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1999 UN COMMISSION ON HUMAN RIGHTS

Making human rights work: time to strengthen the special procedures

Appeal case: ALGERIA

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Amnesty International is a worldwide movement that works to prevent some of the gravest human rights violations wherever they occur. The organization does not grade countries according to their human rights record but concentrates on ending specific violations. The 55th session of the UN Commission on Human Rights (Commission) will meet for six weeks in Geneva from 22 March to 30 April 1999.

Amnesty International is calling on the Commission this year to act on **Algeria, Cambodia, the Great Lakes region of Africa (Burundi, Democratic Republic of Congo, Rwanda), Turkey** and the **United States of America**, where human rights violations and abuses are grave, persistent, and/or widespread. This document summarizes Amnesty International's concerns in one of these countries, Algeria, and includes one appeal case which illustrates some of Amnesty International's concerns in that country.

Amnesty International urges all governments, whether members or observers, attending the Commission to take up this appeal case as well as Amnesty International's recommendations in their bilateral and multilateral meetings with government representatives of Algeria. Where the Commission adopts a resolution, takes a decision or its Chair makes a statement on the

human rights situation in Algeria, specific action should also be taken to address the violations in the appeal case.

SUMMARY OF AMNESTY INTERNATIONAL'S CONCERNS IN ALGERIA

Human rights abuses continue on a large scale: extrajudicial executions, deliberate and arbitrary killings, abductions and torture remain widespread and thousands of "disappeared" continue to be unaccounted for. Throughout 1998, killings of civilians -- sometimes entire families -- continued daily in different parts of the country. Scores of civilians were also victims of bomb attacks.

Security forces and militias armed by the state continue to be responsible for extrajudicial executions, deliberate and arbitrary killings, torture, "disappearances" and arbitrary detention.

Armed groups which call themselves "Islamic groups" continue to target civilians. They have slaughtered individuals and groups of people, including children, women and elderly people -- at times after abducting them -- and have carried out bomb attacks claiming scores of lives and leaving hundreds injured.

Impunity remains a serious concern. As in previous years, the Algerian authorities stated that scores of members of security forces and of state-armed militias had been brought to justice for serious human rights violations, including murder, abduction and rape. However, they continue to refuse to provide any information on the cases, including the names of those convicted and details of their trial and the sentences imposed. In February 1998, two militia chiefs, who were also mayors of the main government party, were arrested for murder, abduction, extortion and other crimes committed since 1995. However, they were promptly released and have not been brought to trial.

During 1998 violations reportedly committed by the security forces in previous years were confirmed. In October 1998 it was established that in June 1997 27 prisoners had died of suffocation during a prison transfer as a result of neglect. The same month confirmation was received that some 50 Moroccans, eventually released in December 1996, had in fact spent 18 years in secret detention in Algerian detention centres. No investigation is known to have been carried out into these incidents.

Amongst pressing human rights concerns requiring concrete action is the fate of some 3,000 people who "disappeared" after abduction by security forces and state-armed militias since 1993. For years families of the "disappeared" have been searching for their missing relatives in police stations, army barracks, prisons, hospitals and morgues to no avail. In some cases the Algerian government has responded to the UN Working Group on Enforced and Involuntary Disappearances claiming that the "disappeared" had voluntarily gone into hiding to join armed groups, or had been killed by security forces in the context of armed conflict or had been abducted or murdered by armed groups. However, the government has systematically failed to substantiate such claims and in some cases gave contradictory responses. Since August 1998, overcoming fears for their own safety and that of their relatives, families of the "disappeared" have been holding public demonstrations calling for information about their missing relatives. The Algerian authorities have promised to look into the cases and established offices

to receive the families' complaints. However, to date no independent investigation into the fate of the "disappeared" has been initiated.

