

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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World Report 2009 Introduction By Kenneth Roth

As the Algerian economy benefited from the worldwide surge in oil prices, Algerians continued to suffer restrictions on civil liberties, under a state of emergency imposed in 1992, and the government continued impunity for past and present abuses. While political violence is down considerably since the mid-1990s, the country confronted a new wave of bombings claimed by the al Qaeda Organization of the Islamic Maghreb. On November 12, 2008, parliament approved, without debate, and by a vote of 500 in favor, 21 against, and 8 abstentions, a constitutional amendment ending presidential term limits. This allows Abdelaziz Bouteflika to run for a third five-year term in the spring of 2009.

The broadcast media are state-controlled and air almost no critical coverage of, or dissent on, government policies, but they do provide live telecasts of parliamentary sessions. Privately-owned newspapers enjoy a considerably freer scope, but repressive press laws, dependence on revenues from public-sector advertising, and other factors limit their freedom to criticize the government, the military, and the powerful.

The press law imposes prison terms along with fines for defamation and for insulting government officials and state institutions. On March 4, 2008, an appeals court in Jijel upheld the defamation conviction of Ali Chawki Amari, a columnist for the independent *al-Watan* daily, and Omar Belhouchet, its director, for accusing a governor of buying his mistress a car with public funds. The court imposed sentences on the pair of two months in prison and a fine of 1 million dinars (US\$15,000) each.

In June 2008 the government stripped the Agence France-Presse bureau chief and an Algiers-based Reuters correspondent of their press credentials, accusing the former of overstating the number of casualties caused by a terrorist bombing that month, and the latter of reporting a bombing that never happened. As of November, the Reuters correspondent was still without credentials and thus unable to report for any foreign media.

Pan-Arab television stations are popular among Algerian viewers. However, since 2004 the government has banned the most popular, Al Jazeera, from operating a news bureau inside the country.

A court in Sidi M'hamed convicted human rights lawyer Amine Sidhoum on April 13, 2008, of having, in a press interview, disparaged a court ruling and insulted state institutions. The court sentenced the Kubba-based lawyer to six months in prison and a fine. Sidhoum remained free pending an appeal hearing, which at this writing had not taken place.

Authorities used state of emergency powers to ban most public demonstrations and many gatherings. On October 5, authorities prevented a panel discussion in Algiers from taking place, organized by the Algerian League for the Defense of Human Rights on the riots that shook major Algerian cities in October 1988.

Religious freedom declined for Algeria's tiny non-Muslim minority in 2008, with increased enforcement of Ordinance 06-03. The 2006 law provides prison terms for proselytizing by non-Muslims and forbids them from gathering to worship except in state-approved

locations. Authorities have refused numerous applications submitted by Protestant Christian groups to use buildings for worship, putting their members at risk of prosecution for worship in unauthorized places.

A court in the southwestern city of Tissemsilt on July 2, 2008, sentenced Protestants Rachid Mohammed Seghir and Jammal Dahmani to six-month suspended sentences and a fine of 100,000 dinars (US\$1,500) on charges of distributing Christian publications that "aimed to weaken the faith of Muslims." Authorities applied the law also against members of the long-established Roman Catholic community. On January 30, 2008, in Maghnia, a court sentenced priest Pierre Wallez to one year in prison for ministering to clandestine sub-Saharan immigrants in an "unauthorized" location, a sentence that an appeals court later reduced to a two-month term, suspended.

In September a court in Biskra sentenced six Muslim men to four years in prison and a fine for eating during the fasting hours of Ramadan, under article 144bis (2) of the penal code, which criminalizes acts that are offensive to Islam. An appeals court overturned the verdict.

Over 100,000 Algerians died during the political strife of the 1990s. Thousands more were "disappeared" by security forces or abducted by armed groups fighting the government and have never been located, dead or alive. Perpetrators of atrocities during this era continue to enjoy impunity. The legal framework for that impunity is the 2006 Law on Peace and National Reconciliation, which provides an amnesty to security force members for the actions they took in the name of combating terrorism, and to armed group members not implicated in the most heinous acts.

