nacera Lazreg, a thirty-five-year-old woman, mother of six young children. She was arrested by security forces from her home at around 1.30 am during the night between 5 and 6 December 1994 and has since "disappeared". At the time of her arrest her husband, who had been in hiding, had just been killed by the security forces, and her brother-in-law, who had been arrested on 17 October 1994, had just been transferred to prison after 43 days in secret detention, during which he was reportedly tortured. Nacera Lazreg had herself been previously arrested a few months before, also at night from her home, and had been released the following morning after having been questioned about her husband's whereabouts and activities. A few days after her "disappearance" in December 1994, she was reportedly seen by other detainees in the police station in Bouroubaa, but to date all efforts by her family and lawyers to obtain information concerning her whereabouts from the authorities have been in vain.

Some of those who have "disappeared" after arrest were FIS members who had been elected as mayors in the 1990 municipal election or as parliamentarians in the first round of the legislative election in December 1991, which were later cancelled. They include Mohamed Rosli, Director of the Institute of Sociology at Blida University, who was arrested on 30 October 1993 from his office in Blida University; Brahim Charrad, who was arrested in the night of 21-22 July 1994 from his home in Rass el-Oued with 15 other people (mentioned above); and Djilali Nouri, mayor of el-Harrache (until the FIS was banned and its mayors replaced), who was arrested on 23 April 1994 in central Algiers with Hamou Mahboub, a journalist for the newspaper el-Djazair el-youm (Algeria Today, which was banned in mid-1994). Both Djilali Nouri and Hamou Mahboub were reportedly seen by other detainees in the Commissariat Central (Central police station) in Algiers between 15 and 18 April 1995.

In addition to "disappearances" of individuals who were arrested and never brought to trial and whose detention the authorities refuse to acknowledge, at least two convicted prisoners are also being held in secret detention. Ali Belhadj, the FIS vice-president has been held in an unknown location for almost two years without access to his family and lawyers. He was arrested in July 1991 with the FIS president, Abbassi Madani,

and was sentenced in July 1992 to 12 years' imprisonment by the military court. They were both moved from prison and placed under house arrest in an undisclosed location in September 1994, during political negotiations with the Algerian Presidency, but were again moved to a prison after a few months. In early 1995 Ali Belhadj was taken to a secret detention centre in the desert in the south of the country and his family has been unable to obtain any information on his whereabouts since then. A journalist of the Algerian press agency (APS) who revealed in February 1995 (on an internal APS wire) that Ali Belhadj was detained in the Tamanrasset region was arrested and sentenced by a military court to three years' imprisonment on charges of publishing information considered to endanger state security²⁴. Ali Belhadj's wife and children, and his lawyers have continued to seek information on his place of detention, but to no avail; moreover there are reports that his health has deteriorated and that he is not being given the necessary medical care. Abbassi Madani, the FIS president, is also being detained in an undisclosed place of detention; some of his relatives are allowed to visit him but on condition that they do not reveal his whereabouts. Amnesty International has sought information from the Algerian authorities and from the ONDH about the whereabouts and legal status of Ali Belhadj and Abbassi Madani, but was told that no information could be provided because these cases are of a political nature.

ARREST PROCEDURES: THE ROUTE TO "DISAPPEARANCE"

The Algerian authorities deny all knowledge of the "disappeared", stating that there is no proof that they were arrested by the security forces, often suggesting that the "disappeared" were probably abducted by "terrorist" groups. Indeed arrests by the security forces do in many cases resemble abductions by armed opposition groups: a group of armed men, wearing uniform or plain clothes, and sometimes balaclavas; they may present themselves as security forces; they may be very polite with the families and reassure them that their relative is only being taken for a check and will be promptly released, or they may verbally abuse and threaten the family; often they may search the house. They may take the detainees away in security force or army vehicles or in ordinary cars. Families of those abducted are usually unable to obtain any information on their whereabouts during the time they are held in secret detention; when they inquire with the security forces and authorities these either deny holding the detainees or do not reply.