The Algerian government has repeatedly broken its promises to cooperate with the mechanisms of the Commission and has continued to refuse access to the country to the UN Special Rapporteurs on torture and extrajudicial, summary and arbitrary executions, as well as to the International Committee of the Red Cross (ICRC) and to international human rights organizations. The international community -- and particularly the Commission on Human Rights -- has so far failed to take any concrete action to address the continuing human rights crisis.

Political initiatives such as visits in January by the European Union (EU) Troika and in July 1998 by the UN panel under the auspices of the UN Secretary-General lacked a human rights mandate and had no impact on the human rights situation. The EU Troika failed to secure access to Algeria for the UN Special Rapporteurs and the UN panel had neither the mandate nor the means to conduct any investigations and its report contains no provisions for the implementation of its recommendations. The government particularly welcomed the fact that the report contained no provisions for any kind of follow-up.

In July 1998, the (UN) Human Rights Committee expressed concern at the human rights crisis in Algeria and regretted the unwillingness of the government to provide concrete information about the situation in the country. The Committee's recommendations to the government included:

ensuring that independent mechanisms be set up to investigate all violations of the right to life and security of the person -- including into the conduct of the security forces, from the lowest to the highest levels -- and that the offenders be brought to justice and the results of such investigations be published;

establishing a central register to record all reported cases of disappearances, assist the families concerned to retrace the disappeared, set up a credible system for monitoring treatment of all detainees to prevent torture or cruel, inhuman or degrading treatment, ensure that nobody may be arrested or detained "outside the law";

granting prompt access to the ICRC and other independent observers;

maintaining within its police and defence forces the responsibility of enforcing law and order and, in the meantime, ensuring that "legitimate defence groups" (militias armed by the state) be brought under the strict and effective control of responsible State organs, and promptly to justice in the case of abuse.

So far, the government has not taken concrete action to implement these recommendations.

Amnesty International's recommendations to the Commission are featured in the main document: "*1999 UN Commission on Human Rights - Making human rights work: time to strengthen the special procedures*" (AI Index: IOR 41/01/99), page 11.

Appeal case: AMINE AMROUCHE - “Disappearance”

Amine Amrouche, a 21-year-old unemployed apprentice carpenter, walked out of his home in Baraki, a district on the outskirts of Algiers, on 30 January 1997. Later in the afternoon, he was spotted by friends in the neighbourhood. Since then he has not been seen. There were no eye-witnesses to see him being taken away, but he is believed to have “disappeared” at the hands of the security forces. Several other youths are reported to have “disappeared” in Baraki during the same week.

Amine’s mother, Nassera Yous, who lives in France, flew to Algeria in February 1997, but was unable to obtain any official information about him. She was confidentially told by people in the security forces that her son was in solitary confinement at the police station in Baraki. However, the officers at the police station denied any knowledge of Amine and his whereabouts. Amine’s grandmother, Fatima Yous, with whom he lived, went to the local gendarmerie to inquire about his whereabouts, but she was verbally abused and thrown out. The family also inquired with the local courts, hospitals and the morgue, but could not obtain any information.

It was suggested by a friend of Amine’s that he might have been taken for military service. On 30 March 1997, a conscript on leave came to Amine’s grandmother’s house and said that he had seen Amine Amrouche at a barracks in Oran, where Amine had been injured by two bullets while trying to escape. The family went to Oran and checked all the hospitals and military barracks, but found nothing. In November 1997, Amine’s mother heard rumours that he was being detained in a military prison centre in Algiers.

In 1998, Amine’s mother was dealt a further blow when her brother-in-law, Mohamed Cheridji, was arrested on 25 January at his sister’s home in Baraki, Algiers, by plainclothes security force agents and subsequently "disappeared". The same year, she formed an organization of parents whose children have "disappeared" in Algeria, through which she has been campaigning to bring attention to their plight.

Amnesty International calls for:

- a prompt, full and impartial investigation in order to clarify the whereabouts or fate of Amine Amrouche and of Mohamed Cheridji and to ensure that, if violations of human rights have been committed, the perpetrators are promptly brought to justice.

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INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM