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ALGERIA

Home Office Science and Research Group

COUNTRY OF ORIGIN INFORMATION SERVICE

Country of origin information reports are produced by the Science & Research Group of the Home Office to provide caseworkers and others involved in processing asylum applications with accurate, balanced and up-to-date information about conditions in asylum seekers' countries of origin.

They contain general background information about the issues most commonly raised in asylum/human rights claims made in the UK.

The reports are compiled from material produced by a wide range of recognised external information sources. They are not intended to be a detailed or comprehensive survey, nor do they contain Home Office opinion or policy.

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1. Scope of document

- 1.01 This Country of Origin Information Report (COI Report) has been produced by Research Development Statistics, Home Office, for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. It includes information available up to 1 September 2005.
- 1.02 The COI Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- 1.03 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey.
- For a more detailed account, the relevant source documents should be examined directly.
- 1.04 The structure and format of the COI Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- 1.05 The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented; rather that information regarding implementation has not been found.
- 1.06 As noted above, the COI Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text.
- 1.07 The COI Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more

recent documents. All sources contain information considered relevant at the time this Report was issued.

- 1.08 This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.
- 1.09 COI Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in COI Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country Information Bulletins, which are also published on the RDS website. They also have constant access to an information request service for specific enquiries.
- 1.10 In producing this COI Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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Advisory Panel on Country Information

- 1.11 The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country information material. The Advisory Panel welcomes all feedback on the Home Office's COI Reports and other country information material. Information about the Panel's work can be found on its website at www.apci.org.uk.
- 1.12 It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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2. Geography

- 2.01 The United Nations Development Program (UNDP) Program on Governance in the Arab region (POGAR) Algeria main page (accessed 27 June 2005) states that the official state name is the People's Democratic Republic of Algeria or Al Jumhuriyah al Jaza'iriyah ad Dimuqratiyah ash Shabiyah. [23b] (p.1) The Europa Regional Survey of the Middle East and North Africa, 2005 edition, adds that Algeria is situated on the north-west Mediterranean coast of Africa, and is bounded by Morocco, Mauritania, Mali, Niger, Libya, Tunisia and the disputed Western Sahara territory. [1a] (p.163) The Europa report continues: "The Arabic name for the country, el_Djezair (the Islands) is said to derive from the rocky islands along the coastline." [1a] (p.163)
- 2.02 The capital is Algiers (or El-Djezaïr). The other principal towns are Oran, Constantine (Qacentina), Annaba and Blida (el-Boulaida). The area of Algeria is 2,381,741 square kilometres (919,595 square miles), four-fifths of which is in the Sahara Desert. [1a] (p.163) Thus, most of the population centres are on or near the northern coast. [1a] (p.163)

LOCAL GOVERNMENT

- 2.03 The Europaworld.com website (updated 2005) states: "The country is divided into 48 departments (wilayat), which are, in turn, sub-divided into communes." [1b] (Government)
- 2.04 The Europa Regional Survey, 2005 edition, states in relation to population: "The total population of Algeria increased from 23,038,942 in April 1987 to 29,272,343 at the census of June 1998. The population at mid-2003 was estimated to be 31,848,000." [1a] (p.163) The same Europa report adds: "The great majority of inhabitants reside in the northern part of the country, particularly along the Mediterranean coast where both the capital, Algiers or el-Djezair (population, not including suburbs, 1,519,570 at the 1998 census), and the second largest town, Oran or Ouahran (655,852), are located." [1a] (p.163)
- 2.05 The Europa report adds regarding languages spoken in Algeria: "A majority speak Arabic and the remainder Tamazight, the principal language of the Berber minority who were the original inhabitants of the Maghreb, Many Algerians also speak French." [1a] (p.163) A report by Forced Migration Online in January 2004 stated that: "The official language is Modern Standard Arabic, although this is rarely spoken outside official situations. The huge majority of the population speak the Algerian dialect of Arabic, which is similar to Moroccan and Tunisian Arabic but very different from the Arab dialects of the Mashrek." [53] The Europa Regional Survey, 2005 states: "On 8 April 2002 the National People's Assembly voted almost unanimously in favour of amending the Constitution to grant Tamazight the status of a national language. [1a] (p.180) The Europa Regional Survey, 2005 adds: "Most education at primary level is in Arabic, but at higher levels French is still widely used. In mid-2003 the Government agreed to permit the use of the Berber language, Tamazight, as a language of instruction in Algerian schools." [1a] (p.234)

For further information on geography refer to source [1a] Regional Surveys of the World: The Middle East and North Africa, 2005, 51st Edition Europa Publications.

3. Economy

- 3.01 The United States State Department (USSD) Country Report on Human Rights Practices, Algeria, for the year 2004 and published on 28 February 2005 (USSD report for 2004) states: "The hydrocarbon sector was the backbone of the economy, accounting for 55 to 60 percent of budget revenues, 35 percent of Gross Domestic Product, and over 95 percent of export earnings." [6a] (p.1) The CIA World Factbook, 2005, summarises the economy as follows:

"The hydrocarbons sector is the backbone of the economy, accounting for roughly 60% of budget revenues, 30% of GDP, and over 95% of export earnings. Algeria has the seventh-largest reserves of natural gas in the world and is the second-largest gas exporter; it ranks 14th in oil reserves. Sustained high oil prices in recent years, along with macroeconomic policy reforms supported by the IMF, have helped improve Algeria's financial and macroeconomic indicators. Algeria is running substantial trade surpluses and building up record foreign exchange reserves. Real GDP has risen due to higher oil output and increased government spending. The government's continued efforts to diversify the economy by attracting foreign and domestic investment outside the energy sector, however, has had little success in reducing high unemployment and improving living standards. Structural reform within the economy moves ahead slowly." [2a]

- 3.02 The Europa Regional Survey, 2005 states that the Algerian currency is based on 1 Algerian Dollar = 100 centimes. [1a] (p.220)

- 3.03 The USSD 2004, published on 28 February 2005, states regarding the legal oversight of employment:

"The law defines the overall framework for acceptable conditions of work but leaves specific agreements on wages, hours, and conditions of employment to the discretion of employers in consultation with employees. The monthly minimum wage was insufficient to provide a decent standard of living for a worker and family. The minimum wage was approximately 8000 dinars (\$105) per month. Ministry of Labor inspectors were responsible for ensuring compliance with the minimum wage regulation; however, enforcement was inconsistent. The standard workweek was 37.5 hours. Employees who worked beyond the standard workweek received premium pay on a sliding scale from 'time-and-a-half' to 'double time,' depending on whether the overtime was worked on a normal work day, a weekend, or a holiday." [6a] (p.17)

TELEPHONE SYSTEM

- 3.04 The CIA World Factbook, updated 14 June 2005, notes:

"General assessment: telephone density in Algeria is very low, not exceeding five telephones per 100 persons; the number of fixed main lines increased in the last few years to a little more than 2,000,000, but only about two-thirds of these have subscribers; much of the infrastructure is outdated and inefficient domestic: good service in north but sparse in south; domestic satellite system with 12 earth stations (20 additional domestic earth stations are planned) international: country code – 213; 5 submarine cables; microwave radio relay to Italy, France, Spain, Morocco, and Tunisia; coaxial cable to Morocco and

Tunisia; participant in Medarabtel; satellite earth stations – 2 Intelsat (1 Atlantic Ocean and 1 Indian Ocean), 1 Intersputnik, and 1 Arabsat (1998).” [2a] (p.10)

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4. History

PRE-1992

- 4.01 The Europa Regional Survey of 2005 gives a summary of the history of Algeria to 1990, which covers the French colonial period [1a] (p164-166); the struggle of the Front de Libération Nationale (FLN) party in a bitter war of independence, in the course of which about 1 million people were killed or wounded [1a] (p166); the 1962 cease-fire and declaration of independence [1a] (p166,167); the government of Ben Bella [1a] (p167) of Boudienne [1a] (p167-168) of Chadli [1a] (p168-169) leading to the October 1988 riots on which the Europa report states “Chadli responded to the October 1988 riots by accelerating economic reforms and introducing wide-ranging political changes.” [1a] (p169)
- 4.02 These political changes included introducing a controlled multi-party political system, as mentioned in the BBC News website timeline, updated 14 April 2005, “The National People’s Assembly revokes the ban on new political parties and adopts a new electoral law allowing opposition parties to contest future elections.” [60a] The Economist Country Brief states the following about developments from the 1980s to 1992:

“As the government responded by attempting political and economic liberalisation, Islamist parties, led by the Islamic Salvation Front (FIS), grew in popularity. In 1992 the military cancelled elections that the FIS was poised to win. The party was banned, and in 1996 a ban on all parties based on religion, ethnicity or gender was written into the constitution. This disenfranchisement, along with allegations of election-rigging, led to brutal violence waged by the military and armed Islamic groups which claimed more than 100,000 lives during the 1990s.” [12a]

MILITARY TAKEOVER

- 4.03 The Human Rights Watch published the testimony by Tom Malinowski to the US House of Representatives International Relations Committee/Subcommittee on International Terrorism and Nonproliferation (IRC/SITN) of 4 March 2005 headed “Human Rights in Algeria” that summarized the events of 1992:

“In January 1992, an army-backed coup in Algeria halted national elections that would have given the Islamist Salvation Front a commanding majority in parliament. Isolated acts of terror had occurred before then in Algeria, but they became endemic after the electoral process was interrupted.” [27e] (p.1)

- 4.04 From the evidence given by Mr. Leslie Campbell, National Democratic Institute at the 3 March 2005 US House of Representatives IRC/SITN hearings:

“Contrary to what the electoral engineers had sought, the FIS scored a massive victory in the first round of legislative elections, finally held in December 1991, and was well placed to further consolidate these gains in the second round, to be held in early January. The army subsequently decided to force the resignation of President Chadli Bendjedid, and over the protests of the FLN, FFS and FIS, the three parties that had won the largest number of seats in the first round, cancelled the elections. The regime then went on in February to

outlaw the FIS and instituted a state of emergency, which, incidentally, is still in force today. The regime therefore effectively closed off what remained of the legal and peaceful means by which the country's largest opposition party, the FIS, could contest political power; tragically, the more radical elements of the FIS, which had now gained the upper hand, turned to terrorist acts against state institutions and employees. As has been noted by the International Crisis Group in their 2004 report on 'Islamism, Violence and Reform in Algeria', the authorities' decision to transform ordinary members of what had been a legal party into outlaws had the effect of driving them into the arms of the most extremists elements within and close to the FIS – groups that might otherwise have remained marginal. And so Algeria's experience with terrorism began. This is not a justification of the decision of those FIS members still at large to take up arms but shows that an important root of the terrorist phenomenon in Algeria was the decision of the authorities to close off all avenues of peaceful expression to their main political opponents." [10a] (p.13) **(See below, State of Emergency, Political Parties)**

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POST-1992

- 4.05 The Foreign and Commonwealth Office Country Profile on Algeria summarises the ongoing violence and related developments:

"One Islamist group, the Armee Islamique du Salut (AIS), declared a ceasefire in October 1997 and later came out in support of the "national reconciliation" policy of President Bouteflika (elected April 1999). The AIS subsequently disbanded in January 2000. Many political prisoners were pardoned, and several thousand members of armed groups were granted exemption from prosecution, under a limited amnesty which was in force up to 13 January 2000. Following extensive security force operations the Groupe Islamique Armée (GIA) poses a reduced threat within Algeria. The Groupe Salafiste pour la Predication et le Combat (GSPC) is thought still to have around 500 armed insurgents. The conflict is estimated to have claimed over 400 lives during 2004. **(See below, Armed Groups)**

Since April 2001, there has also been serious unrest in the Kabylie region east of Algiers. During the initial protests in April 2001 (following the death in custody of a Kabylie youth) at least 50 people died after being shot by members of the security forces. The Algerian government set up a National Commission of Inquiry, whose preliminary conclusions were published in July and confirmed in December 2001. The Commission concluded that the gendarmerie and other security forces had repeatedly resorted to excessive use of lethal force". **(See below, Berbers)**

- 4.06 The EuropaWorld website (accessed 12 July 2005) recounts some of the incidents that another armed group, the GSPC (Salafist Group for Preaching and Combat) were implicated in, in 2003 and 2004:

"In early March 2004 it was reported that fighting had occurred between the Chadian military and a faction of the GSPC led by the group's second-in-command, Amari Saifi, resulting in the deaths of more than 40 militants. Saifi was wanted in Algeria and abroad for various crimes, including the kidnapping in 2003 of a group of 32 European tourists (see below) and the killing of 43

Algerian soldiers. It was announced in October 2004 that Saifi had been taken into Algerian custody, having been intercepted by Libyan authorities on the Chadian–Libyan border. Meanwhile, in mid-June 2004 Nabil Sahraoui, the GSPC's leader since October 2003, was reportedly killed by the Algerian military (who were conducting a 'vast anti-terrorist operation' in the Kabyle) during a gun battle that also killed four of his senior aides, including the man widely viewed as his successor, Abdi Abdelaziz. The army subsequently announced that it had 'completely neutralized' the leadership of the GSPC and had seized many of its weapons and documents. Shortly after the announcement of Sahraoui's death, an explosion at the Hamma power station near Algiers injured 11 people. The Government declared the explosion to be accidental; however, the GSPC later claimed responsibility and warned that further attacks would ensue. In September 2004 Sahraoui was replaced as leader of the GSPC by Abu Musab Abd al-Wadud." [1] **(Recent History) (See below, Armed Groups)**

YEARS 2004 – 2005

- 4.07 The Europa Regional Survey, 2005, summarised the re-election of President Bouteflika in April 2004 as follows:

"On 19 April 2004 Bouteflika was sworn in for his second five-year term of office at the Palais des Nations. ... Following Bouteflika's inauguration, as required under the Constitution, Ouyahia [the Prime Minister] and his Council of Ministers resigned. Bouteflika immediately reappointed Ouyahia to the premiership and the new Council of Ministers, announced in late April 2004, contained few changes. ... The opposition dubbed it an administration of the status quo, whose role was to maintain the balance between clients of the regime. At its first meeting Bouteflika told the Council of Ministers that achieving national reconciliation was an absolute priority for the country's stability. Presenting the new Government's programme to the National People's Assembly, Ouyahia devoted most of his address to the theme of reconciliation, emphasizing that this required continued efforts in the war against terrorism. The actual programme differed little from that of his previous administration and he declared that 85% of Algerians had voted for continuity on 8 April 2004." [1a] (p186) **(See below, Elections)**

- 4.08 The BBC Country Timeline, updated 14 April 2005, continues, regarding the events of 2005:

"2005 January – Authorities announce the arrest of rebel Armed Islamic Group (GIA) head Nourredine Boudiafi and the killing of his deputy and declare the group to be virtually dismantled. **(See below, Armed Groups)**

Government makes deal with Berber leaders, promising more investment in Kabylie region and greater recognition for Tamazight language. **(See below, Berbers)**