Such practices by the security forces violate both Algerian law and international standards. Article 10 of the UN Declaration on the Protection of All Persons from Enforced Disappearances requires that detainees be held in an officially recognized place of detention and

²⁴ The APS Journalist, Abdelkader Hadj-Benaâmane, was arrested on 27 February 1995 and was tried on 25 July 1995 by a military court in Ouargla. Amnesty International considers him a prisoner of conscience and calls for his immediate and unconditional release.

that their families and lawyers be promptly informed of their place of detention. Rule 92 of the UN Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules) contains similar provisions²⁵. *According to Article 51 of the Code of Penal Procedure (CPP) those arrested may be held in incommunicado detention for a maximum of 12 days²⁶, but the families of those arrested must be immediately informed of their arrest and place of detention. However, the 12-day maximum limit has been routinely violated and the security forces have held detainees in secret and unacknowledged detention for weeks and months.*

For example, on 31 July 1996, Rachid Mesli, a human rights lawyer, was abducted. According to Amnesty International's information, he was driving his car, with his five-year-old son and his brother-in-law, in a country road in the Rouiba area in the outskirts of Algiers at about 7.30 pm when he was stopped by a group of armed men wearing plain clothes and carrying radio transmitters. The armed men, who did not identify themselves, asked his son and his brother-in-law to look the other way and then took him away in an ordinary car. It was feared at first that he had been abducted by an armed opposition group; for a week his family and colleagues were unable to obtain any information on his whereabouts from the security forces, who denied having arrested him. Amnesty International immediately contacted the Algerian authorities to seek information on his whereabouts but received no reply. The Head of the Algerian Bar Association informed Amnesty International on 7 August that he had inquired with the authorities about Rachid Mesli's whereabouts but had received no response. This would indicate that either his secret detention was not authorized by the judicial authorities, and was therefore illegal, or that the judicial authorities allowed the security forces to hold him in secret and unacknowledged detention in violation of both Algerian and international human rights law.

On the evening of 7 August members of the security forces searched the home and office of Rachid Mesli, which indicated that he was indeed detained by the security forces and not by an armed opposition group. He was finally brought before an examining magistrate on 10 August and was charged with complicity with an armed group and transferred to el-Harrache Prison in Algiers. During his secret detention he was reportedly beaten and ill-treated and lawyers who saw him confirmed that he had bruises on his right eye and on his hand and that he looked in poor physical condition.

²⁵ "An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family..."

²⁶ The *Décret législatif No 92-03 relatif à la lutte contre la subversion et le terrorisme* of September 1992 prolonged the period of incommunicado detention from 48 hours (double this period in cases of state security) to 12 days. On 25 February 1995 this (and most other) provision of the anti-terrorist emergency decree was incorporated into permanent legislation and Article 51 of the CPP was amended to allow for a 12-day period of incommunicado detention.

On 11 August the ONDH confirmed to Amnesty International that Rachid Mesli had been arrested by the security forces on 31 July and stated that his incommunicado detention had been carried out with judicial authorization. However, the ONDH did not clarify why, for more than 10 days, the security forces responsible for the detention and the judicial authorities not only failed to inform the family of Rachid Mesli that he had been arrested, but also refused to acknowledge his detention.

In some cases the families recognize some of the members of the security forces who carried out the arrest, but even in these cases when they inquire about the place of detention of their relatives from the security forces concerned they are usually unable to obtain any information. The security forces often tell families of “disappeared” that their relatives were probably abducted by “terrorists”, or that their relatives are “terrorists” and that they themselves simulated the abduction in order to join the armed groups; some families have been told by one security service that their son was abducted by “terrorists” and by another security service that their son is a “terrorist” who went to join the armed groups. However, in many cases the detainees whose families were given such explanations were later released or transferred from secret detention to prison, thus confirming that they had indeed been arrested and had neither been abducted by armed groups nor gone to join the armed groups.

