

AMNESTY INTERNATIONAL

Public Statement

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Algeria: initial report of an Amnesty International delegation's visit to Algeria, 6 - 25 May 2005

Algeria is at a turning point, believes the Amnesty International delegation, at the end of its visit to the country. *"The people and their leaders have the opportunity, after years of bloody conflict – which still claims victims today – to reconstruct the country on new foundations, turn their back on the violation of human rights and impunity, and promote respect for basic rights."*

At the end of a three-week visit, during which the Amnesty International delegation visited several towns in the country and held discussions with many representatives of civil society, senior government officials, and victims of human rights abuses and violations, the organisation presented its main conclusions and recommendations to the Algerian public and government.

"Victims and their families have the right to truth, independently of who was responsible for the misfortunes that afflicted them. To forget history is to condemn oneself to live through the same experience again, to grant impunity to the perpetrators of abuses and to leave the door open for future tragedies", insisted the organisation, which saluted the courage of women victims of violence, within and outside the family. *"Women bear the brunt of the conflict, sometimes physically. They must be involved with any changes that affect them. And urgent measures should be taken."*

The delegation also drew the authorities' attention to reports of torture and ill-treatment, which continue to reach the organisation, and to restrictions to the freedoms of expression and association which remain in place. *"It is crucial that the government involves civil society organisations in the country's reconstruction. It is therefore necessary for the restrictions that prevent them working properly are removed as soon as possible",* insisted representatives of the human rights organisation.

Despite requests, the delegation was not received by either the Minister of Defence or the Minister of the Interior.

A. Discrimination and violence against women

The delegation highlighted the positive developments it had noted, for example, certain modifications to the Nationality and Family Codes, the ban on sexual harassment and the study into violence against women. It also noted the willingness of the authorities concerned to engage in an open dialogue.

However, the Family Code continues to discriminate against women. It facilitates violence: the fight against this violence requires more appropriate laws and practices, by police, prosecutors and agencies responsible for care of the victims.

The present law does not provide women with effective protection against certain violations, especially domestic and sexual violence. The delegation reminded the government of the CEDAW committee's observations and recommendations on this issue, and the need for them to be implemented by the country's authorities.

The violence experienced by the country has had serious consequences for the moral, legal and material situation of thousands of people, mainly women and children, independently of who the perpetrators of these atrocities were. They continue to suffer today and urgent measures should be taken to relieve their suffering.

Recommendations

In accordance with its international obligations, and the Peking Action Plan, Algeria should implement a genuine integrated action plan to combat violence against women.

The delegation also called on the government to take concrete measures to help women and children who were victims of the events which steeped the country in bloodshed, including sexual violence.

B. Freedom of expression, association and assembly

The delegation expressed its consternation at the considerable number of judicial proceedings against journalists in recent months, proceedings that regularly result in prison sentences and/or considerable fines. The organisation reminded the government of the importance of a free and responsible press and the government's duty to respect its international obligations in this area. It drew the attention of interlocutors to the difficulties experienced by associations when trying to organise meetings, public activities or demonstrations, including the ban on demonstrations to raise awareness about human rights.

Recommendations

Amnesty International invites the government to join the profession in reviewing the various regulations that govern the press and to not use prison sentences for people convicted of violating press laws. It also invites the government to stop the administrative and legal harassment that hinders or tries to prevent civil society activities.

C. Torture and impunity

Despite the recent inclusion of torture as a criminal offence in the Penal Code and the reduction in allegations of torture and ill-treatment by the police and gendarmerie, the organisation has received a significant number of allegations about such abuses by officers of the *Département du Renseignement et de la Sécurité* (DRS), Department of Information and Security. These allegations include detention of the accused in places impossible for them to know the location of, and torture, including beatings and the torture known as *chiffon*. The delegation questioned the authorities about the fact that it could find no mention of these abuses in the medical reports written by the doctors responsible for examining detainees in these centres. If these allegations are confirmed, such breaches of duty would constitute grave violations of medical ethics.

In addition, the use of torture to obtain confessions constitutes a flagrant violation of international instruments to which Algeria is a party, such as the Convention against Torture. Similarly, judges have the duty to initiate investigations into any allegations of torture that come to their attention. However, as far as the organisation's delegation can establish, no such inquiry has been made into DRS officers' activities in this regard.

Recommendations

All these places of detention and custody, including those of the DRS, should be permanently accessible to organisations such as the International Committee of the Red Cross. Amnesty International invites prosecutors to visit these centres regularly as a preventive measure.

All allegations of torture and ill-treatment must be the object of independent inquiries.

People who are arrested or detained in custody by the DRS and other state agents should be allowed to communicate with their families and receive visits from their families, as provided for in law.

The organisation recommends that the authorities modify existing regulations in order to allow detainees to have access to a lawyer.

In addition, the organisation suggests that the Medical Association assists its members in fulfilling their ethical obligations.

D. Impunity and amnesty

The organisation notes the lack of progress in determining the fate of people kidnapped by armed groups and those who "disappeared" by agents of the state. It also notes the lack of progress in apportioning responsibilities for the atrocities committed during the conflict.

The delegation learned of various initiatives taken to evaluate the situation, such as the "ad hoc mechanism" and statistics compiled by the Minister of Justice. However interesting these may be, there is no connection between these studies and they can only give an initial indication of the facts, a first stage in the long process that Algeria must begin to put an end to impunity, respond to the questions of the families of the disappeared and people kidnapped by armed groups and provide the reparations to which these families have a right.

On several occasions, the delegation repeated the organisation's position on reports of a general amnesty. As no document setting out the provisions of such an amnesty was made available, the delegation was not in a position to comment. However, it warned of the dangers that such a law would entail, especially with regard to impunity. It also reiterated its request to the authorities for an evaluation of the "civil concord" experience.

Recommendations

In its contacts with the authorities, the Amnesty International delegation stressed the need to take on board the lessons that can be learned from similar experiences in many countries, on all continents, who have experienced a comparable situation during the last 30 years. The delegation insisted on the need to work on memory, justice and truth before consideration of any initiative aimed at providing an amnesty to the perpetrators of abuses and violations of basic rights.

The delegation suggested to the Algerian authorities that they implement a comprehensive project, in cooperation with the families of victims and human rights associations. It reminded the government that the abuses and violations in question are crimes against humanity and are therefore imprescriptible and cannot be the object of an amnesty.