2005 March – Government-commissioned report says security forces were responsible for the disappearances of more than 6,000 citizens during the 1990s civil conflict." [60a] **(See below, Missing People)**

- 4.09 In a news article entitled “Algerian president unveils new reconciliation plan, calls referendum”, Agence France Presse (via Yahoo news) states:

“Algeria will hold a referendum on September 29 on a draft charter for peace and national reconciliation, national television quoted President Abdelaziz Bouteflika as saying. The draft calls for “concrete steps to stop the bloodshed and restore peace” in the country after 13 years of unrest, Bouteflika said.” [11a]
(See below, National Reconciliation Process)

For further information on history refer to Annex A Chronology and source 1 – Regional Surveys of the World: The Middle East and North Africa 2005 51th Edition Europa Publications

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5. State structures

THE CONSTITUTION

5.01 The Europa Regional Survey, 2005 edition, states:

“A new constitution for the Democratic and People’s Republic of Algeria, approved by popular referendum, was promulgated on 22 November 1976. The Constitution was amended by the National People’s Assembly on 30 June 1979. Further amendments were approved by referendum on 3 November 1988, on 23 February 1989, and on 28 November 1996.” [1a] (p223)

5.02 The CIA World Factbook, updated 14 June 2005, states:

“Country name: conventional long form: People’s Democratic Republic of Algeria; conventional short form: Algeria; local long form: Al Jumhuriyah al Jaza’iriyah ad Dimuqratiyah ash Sha’biyah; local short form: Al Jaza’ir.” [2a] (p5)

5.03 The United States Office of Personnel Management, Investigations Service published a compendium of the citizenship criteria of all nations in 2001: the Algeria entry states that Algerian citizenship is governed by the Nationality Code of 15 December 1970. People born abroad can become Algerian citizens after seven years residence in Algeria. [48]

STATE OF EMERGENCY

5.04 The Europa Regional Survey, 2005 notes that a state of emergency was declared on 9 February 1992 and was renewed indefinitely in February 1993. [1a] (p170) The UPI news agency posted a report on 26 May 2005 entitled “Algeria rejects lifting emergency law” that states:

“Algerian Prime Minister Ahmed O’Yehya [alt. Ouyahia] rejected calls by Islamic parliament members to lift the emergency law imposed in 1992 to combat extremists. ... The Islamic legislators cited relative security and political stability for justifying their call for lifting the emergency law, accusing the government of manipulating the law to impose control on political life. The Algerian military said two years ago the emergency law was no longer necessary in view of improved security and the government forces’ capacity to contain armed groups. But President Abdel Aziz Boutefliqa [alt. Abdelaziz Bouteflika] has refused to discuss the issue.” [79a]

5.05 Freedom House, 2004 report, states:

“Algerian authorities have exploited the state of emergency, in effect since 1992, to curtail sharply freedom of assembly. Citizens and groups are required to obtain government permission prior to holding public meetings. A decree, in effect for the past two years, effectively bans demonstrations in Algiers. In other areas of the country, restrictions on public gatherings are less tight. Emergency laws have also impeded Algerians’ rights of association. The government denied registration of certain political parties, nongovernmental organizations, and other associations based on ‘security considerations’.” [29a] (p.3)

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POLITICAL SYSTEM

- 5.06 The USSD report for 2004 states: "Algeria is a multi-party republic based on a constitution and a presidential form of government." [6a] (p1)

THE PRESIDENT

- 5.07 Europaworld.com website (accessed July 2005) states, regarding the President:

"The Head of State is the President of the Republic, who is elected by universal adult suffrage for a five-year term, renewable once. The President presides over a Council of Ministers and a High Security Council. The President must appoint a Prime Minister as Head of Government, who appoints a Council of Ministers." [1b] (Government)

- 5.08 The LLRX legal information website, in a 2001 article on the Algerian legal system states:

"The President is elected by direct and secret vote. This election of the candidate requires a majority of the votes cast. To be eligible for the Presidency of the Republic, the candidate must:

- be of Algerian nationality
- be Moslem
- be forty years old by the day of the election
- have all civil and political rights
- attest to the Algerian nationality of his spouse." [45a]

"...The term of the presidential office is five years. The President of the Republic is eligible for only two terms." [45a]

THE PARLIAMENT

- 5.09 The LLRX legal information website's 2001 article states, with reference to the legislative process: "The legislative power in Algeria is exerted by the Parliament, composed of two houses, the National Popular Assembly (House of Commons) and the Council of the Nation (Senate), which together work out and vote on the law supremely." [45] (p4)

- 5.10 Europaworld.com website states, regarding the Algerian Parliament:

"The bicameral legislature consists of the 389-member National People's Assembly and the 144-member Council of the Nation. The members of the National People's Assembly are elected by universal, direct, secret suffrage for a five-year term. Two-thirds of the members of the Council of the Nation are elected by indirect, secret suffrage from regional and municipal authorities; the remainder are appointed by the President of the Republic. The Council's term in office is six years; one-half of its members are replaced every three years. Both the Head of Government and the parliamentary chambers may initiate legislation. Legislation must be deliberated upon respectively by the National People's Assembly and the Council of the Nation before promulgation." [1b] (Government)

LOCAL GOVERNMENT

- 5.11 Europaworld.com website states: "The country is divided into 48 departments (wilayat), which are, in turn, sub-divided into communes. Each wilaya and commune has an elected assembly." **[1b] (Government)**

POLITICAL PARTIES

- 5.12 The USSD Report for 2004 states the following on political parties:

"The law requires that potential political parties receive official approval from the Interior Ministry before they may be established. To obtain approval, a party must have 25 founders from across the country whose names must be registered with the Interior Ministry. The Government has refused to register two parties: Wafa and Front Democratique. No party may use religion, Amazigh heritage, or Arab heritage as a basis to organize for political purposes. The law also bans political party ties to nonpolitical associations and regulates party financing and reporting requirements." **[6a] (p10)**

- 5.13 The Europa Regional Survey, 2005 adds:

"Until 1989 the FLN was the only legal party. The February 1989 amendments to the Constitution permitted the formation of other political associations, with some restrictions. The right to establish political parties was guaranteed by constitutional amendments in November 1996; however political associations were based on differences in religion, language, race, gender, or region were proscribed." **[1a] (p225)**

- 5.14 A report by Forced Migration Online (FMO) in January 2004 also stated that: "Political parties represent three main tendencies: pro-regime parties, such as the FLN or the RND; Berber parties, the FFS and the RCD, both of which are rooted in Kabylia; and Islamist parties (though the FIS remains illegal, several have received approval, including MSP and the recently successful MRN)." **[53] (p6)**

LEGAL PARTIES

- 5.15 The EuropaWorld website, updated 2005, states:

"Since his re-election, President Bouteflika has made some important changes in the army command. He has also recently consolidated his power as the head of the 'Presidential Alliance,' a coalition of the three ruling parties, the FLN, RND, and MSP, which together control over 280 of the 389 seats in parliament and have pledged to support Bouteflika's program. Possessing a degree of political legitimacy not shared by any Algerian president since the late Houari Boumediene, Bouteflika has thereby strengthened his hand vis à vis the military hierarchy and positioned himself as the main arbiter between competing interest groups and political visions." **[1b] (Recent history)**

The Middle East Online website, in a news report dated 1 February 2005, notes:

“Algeria’s main National Liberation Front (FLN) has elected the country’s President Abdelaziz Bouteflika as its leader in a bid to end a lengthy and bitter row that has split the party.” [78a]

- 5.16 From the evidence given by Mr. Leslie Campbell, of the National Democratic Institute, at the 3 March 2005 US House of Representatives IRC/SITN hearings:

“Algeria now has legal and effective Islamist political parties: The MSP, MRN/AI-Islah and Ennahda. Algerians wishing to express their political views, even Islamist views, now have outlets. Radical Islamists and terrorists have largely been shunted to the fringes.” [10a] (p10)

- 5.17 Parties not directly aligned to the establishment and Islamist parties are represented by the Parti des Travailleurs (PT), and two mainly Berber parties: the Front des Forces Socialistes (FFS) and the Rassemblement pour la Culture et la Démocratie (RCD). [12]

ILLEGAL PARTIES

- 5.18 The CIA World Factbook (updated 14 June 2005) notes: “A law banning political parties based on religion was enacted in March 1999.” [2a] (p7) **(For details on individual parties and movements, see 6.112 Political activists)**

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ELECTIONS

- 5.19 The President is elected by a popular vote for a five-year term. The latest Presidential elections were held in 2004: the USSD report for 2004 states:

“For the first time since the end of the one-party system and after more than a decade of civil strife and continuing acts of terrorism, a sitting president not only completed his full 5-year term of office, but was re-elected in a contested election of transparency which was unprecedented for the country; however, the election and the electoral system were not without flaws. President Bouteflika was re-elected in April to his second term, winning approximately 85 percent of the vote according to the official results. Voter participation was 58 percent, remaining steady from the 1999 elections and reflecting stable public confidence in the political process, which had steadily dropped over the past decade.” [6a] (p12, section 3)

- 5.20 The April 2004 digest of news in the Africa Research Bulletin for April 2004 summarised the election as follows:

“President Abdelaziz Bouteflika secured re-election on April 9th [2004] with a landslide victory which was immediately dismissed as a fix by his opponents. But while opponents claimed the 83% of votes won by Mr Bouteflika could not have been fair they were unable to produce convincing evidence against a man who has steered the country out of a civil war.” [7a] (p15710)

- 5.21 The Africa Research Bulletin for April 2004 continues: “President Bouteflika issued a decree on April 26th [2004], in which he appointed a new government on the recommendation of Prime Minister Ahmed Ouyahia...” [7a] (p15711)

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JUDICIARY

STRUCTURE

5.22 The CIA World Factbook summaries as follows:

“Legal system: socialist, based on French and Islamic law; judicial review of legislative acts in ad hoc Constitutional Council composed of various public officials, including several Supreme Court justices; has not accepted compulsory ICJ [International Court of Justice] jurisdiction.” **[2a] (p6)**

5.23 The Europa Regional Survey of 2005 states regarding the court system:

“The highest court of justice is the Supreme Court (Cour suprême) in Algiers, established in 1963, which is served by 150 judges. Justice is exercised through 183 courts (tribunaux) and 31 appeal courts (cours d’appel), grouped on a regional basis. New legislation, promulgated in March 1997, provided for the eventual establishment of 214 courts and 48 appeal courts. The Cour des comptes was established in 1979.” **[1a] (p227)**

5.24 The Europa Regional Survey of 2005 notes: “In February 1993 three special courts were established to try suspects accused of terrorist offences; however, the courts were abolished in February 1995.” **[1a] (p227)** The EuropaWorld website, updated 2005, continues:

“Constitutional amendments introduced in November 1996 provided for the establishment of a High State Court (empowered to judge the President of the Republic in cases of high treason, and the Head of Government for crimes and offences), and a State Council to regulate the administrative judiciary. In addition, a Conflicts Tribunal has been established to adjudicate in disputes between the Supreme Court and the State Council.” **[1b] (Judicial system)**

5.25 The USSD report for 2004 states:

“The Constitution provides for an independent judiciary; however, the judiciary was not independent in practice. Executive branch decrees and influence, interference by the Ministry of the Interior, and inefficiency within the justice system restricted the independence of the judiciary.” **[6a] (p6)**

SHAR’IA

5.26 A news report by Agence France Presse (AFP), dated 27 July 2005, states: “The group [Al-Qaeda] said it had killed the men because Algeria does not implement Islamic Sharia law and also referred to the years of violence in the North African country that has pitted security forces against radical Islamist groups.” **[59a]** An earlier APF report of 28 February 2005 states:

“It was the once all-powerful National Liberation Front (FLN) that in 1984 drew up the current Family Code, which is inspired by Sharia, or Islamic law, in this mainly Muslim country. Sharia law allows a polygamous system under which a man can have up to four wives, marrying them and repudiating them easily. ‘We

remain in the spirit of the 1984 code,' said sociologist Nadia Ait Zai, adding that the reformed code played into the hands of religious conservatives." [59b]

5.27 The Europa Regional Survey of 2005 states:

"Following the publication in July [2000], of a government backed report on the judiciary, which urged action against corruption and interference in the system the President appointed 311 new judges and prosecutors. New measures were introduced to enforce the rule of law in all public institutions, and the Ministry of Justice was allocated new funds to improve conditions inside the country's prisons." [1a] (p171)

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5.28 The USSD report for 2004 states: "Regular criminal courts try those persons accused of security-related offenses." [6a] (p6) The same report adds: "The judiciary is composed of the civil courts, which hear cases involving civilians facing charges not related to security or terrorism; and the military courts, which hear cases involving civilians facing security and terrorism charges." [6a] (p6)

5.29 Amnesty International (AI) reported in "Steps towards change or empty promises?" of September 2003:

"The Algerian authorities announced legislative changes in June 2001 as an important step in bringing domestic law into line with international standards, pointing to textual changes to strengthen the presumption of innocence; increase the control of law enforcement agents by the judiciary; bolster the rights of detainees held in the custody of the security forces; limit the recourse to pre-trial detention; and establish the right of an individual wrongfully held in pre-trial detention to compensation. The authorities have stressed that more reform projects are currently at the planning stage." [26c] (p5)

5.30 AI also stated in the same report of September 2003:

"[However,] Amnesty International's assessment to date is that many of the new safeguards had yet to be translated into practice. While the amendments should strengthen the rights of detainees held in the custody of the security forces, they have not impacted on the ongoing problems of secret detention and torture." [26c] (p5)

The interim report of the AI mission to Algeria, May 2005 highlights allegations of torture at the hands of the security forces as an ongoing concern. [26f] (p2)

5.31 The USSD report for 2004 states that:

"The Constitution provides for an independent judiciary; however, the judiciary was not independent in practice. Executive branch decrees and influence, interference by the Ministry of the Interior, and inefficiency within the justice system restricted the independence of the judiciary. The Government continued to utilize international technical assistance for the reform of its judiciary during the year. In March 2003 the legislature passed significant reforms to revise the role, power, and structure of the judiciary by granting more authority to prosecutors; by providing more specialized judicial functionality in creating law

enforcement, administrative, and commercial courts; by initiating a thorough review of the civil and penal codes; and by establishing penitentiary reforms focusing on prisoner rights.” [6a] (p6)

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LEGAL RIGHTS/DETENTION

STANDARD DETENTION PROVISIONS

5.32 The USSD report for 2004 states with regards to arrest and initial detention:

“Police may make arrests without a summons if they witness the offense taking place. Arrest warrants are only issued when a suspect is a flight risk. The Constitution requires that a suspect may be held incommunicado [in] pretrial detention [garde à vue] for no longer than 48 hours before the prosecutor must determine if enough evidence exists to continue to hold or release them. If more time is required for gathering additional evidence, the police may request the prosecutor to extend the suspect’s detention from 48 to 72 hours. In practice, the security forces generally adhered to the 48-hour limit in non-terrorism cases.” [6a] (p5)