The wall of silence and secrecy surrounding arrest and secret detention is used by the security forces and by the authorities to disclaim all knowledge of individuals who have “disappeared” after arrest, claiming that there is no proof that they were ever arrested. Such practices have largely contributed to creating an atmosphere of fear, and have added to the confusion of a situation where victims and their families neither know nor understand the reason for their being targeted or even by whom. In the vast majority of cases brought to the attention of Amnesty International over the past five years, the security forces never showed an arrest or search warrant to those arrested or to the families; this includes cases of individuals arrested in cases which do not fall within the “anti-terrorist” legislation.

For example, in March 1996 two journalists working for the satirical newspaper Mesmar in Constantine were arrested in connection with articles and cartoons published in the newspaper. They were arrested in the evening from near the newspaper’s office by men wearing civilian clothes who did not show them any arrest warrant or any other form of identification to prove that they were indeed members of the security forces. Given the number of death threats issued by armed opposition groups against journalists, and that so many journalists have been killed, at the time of their arrest these journalists feared that they were being abducted by an armed group; only when they arrived at the police station did they realize that they had indeed been arrested by security forces.

The fact that security forces are permitted to carry out arrests in such a manner, and to hold detainees in secret detention in places which are not under the supervision of

the judicial authorities, leaves those arrested particularly vulnerable to abuses such as torture, “disappearance” and extrajudicial executions.

In none of the numerous cases where Amnesty International has asked the Algerian authorities for information about individuals held in secret detention for prolonged periods was it possible to obtain any information on their whereabouts so long as they remained in secret detention; the same problem has been experienced by the families of those arrested, their lawyers, Algerian and international human rights organizations, and the official human rights body (ONDH).

TORTURE AND ILL-TREATMENT: AN INSTITUTIONALIZED PRACTICE

The events of the past five years have shown how the practice of torture, which had been virtually eradicated in Algeria between 1989 and 1991,²⁷ could again be allowed to become institutionalized as a result of the failure of the authorities to take the necessary measures to stop it. Since 1992 Amnesty International has expressed concern that torture was once again being used in Algeria and called on the authorities to investigate torture complaints and bring to justice those responsible, and to put in place mechanisms to ensure that all places of detention be brought under judicial control, and that relevant international human rights treaties and guarantees contained in Algerian law be implemented. Amnesty International believes that if such measures had been taken, the spread of the practice of torture could have been stopped. However, to date²⁸ no concrete measures have been taken by the authorities to stop and prevent torture, no investigations are known to have been carried out into cases of torture, and members of the security forces responsible for torturing detainees continue to do so with impunity.

Torture and ill-treatment of detainees is reported to occur mainly during secret detention in police and gendarmerie stations, military security centres and other secret places of detention. The security forces use torture to obtain information from individuals known or suspected of having links with armed opposition groups, and to force detainees to sign statements (procès verbaux) admitting involvement in killings and other crimes, or

²⁷ Reports of ill-treatment by the security forces were received during the state of siege in 1991; internal inquiries were reportedly carried out and members of the security forces arrested for assault, but the findings of such inquiries were never made public and it is not known whether any members of the security forces were prosecuted and convicted.

²⁸ Since 1992 no judicial investigations are known to have been carried out into complaints of torture.

denouncing others. Torture and ill-treatment have also been reportedly used to punish detainees outside the context of interrogations.

The use of torture violates both the Algerian Constitution and international treaties to which Algeria is a state party. Article 33 of the Algerian Constitution states:

"The State guarantees the inviolability of the human person. Every form of physical or moral violence is proscribed".

Article 7 of the International Covenant on Civil and Political Rights (ICCPR) states:

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment...".

Article 4 of the same treaty provides that this right cannot be derogated from under any circumstances, even in a "time of public emergency which threatens the life of the nation".

Article 2 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture) states:

"No exceptional circumstances whatsoever, whether a state of war or threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture".

Article 5 of the African Charter on Human and Peoples' Rights also contains similar provisions.

Algeria has ratified both the ICCPR and the Convention Against Torture in 1989, but to date neither of these treaties has been published in the Algerian Official Gazette. A decision of the Algerian Constitutional Council of 20 August 1989, states that international treaties and conventions which have been ratified are completely integrated into internal Algerian law only when they have been published in the Official Gazette. Such provision is incompatible with the treaties themselves, for these become binding upon ratification and calls into question the commitment of the Algerian authorities to ensuring compliance with these treaties.

