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Algeria: Immediately try or release detainees jailed for nine years without being convicted by a court

Amnesty International is greatly concerned by the continuing detention of Malik Medjnoun and Abdelhakim Chenoui, who have both been held without trial for nine years as suspects in a crime which they deny. The organisation is calling for them to be tried in proceedings which meet international standards of fairness, in which case an independent, civilian court must decide on whether or not to remand them in custody, or else order their release.

Amnesty International is also calling for an independent investigation into the circumstances of their arrest and initial detention, including allegations that they were subject to enforced disappearance and tortured, and for those responsible to be brought to justice and for the two men to receive reparation for the violations of their human rights.

Both men were held in secret, unacknowledged detention, respectively for seven and six months, after they were taken into custody in September 1999. They allege that they were tortured during this period of enforced disappearance.

The Algerian authorities charged them with the murder of the famous Kabyle singer, Matoub Lounes - which they deny – but has so far failed to bring them to trial although they have now been held for nine years. They remain incarcerated at the civil prison of Tizi Ouzou in Great Kabylia

Malik Medjnoun was near his house when he was seized by three armed men in civilian dress on 28 September 1999. He then disappeared and his family had no word of him while he was held incommunicado in unacknowledged detention by the Department of Information and Security (Département du Renseignement et Sécurité, DRS), widely known as “Military Security”. He says security officials tortured him continuously for two days, including by beating him with a pickaxe handle, subjecting him to electric shocks and the “chiffon” - in which the victim is forced to swallow dirty water, chemicals or urine through a dirty cloth placed over the mouth. He was held for several months at the Antar barracks in the Ben-Aknoun region of Algiers, which is operated by the DRS, but then transferred to a military hospital in Blida for 28 days when he became so weak that he could no longer stand up.

Abdelhakim Chenoui is a former member of an armed group opposed to the government who surrendered himself to the General Prosecutor of Tizi Ouzou on 17 September 1999 under the framework of the Civil Harmony Law. This grants immunity against prosecution to members of various armed groups so long as they have not committed killings, rape, caused anyone permanent disability or placed bombs in public places. He was arrested two days after he surrendered himself and then disappeared for six months. He was held secretly at the Center of Chateauneuf in Algiers, run by the DRS, where he is alleged to have been tortured. According to the UN Special Rapporteur on torture, he was tortured using the “chiffon” and electric shocks, subjected to rape with a broom handle and frequent beatings, and suspended by the elbows.

The two men were eventually brought before the Tizi Ouzou prosecutor general in March 2000 but they did not have legal representation and were neither informed of their rights nor of any charges against them. Chenoui is reported to have confessed to the murder of Matoub Lounes and implicated Mejnoun in front of the investigative judge but later to have retracted his confession and said it was made under threats and duress. Mejnoun was only informed of the charges facing him on 2 May 2000.

The investigative judge declared the investigation complete in December 2000 and the case was due to be heard by the Tizi Ouzou Criminal Court in May 2001 but the two men have yet to be brought to trial. The trial was to commence on 9 July 2008 but it was again postponed without a new date being set. The postponement was requested both by the defence and the *partie civile* (civil petitioner), composed of Matoub’s widow and his two sisters-in-law who had been present at the time of the murder, who insisted that key witnesses not summoned by the court should be called to attend.

The UN Human Rights Committee, which reviewed the case of Malik Mejnoun in 2006, ruled that Algeria had violated a number of provisions of the International Covenant of Civil and Political Rights (ICCPR), to which it is a state party, including the right to liberty and security of person, the right not to be subjected to torture and other ill-treatment and the right to be brought to trial within a reasonable time or to be released.

Background

The murder of Lounes Matoub, a symbol of Kabyle culture and opposition to the national government, continues to be a contentious and politically sensitive issue in Algeria. The singer was shot dead and his wife and two sisters-in-law were injured when their car was ambushed on 25 June 1998. The murder sparked anti-government demonstrations in Kabylia, a predominantly Amazigh region of northeastern Algeria. Matoub was known as a supporter of demands for official recognition of Kabyle culture and Amazigh, the Berber language. Protestors blamed the Algerian authorities for his death but the government said that the opposition Armed Islamic Group was responsible. This group had previously abducted and held him for 15 days in 1994. However, there has

never been a comprehensive and independent investigation into the crime, although his family has continued to call for this.

A climate of impunity for past and present human rights violations persists in Algeria. The vast majority of the human rights abuses committed by both armed groups and state security forces during the internal conflict of the 1990s, in which up to 200,000 people were killed according to government estimates, have not been investigated. Impunity for past violations has been entrenched through amnesty laws introduced by the government in 2006.