STANDARD PRE-TRIAL DETENTION

5.33 The Amnesty International report, “Steps towards change or empty promises?” of September 2003 notes:

“Similarly [to the adverse effects of the 2001 Penal Code on freedom of expression] changes to the Criminal Procedure Code in June 2001 significantly extended the legally permitted period of pre-trial detention. Previously, anyone accused of a crime, whatever its nature, could be held for no longer than 16 months while their case was being investigated by the examining magistrate. Now, those accused of crimes punishable by sentences of at least 20 years’ imprisonment can be held for 20 months while their case is investigated by the examining magistrate; those accused of ‘crimes considered to be terrorist or subversive acts’ for 36 months; and those accused of a ‘transnational crime’ for up to 60 months. According to the UN Human Rights Committee, pre-trial detention should be an exception and as short as possible.” [26c] (p7)

EXCEPTIONAL PROVISIONS (GARDE À VUE EXTENSIONS)

5.34 The Amnesty International report, “Steps towards change or empty promises?” of September 2003 adds:

“Algerian law also retains many of the elements of emergency legislation, drawn up in 1992, which were incorporated into the Criminal Procedure Code and Penal Code when they were revised in 1995, some of which violate international standards. A significant example as far as detainees’ rights are concerned is the time limit of 12 days during which suspects in crimes categorized as ‘acts of terrorism or subversion’ can be held in garde à vue. Amnesty International is concerned that the time limit contravenes, for instance, the International Covenant on Civil and Political Rights, to which Algeria is a state party. Article 9 requires anyone arrested on a criminal charge to be brought ‘promptly’ before judicial authorities. The UN Human Rights Committee

has further stated that delays in bringing anyone arrested or detained before a judge or other officer authorized by law to exercise judicial power must not exceed a few days.” [26c] (p7)

HUMAN RIGHTS REPORTS

5.35 The USSD report for 2004 stated that: “Prolonged pre-trial detention remained a problem. If the prosecutor determines enough evidence exists to pursue a trial and the suspect is also a flight risk or has committed a serious felony offence, the suspect may be held in investigative detention (detention preventive) for 4 months with trial extensions not to exceed 16 months. Ksentini, CNCPPDH President, said that there has been an abusive use of investigative detention by prosecutors and that its use should remain an exceptional measure according to law.” [6a] (p5)

5.36 Amnesty International observed in the report, “Steps towards change or empty promises?” of September 2003 that legal safeguards to protect detainees have often not been respected. [26c] (p5,7) The same report states:

“The authorities’ almost routine failure to respect domestic legislation protecting detainees’ rights contributes directly to the persistence of the problem of secret and unacknowledged detention. ... It is when an individual is held on suspicion of crimes categorized as ‘acts of terrorism or subversion’ that their detention outside the protection of the law becomes a particularly serious matter. With the legal limit of garde à vue set at 12 days, the detainee’s physical security is put in grave danger, as the results of Amnesty International’s research show.” [26c] (p9)

See also Section 6 Human Rights, [Missing people](#)

DOUBLE JEOPARDY

5.37 The Office of the UNHCR’s website relays that Algeria is a signatory of (as of 10 December 1968) and has ratified (as of 12 September 1989) the International Covenant on Civil and Political Rights, agreed New York, 16 December 1966, and thus of Article 14.7: “No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.”

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IN ABSENTIA CONVICTIONS

5.38 The Global News Wire agency reported on 19 July 2005 from the Algerian newspaper El-Khabar website:

“The Criminal Court at the courts in Boumerdes (50 km east of Algiers) sentenced five terrorists to death in absentia the day before yesterday. ... The Boumerdes court has now ruled on all terrorists cases scheduled to be tried in this session. It has handed down 18 death sentences against members of the GSPC who are active in the Boumerdes province and who form groups in Baghliia, Dellys, si Moustafa and Corso.” [55f]

DEATH PENALTY

- 5.39 The abolitionist NGO group Hands Off Cain website gives the following details regarding Algeria and the death penalty (updated to include information dated January 2005):

“Algeria’s laws prescribe the death penalty for a range of crimes including ordinary crimes. In 1992 the scope of the death penalty was extended to terrorist offences. The [1966] Penal Code provides for the application of the death penalty for serious offences including: treason and espionage, attempts to change the regime or actions aimed at incitement, destruction of territory, sabotage to public and economic utilities, massacres and slaughters, participation in armed bands or in insurrectionary movements, counterfeiting, murder, acts of torture or cruelty, kidnapping and aggravated theft. The political events of 1991/92 which culminated in an annulment of the vote following the election of the Islamic Front, and subsequent acts of terrorism, led to the declaration of a state of emergency and the introduction of special laws in September 1992 (anti-terrorism decree) extending the application of the death penalty. This special decree was almost entirely included in the ordinary law of 1995 that is currently applicable.” [47a]

- 5.40 The Hands Off Cain website continues, regarding the effective moratorium on the death penalty:

“Former President Liamine Zeroual declared a moratorium on executions in December 1993 and no executions have been carried out since. The last executions took place in August 1993, when seven armed Islamists were executed. They had been condemned to death for a 1992 attack on Algiers airport by special courts, which have since been dissolved.” [47a]

- 5.41 The Hands Off Cain website continues:

“...In 2001 President Bouteflika pardoned 7,000 prisoners and 115 inmates condemned to death had their sentences commuted to life imprisonment. On June 27, 2004 Justice Minister Tayeb Belaiz pledged to abandon the death penalty for all but serious crimes such as terrorism and treason, media reports said.” [47a]

See 6.171 [Death Penalty and Extradition](#)

- 5.42 The Hands Off Cain website adds, regarding continuing use of the death sentence:

“In 2003, 14 death sentences were handed down by the country’s courts.

“July 4, 2005: an Algerian criminal court sentenced to death in absentia seven Islamic gunmen belonging to the radical Salafi Movement for Daawa and Fighting. A judicial source said Monday the gunmen were convicted by the main court in the province of Boumedras in eastern Algeria of setting up terrorist cells, planning killings and seeking to terrorize civilians. The seven convicts are on the run and believed to be still hiding in Algeria. (Sources: *Webindia* 123, 04/07/2005)” [47a]

“January 10, 2005: Two terrorists were condemned to death by the Criminal Tribunal of Constantine, in the east of Algeria, according to the leading Algerian

daily newspaper, *La Tribune*. Other terrorists were condemned to long prison sentences. The death sentence was given because the accused were said to have set up an armed terrorist group to inflict maximum death and destruction. Algerian security officials had launched a concerted campaign that resulted in the arrest of the head of the notorious GIA group, Boudiafi Noureddine, at the beginning of November 2004. (Sources: *Al-Bawaba News*, 10/01/2005)" [47a]

NATIONAL CRIMINAL RECORD DATABASE

- 5.43 Algerian state radio announced, and relayed in English by BBC Monitoring/BBC Monitoring International Reports, on 6 February 2004:

"Within the framework of consolidating the programme of justice sector reforms and modernization, Justice Minister and Keeper of the Seals Tayeb Belaiz has given the green light for the national network for criminal records by inaugurating the national centre for those records in Birmandreis in the capital (Algiers), which links all the courts across the nation. The centre will enable all citizens, wherever they are born, to access a copy of their criminal records from any court in any province. (Passage omitted: Report on citizens previously having difficulties accessing their criminal records, because they had to go to their birthplace to obtain a copy) [BBC Monitoring omission and text]." [67a]

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INTERNAL SECURITY

- 5.44 The EuropaWorld website (accessed 13 July 2005) states:

"In August 2004 the estimated strength of the armed forces was 127,500 (including some 75,000 conscripts), comprising an army of 110,000, a navy of about 7,500 and an air force of 10,000. The defence budget for 2004 was estimated at AD 201,000m. Military service is compulsory for 18 months. There are paramilitary forces of about 181,200, controlled by the Ministry of Defence and the Directorate of National Security, and an estimated 100,000 self-defence militia and communal guards." [1b] (Defence)

- 5.45 The USSD report for 2004 adds, as a general note on overall security arrangements:

"The security apparatus comprises the army, consisting of ground, naval, and air defense forces; the national gendarmerie; the national police; communal guards; and local self-defense forces. All of these elements were involved in counterterrorism operations. The Ministry of National Defense and the Ministry of the Interior oversee the maintenance of order within the country." [6a] (p.1)

- 5.46 The USSD report for 2004 states: "While the Government generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority. Some members of the security forces committed serious human rights abuses." [6a] (p1)

See also Section 6 Human Rights [security forces](#) and Section 6 Human Rights ethnic groups [Kabylia](#).

POLICE FORCES

5.47 The USSD report for 2004 states:

“The national police or General Directorate for National Security (DGSN) falls under the control of the Ministry of the Interior. The Gendarmerie, under the Ministry of Defense, also performs police-like functions throughout the country. Police are generally effective at maintaining order throughout the country. Low levels of corruption do exist, especially in the customs police, but appear to be limited to individuals and not sanctioned by the state.” [6a] (p.5)

5.48 The UPI News Agency reported on 19 December 2004 that: “[Gen. Ali] Tounsi [‘Algerian Police Chief’] last week asked the government to increase the number of policemen in Algeria to 180,000 during the next two years to fight the threats of terrorism and crime.” [79b]

LOCAL MILITIAS

5.49 The newspaper *Le Matin* in a report dated 12 May 2004 states: “Since this past Sunday (9 May [2004]), close to half of the elements of the Legitimate Defence Groups (GLD) in Annaba province have laid down their arms.” [73a]

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PRISONS

5.50 The USSD 2004 report, published on 28 February 2005, states:

“Prison conditions generally met international standards, and the U.N. Development Program (UNDP) noted improved conditions in civilian and low security prisons as a result of prison reform efforts undertaken by the Ministry of Justice. The UNDP also worked with the Government to improve educational programs in prisons. However, overcrowding, insufficient medical treatment, and the Government’s continued refusal to allow international observers access to military and high security prisons remained problems. In October 2003, the media reported there was 1 doctor for every 300 prisoners.” [6a] (p4)

5.51 The USSD report for 2004 notes: “On November 1, President Bouteflika issued a presidential pardon to 3,822 prisoners on the occasion of the anniversary of the country’s revolution. The prisoners released were convicted of petty crimes.” [6a] (p6)

POLITICAL PRISONERS

5.52 The Europa Middle East and North Africa Regional Survey, 2005 edition reported: “After the [November 1995] presidential election the internment camp in the Sahara for alleged Islamist militants was closed and its inmates released. However, some 17,000 Algerians remained imprisoned – the majority without trial – for alleged terrorist activities.” [1a] (p174) The Europa Report continues, stating that five thousand such prisoners were pardoned on 5 July 1999. [1a] (p175) The USSD report for 2004, published on 28 February 2005, states: “There were no reports of political prisoners.” [6a] (p6)

INDEPENDENT MONITORING OF PRISONS

5.53 The USSD report for 2004, published on 28 February 2005, noted:

“While the Government permitted visits by independent human rights observers to regular, non-military prisons, it did not permit visits to its military or high security prisons. In October [2004], the International Committee of the Red Cross (ICRC) visited civilian prisons and pre-trial centers, but it was still barred from the country’s military and high security prisons.” [6a] (p5)

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MILITARY SERVICE

5.54 The Central Intelligence Agency World Factbook, updated 28 July 2005, notes that as of 2005, the main branches of the military were People’s National Army (ANP; includes Land Forces), Algerian National Navy (MRA), Air Force (QJJ), Territorial Air Defense Force, combining a potential force of males aged 19-49: 8,033,049 (2005 est.), of whom males aged 19-49: 6,590,079 (2005 est.) were held fit for military service. [2a] The same source estimated that 374,639 young men reached military age annually. [2a] The source continues that there is an 18 month period for compulsory, conscripted military service (as of October 2003) to be performed between the ages of 19 and 30 years of age. [2a]

Amnesty International states in the 1 June 2003 report, “Algeria: asylum-seekers fleeing a continuing human rights crisis”:

“At the end of 1999, the Ministry of Defence announced that those over 27 years of age who had not performed military service, including those who had deferred or evaded the draft, would have their situation ‘regularized’. The Ministry has subsequently extended the age range of those affected by this process to include all those born before or during 1980. At the time announced by the authorities for a given age group, those falling within it who have submitted applications reportedly have their cases examined on a case-by-case basis. After this a decision is made on whether they will receive a document declaring that they are exempt from military service. However, the authorities’ criteria for deciding who should obtain exemption from military service under this scheme have not been made public and, to Amnesty International’s knowledge, the names of those so exempted have not been published. It is therefore not possible to determine precisely who has been or will be exempted.” [26a] (p16)

“Meanwhile, military service remains compulsory for all men and currently lasts 18 months. The minimum age for compulsory recruitment is 19. After completing service soldiers must remain available to the Ministry of Defence for five years and may be recalled at any time. Thereafter, they form part of the reserve forces for a further 20 years. Conscripts can normally postpone service until they are 27 years old in order to complete studies. Draft evasion in times of peace is punishable by up to five years’ imprisonment according to the *Code de justice militaire* (Military Justice Code), article 254.” [26a] (p16)

DESERTERS

- 5.55 *The Washington Post*, in an article entitled, “US is faulted over Algerian’s detention; UN panel calls confinement ‘arbitrary’”, published on 22 March 2005 states:

“Human rights organizations, including Amnesty International, have said that deserters from the Algerian military sometimes face ‘torture and execution upon return.’ The Algerian Embassy has in the past insisted that its military has not executed a deserter since 1962.” [46a]

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MEDICAL SERVICES

- 5.56 The US State Department Report on Human Rights Practices dated 28 February 2005 stated that: “The Government provided free medical care for all citizens, albeit in often rudimentary facilities.” [6a] (section 5, p15)

- 5.57 The US State Department Background Note on Algeria, updated December 2004, states:

“Housing and medicine continue to be pressing problems in Algeria. Failing infrastructure and continued influx of people from rural to urban areas has overtaxed both systems. According to the UNDP [United Nations Development program], Algeria has one of the world’s highest per housing unit occupancy rates for housing and government officials have publicly stated that the country has an immediate shortfall of 1.5 million housing units.” [6c] (p3)

- 5.58 A major restructuring of the healthcare and hospital service by 2010 was set out in the annual report of the Algerian Ministry of Health issued in December 2004. [22] Measures include improvements in the level of care outside main cities especially in the south of the country, and in hospital management and personnel administration. [22] The Global News Wire reports, in an article dated 30 June 2004, that: “According to *Al-Sharq Al-Awsat* newspaper (June 29, 2004), the Algerian government is planning to establish al-Zaka fund [Islamic religious obligation social fund] under which money will be collected from prominent businesspeople and professional labor unions in the country.” [55a]

- 5.59 The World Markets Research Centre report “Health Minister prepares to introduce new ‘health law’ in Algeria” dated 6 January 2005, apart from announcing the framing of new legislation, outlines that the Algerian Government is faced with an increasing drugs bill, which in the short term it will cap with protective trade practices, while at the same time it wishes to reshape its pharmaceutical sector by attracting new foreign investment. [58c]