Algerian law also contains a number of provisions which, if implemented, could provide substantial protection against abuses for detainees held in incommunicado detention. Article 51 of the Algerian CPP and Article 45 of the Algerian Constitution provide for detainees to be examined by an independent doctor of their choice, requested by themselves, their families or their lawyers, at the end of incommunicado detention. Rule

91 of the Standard Minimum Rules has similar provisions. Article 52 of the CPP also stipulates that the State Attorney (Procureur de la République) may order, either of his own accord or upon request of the detainee's family, the medical examination of detainees during incommunicado detention. It is important to note that when these articles were promulgated incommunicado detention was limited to 48 hours (renewable once in exceptional cases). Since this limit has been extended to 12 days, the need for independent medical supervision of detainees during and at the end of the period of incommunicado detention is even more crucial.

However, in most of the cases brought to Amnesty International's attention the detainees were not afforded this right, nor did they receive independent medical examinations after they were transferred from the place of incommunicado detention to prison. Of the detainees who have died during secret detention, some are reported to have been extrajudicially executed and others to have died as result of torture. In some cases detainees who sustained injuries during torture have been taken to hospitals for emergency treatment, but in most cases reported to Amnesty International they were not examined by a doctor or given any medical treatment, even of the most basic kind. In the few cases where a medical examination was ordered by the judicial authorities, these were carried out by a state-appointed doctor, and in most cases only took place weeks after the torture had allegedly occurred.

In August 1994 Amnesty International delegates visiting Algeria requested to meet some detainees in el-Harrache Prison who had reported that they had been tortured during secret detention. They included Noureddine Lamdjadani, a medical doctor, who was arrested on 17 May 1994, when he reported to the police station after receiving a summons, and held in secret detention for 60 days, and Said Moulay, a professor of mathematics, who was arrested on 19 June 1994 and held in secret detention for 29 days. During this period both detainees were reportedly tortured by the "chiffon" method (see below), severe beatings, including with rubber hoses and sticks, and one was allegedly threatened with death. Said Moulay sustained severe injuries and was taken to hospital where he received stitches on the head and hand. A medical examination repeatedly requested by his lawyers was eventually ordered at the end of July, but was not carried out in the following months. The two men are still detained without trial. Amnesty International's delegates did not meet these or other detainees because the prison authorities and the examining magistrate did not accept the delegates' request to interview the detainees in private, a necessary requirement to protect confidentiality.

To date no Algerian or international independent human rights or humanitarian organization has been able to visit detainees in prisons. The Algerian authorities have stated, including in their reports to the African Commission for Human and Peoples' Rights and to the United Nations Committee Against Torture, that they have given authorization to the International Committee of the Red Cross (ICRC) to visit prisons in Algeria; however,

the ICRC has confirmed that to date no arrangement has yet been made to allow them to visit prisons in Algeria. Allowing such organizations to visit detainees in prison, interview them in private, and medically examine them would be an important step in investigating and assessing complaints of torture and ill-treatment during incommunicado detention, as well as preventing torture and ill-treatment.

Methods of torture

Testimonies received from detainees, including former detainees who were subsequently examined by medical doctors in Algeria and in other countries, and detailed and consistent information collected from other sources, including former magistrates, security and armed forces personnel, lawyers, medical doctors, nurses, journalists and families of detainees, indicate that the practice of torture has to some extent become institutionalized, both because it now appears to be a routine practice and because some of the methods used require equipment which would not normally be held in places of detention.

The most commonly used methods of torture appear to be the "chiffon" method (the detainee is tied in a horizontal position to a bench and cloth is inserted in his mouth, then his nose is held closed and a mixture of dirty water and chemicals is poured in his mouth in large quantities causing choking and swelling of the stomach); the "*chalumeau*" (blowtorch, which is used to burn the face and parts of the detainee's body); electric shocks applied to the ears, genitals, anus and other sensitive parts of the detainee's body; tying a rope around the detainee's penis and/or testicles causing swelling of the genitals; and beatings all over the body, especially on the sensitive parts. Others methods reported are burnings on the body with cigarettes; insertion of bottles, sticks and other objects, including firearms, in the anus; putting glue in the detainee's anus; placing the detainee's penis in open drawers and shutting the drawer; and suspending the detainee in contorted position.