The law promises compensation for families of "disappeared" persons but at the same time makes it a crime to denigrate state institutions or security forces for the way they conducted themselves during the period of political strife. Authorities have repeatedly harassed associations representing families of the "disappeared" who protest state policies by continuing to demand justice for the perpetrators or at least that the state provide information about the fate of their missing relatives. For example, a Constantine court on March 26, 2008, convicted Louisa Saker, Rabah Boulagheb, and Sofiane Mehamlia, all relatives of "disappeared," for their role in a demonstration related to the issue. The court convicted Saker of participation in an unauthorized demonstration, while Boulagheb and Mehamlia were convicted in absentia of that charge in addition to charges of violence, theft, and undermining the authority of public officials. Their appeals trial was in progress as of November.

Algeria amended its penal code in 2004 to make torture an explicit crime. Nevertheless, Amnesty International "continues to regularly receive reports of incommunicado detention of suspects in unofficial places of detention and torture by the DRS [Department for Information and Security]." The International Committee of the Red Cross regularly visits ordinary prisons in Algeria but not DRS-run places of detention.

The UN Committee Against Torture, in its May 2008 examination of Algeria's report to the committee, expressed concern about reports that the legal limit of 12 days in pre-charge detention in terrorism cases "can, in practice, be extended repeatedly" and that "the law does not guarantee the right to counsel during the period of remand in custody, and that the right of a person in custody to have access to a doctor and to communicate with his or her family is not always respected."

Algerian courts pronounced scores of death sentences during 2008, many of them against defendants in terrorism cases and most of them in absentia. Despite pronouncing hundreds of death sentences in recent years, Algeria has observed a de facto moratorium on carrying out the death penalty since 1993.

From January to September 2008 at least 265 people were reported killed in more than 21 bombings claimed mostly by the al Qaida Organization of the Islamic Maghreb. The largest of them, a car bomb outside a police academy in Issers on August 19, reportedly killed 44 people and injured 45. On December 11, 2007, two bombs exploded a few minutes apart in Algiers, one targeting the United Nations office and the other going off in front of the Constitutional Council. The blasts killed 41 and injured over 177, according to news agencies. The Algerian government said the bombs killed 26.

Security forces, presumably the DRS, immediately took into custody two Algerians whom the United States transferred from Guantanamo Bay in July 2008, held them incommunicado for 12 days, and charged them with membership in a terrorist organization and use of false travel documents. The court then granted their pretrial release. A court filed the same charges against, and then granted pretrial release to, two other Algerians whom the United States sent from Guantanamo in August.

The penal code definition of terrorism is so broad that it can be used to prosecute the nonviolent exercise of civil liberties. The definition includes, for example, "any action that targets state security ... via actions whose purpose is to ... attack the symbols of the Nation and the Republic ... or obstruct the functioning of public institutions ... or the application of laws and regulations." The code also provides up to 10 years' imprisonment for encouraging or justifying terrorist acts.

The Polisario Front has since the late 1970s governed camps in remote southwest Algeria for Sahrawi refugees who fled from Western Sahara, just across the border. The Polisario Front allows camp residents to criticize its management of day-to-day issues, but marginalizes those who openly challenge its rule or general political orientation. There were, however, no confirmed reports that the Polisario had detained anyone for political reasons during 2007 or the first half of 2008. In 2008 refugees were largely free to leave the camps if they wished, via Mauritania.

The government of Algeria did not, to Human Rights Watch's knowledge, explicitly recognize its responsibility for safeguarding the human rights of Sahrawis living in Polisario-run camps on Algerian soil.

Despite serving on the UN Human Rights Council in 2006-2007, Algeria continued during 2008 its non-compliance with longstanding requests for country visits by the UN special rapporteurs on torture; on the promotion and protection of human rights while countering terrorism; and on extrajudicial, summary and arbitrary executions. Algeria was amongst the first group of countries reviewed under the Universal Periodic Review mechanism of the UN Human Rights Council in April 2008.

The United States provides almost no financial aid to oil-rich Algeria but the two countries have grown closer, notably as allies in counterterrorism. In the year's highest-level meeting between the two countries, US Secretary of State Condoleezza Rice visited

President Bouteflika in Algiers on September 6, affirming "ties of friendship" and counterterrorism cooperation. Rice made no public statement on human rights but on September 19, Ambassador-at-Large for International Religious Freedom John Hanford criticized Algeria's worsening treatment of religious minorities when he presented the State Department's 2008 International Religious Freedom report.

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