- 5.60 The UN Development Programme (UNDP) Report 2003 (accessed July 2005) placed Algeria in 107th place out of 175 countries in its Human Development Index. [23a] Life expectancy in 2001 was just over 69 years. [23a] The Europa Regional Survey of 2005 states that Government expenditure in 2001 on public health was 4.1 per cent of GDP. [1a] (p218) The Economist Intelligence Unit (EIU) states in a report of 28 June 2005 that this health spend now constitutes 4.2 per cent of GDP, which the report equates to US\$96 per annum per person. [28f] The EIU notes in a report on healthcare in the Middle East dated 16 October 2004 that Algeria was one of nine Middle Eastern countries that spent below the Middle East and North Africa (MENA) countries’ average health

spend of US\$166 per annum per person. [28c] The same report notes that in Algeria, over 70 per cent of healthcare is funded by the state. [28c]

- 5.61 The Algerian Ministry of Health and Population publishes medical data. [22] This includes lists of regional and specialist hospitals and numbers of medical personnel in the public sector. [22] The information published in their report of April 2003 shows one doctor per 967 inhabitants, and a threefold increase in the number of polyclinics since 1990, leading to a current ratio of one polyclinic per 61 inhabitants. [22]
- 5.62 Global News Wire picked up from *Liberte* news website a report of 13 cases of typhoid fever dated 20 July 2005 [55d]; and from El Watan news website, a report of 212 cases of typhoid dated 19 June 2005 [55e]. *Liberte* via World Markets Analysis reported on 16 July 2004: "Health ministry officials in Algeria have raised efforts to boost awareness of hygiene guidelines that can reduce the risk of contracting conjunctivitis. ... It is reported that public spending on medication to treat conjunctivitis reached AD35m (US\$482,658) in 2003. Some 600,000 cases were reported last year, and authorities are eager to thwart the outbreak of a conjunctivitis epidemic." [58a]
- 5.63 The Panafrican News Agency (PANA) ran a report dated 3 September 2003 noting that there is a bilateral medical agreement between South Africa and Algeria. [71a] The agreement covers a number of areas including training, blood transfusion and drug quality control. [71a] A team of cardio-thoracic doctors visited Algeria from South Africa in September 2003 to carry out heart operations. [71a] Algeria's public hospitals handle some 4,500 heart treatments a year, while about 500 other cases are sent abroad. [71a]
- 5.64 Global News Wire MENA Business Reports carried a report dated 14 February 2005 that states:

"During a visit to Algeria that starts on Monday accompanied by President of the Jordanian Pharmaceutical Producers Association Dr. Adnan Badwan, the minister [Jordanian Health Minister Saeed Darwazeh] will discuss contracts between the Algerian health ministry and Jordanian hospitals in fields related to ophthalmology, cancer, cardiovascular and kidney diseases." [55c] (also [58e])

The World Markets Research Centre report of 13 June 2005 reports similar negotiations with the Iranian trade minister. [58d]

PHARMACEUTICALS

- 5.65 In a news article from the Panafrican News Agency (PANA) via World Markets Analysis, entitled: "Population growth set to stoke drug demand in Algeria" and dated 30 September 2004, PANA states, "Healthcare policy in Algeria has targeted a reduction in the birth rate, with contraceptives now widely available and commonly used in the country. However, population growth is still set to outstrip the global growth rate in coming years. ... Population growth is a key factor behind the country's growing demand for pharmaceutical products." [58b] The Economist Intelligence Unit (EIU), in a news article of 16 May 2005, notes: "A factory set up by the local arm of the UK's GlaxoSmithKline (GSK) in Boumerdes province to produce antibiotics was inaugurated in early May [2005]. The plant will produce some 10m packets of antibiotics per year for the domestic market." [28a] The EIU also notes in a report of 16 October 2004: "A

new venture producing non-woven fabrics for medical and sanitary use has started up in the Es Senia industrial park in Oran.” [28b] The EIU also notes in another report of 16 October 2004: “Work has started on a plant to produce treatments for diabetes in the Aissat Idir industrial zone outside Tizi Ouzou, in the Kabylia region east of Algiers. ... Production is scheduled to start in September 2005 with an initial annual capacity of 8.7m units. [28d] The EIU notes in a report dated 16 November 2004 that the Algerian Government has sold a 15 per cent stake in Saidal, one of Algeria’s leading pharmaceutical companies, down to a total Government stake of 65 per cent in Saidal. [28e]

HIV/AIDS

- 5.66 Global News Wire reported an excerpt from Algerian television on 1 December 2004, which states: “Today 1 December 2004 coincides with World AIDS Day. ... In Algeria, 635 AIDS cases and over 1,600 HIV positive cases have been recorded so far.” [55b] According to information published by UNAIDS in November 2003, Algeria has a national strategic plan on AIDS for 2003-2006. This includes a budget to provide 100 per cent anti-retroviral treatment. Current spending was US\$10 million through government resources. The information stated that the level of political commitment by the Algerian government has increased substantially. [16]

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MENTAL HEALTH

- 5.67 In 2001 the World Health Organisation (WHO) reported that there were two psychiatrists per 100,000 population (compared with 11 in the UK). [15c] WHO also reported that mental health care was present in the primary health care system; while severe mental disorders were diagnosed in the primary health care system, treatment of these was only available at hospitals. [15c]
- 5.68 The WHO report of 2001 stated that other therapeutic drugs that were generally available at primary health care level were: Carbamazepine, Ethosuximide, Phenobarbital, Phenytoin sodium, Sodium Valproate, Amitriptyline, Chlorpromazine, Diazepam, Fluphenazine, Halperidol and Levodopa. [15c] Biperiden and Carbidopa were not available and the availability of Lithium was unknown. [15c]

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HEALTHCARE PROFESSIONALS

- 5.69 PANA reported on 4 July 2004 that there was a nationwide strike in Algeria’s public hospitals, called by the National Federation of Health Workers (FNTS) about terms and conditions for members in the south of the country. [62a] A Global News Wire report of 17 October 2004 adds that the July strike lasted four weeks, and was followed by a further strike in October 2004. [67b]

DISABLED PEOPLE

- 5.70 The USSD report for 2004 states:

“The Government did not mandate accessibility to buildings or government services for persons with disabilities. Public enterprises, in downsizing their work forces, generally ignored a law that requires that they reserve 1 percent of their jobs for persons with disabilities. Social security provided payments for orthopedic equipment, and some NGOs received limited government financial support.” [6a] (p16)

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EDUCATIONAL SYSTEM

- 5.71 The EuropaWorld website (accessed 12 July 2005) gives the following information:

“Education, in the national language (Arabic), is officially compulsory for nine years between six and 15 years of age. Primary education begins at the age of six and lasts for six years. Secondary education begins at 12 years of age and lasts for up to six years (comprising two cycles of three years each). In 2002/03 the total enrolment at primary schools was equivalent to 95% of children in the relevant age-group (boys 96%; girls 94%). The comparable ratio for secondary enrolment was an estimated 67% (boys 65%; girls 69%). In mid-2003 the Government agreed to permit the use of the Berber language, Tamazight, as a language of instruction in Algerian schools. Some 12.5% of total planned expenditure in the 1997 administrative budget was allocated to education and training. Priority is being given to teacher-training, to the development of technical and scientific teaching programmes, and to adult literacy and training schemes. In addition to the 27 main universities, there are 13 other centres universitaires and a number of technical colleges. In 2002/03 a total of 624,364 students were enrolled in higher education.” [1a] (Education)

- 5.72 The Country Background Note of the US State Department of December 2004 states:

“Algeria’s education system has grown dramatically since 1962 [sic - 1992?]; in the last twelve years attendance has doubled to more than 5 million students. Education is free and compulsory to age 16. Despite government allocation of substantial educational resources, population pressures and a serious shortage of teachers have severely strained the system, as has terrorism [sic: terrorist] attacks against the educational infrastructure during the 1990s. In 2000, the government launched a major review of the country’s educational system and in 2004 efforts to reform the educational system began.” [6c] (p2-3)

- 5.73 The Europa Regional Survey of 2005 notes that there are ten main universities, seven university centres and a number of technical colleges. [1a] (p223)

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6. Human Rights

6.A. HUMAN RIGHTS ISSUES

OVERVIEW

- 6.01 The United States State Department (USSD) Country Report on Human Rights Practices, Algeria, for the year 2004 (published 28 February 2005) states: "The [Algerian] Government's human rights record remained poor overall and worsened in the area of press freedoms; however, there were significant improvements in some areas." [6a] (p1)
- 6.02 A report by Forced Migration Online in January 2004 states that: "Although the situation in Algeria has dramatically improved from the most difficult moments of the crisis in 1993-4 and 1997-8 a final solution to the ongoing conflict remains elusive." [53] (p1) The USSD report for 2004 states: "Algeria is emerging from over a decade of terrorism and civil strife in the 1990s, in which between 100,000 and 150,000 persons were estimated to have been killed." [6c] (p1)

LE POUVOIR

- 6.03 The Economist Intelligence Unit, in a 13 July 2005 report, states:

"Much of the credit for the recent improvements must go to the president, Abdelaziz Bouteflika. He has used the overwhelming popular mandate of his presidential election victory in April 2004 to good effect by forcing through the early retirement of senior members of the military old guard, le pouvoir, who were for many years the major power brokers in Algerian politics. This tightly-knit clique of generals, who contributed so much to the opacity and corruption of the Algerian political economy, is far from beaten: their influence remains extensive, particularly over the patronage networks that bind together public-sector firms, banks and the civil service. Moreover, Mr Bouteflika is unlikely to replace this system with something more transparent; rather he seems content simply to change the personnel. Nevertheless, for the first time in many decades an Algerian civil president is broadly speaking master of his own domain and not a mere puppet of the military power brokers. It is possible that the military conservatives have merely beaten a tactical retreat and that they will return to the political scene once Mr Bouteflika's term of office comes to an end in 2009. However, for the forecast period at least, the president's political position is likely to be much stronger than before." [28g]

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HUMAN RIGHTS ISSUES

- 6.04 An AI report of June 2003 states that they had not found that the general conditions and situation in Algeria had improved significantly during the period 1999-2002 and assessed that the human rights situation in Algeria remained fundamentally unchanged, despite official rhetoric. [26a] (p5) AI also reported in September 2003 that: "The human rights situation, although improved since the mid to late 1990s, remains of serious concern." [26c] (p2) Human Rights Watch (HRW) reported in 2003 that: "There was a noticeable decline in reports of

human rights violations committed by the security forces compared to the mid-1990s. But the pattern of violations suggested that any decline was caused more by the drop in political violence than by stronger safeguards against abuse.” [27a] (p1)

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SECURITY FORCES

See also Section 5 State structures [internal security organisation](#)

- 6.05 The USSD report for 2004 notes that: “While the Government generally maintained effective control of the security forces, there were some instances in which security force elements acted independently of government authority. Some members of the security forces committed serious human rights abuses.” [6a] (p1)

EXTRAJUDICIAL ARREST AND DETENTION

- 6.06 The USSD report for 2004 states: “The Constitution prohibits arbitrary arrest and detention; however, in practice the security forces continued arbitrarily to arrest and detain citizens, although reportedly less frequently than in previous years.” [6a] (p5)
- 6.07 The USSD report for 2004 states: “In 2003, local NGOs reported a trend of prolonged detentions ranging from 8 to 18 months that were frequently characterized as disappearances until the prisoners were released to their families. Disappearances resulting from prolonged detention or other factors remain contrary to the legal procedures stipulated in the country’s Penal Code and its Constitution.” [6a] (p3)

See also Section 6 Human rights [missing people](#)

- 6.08 The USSD report for 2004 stated: “Impunity remained a problem, and the Government did not publicize the numbers, infractions or punishments of police officials. According to human rights attorneys, police officials, and local NGOs, most abuses of police authority occurred as a result of officers not following established guidelines for arrests.” AI also reported in “Steps towards change or empty promises?”, published in September 2003, that:

“The authorities’ almost routine failure to respect domestic legislation protecting detainees’ rights contributes directly to the persistence of the problem of secret and unacknowledged detention. Despite the safeguards in the law, detainees are generally not allowed to communicate with the outside world, including their family, either immediately following their admission into garde à vue or even at any stage during it. They are also usually not allowed to receive visits from their family. Moreover, according to Amnesty International’s findings, few are informed of their rights in this regard.” [26c] (p9)

- 6.09 The same AI report also states: “The problem [of abuse] is exacerbated by the fact that, as mentioned above [prior to p.7 in the AI report] legal safeguards which should protect detainees and have been in place for years have often not been respected by the judicial authorities or the security forces.” [26c] (p7)

[Return to contents](#)**TORTURE AND VIOLENCE**

- 6.10 The US House of Representatives sub-committee on International Terrorism and its Non-Proliferation heard on 4 March 2005 from HRW's expert witness Tom Malinowski, and the transcript, taken from the HRW prepared statement from the HRW website, states:

"In October 2004, Algeria's parliament took the positive step of amending the penal code to criminalize acts of torture. We remain concerned that the amendment fell short of international standards by failing to criminalize cruel, inhuman and degrading treatment or punishment, and by failing to refer to the consent or acquiescence to torture or cruel, inhuman or degrading treatment or punishment by a public official or other person acting in an official capacity." [27e] (p1)

- 6.11 The USSD report for 2004 states:

"Though human rights lawyers have stated that the incidence and severity of torture is on the decline – in part due to better training of the security forces and alternative intelligence gathering techniques – they maintained that torture still occurred in military prisons, more frequently against those arrested on 'security grounds'." [6a] (p4)

- 6.12 Amnesty International, in the interim report, published 25 May 2005, of its fact-finding mission to Algeria on 6–25 May 2005, states:

"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." [26f]

"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." [26f]

- 6.13 The USSD report for 2004 notes:

"The Ministries of Justice and Interior told AI in April 2003 that at least 23 gendarmes had been prosecuted and sentenced in military tribunals for 'abusive use of firearms.' However, the National Consultative Commission for the Promotion and Protection of Human Rights (*Commission Nationale Consultative de Promotion et de Protection des Droits de l'Homme*, or

CNCPPDH) told the AI delegation that only one gendarme had been sentenced. The Government has not provided an explanation for this discrepancy.” [6a] (p.2)

- 6.14 The Europa Regional Survey’s account of the violence in the 1990s repeatedly states that security forces were blamed by critics of the government for involvement in the massacres of civilians in the 1990s. [1a] (p165,167,168,169)

- 6.15 Amnesty International reported in “Steps towards change or empty promises?” published September 2003 that:

“The vast majority of cases of torture and secret detention recorded in the last two to three years have indicated that the acts were carried out by operatives of Military security, or Sécurité militaire, a security service bearing the official title of the Département du renseignement et de la sécurité (DRS), Department of Information and Security, formally under the authority of the Ministry of Defence. The torture is generally alleged to have taken place inside military compounds, most notably the centre of Ben Aknoun in Algiers and the centre of Haouch Chnou in Blida, used, among other purposes, for the detention of suspects.” [26c] (p15)

- 6.16 Amnesty International notes earlier in the same report the prime purpose of the use of torture:

“The purpose of torture in most cases appears to be to extract statements or ‘confessions’ from the person held in custody, often by forcing detainees to sign statements which they have not read. In cases involving what the government describes as ‘terrorist’ activities, the statement usually implicates them as being linked in some way with an armed group. In cases involving political protesters, torture may also be used by the security forces to punish the detainee and deter others from taking similar action.” [26c] (p9)

“The implications of torture being used systematically in ‘terrorism’-related cases and selectively in other political and criminal cases are very serious indeed, not only because of the physical and mental trauma, but also because it impacts on the administration of justice. Convictions are often made, largely or solely, on the basis of statements obtained in the custody of the security forces under duress, gravely prejudicing the right to a fair trial and leading to long prison sentences or, in some cases, the death penalty.” [26c] (p10)

- 6.17 Human Rights Watch in 2003 identified cases of disappearance where Military Security were allegedly involved and states “Of all the various security forces Military Security acts with the greatest degree of impunity. It is ‘almost untouchable’ according to human rights commissioner Ksentsini.” [27c] (p17-18) Amnesty International, in the AI September 2003 report, ‘Steps towards change or empty promises?’ adds detail to the comment, stating:

“Military Security appears to employ a number of particular measures that make it difficult to hold its agents accountable for violations. Firstly, a series of measures are taken to keep the identity of the operatives hidden. Not only do Military Security personnel operate in plain clothes, but they also almost never identify themselves or even the service to which they belong to the individuals they are arresting. Often no arrest warrant is produced. On the interrogation reports drawn up by Military Security, the officers responsible generally identify themselves simply by a first name, without reference to their rank or surname or

Military Security, making it impossible to verify their status or trace them later.” [26c] (p14)

“Secondly, measures are taken to keep the place of detention secret from the person arrested. Detainees often report not having been informed of the place of their detention. In addition, some detainees have told Amnesty International that on their way to the place of detention and on their way out, they are transported in such a way as to make it difficult for them to identify where they were held. For instance, some detainees have been blindfolded or made to crouch down in the back of the vehicle transporting them.” [26c] (p14)

6.18. AI in the same report notes, regarding witnesses to torture:

“Research carried out by Amnesty International also indicates that very few formal complaints are made about torture in Algeria. However, in the vast majority of incidents of torture or ill-treatment, it appears that those affected do not make formal complaints. In most cases known to Amnesty International, detainees who have been tortured do not even declare to the examining magistrate that they were tortured during garde à vue or that they were coerced into confessing to something they had not done. Amnesty International’s research into dozens of cases in the last two to three years suggests there are several reasons why this is the case. They may be threatened by the security force personnel who have tortured them. They may be told not to change their story and not to report the torture to which they have been subjected if they do not want to be returned to the place where they have been tortured. In addition, with no access to legal counsel to explain the judicial process and the security forces failing to inform them of their rights, the accused may be unaware that the examining magistrate is a member of the judiciary, believing instead that they are talking to another security force officer. Finally, with no evidence available that investigations take place into torture or that those responsible are brought to justice, the torture victim may not know that the magistrate can and should do something about the complaint.” [26c] (p11)

“Other obstacles later stand in the way of torture victims who seek to lodge a formal complaint. On the one hand, they realize that their chances of being able to provide proof of the torture are slim. As discussed, a medical examination carried out after weeks or months is unlikely to lead to establishing evidence of torture. On the other hand, they are afraid that reporting the torture will only exacerbate their predicament or expose family members to risks of reprisals from the security forces. Furthermore, even if the victim was prepared to lodge a complaint, only a small number of lawyers inside the country are willing to take on such cases, since doing so can result in harassment and intimidation by the authorities.” [26c] (p12)

TORTURE METHODS

6.19 Amnesty International, in the AI September 2003 report, “Steps towards change or empty promises?” outlines the main methods used:

“Beatings with fists, batons, belts, iron bars or rifle butts are frequently mentioned in the testimonies of victims interviewed by Amnesty International. Some victims have reported being whipped and slashed with sharp instruments, or being strangled almost to the point of suffocation. Others have had cigarettes extinguished on their body or face, had burning cigarette ash thrown into their

eyes, or been scorched by a soldering iron. Some victims have had electricity applied to their bodies, often to sensitive organs such as the genitals. To increase the pain, the victim's body may be soaked first in water. Some victims have reported being threatened with sexual violence, sometimes after being undressed and tied up." [26c] (p9)

6.20 AI in the same report then adds:

"One noticeable development in the last two or three years is the relative increase in the use of methods which leave few traces. The so-called chiffon method of torture, in which the victim is tied down and forced to swallow large quantities of dirty water, urine or chemicals through a cloth placed in their mouth, is one such example." [26c] (p.9)

6.21 The USSD report for 2004 states:

"Last year [2003], the independent press reported that the 'chiffon' method – placing a rag drenched in dirty water in someone's mouth – was the preferred method of torture because it left no physical traces of assault. In 2003, AI [Amnesty International] reported an increased number of accounts detailing the usage of the wet rag method." [6a] (p4) (Section 1.c.)

6.22 The Medical Foundation for the Care of Victims of Torture, in the report, "Rape as a method of torture" ed. Dr. Michael Peel, published [April] 2004, states in relation to Algeria:

"In Algeria at the time of the study [2002] there was a policy of intimidation and humiliation, of which sexual assault was an integral part. Men were made to squat with the neck of a soft-drink bottle against their anus. They were then kicked or pushed so that they lost balance and they were penetrated by the bottle. Rape was not generally accompanied by questioning, but it was officially sanctioned. It was made known unofficially by the authorities that men had been raped in detention, and should no longer have the status of adult males in the community. This fitted into the overall pattern of intimidation through torture in which semi-conscious bodies were dumped by the authorities, covered with blood and bruises, to discourage others from questioning their authority." [63a] (p66)

The USSD report for 2004 mentions allegations that were raised in a 2004 case:

"In May [2004], 24 adolescents were arrested in T'kout following demonstrations protesting [about] the death of Chouaib Argabi (see Section 1.a.). Six of the adolescents alleged to their lawyer that they were tortured and sexually abused by the gendarmerie during their detention. Their attorney, Salah Hanoun, reported to the press that he saw the physical proof of mistreatment and took photographs. During their trial, defense lawyers raised the issue of torture, but the judge refused any discussion of the matter." [6a] (p4)

GOVERNMENT RESPONSE

6.23 The USSD report for 2004 states, regarding the implementation of anti-torture legislation in September 2004:

“Although torture had been denounced in the Penal Code, new legislation enacted in September criminalizes torture, and government agents may face prison sentences for up to 3 years for committing such acts. However, during the year, there were no reports of police or security forces receiving punishment for torturing suspects. Impunity remained a problem.” [6a] (p4)

6.24 Amnesty International, in AI's September 2003 report, states:

“Some of these measures are illegal according to Algerian legislation. The Criminal Procedure Code clearly states that all law enforcement officials, including Military Security personnel, must not only present an arrest warrant to the accused, but also give them a copy. [Footnote reference: (12) See, for example, Article 110 of the Criminal Procedure Code.] The Code also stipulates that statements such as interrogation reports must indicate that their authors are law enforcement officials authorized to carry out such duties, meaning that their rank and full name must be mentioned. [(13) See Article 18 of the Criminal Procedure Code.]” [26c] (p14)

“The way in which Military Security officers conduct their operations appears to be symptomatic of their lack of accountability. As law enforcement officials they operate, according to the Criminal Procedure Code, under the control of the judicial authorities. In practice, the judicial authorities are too intimidated by them to challenge their authority. Amnesty International is not aware of a single case of a Military Security operative ever having been investigated or brought to justice for committing human rights violations in the exercise of their functions in the service's history, despite the overwhelming evidence pointing to the involvement of its agents in human rights violations, including those of a grave and systematic nature.” [26c] (p14)

6.25 The USSD report for 2004 states:

“The gendarme responsible for the death of a Kabylie youth that sparked the 2001 Black Spring was tried in 2002 by a military tribunal and sentenced in 2003 to 2 years in prison for involuntary homicide. He was released during the year (see Section 1.d). No disciplinary action was taken in the March 2002 case where hundreds of persons died in riots between gendarmes and protesters and the April 2002 case in which numerous persons were injured and killed during street battles between Kabylie protesters and riot police.” [6a] (p2)

6.26 The *African Research Bulletin* for December 2004 carries a report from the French newspaper “Liberation” as follows:

“A close collaborator of President Abdelaziz Bouteflika, Farouk Ksentini [Head of the Human Rights Commission of the Algerian Government], admitted on December 16th [2004] to Reuters news agency, that some members of the security forces were ‘individually’ responsible for the death of 5,200 civilians killed during the internal conflict.” [7i] (p.16042)

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6.27 The USSD report for 2004 also reported that:

“Local prosecutors are required to grade the performance of police captains operating in their jurisdiction to ensure that the officers comply with the law in

their treatment of suspects. In addition, any suspect can request a medical examination once on police premises or before facing the judge.” [6a] (p5)

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ARMED GROUPS

For more details on armed groups and areas of operation see [Annex C Main armed groups](#).

- 6.28 The UPI news agency relayed on 19 December 2004: “The Algerian *La Tribune* daily quoted Algerian police chief, Gen. Ali Tounsi, as saying 300 to 500 gunmen are currently active across the country ‘with the aim of toppling the regime.’” [79b] The US State Department’s Patterns of Global Terrorism 2003 report states:

“Algerian officials have stated that the number of active terrorists within the country has fallen from more than 25,000 in 1992 down to a few hundred today, due in a large part to a series of successful offensives under taken by Algerian security forces.” [6d] (p59)

VIOLENCE

- 6.29 The testimony of Tom Malinowski, Human Rights Watch, to the US House of Representatives Committee in March 2005 states, regarding the continuing violence:

“Estimates of the number of Algerians killed in political violence since 1992 range between 100,000 and 200,000. President Abdelaziz Bouteflika was quoted on February 23 [2005] as putting the figure at 150,000. In fact there are no precise data on the number of those killed, or the breakdown of civilians, security force members, and armed militants among the victims, or the proportion of the killings attributable on the one hand to armed groups and on the other hand to the security forces and their civilian allies.” [27e] (p1,2)

- 6.30 Amnesty International in their Annual Report for 2004, states regarding the violence:

“According to press reports, some 500 people were killed during the year [2004]. The majority were members of the security forces and armed groups. Some of the deaths reportedly occurred during armed confrontations. In other cases suspected armed group members were reportedly killed in operations by the security forces. There were concerns that some of these were extrajudicial executions. Dozens of civilians were killed in attacks, presumed to have been committed by armed groups but not known to have been independently and impartially investigated.” [26b] (p1)

- 6.31 The USSD report for 2004 states:

“Terrorists targeted both civilians and security forces. According to press reports, there were 93 civilian deaths at the hands of terrorists, compared to 198 in 2003. Terrorists were also responsible for the deaths of 117 members of the security forces, compared to 223 last year. According to the Government,

the total number of terrorist, civilian, and security force deaths during the year was approximately 429, compared to 1,162 in 2003.” [6a] (p2)

“Terrorist groups mainly targeted infrastructure and security forces. These groups also committed acts of extortion by carrying out violent reprisals against those who failed to pay a ‘tax.’ Other tactics included creating false roadblocks outside the cities, often by using stolen police uniforms, weapons, and equipment. Some killings, including massacres, also were attributed to revenge, banditry, and disputes over private land ownership.” [6a] (p2)

- 6.32 Amnesty International’s “Steps towards change or empty promises?” of September 2003 adds detail regarding civilian deaths:

“Some of the attacks appear to be indiscriminate, such as when bombs are exploded in busy public places, such as markets, killing dozens of people. Other attacks involve bogus roadblocks when small groups of men armed with machine guns, automatic pistols or hunting rifles shoot dead the drivers and passengers of passing vehicles.” [26c] (p36)

“There are also attacks that appear to be targeting particular individuals or groups of individuals, such as when extended families, of a dozen or more people, are attacked and killed in their homes or at times of celebration, such as wedding parties, when families are gathered together. The most vulnerable – women, children and the elderly – are not spared and the killings are often carried out in a brutal fashion. The assailants often knife their victims to death, cut their throats, decapitate them or smash their heads, sometimes mutilating the body afterwards. Disturbingly, the perpetrators generally escape without being apprehended, even when killings are reported close to security force bases. While victims and relatives of victims may sometimes be able to identify perpetrators of killings or provide important testimonies to locate those responsible, little attempt appears to be made to investigate killings and apprehend those responsible, so that most questions remain unanswered.” [26c] (p36)

- 6.33 The USSD report for 2004, published on 28 February 2005, states: “The violence appears to have occurred primarily in the countryside, as the security forces largely forced the terrorists out of the cities.” [6a] (p2) The Global IDP Project’s paper, “Algeria: slow IDP return to rural areas” of 18 March 2005 considers displacement of population primarily by the violence but also the effects of the earthquake of 2003. [54a] The summary states:

“Between 1992 and 2002, fighting and attacks targeting the civil population forced large numbers of Algerians to flee rural areas and find security in nearby urban centres. The actual number of people displaced during the civil war is difficult to assess given the information void that has pervaded the conflict in Algeria since its onset. The European Union estimated in 2002 that violence had displaced one million people, while others put the number as high as 1.5 million. While attacks on the civilian population are rare today, there are still sporadic reports of people fleeing their villages due to threats by armed gangs who persist in some rural areas. There is no information on the current number of internally displaced persons (IDPs), but local media have regularly documented their precarious living conditions in overcrowded shanty-towns.” [54a] (p1)

“With security returning to most of the former conflict zone, the government has launched a rural rehabilitation programme to encourage the return of displaced people. But the displaced population has been slow to go back, discouraged by the security situation in some areas and the slow rehabilitation of their home villages.” [54a] (p1)

- 6.34 The USSD report for 2004, published on 28 February 2005, states the following on the terrorist presence:

“Terrorist groups committed numerous, serious abuses. Terrorists continued their campaign of insurgency, targeting government officials, families of security force members, and civilians. The death of civilians often was the result of rivalries between terrorist groups or to facilitate the theft of goods needed to support their operations. Terrorists used violence to extort money, food, and medical supplies. Terrorists also used vehicle-borne explosive devices to attack infrastructure targets and also used ambushes to attack military convoys. The violence occurred primarily in the countryside, as the security forces largely forced terrorists out of the cities. Successful operations by security forces helped to eliminate terrorist cells and leaders, weakened terrorist groups, and resulted in significantly lower casualty levels for the year.” [6a] (p2)

- 6.35 The US International Religious Freedom Report 2004 states, regarding Muslims not aligned to radical Islamist groups as victims of violence:

“The country’s decade-long civil conflict has pitted self-proclaimed radical Muslims belonging to the Armed Islamic Group and its later offshoot, the Salafist Group for Preaching and Combat, against moderate Muslims. Approximately 100,000 to 150,000 civilians, terrorists, and security forces have been killed during the past 12 years. Radical Islamic extremists have issued public threats against all ‘infidels’ in the country, both foreigners and citizens, and have killed both Muslims and non-Muslims, including missionaries. Extremists continued attacks against both the Government and moderate Muslim and secular civilians; however, the level of violence perpetrated by these terrorists continued to decline during the period covered by this report. As a rule, the majority of the country’s terrorist groups do not differentiate between religious and political killings.” [6b] (p4)

NUMBERS OF INSURGENTS

- 6.36 The USSD Patterns of Global Terrorism 2003 report, published on 22 June 2004, states:

“Algerian officials have stated that the number of active terrorists within the country has fallen from more than 25,000 in 1992 down to a few hundred today [2004] due in large part to a series of successful offensives undertaken by Algerian security forces. Algeria has, in fact, made great strides toward eliminating terrorism in most parts of the country.” [6d] (p59)

MAIN GROUPS

- 6.37 The Islamic Salvation Army (AIS) (Armée Islamique du Salut) no longer exists (see Civil Concord Law). The Armed Islamic Group (GIA) (Groupe Islamique

Armé) is held by the Algerian Government to have been eliminated in 2005. (See 6.38 The Armed Islamic Group (GIA) (Groupe Islamique Armé))

THE ARMED ISLAMIC GROUP (GIA) (GROUPE ISLAMIQUE ARMÉ)

- 6.38 The BBC News website's Country Timeline for Algeria states: "2005 January – Authorities announce the arrest of rebel Armed Islamic Group (GIA) head Nourredine Boudiafi and the killing of his deputy and declare the group to be virtually dismantled." [60]
- 6.39 The following information is from the United States Naval Postgraduate School's database of Terrorist Groups:

"Description

An Islamist extremist group, the GIA aims to overthrow the Algerian regime and replace it with a fundamentalist Islamic state. The GIA began its violent activity in 1992 after the military government suspended legislative elections in anticipation of an overwhelming victory by the Islamic Salvation Front, the largest Islamic opposition party.

Activities

The GIA has engaged in attacks against civilians and government workers. Starting in 1992, the GIA conducted a terrorist campaign of civilian massacres, sometimes wiping out entire villages in its area of operation, and killing tens of thousands of Algerians. GIA's brutal attacks on civilians alienated them from the Algerian populace. Since announcing its campaign against foreigners living in Algeria in 1992, the GIA has killed more than 100 expatriate men and women, mostly Europeans, in the country. Many of the GIA's members have joined other Islamist groups or been killed or captured by the Algerian Government. The GIA's most recent significant attacks were in August, 2001.

Strength

Precise numbers unknown, probably fewer than 100.

Location/Area of Operation

Algeria, Sahel (i.e. northern Mali, northern Mauritania, and northern Niger), and Europe." [14a]

- 6.40 A report from a German website, Qantara.de, that states that it maintains 'a dialogue with the Islamic World', posted an article on radical Islamism in Algeria, "The men who benefited from the Civil War", dated 26 June 2005. The information on the GIA in the article is as follows:

"The new year began with news that made the vast majority of Algerians heave a heartfelt sigh of relief: the Armed Islamic Groups (Groupes islamiques armés, GIA) – the mention of whom was enough to instil fear and terror into the hearts of people, especially those living in the area surrounding the capital, Algiers – are as good as crushed, thereby ending one of the bloodiest chapters in Algeria's history. Thus, on 3 January this year, a sober statement from the Algerian Ministry of the Interior summed up an operation that has been conducted pretty much under a cloak of secrecy over the past two months.

The state targets armed Islamists

In early November, the state security forces succeeded for the first time in capturing a 'national Emir' (commander) of the GIA alive. They apprehended Boudiafi Noureddine, also known as 'Noureddine PRG', in Bab Ezzouar, a suburb of Algiers. This gave the security forces the means to root out a few sleeper cells in the capital. Thanks to the information provided by the 'Emir' during interrogation, other hide-outs were uncovered in searches, which in turn allowed the police and the army to inflict another wound on the rest of the organisation. Barely 14 days at the helm of the GIA, the new 'Emir' Chaâbane Younès, alias 'Lyès', was shot dead on 1 December near the West Algerian city of Chlef. The man who was with him at the time, 'Abu Bakr', laid down his arms and surrendered. Because the GIA's struggle, which also included a comprehensive campaign of terror against the civilian population, quickly proved counterproductive for the strategically minded, political Islamist wing, there were several schisms and regroupings. At least part of the Islamic Salvation Movement (Front islamique du salut, FIS), which was banned in March 1992, initially supported the GIA.

Internal power struggles and collapse

A former FIS commander, Mohammed Saïd, was even national leader of the GIA for the year starting May 1994. But he was deposed internally because many GIA members were very sceptical of activists from the FIS." [81a]

THE GSPC – THE SALAFIST GROUP FOR CALL AND COMBAT

6.41 The Qantara article of 26 June 2005 refers to the GSPC:

"A GIA splinter group was also founded in 1999: the Salafist Group for Call and Combat (Groupe salafiste pour la prédication et le combat, GSPC), which was headed by the former paratrooper Hassan Hattab. The founders of the GSPC also accused the remaining GIA groups of having torpedoed any last chances of getting a foot in the political door by committing unrestrained bloody acts of terror. The new guerrilla group eventually withdrew to the mountain forests in North East Algeria, primarily in the Berber-speaking region of Kabylei. If the Algerian authorities are to be believed, the entire national leadership of the GPSC was killed in a military operation in Kabylei in June 2004. Today, the GSPC has around 300 armed fighters to its name. Following the most recent attacks on the remnants of the GIA, this organisation [sic: GIA/GSPC ?] only has about thirty armed members left in the countryside around Algiers." [81a]

6.42 The following information is from the United States Naval Postgraduate School's database of terrorist groups:

"Other Names

Salafist Group for Preaching and Combat
Le Groupe Salafiste pour la Prédication et le Combat

Description

The Salafist Group for Call and Combat (GSPC), a splinter group of the Armed Islamic Group (GIA), seeks to overthrow the Algerian Government with the goal of installing an Islamic regime. GSPC eclipsed the GIA in approximately 1998, and is currently the most effective and largest armed group inside Algeria. In contrast to the GIA, the GSPC pledged to avoid civilian attacks inside Algeria.

Activities

The GSPC continues to conduct operations aimed at Algerian Government and military targets, primarily in rural areas, although civilians are sometimes killed. The Government of Algeria scored major counterterrorism successes against GSPC in 2004, significantly weakening the organization, which also has been plagued with internal divisions. Algerian military forces killed GSPC leader Nabil Sahraoui and one of his top lieutenants, Abbi Abdelaziz, in June 2004 in the mountainous area east of Algiers. In October, the Algerian Government took custody of Abderazak al-Para, who led a GSPC faction that held 32 European tourists hostage in 2003. According to press reporting, some GSPC members in Europe and the Middle East maintain contact with other North African extremists sympathetic to al-Qa'ida. In late 2003, the GSPC leader issued a communiqué announcing the group's support of a number of jihadist causes and movements, including al-Qa'ida.

Strength

Several hundred fighters with an unknown number of facilitators outside Algeria.

Location/Area of Operation

Algeria, the Sahel (i.e. northern Mali, northern Mauritania, and northern Niger), Canada, and Western Europe.

External Aid

Algerian expatriates and GSPC members abroad, many residing in Western Europe, provide financial and logistical support. GSPC members also engage in criminal activity." [14b]

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- 6.43 The *African Research Bulletin* for May 2004 reported developments surrounding the leadership of the GSPC:

"Hassan Hattab is reported dead while Abderrazak 'le Para' is said to be captured in Chad. The founder and former leader of the Salafist Group for Preaching and Combat (GSPC), Hassan Hattab, was executed by his ex-lieutenants at the end of summer 2003 in Kabyla (east), the *Expression* newspaper reported on May 11th [2004]. He was accused of 'treachery' and 'heresy'. A later report said he was still alive." [7b] (p15759)

"...*Le Matin* [French-language newspaper] (Algiers) on May 28th [2004] published a profile of the GSPC's new leader, Nabil Sahraoui alias Abou Ibrahim Mustapha. Nabil Sahraoui himself in an interview published on the GSPC's Internet site said that Hassan Hattab had resigned 'of his own accord' before being replaced and that he was still alive." [7b] (p15759)

- 6.44 The *African Research Bulletin* for June 2004 reported regarding the GSPC:

"There was disagreement in Algeria, between a section of the media and the government, on the cause of the powerful blast that rocked Hamma power station, just outside Algiers on the night of June 21st [2004]. The parastatal Sonelgaz which owns and operates the power plant, said that the cause of the blast had not been determined, although government-owned media insisted on repeating the government line that it was caused by a technical accident. Hamma was built by an Italian company and was inaugurated two years ago by President Abdel Aziz Bouteflika. It feeds electrical installations throughout

Algeria. Hours after the explosion some of the newspapers began speculating that the blast was the handiwork of Islamist terrorists. This theory was given more credence by the killing on June 18th [2004] of Nabil Sahraoui, the head of Algeria's largest Islamist group, the Salafist Group for Preaching and Combat (GSPC). Sahraoui was killed by the army in a gun battle in eastern Algeria. Three of his top aides also died with him. The GSPC claimed responsibility for the Hamma power station attack in a communiqué published on its internet site on June 27th [2004]." [7c] (p15798)

6.45 *The African Research Bulletin* for July 2004 added regarding the Hamma blast:

"The GSPC was behind the power station bombing. The police on July 6th [2004] said the explosion on June 21st [2004] that the authorities had insisted was accidental was in fact a terrorist car bomb attack." [7d] (p15839)

6.46 *The African Research Bulletin* for September 2004 reports the appointment of Abou Mousaab Abdelouadoud as successor to Sahraoui. [7f] (p15915) *The African Research Bulletin* for October 2004 adds a report of the capture of Amar Saifi on 28 October 2005: "Officials said he is the second in command of the al Qaeda-aligned Salafist Group for Preaching and Combat (GSPC)." [7g] (p15968) *The African Research Bulletin* for November 2004 recounts Saifi's extradition from Libya and incarceration. [7h] (p15993)

6.47 The GIA and GSPC and the Katibat El Ahoual are alleged to have links with Al Qaida. [7o] (p15154) About 2,800 Algerians are estimated to have passed through Al Qaida camps in Afghanistan making Algerians the third largest contributor of manpower to the group after Saudi Arabia and Yemen. [7o] (p17154) A number of Algerians have been convicted of terrorist operations in Europe and North America. [7o] (p17154)

6.48 The Amnesty International September 2003 report, "Steps towards change or empty promises?" notes that motives for the killings by armed groups are attributed to the Islamic ideological struggle, but some of their activities are criminal rather than political such as 'turf wars' between rival groups, revenge banditry, land grabs, committing robberies or operating protection rackets. [26c] (p45)

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CIVIL CONCORD LAW

6.49 The Europa Regional Survey of 2005 states:

"On 5 July [1999] – Independence Day – the President [Bouteflika] pardoned 5,000 imprisoned Islamist sympathizers and drew up a Law on Civil Concord, which was unanimously adopted by the National People's Assembly on 13 July [1999]. The new legislation offered an amnesty for Islamist militants not implicated in mass killings, rapes, or bomb attacks on public places, and reduced sentences for those who had taken part in such crimes provided they surrendered to the authorities within a period of six months (i.e. by 13 January 2000). At a referendum held on 16 September [1999], according to official figures, 98.6% of voters endorsed the President's peace initiative, with turn-out reported at 85% of the registered electorate. (The opposition FFS [sic – FIS?] insisted that that the rate of participation had been only 45%)." [1a] (p175)

- 6.50 The Europa Regional Survey of 2005 continues, regarding the controversial nature of the amnesty:

“Families of victims of Islamist attacks denounced the new Law on Civil Concord, which was condemned by the French-language press as ‘a shameful capitulation to Islamist violence’. An editorial in the independent daily *Le Matin* accused Bouteflika of handing the ‘terrorists’ a political victory ‘on a silver platter’ just when they had been defeated militarily. Given the controversial circumstances of his election, some politicians accused Bouteflika of using the referendum to bolster his own legitimacy. After the results of the vote were announced the President called for those members of armed groups who surrendered to be welcomed back into society without question.” [1a] (p175)

- 6.51 The Europa Regional Survey of 2005 continues that the AIS agreed in June 1999 to make its unilateral cease-fire of October 1997 permanent, followed by a full amnesty in January 2000 for the group’s estimated 3,000 fighters. [1a] (p174,175)

The Europa account records that the GIA and GSPC officially turned down the plan. [1a] (p174) The Amnesty International September 2003 report, “Steps towards change or empty promises?” notes:

“The Algerian authorities have not published any precise official figures on how many members of armed groups benefited from each of these two measures and Amnesty International has been unable to obtain these figures despite repeated requests. However, government sources have indicated to the press that just over 1,000 AIS and LIDD (Islamic League for the Call and the Combat) members benefited from the amnesty and around 4,500 members of other armed groups, such as the GIA and GSPC, surrendered to the authorities under the terms of the Civil Harmony law.” [26c] (p41)

- 6.52 AI also noted in September 2003, “Steps towards change or empty promises?” that: “There is even less clarity about how many of those who surrendered under the Civil Harmony law were brought to justice and how many of these were convicted and for what crimes. Algerian government officials told Amnesty International delegates in May 2000 that judicial proceedings had been initiated against some 350 people who had surrendered under the Civil Harmony law, but it is not known whether any of these have been convicted of human rights abuses.” [26c] (p40)

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ONGOING AMNESTY SITUATION

- 6.53 The AI report of September 2003 notes that President Bouteflika has said that the amnesty is still available to those who want to give up terrorism, although there is apparently no formal extension of the Civil Concord Law. [26c] (p40-41)
- 6.54 AI in the September 2003 report, “Steps towards change or empty promises?” states:

“Since 13 January 2000, hundreds more armed group members are reported to have surrendered to the authorities. During this time, no legal provisions have

existed allowing for such people to be granted exemption from prosecution, or even to receive reduced penalties. Justice Ministry officials confirmed this during a meeting with Amnesty International delegates in February 2003, stating that all armed group members who gave themselves up were systematically brought to justice so that any crimes they might have committed could be investigated. However, government authorities, including President Bouteflika himself, have indicated, since January 2000, that members of armed groups who surrendered voluntarily would still benefit from some unspecified measures of clemency. The President, moreover, has repeatedly talked of a National Harmony project since January 2001. No information has been provided about what this project entails in detail, but the President has suggested that it may involve an expanded version of previous amnesty measures. The contradiction between the law and political pronouncements appears to be reflected in practice. Consistent reports during the last three and a half years have indicated that individuals or groups of individuals who gave themselves up after 13 January 2000 have been allowed to return home immediately or shortly after their surrender, suggesting that they are being granted exemption from prosecution. Given that such measures do not fit within the framework of any legal provisions, they can only be described as arbitrary. Moreover, no investigations appear to be conducted into what human rights abuses, such as killings of civilians, these former armed group members may have committed. Amnesty International has learnt that some armed group members who have surrendered to the authorities since 13 January 2000 have been given an official certificate, bearing their name, photograph and dossier number, to prove that they are exempt from prosecution. Significantly, the certificate reportedly bears no date, in a possible attempt to conceal the fact that exemptions from prosecution continue to be granted outside of any legal framework. The organization has also received information that some of those who give themselves up are given back their weapons after leaving armed groups in order to defend themselves against former comrades.” [26c] (p40-41)

- 6.55 Qantara.de’s article on radical Islamism in Algeria, “the men who benefited from the Civil War”, dated 26 June 2005, states:

“Shortly after his re-election to the presidency in April 2004, Bouteflika announced another limited amnesty. This offer was taken up by about 100 members of what remained of the GIA and GSPC.” [3]

- 6.56 The Qantara article of 26 June 2005 also adds:

“In his widely respected speech on the occasion of the 50th anniversary of the start of the Algerian War of Liberation against France, Bouteflika spoke out in favour of a general amnesty for all armed groups in the civil war. This amnesty would be aimed at all former ‘combatants’, whether sentenced or not, in order to overcome the ‘divisions in the country’. At the moment it looks very likely that the initiative will get the backing of the entire apparatus of state.” [81a]

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COMMISSIONS OF INQUIRY

- 6.57 Amnesty International in the September 2003 report, “Steps towards change or empty promises?” states, regarding Commissions of Inquiry:

“Commissions of inquiry which have been set up in Algeria in recent years have often been subject to the strongest criticism from the national and international human rights community. They have generally lacked independence and authority or failed to carry out the mission assigned to them. Most importantly, the Algerian authorities have systematically neglected their duty to investigate the mass human rights abuses that have taken place since the early 1990s despite repeated calls by UN human rights mechanisms and local and international human rights organizations.” [26c] (p17)

NATIONAL RECONCILIATION PROCESS

6.58 Africa News relayed on 14 April 2005 that:

“President Abdelaziz Bouteflika is proposing an amnesty law as a step towards ‘national reconciliation.’ He has recently declared that he envisages a referendum on the law ‘as soon as the necessary conditions are satisfied.’ So far, little is known about the terms of the proposed amnesty. No draft law has been made public, but official statements indicate that the law will grant exemption from prosecution to any member of an armed group, state-armed militia or the security forces for crimes committed in the course of the conflict, including serious human rights abuses.” [80a]

6.59 The Human Rights Watch (HRW), as part of a group of international human rights organisations (Amnesty International, Human Rights Watch, the International Center for Transitional Justice, the International Commission of Jurists and the International Federation for Human Rights), in a news release of 14 April 2005, entitled, “Amnesty law risks legalizing impunity for crimes against humanity,” states:

“President Abdelaziz Bouteflika is proposing an amnesty law as a step towards ‘national reconciliation.’ He has recently declared that he envisages a referendum on the law ‘as soon as the necessary conditions are satisfied.’” [27d] (p1)

“So far, little is known about the terms of the proposed amnesty. No draft law has been made public, but official statements indicate that the law will grant exemption from prosecution to any member of an armed group, state-armed militia or the security forces for crimes committed in the course of the conflict, including serious human rights abuses.” [27d] (p.1)

“This proposal comes after years of failure by the Algerian authorities to investigate the human rights abuses committed during the internal conflict that began in 1992. This failure is all the more serious in light of the severity and magnitude of these abuses, some of which amount to crimes against humanity.” [27d] (p.1)

“... In the overwhelming majority of cases, the authorities have not taken action to clarify the circumstances of the crimes and bring the suspected perpetrators to justice, despite the tireless efforts of victims and their families to search for the truth and provide information to the judicial authorities in cases where complaints have been filed.” [27d] (p.1)

“In this context, a general amnesty would leave the legacy of the past unresolved and might permanently undermine future prospects for full human

rights protection. It would prevent the truth about the crimes of the past from ever emerging in Algerian courts, and thus impede any chances of ensuring that justice and accountability become part of a transition to peace.” [27d] (p.1)

MISSING PEOPLE

- 6.60 The USSD report for 2004 introduces the issue in the following summary: “There have been credible reports of thousands of disappearances occurring over a period of several years in the mid-1990s, many of which involved the security forces.” [6a] (p3) (section 1b)
- 6.61 The Amnesty International report of September 2003, “Steps towards change or Empty promises?” notes: “Amnesty International has received information on the cases of some 4,000 ‘disappeared’, the vast majority of whom were arrested between 1994 and 1998. The organization recognizes, however that the true figure may be much higher.” [26c] (p25)
- 6.62 The USSD report for 2004 states, “During the year, there were no reports of politically motivated disappearances. There have been credible reports of thousands of disappearances occurring over a period of several years in the mid-1990s, many of which involved the security forces. The last known disappearance, according to local and international NGOs, occurred in 2002.” [6a] (p3)
- 6.63 The USSD report for 2004 continues:
- “ ... In 2003, local NGOs reported a trend of prolonged detention ranging from 8 to 18 months that were frequently characterized as disappearances until the prisoners were released to their families. Disappearances resulting from prolonged detention or other factors remain contrary to the legal procedures stipulated in the country’s Penal Code and its Constitution.” [6a] (p3)

NGO CONCERN OVER GOVERNMENT’S APPROACH

- 6.64 Amnesty International (AI) reported in “Steps towards change or empty promises?” of September 2003 “The authorities acknowledge that they have received thousands of complaints from families alleging that relatives have ‘disappeared’ following arrest by the security forces or state-armed militias, but generally do not accept the complaints as well-founded.” [26c] (p27)
- 6.65 AI also reported in the same document, “The way in which the authorities have dealt with mass graves which have been discovered since 1998 has generated considerable fears and anxieties that the available evidence is either not being processed in line with internationally accepted standards or, worse, is being destroyed.” [26c] (p27) AI continued later in the same report:
- “These families [of missing people] believe that the remains of their relatives may lie in a mass grave and hope that sooner rather than later those remains might be exhumed, allowing them to lay their relatives to rest with dignity. Associations of families of the “disappeared” are also deeply concerned, as they believe that some sites may contain bodies of individuals who “disappeared” after arrest by the security forces or state-armed militias.” [26c] (p29)

- 6.66 The Human Rights Watch reported in December 2003, in “Truth and Justice on Hold: The New State Commission on ‘Disappearances’” that: “Authorities at first denied the problem. Then, beginning in 1998, they acknowledged but minimized it while claiming to be investigating and resolving individual cases. But the issue continued to tarnish Algeria’s image abroad. In 1999, officials began acknowledging the problem as a difficult one that needed to be addressed.” [27b] (p10)

THE “AD HOC MECHANISM”

- 6.67 The USSD report for 2004 states:

“In September 2003, the President announced the creation of a government commission dedicated to the issue of the disappeared and named Farouk Ksentini to head the body, which would serve as an “Ad Hoc Mechanism” between the families of the disappeared and the Government. ... Both the CNCPPDH [the National Advisory Commission for the Promotion and Protection of Human Rights (CNCPPDH, Commission nationale consultative de promotion et de protection des droits de l’homme)] and the Ad Hoc Mechanism were perceived to be government-influenced and not effective, lacking investigative or enforcement powers. Their reports go directly to the President of the Republic and are not made public.” [6a] (p14)

- 6.68 Amnesty International (AI) and the Human Rights Watch (HRW) criticised both the Mechanism and its mandate after the decree defining the new mechanism’s powers and mandate was published in November 2003. AI states in its September 2003, “Steps towards change or empty promises?” report: “Amnesty International is concerned that, among other things, the mechanism has only limited powers to gather information on ‘disappearances’ cases and no mandate to identify those responsible for acts of ‘disappearance’.” [26e]
- 6.69 HRW states in “Truth and Justice on Hold: The New State Commission on ‘Disappearances’” of December 2003 that:

“The decree gives this new body weak investigative powers and defines the information it can seek narrowly. While it may take the welcome steps of verifying claims of “disappearance” and proposing compensation to families, it is unlikely to challenge the long-standing refusal of state agencies to divulge how “disappearances” were carried out by their agents and which units and individuals are responsible for them. Unless it embraces a more expansive interpretation of its mandate to investigate and make recommendations, the new body is unlikely to help Algerians turn the page on this national tragedy and end the climate of impunity for human rights abuses.” [27b] (p2)

MARCH 2005 REPORT

- 6.70 The Human Rights Watch (HRW), as part of a group of international human rights organisations, in the news release of 14 April 2005, “Amnesty law risks legalizing impunity for crimes against humanity,” notes: “At the end of March [2005], a state-appointed commission on ‘disappearances’ commonly referred to as the ad hoc mechanism, submitted a report and recommendations to President Abdelaziz Bouteflika. This report has not been made public.” [27d] (p1)

- 6.71 HRW in the same news release reacted to the March 2005 announcement, stating:

“The official acknowledgement that thousands of “disappearances” were committed by state agents is a significant development. However, the commission did not have a mandate to clarify the fate and whereabouts of those who “disappeared,” or to identify those responsible. Without providing any evidentiary basis, the head of the commission, Farouk Ksentini, has stated in media interviews that the “disappearances” were isolated acts of individual state agents, thereby attempting to exonerate their commanders from any criminal responsibility and absolve the state from its duty to investigate and hold those responsible to account. Farouk Ksentini has also stressed that state agents should benefit from the forthcoming amnesty measure.” [27d] (p1-2)

“Organizations of families of the “disappeared” have read these announcements as the final denial of truth and justice. The families have spared no effort to trace their relatives, sometimes for more than a decade, during which time they have faced continuous uncertainty over whether they are dead or alive. Their complaints in Algerian courts have been stalled or closed because the judicial authorities have been unable or unwilling to conduct genuine investigations. So far, to the knowledge of the signatory organizations, no single family of a “disappeared” person has been presented with verifiable information about the fate or whereabouts of their relative.” [27d] (p2)

- 6.72 Amnesty International, in the interim report, published on 25 May 2005, of its fact-finding mission to Algeria on 6–25 May 2005, states:

“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.” [26f]

“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.” [26f]

“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.” [26f]

- 6.73 The BBC News website posted on 14 August 2005 a report entitled, “Algeria to vote on amnesty plan”, noting:

“The Algerian president has called a referendum on national reconciliation due to take place on 29 September [2005]. He urged people to go to the polls and voice their opinion on a proposed partial amnesty for Islamic extremists.” [60c]

“ ... The proposed amnesty entails dropping charges against rebels who gave up arms after 13 January 2000, when legislation on civil reconciliation took effect.” [60c]

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FREEDOM OF SPEECH AND THE MEDIA

FREEDOM OF SPEECH

6.74 The USSD report for 2004 summarises the situation regarding freedom of speech as follows:

“The Constitution provides for freedom of speech and press; however, in practice, the Government markedly increased restrictions on these rights. The Government’s use of defamation laws to harass and arrest journalists, its closure of two papers for debts to the state-owned printing house, and its continued grant of an advertising monopoly to the state-owned advertising agency intimidated papers into practising a degree of self-censorship. Although the press was able to criticize government shortcomings and to highlight pressing social and economic problems, it faced significant repercussions from the Government for doing so.” [6a] (p7)

INDEPENDENT MEDIA

6.75 The USSD report for 2004 states:

“The country’s independent media consisted of nearly 43 publications that supported or opposed the Government in varying degrees. Few papers have a circulation exceeding 15,000; however, the 7 largest papers had substantial circulations: *El-Khabar* (circulation 530,000), *Quotidien d’Oran* (circulation 195,000), *Liberte* (circulation 120,000), *El-Watan* (circulation 70,000), *L’Expression* (circulation 29,000), *Djazair News* (circulation 20,000) and *Chorouk El-Youmi* (circulation 9,000).” [6a] (p7)

6.76 The USSD report for 2004 continues:

“Many parties, including legal Islamic political parties, had access to the independent press, in which they expressed their views without government interference. The three largest papers in circulation are owned and managed by employees. Opposition parties also disseminated information via the Internet and in communiqués.” [6a] (p7)

6.77 The Human Rights Watch Annual Report for 2003 notes: “Private newspapers, in spite of repressive press laws, often criticized government actions, publishing eyewitness accounts of the gendarmerie’s suppression of demonstrations, and accusing officials and state institutions of corruption, nepotism, and incompetence.” [27a] (p5)

STATE MEDIA

6.78 The USSD report for 2004 states:

“Two French-speaking papers, *El-Moudjahid* and *Horizons*, and two Arab speaking papers, *El-Chaab* and *El-Massa*, are owned by the state. There were no newspapers owned by political parties, although several newspapers reflected a clear and often critical political perspective.” [6a] (p7)

RESTRICTIONS IN PRACTICE

- 6.79 The *African Research Bulletin* for June 2004 noted Algerian NGOs’ concerns about the freedom of speech in Algeria:

“The Algerian press, often seen as the most liberal in the Arab world, is in danger. This was the message launched on June 23rd [2004] in Paris by Algerian figures, including newspaper editors and the President of the Algerian League of Human Rights (LADDH), the lawyer Ali Yahia Abdennour. Reports Without Borders (RSF) secretary general Robert Menard, told a press conference that what was happening in Algeria ‘illustrates how justice can be manipulated and a crime constructed and attributed to people who do not think like you.’” [7c] (p15799)

- 6.80 Amnesty International, in the interim report, published on 25 May 2005, of its fact-finding mission to Algeria on 6–25 May 2005, states:

“The [AI] 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.” [26f]

- 6.81 The Amnesty International report, “Steps towards change or empty promises?” of September 2003, had previously stated comments on legislative changes that impacted upon freedom of expression, and states:

“Some of the changes made to Algeria’s Penal Code in June 2001, for instance, threaten the right to freedom of expression. Penalties for defamation were increased and the definition of the offence was widened. Amendments to the law prescribed prison terms of up to one year and fines of up to 250,000 dinars (approximately US\$ 3,200) for individuals found guilty of defaming the President of the Republic or other state institutions such as the army, parliament or the judiciary, using the written or spoken word or an illustration. The editor and publisher of an offending article or illustration are also liable to be prosecuted. The amendments have been used to inflict harsher penalties on those criticizing state institutions, particularly the military establishment.” [26c] (p2)

- 6.82 The USSD report for 2004 also reports that:

“The law specifies that freedom of speech must respect ‘individual dignity, the imperatives of foreign policy, and the national defense.’ The State of Emergency decree gives the Government broad authority to restrict these freedoms and to take legal action against what it considers to be threats to the state or public order. These regulations were heavily applied throughout the year, and in some instances the Government targeted specific media organizations and their staff.” [6a] (p7)