In most of the cases reported to Amnesty International the detainees were held blindfolded during transfers to the places of detention, and some were also held blindfolded during interrogations and at other times of their incommunicado detention.

Amnesty International is concerned that unless increasingly widespread allegations of torture and ill-treatment of detainees by members of the security forces are independently, impartially and publicly investigated and those found responsible are brought to justice - as the Algerian authorities are obliged to do under their own law - the perception by members of the security forces that torture is an acceptable means of extracting confessions from detainees or of forcing them to sign *procès verbaux*, will further encourage them to torture and ill-treat detainees.

THE FAILURE TO INVESTIGATE TORTURE AND UNLAWFUL DETENTION

Amnesty International has repeatedly expressed its concern that judges and magistrates have consistently failed to investigate systematic violations at all stages of pre-trial investigation, such as illegally prolonged incommunicado and secret detention and torture and ill-treatment of detainees by the security forces responsible for their detention.

According to Article 51 of the Algerian CPP, members of the security forces responsible for violating incommunicado regulations are liable to punishment for arbitrary detention. Article 52 of the CPP requires that the date, time and duration of each interrogation, and the date and time of the detainee's release or transfer to the competent magistrate, be recorded on the police statement, as well as on a special register signed by the State Prosecutor (*Procureur de la République*), and which must be kept in all places where detainees may be held in incommunicado detention.

Articles 13²⁹ and Article 15³⁰ of the Convention Against Torture provide for investigations into complaints of torture and render null and void confessions obtained under torture. Article 12 of the same convention requires prompt and impartial investigations, wherever there is reasonable ground to believe that an act of torture has been committed, even if there has been no formal complaint.

However, confessions retracted in court by detainees, who stated that they had been forced to sign their confessions under duress or without being allowed to read the content, have continued to be accepted as evidence by judges, even when there was ample evidence that the members of the security forces who had conducted the interrogation and obtained the confessions had done so in violation of both Algerian and international law. Even though Article 54 of the CPP states that each *procès verbal* must be signed on each page by the officer who writes it, Amnesty International has examined numerous *procès verbaux* which did not contain the signature of the responsible officer, or the date, time and duration of each interrogation, but which were nonetheless accepted by judges who did not question the validity of such *procès verbaux* and did not investigate the conditions in which the detainees had signed them - even if the detainees stated in court that they had been forced to sign them under torture.

Judges, and officials from the Ministry of Justice and the ONDH have told Amnesty International that detainees systematically say they have been tortured as part of their defence, but that this is an exaggeration. Such outright dismissal of torture complaints, on the part of those with a responsibility to investigate allegations and complaints of torture indicates a lack of will to stop and prevent torture.

²⁹ "Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to and to have his case promptly and impartially examined by its competent authorities."

³⁰ "Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made."

Amnesty International knows of cases where detainees appeared before the courts with physical injuries and scars of torture, and has seen copies of scores of requests for medical examinations and of complaints of torture requesting investigation, which were either refused or ignored by the court. The organization has submitted hundreds of cases of allegations of torture to the Algerian authorities and has asked them to ensure that independent and impartial investigations are carried out. The authorities have either not responded or denied that such allegations have any foundation; in some cases they have stated that the allegations would be investigated. However, to date not a single judicial investigation is known to have been carried out.

Nadir Hammoudi, who was arrested in October 1992 and who remains detained without trial, was held in secret detention for 40 days, that is 28 days beyond the maximum period of incommunicado detention allowed by Algerian law. He complained that during secret detention in Bab el Oued police station and in another detention centre he was tortured and beaten. His family and lawyers, and Amnesty International raised the case with the Algerian authorities on numerous occasions, and in 1993 the ONDH published³¹ a complaint against an Amnesty International staff member who had written to the ONDH asking for this and other cases to be investigated. In 1996, officials from the Ministry of Justice told Amnesty International that the case was still under investigation. Similarly, a complaint of torture by Abdelkrim Mammeri, who was arrested in November 1993, held in secret detention for a month and tortured, has not yet been investigated, even though members of the ONDH who visited him in prison confirmed that he still bore torture marks and recommended that an investigation be carried out.

