

# Human Rights Watch

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

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Events of 2009

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Intensifying Attacks on Human Rights Defenders, Organizations, and Institutions

Health Providers Complicity in Torture and Cruel, Inhuman or Degrading Treatment

In Search of Authoritative Local Voices

Under a state of emergency imposed in 1992, and with President Abdelaziz Bouteflika easily winning reelection to a third term, Algeria continued to experience widespread human rights violations. These included restrictions on freedom of the media and assembly, police abuse of terrorism suspects under interrogation, impunity afforded to members of the security forces and armed groups for past crimes, and continued failure to account for persons forcibly disappeared by state agents during the civil conflict in the 1990s. On a lesser scale than in previous years, militant groups continued their deadly attacks, mostly targeting the security forces.

On April 9, 2009, President Bouteflika won reelection with an official tally of 90 percent of the vote, against five challengers. He ran after parliament adopted with no debate a constitutional amendment in November 2008 abolishing a two-term limit for the presidency. Three well-established opposition parties, the Socialist Forces Front, the Rally for Culture and Democracy, and the Islamist Nahdha party boycotted the election, alleging that the conditions for a fair and transparent vote were absent.

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 penal code and press law impose prison terms of up to two years along with fines for defaming, insulting, or gravely offending the president, government officials, and state institutions.

In March 2009 Nadjar Hadj Daoud, the managing editor of the news website *al Waha*, began serving a six-month sentence for defamation in connection with a 2005 article accusing a local government official of numerous rape attempts against female coworkers. According to the New York-based Committee to Protect Journalists (CPJ), the court provisionally freed Daoud for medical reasons in consideration of injuries he had sustained in a stabbing a few weeks earlier. Daoud informed CPJ that a "corruption lobby" has lodged 67 complaints for defamation against him since 2003.

In January 2009 Hafnaoui Ghoul, a freelance journalist and member of the Djelfa section of the Algerian League for the Defense of Human Rights (ALDHR), was attacked by an assailant carrying a knife. Hafnaoui claimed to CPJ that local authorities had turned a blind eye to the assault. Ghoul has been frequently prosecuted for defamation over the past years because of his articles accusing officials and powerful individuals of corruption and abuse of power.

Holders of European or North American passports must obtain visas to enter Algeria, which the authorities frequently deny to journalists

and human rights workers. Citizens of neighboring Morocco and Tunisia need no visas. However, on April 4 the authorities turned back Sihem Bensedrine, a Tunisian journalist and human rights defender invited by the ALDHR to monitor local media coverage of the presidential election, as she sought to enter Algeria. On April 9 police stopped and interrogated for four hours Moroccan journalists Hicham El Madraoui and Mahfoud At Bensaleh, who had come to cover the election for the Moroccan weekly *As-Sahara Al Ousbou'ya*. The two men also reported that they had been followed by plainclothes policemen and that their hotel room was ransacked.

Shortly before the presidential election, authorities confiscated copies of the French weeklies *L'Express*, *Marianne*, and *Le Journal du Dimanche*, allegedly for violating article 26 of the 1990 Information Code, which forbids the publication of anything that is deemed "contrary to Islamic and national values and human rights, or supportive of racism, fanaticism or treason." Their coverage of Bouteflika and the election campaign was apparently behind the ban.

A 2000 decree banning demonstrations in Algiers remains in effect. Authorities require organizations to obtain authorization from the local governor before holding public meetings.

A large contingent of police converged on July 17, 2009, at a downtown Algiers auditorium in order to prevent a conference that organizations representing the victims of civil strife had organized under the title "The Memory of Victims toward the Reconstruction of a Society." The organizers, who said they had received no written notification of the ban, moved the event to the office of the Collective of the Families of the Disappeared in Algeria. In October the ALDHR received a written notification forbidding a meeting on the death penalty it had planned at an Algiers hotel.

Ordinance 06-03, a 2006 law, prescribes prison terms for proselytizing by non-Muslims and forbids them from gathering to worship except in state-approved locations. Authorities refuse applications by protestant Christian groups to use buildings for worship, putting their members at risk of prosecution for worship in unauthorized places.

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. Organizations representing the families of the "disappeared" condemned the continued failure of the state to provide a detailed account of the fate of their missing relatives.

Reports of long-term "disappearances" have been exceedingly rare in recent years. However, security services in plainclothes often carry out arrests without showing warrants and then sometimes hold terrorism suspects longer than the permitted 12 days before presenting them to a judge, and do not comply with the legal obligation to notify the family. The United Nations 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."

For example, according to Algerian human rights organizations, plainclothes men arrested Moussa Rahli of Ouled Assa, in Boumerdes governorate, on March 17, 2009. His father's inquiries at nearby police stations and military barracks yielded no information on Rahli's whereabouts. Police returned to search the family's home on March 27 and confiscated Rahli's car, according to his father. It was not until around April 20 that the family learned that authorities were holding Rahli in Blida military prison.

Algeria amended its penal code in 2004 to make torture an explicit crime. The international Committee of the Red Cross regularly visits ordinary prisons in Algeria but not places of detention run by the powerful Department for Information and Security (DRS), an intelligence agency within the military.

Algerian courts pronounced scores of death sentences during 2009, many of them against defendants in terrorism cases and most of them in absentia. Algeria has observed a de facto moratorium on carrying out the death penalty since 1993.

Militant attacks were down dramatically compared to the mid-1990s, but Al Qaeda in the Islamic Maghreb (AQIM) continued to launch fatal attacks, directed mostly at military and police targets. Many of the attacks involved roadside ambushes using explosive devices and gunfire, such as a June 17, 2009 attack on a convoy near Bordj Bou Arreridj, 180 kilometers east of Algiers, that killed between 18 and 30 gendarmes, according to reports. AQIM also killed civilians at times. For example, it reportedly claimed responsibility for assassinating a shepherd in Houidjbet, near the eastern city of Tebessa, on March 14 on suspicion of collaborating with authorities.

On January 17, 2009, Hassan Mujamma Rabai Sa'id became the eighth Algerian held by the United States at the Guantanamo Bay detention facility to be returned to Algeria. Upon his arrival, the DRS reportedly placed Sa'id in incommunicado detention for a number of days and questioned him as the DRS had done to the others who came from Guantanamo before him. Judicial authorities have charged most of the eight with serving a terrorist organization abroad; as of October 2009 they were free awaiting trial. Twelve Algerian detainees remained in Guantanamo as of November 2009.

Algeria continued during 2009 its non-compliance with longstanding requests for country visits by special procedures of the UN Human Rights Council including the special rapporteurs on torture, on human rights while countering terrorism, and on extrajudicial, summary and arbitrary executions, and the Working Group on Enforced and Involuntary Disappearances.

Algeria "is a major [US] partner in combating extremism and terrorist networks such as Al Qaeda and is our second-largest trading partner in the Arab world," stated the US government's *Advancing Freedom and Democracy* report of May 2009. The United States provides almost no financial aid to Algeria but is the leading customer of Algeria's exports, primarily gas and oil. The *Advancing Freedom* report stated that the US "continues to urge the government to decriminalize press defamation." Assistant Secretary of State

Jeffrey D. Feltman on his visit to Algiers on October 20-21 made no public statements on this or any other human rights issue.

Human Rights Watch defends the rights of people in 90 countries worldwide, spotlighting abuses and bringing perpetrators to justice

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