Some of the detainees who had complained of torture during secret detention in previous years were killed in Serkadji Prison in February 1995; their complaints had never been investigated. They include Yassine Simozrag, who had been arrested in July 1993, tortured including by the *chalumeau* method during secret detention and held without trial since (see page 8), and Mohamed Ait-Bellouk, who had been arrested in November 1993, reportedly became impotent as a result of torture and was sentenced to death in January 1995.

Judges and magistrates have a responsibility to investigate violations and breaches of the law which are brought to their attention in order to ensure both the respect of the defendant's right to a fair trial, and the proper administration of justice. The consistent failure of the judiciary to investigate torture complaints and violations of procedures by the security forces, and their willingness to accept as evidence confessions allegedly extracted under torture and *procès verbaux* fraught with irregularities, seriously calls into question their independence, impartiality and commitment to protecting human rights. The failure of the Algerian authorities to ensure that investigations are carried out and to take measures to stop and prevent secret detention - which facilitates torture, "disappearances", extrajudicial killings and other violations - can only encourage such violations and further undermine the rule of law.

PROLONGED DETENTION WITHOUT TRIAL

³¹ Pages 86 to 89 of the ONDH *Revue des droits de l'homme*; No 3 of June 1993.

Several detainees accused of “terrorist” activities have been held without trial for more than four years. According to Algerian law³², pre-trial detention is limited to four months, renewable three times in criminal cases - to a maximum period of 16 months. However, detainees arrested in 1992, 1993 and 1994 are still being held without trial.

For example, Abdelkader Hachani, a leading FIS figure who had led the party to the legislative elections of December 1991 after the detention of the FIS president and vice-president, has been detained without trial since 22 January 1992. When Amnesty International sought clarification concerning his prolonged detention without trial from the Ministry of Justice and from the ONDH, these responded that they could not comment on the case because it is a political case.

Ali Zouita, a lawyer who had been part of the defence team of the FIS leaders in their trial 1992 continues to be detained without trial since February 1993. He was accused in the case of the bombing of Algiers’ airport and in another case of belonging to an armed group; the charges were subsequently dropped in both cases, but he remains detained without trial.

Others in the same situation include Nadir Hammoudi (whose case is mentioned on page 40), who was arrested on 9 October 1992 and remains in prison without trial. Some of the detainees who were killed in the massacre in Serkadji prison had been detained for more than 16 months without trial.

At the end of November 1995, more than 640 people were released from a desert camp in Ain M’Guel, in the south of Algeria, after being held in administrative detention without charge or trial since the beginning of 1992.

While welcoming the release of those held in administrative detention, Amnesty International remains concerned at the prolonged pre-trial detention of other political detainees, and calls for them to be tried promptly and fairly, in accordance with international human rights standards, or else released.

CONCLUSION

Over the past four years, the Algerian authorities have repeatedly stated that the security situation is improving. However, killings and abuses have continued, and the civilian population has been increasingly drawn into the confrontation.

Amnesty International is aware of the widespread violence by armed opposition groups; it condemns unreservedly the killings of civilians and other abuses within its mandate committed

³² Articles 125 and 125 bis of the CPP.

by such groups, and recognizes the right and the duty of the Algerian authorities to bring to justice those responsible for such crimes and acts of violence and to take measures to prevent *killings and attacks on civilians, members of the security forces and public property*. *However, no level of violence by armed individuals or groups can ever justify the security forces' recourse to practices such as extrajudicial executions, "disappearances" and torture. Article 4 of the ICCPR clearly states that certain basic rights protected by the Covenant, such as the right to life (Article 6), and the right not to be tortured (Article 7) may not be derogated from, even in time of public emergency which threatens the life of the nation. By ratifying international human rights standards, Algeria has willingly undertaken the obligation to respect human rights at all times.*

Gross human rights violations are being committed by the security forces in the name of "fighting terrorism"; such violations are not being investigated and those responsible are being afforded impunity. While killings of civilians, abductions, rape and other abuses committed by armed opposition groups must be condemned in the strongest terms, they cannot continue to be used as an excuse for the security forces to violate human rights. The need to maintain security, and the fact that their own lives are often in danger does not absolve them from their obligation to respect and uphold human rights.

Amnesty International's opposition to human rights violations perpetrated by governments worldwide is based on international human rights norms concerning the protection of the rights of individuals in relation to governmental authority; it is states which have ratified international human rights treaties and adopted other international human rights instruments within the framework of the United Nations, and it is states which are obliged to implement them. Therefore, while opposing and campaigning to end abuses by armed opposition groups, the organization will continue to place its primary focus on human rights violations by governments and the responsibility of those with governmental authority to abide by their international obligations - notably their solemn obligation under international human rights treaties to safeguard human rights and prevent human rights violations. The responsibility for investigating human right violations and bringing to justice those found responsible for human rights violations and abuses lies with the Algerian authorities.

RECOMMENDATIONS

The Algerian Government, as the only party responsible for law-enforcement, must act in accordance with the international obligations which it has undertaken by ratifying international human rights treaties. To this end, it should take concrete and effective measures without further delay to ensure that thorough, independent and impartial investigations are carried out into human rights violations and abuses committed by security forces, by government-backed militias, and by armed opposition groups. The

findings of such investigations should be made public and those responsible for the violations and abuses be brought to justice.

Recommendations made by Amnesty International to the Algerian Government in previous years for measures to ensure effective judicial control over arrest and detention procedures, to put an end to secret detention, and to stop and prevent extrajudicial executions, torture and other violations, remain relevant today³³.

In addition to renewing its call on the Algerian Government to implement the recommendations it has made in the past, Amnesty International now urges the Algerian Government to:

- State publicly and in clear and unequivocal terms that extrajudicial executions, “disappearances”, torture, and arbitrary and secret detention are crimes punishable by law and will not be tolerated. Any members of the security forces who commit any such crimes should be brought to justice.*
- Set up an independent and impartial commission of inquiry³⁴ to investigate extrajudicial executions, torture, “disappearance”, arbitrary and secret detention, and other violations committed since 1992. The methods, findings and conclusions of any investigation should be made public and anyone found responsible for violations should be brought to justice.*
- Take immediate steps to bring arrest and detention procedures under the control of the judiciary, so as to ensure that no one is held in secret detention. All those currently held in secret detention must be released, unless they are charged with a recognizable criminal offence and tried in accordance with recognized international human rights standards - in which case they must be transferred to a recognized place of detention and granted full access to family, lawyers and medical care if necessary.*

³³ In addition to recommendations appended to public reports issued in previous years, Amnesty International has made other detailed recommendations to the Algerian Government in a Memorandum in August 1995 and in other confidential correspondence.

³⁴ Comprehensive guidelines for the setting up of such commission of inquiry have been previously provided to the Algerian Government.

- Make it clear to all security forces that confessions obtained under torture are invalid and will not be accepted as evidence in court; and instruct judges and magistrates that such confessions must not be accepted as evidence under any circumstances.

- Disband all civilian militias and ensure that security operations are carried out only by law-enforcement personnel who have received the necessary training and who operate in a framework which ensures accountability.

- Review the recently-amended Penal Code (CP) and the Code of Penal Procedures (CPP) with a view to bringing Algerian law into conformity with international human rights treaties to which Algeria is a State Party³⁵.

Amnesty International also reiterates once again its call on all armed opposition groups and all groups who claim to act for political motives to:

- Put an immediate end to deliberate killings and abduction of civilians and non-combatants.

- Immediately cease to abduct women and subject them to rape and other acts of torture.

- Stop threatening civilians with death.

³⁵ Amendments to the CP and CPP of February 1995 have resulted in the inclusion of most of the provisions of the “anti-terrorist” decree of September 1992; thus making an emergency decree into permanent legislation.