6.83 The Freedom House report 2005 states:

“Press freedom is limited by government control of the broadcast media, laws that ban vaguely defined defamation of state officials, and the overall lack of security. At least 70 journalists have been murdered since the early 1990s. A June 2001 amendment to the penal code increased the penalties for defamation of any ‘authority of public order’ and facilitates their prosecution. Nevertheless, the print media remain among the most vibrant in the Arab world. While many journalists were interrogated by the authorities in 2002, and a handful were charged with press offenses, the few who were convicted did not receive prison sentences.” [29] (p3)

6.84 The USSD report for 2004 adds:

“The law permits the Government to levy fines and jail time against the press in a manner that restricts press freedom. ... Those convicted face prison sentences that range from 3 to 24 months and fines of \$715 to 7,150 (50,000 to 500,000 dinars). During the year, at least 10 prosecutions occurred under the Penal Code.” [6a] (p7)

6.85 The EuropaWorld website (updated 2005) summarises the Algerian media in 2004 as follows:

“Throughout 2004 the relationship between the national press and the Algerian authorities worsened, particularly during the run-up to the presidential election. The majority of the principal daily newspapers were highly critical of Bouteflika’s re-election campaign and his overwhelming victory. In mid-June the editor of the Algerian daily *Le Matin*, Muhammad Benchicou, was gaoled for two years, having been convicted of violating foreign exchange laws. In July the Government refused to print *Le Matin* until all unpaid bills had been settled, and the newspaper went out of circulation. The newspaper had been a particularly outspoken source of criticism of Bouteflika during his election campaign, and in February Benchicou had published a book openly attacking the President. The international press freedom group Reporters sans frontières condemned Benchicou’s imprisonment as an attempt to curb the independent Algerian press. These restrictions were extended to the international media when, in June, the Government suspended the activities of the Arabic television channel Al-Jazeera in Algeria following the broadcast of a programme in which critics of the Bouteflika administration denounced the President’s national reconciliation policy and the actions of several Algerian generals.” [2b] (Recent History)

6.86 The USSD report for 2004 states:

“There was a marked increase in the level of harassment, arrest, and intimidation towards journalists following President Bouteflika’s presidential victory. Human rights observers and media watch groups viewed this year’s [2004] increased press harassment as politically motivated, targeting journalists that were critical of President Bouteflika and the Minister of the Interior, Norredine Zerhouni.” [6a] (p7)

6.87 The USSD report for 2004 summarised the Benchicou affair:

“Four journalists were imprisoned for the first time, unlike in previous years when only fines were imposed. The most prominent case was against

Mohamed Benchicou, the managing editor of the opposition paper *Le Matin* and author of a book critical of the president, 'Bouteflika – An Algerian Imposter.' In February, plainclothes policemen instructed several bookstores not to display Benchicou's book or attempt to sell it; otherwise their copies would be seized. According to the independent press, Minister of the Interior Zerhouni ordered the police to conduct an investigation to determine the publisher of the book and to take all measures to prevent the book from being marketed. Police searched vehicles and the headquarters of *Le Matin* for copies of the book. Others were detained for questioning by plainclothes policemen in Algiers: Saida Azzouz, a journalist for *Le Matin*; Ali Dilem, the cartoonist for *Liberte*; and Hamou L'hadj Azouaou, a chauffeur for *Le Matin*. While no official reason was given for their detention, the police questioned them about the book and seized their copies." [6a] (p7)

"Benchicou was also sentenced to 2 years in prison and fined for violating foreign exchange controls. In August 2003, after returning from abroad, Benchicou's luggage was searched and 13 cash receipts worth 11.7 million dinars (\$167,142) were discovered. The point of law in question was debatable since the money remained in a local bank, not with Benchicou. His 2-year sentence was upheld on appeal, and his fine was tripled. Benchicou was also charged with six counts of defamation, five of which were still pending at year's end, and the sixth resulting in a fine of 50,000 dinars (\$684)." [6a] (p7)

- 6.88 The professional body Reporters Without Frontiers in an article entitled: "In the growing crackdown on press, authorities ban March issue of *Afrique Magazine*" of 10 March 2005, states:

"Reporters Without Borders today condemned the Algerian authorities' decision to ban the March issue of *Afrique Magazine*, which has a report about those who disappeared in Algeria in the 1990s, and urged them to reverse the decision and authorize distribution. ... *Afrique Magazine's* distributor in Algiers, ADP, said it was notified by telephone by the communication ministry that the March issue could not be distributed anywhere inside Algeria without any reason being given." [32b]

- 6.89 The USSD report for 2004 states with regards to Government control of the newspaper media by limiting printing resources:

"All newspapers are printed at government-owned presses, and the Government continued to exercise pressure on the independent press through the state-owned advertising company, Agence Nationale d'Edition et de Publicité (ANEP), which decided which independent newspapers could benefit from advertisements placed by state-owned companies. Unlike in previous years, government agencies had to channel all their advertising through ANEP, which in turn decided in which papers to purchase ad space for the various agencies. This move gave ANEP, and therefore the Government, centralized control over the largest source of potential income for Algerian newspapers, putting ad placement in the hands of ANEP instead of individual agencies." [6a] (p9)

RADIO AND TELEVISION

- 6.90 The USSD report for 2004 states:

“Radio and television are government-owned, with coverage favoring President Bouteflika and the Government’s policies. ... Satellite dish antennas are widespread, and millions of citizens had access to European and Middle Eastern broadcasting.” [6a] (p7)

- 6.91 The USSD report for 2004 also adds “Restrictions were also placed on the international media, limiting its ability to report freely.” [6a] (p7) The report refers to the banning of Al-Jazeera television and the refusal to reaccredit two foreign journalists in 2004. [6a] (p7-8)

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FREEDOM OF RELIGION

- 6.92 The US State Department International Religious Freedom (USSD IRF) Report 2004 states:

“The Constitution declares Islam to be the state religion and prohibits discrimination by providing various individual liberties. Though the Constitution does not specifically prohibit discrimination based on religious belief, the Government generally respects religious freedom in practice; however, there were some restrictions.” [6b] (p1)

“There was no change in the status of respect for religious freedom during the period covered by this report. Islam is the only state-sanctioned religion, and the law limits the practice of other faiths, including prohibiting public assembly for purposes of practicing a faith other than Islam. However, the Government follows a de facto policy of tolerance by allowing, in limited instances, the conduct of religious services by registered, non-Muslim faiths in the capital, which are open to the public. The Government continues to require religious organizations to register; non-Islamic proselytizing is illegal; and the importation of religious texts still faces lengthy delays for government approval. Self-proclaimed Muslim terrorists continue to justify their killing of security force members and civilians by referring to interpretations of religious texts; however, the level of violence perpetrated by terrorists continued to decline during the period covered by this report.” [6b] (p1)

“The generally amicable relationship among religions in society contributed to religious freedom; however, differences remain within the country’s Muslim majority about the interpretation and practice of Islam. A very small number of citizens, such as Ibadi Muslims who live in the desert town of Ghardaia, practice non-mainstream forms of Islam or practice other religions, but there is minimal societal discrimination against them.” [6b] (p1)

- 6.93 The Freedom House Annual Report 2004 states: “Islam is the state religion, though small Christian and Jewish communities are allowed to practice without governmental interference.” [29a] (p3)

ISLAM

- 6.94 The US State Department International Religious Freedom Report 2004 states: “More than 99 percent of the population is Sunni Muslim.” [6b] (p1)

6.95 The Freedom House Annual Report 2004 notes: "The government monitors closely activities in the mosques, which are closed to the public except during prayer hours." [29a] (p3) The USSD IRF Report 2004 adds: "The Government appoints imams to mosques and by law is allowed to provide general guidance and to pre-screen and approve sermons before they are delivered publicly. In practice the Government generally reviews sermons after the fact." [6b] (p2) The USSD IRF Report adds that activities in mosques are monitored for security reasons. [6b] (p2)

6.96 The US State Department International Religious Freedom Report 2004 states that:

"The country's decade-long civil conflict has pitted self-proclaimed radical Muslims belonging to the Armed Islamic Group and its later offshoot, the Salafist Group for Preaching and Combat, against moderate Muslims. Approximately 100,000 to 150,000 civilians, terrorists, and security forces have been killed during the past 12 years. Radical Islamic extremists have issued public threats against all 'infidels' in the country, both foreigners and citizens, and have killed both Muslims and non-Muslims, including missionaries. Extremists continued attacks against both the Government and moderate Muslim and secular civilians; however, the level of violence perpetrated by these terrorists continued to decline during the period covered by this report. As a rule, the majority of the country's terrorist groups do not differentiate between religious and political killings." [6b] (p4)

OTHER RELIGIONS

6.97 The USSD IRF Report 2004 states:

"Official data on the number of non-Muslim residents is not available; however, practitioners report it to be below 5,000. Many citizens who practice non-Muslim faiths fled the country due to violent acts of terrorism committed by Islamic extremists throughout the 1990s; as a result, the number of Christians and Jews in the country is significantly lower than the estimated total before 1992. According to leaders of the Christian churches, Methodists and evangelists account for the largest numbers of non-Muslims, followed by Roman Catholics and Seventh-day Adventists. It is estimated that there are approximately 3,000 evangelists (mostly in the Kabylie region) and approximately 300 Catholics. The Jewish population is virtually nonexistent. There are no reliable figures on the numbers of atheists in the country, and very few persons identify themselves as such." [6b] (p1)

6.98 The Freedom House Annual Report 2004 states: "Islam is the state religion, though small Christian and Jewish communities are allowed to practice without governmental interference." [29] (p3) The USSD IRF Report 2004 also notes: "In general noncitizens who practice faiths other than Islam enjoy a high level of tolerance within society; however, citizens who renounce Islam generally are ostracized by their families and shunned by their neighbors. The Government generally does not become involved in such disputes. Converts also expose themselves to the risk of attack by radical extremists." [6b] (p4)

PROSELYTISING AND CONVERSIONS

- 6.99 The US State Department's "International Religious Freedom Report 2004" (published on 15 September 2004) notes:

"Conversions from Islam to other religions are rare. Islamic law (Shari'a), as interpreted in the country, does not recognize conversion from Islam to any other religion; however, conversion is not illegal under civil law. Due to safety concerns and potential legal and social problems, Muslim converts practice their new faith clandestinely (see Section III). Christians report that conversions to Christianity take place without government sanction or interference." [6b] (p3)

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FREEDOM OF ASSEMBLY AND ASSOCIATION

ASSEMBLY

- 6.100 The USSD report for 2004 states:

"The Constitution provides for the right of assembly; however, the Emergency Law and government practice sharply curtailed this right. Citizens and organizations were required to obtain permits from the appointed local governor before holding public meetings. The Government frequently granted licenses to political parties, NGOs, and other groups to hold indoor rallies, although licenses were frequently granted days before events were to take place, often impeding event publicity and outreach." [6a] (p9)

- 6.101 The Freedom House Annual Report 2004 states:

"Algerian authorities have exploited the state of emergency, in effect since 1992, to curtail sharply freedom of assembly. Citizens and groups are required to obtain government permission prior to holding public meetings." [29] (p3)

- 6.102 Freedom House 2004 report also states "A decree, in effect for the past two years, effectively bans demonstrations in Algiers." [29] (p3) The USSD report for 2004 adds regarding demonstrations in Algiers:

"A decree issued in 2000 continued to ban demonstrations in Algiers. In January, 200 citizens including members of parliament and former ministers were clubbed by riot police when they tried to march from the Parliament to downtown in protest of a court decision invalidating the National Liberation Front (FLN)'s Eighth Party Congress (see Section 3). As a result, several persons were injured or hospitalized." [6a] (p9)

- 6.103 The *African Research Bulletin* for October 2004 reported on a demonstration on 5 October 2005 in Algiers:

"Several dozen demonstrators were arrested on October 5th [2004] in Algiers during a march by the families of the 'disappeared'. Most of those taken were the mothers and wives of men who 'disappeared' during the 'dirty war' of the 1990s. Local press reports said demonstrators were 'severely molested' only yards from the presidential palace." [7g] (p15968)

- 6.104 Amnesty International, in the interim report, published on 25 May 2005, of its fact-finding mission to Algeria on 6–25 May 2005, states:

“It [the AI delegation] 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” [26f]

6.105 The USSD report for 2004 also states:

“Despite official restrictions, the Government tolerated numerous marches, protests, and demonstrations during the year in other parts of the country. In May, the citizens of Beni Mered in the province of Blida staged a sit-in in front of the municipality headquarters to protest [about] a housing list giving some people preferential treatment. In May and June, riots took place in the district of Les Genets in the Berber province of Tizi-Ouzou. Rioters protesting the arrest of a Berber youth placed barricades and set fire. The police were present, but did not intervene to avoid provoking a response. The protesters were detained for 8-10 hours and then released.” [6a] (p9)

6.106 The Freedom House Annual Report 2004 also states:

“Algerian authorities have exploited the state of emergency, in effect since 1992, to curtail sharply freedom of assembly. Citizens and groups are required to obtain government permission prior to holding public meetings. A decree, in effect for the past two years, effectively bans demonstrations in Algiers. In other areas of the country, restrictions on public gatherings are less tight. Emergency laws have also impeded Algerians’ rights of association. The government denied registration of certain political parties, nongovernmental organizations, and other associations based on ‘security considerations’” [29a] (p3)

6.107 The USSD report for 2004 adds:

“In July 2003 in Oran, members of an NGO working on disappearances, SOS Disparus, were forcibly dispersed during a protest seeking government redress of the question of the disappeared. Sixty persons were arrested, and police injured numerous individuals, including many women over the age of 40.” [6a] (p9)

NON-GOVERNMENT ORGANISATIONS (NGOs)

6.108 The Norwegian Refugee Council noted, in its 18 March 2005 report, “Algeria: slow IDP return to rural areas”: “At the same time [period 2000-2005] the few domestic human rights NGOs working in Algeria have faced obstacles and restrictions in the conduct of their work.” [54a] (p6) The USSD report for 2004 adds: “The [Interior] Ministry may deny a license to, or dissolve, any group regarded as a threat to the Government’s authority, or to the security or public order of the State.” [6a] (p10)

6.109 The USSD report for 2004 further notes:

“A number of domestic and international human rights groups were not able to operate without government interference while trying to investigate and publish their findings on human rights cases. The Government continued to harass local NGOs, and it utilized bureaucratic hurdles to impede the work of international NGOs. While some human rights groups were allowed to move

about freely, the most active and visible organizations reported harassment by government authorities, including surveillance and monitoring of telephone services, arbitrary detention, questionable and repeated police summonses, and false arrest (see Section 1f). Domestic NGOs must be licensed by the Government and are prohibited from receiving funding from abroad, although they may receive donations in-kind. Some unlicensed NGOs operated openly. International NGOs continued to experience visa delays or refusals.” [6a] (p13)

6.110 The USSD report for 2004 continues:

“The most active independent human rights group was the Algerian League for the Defense of the Rights of Man (LADDH), an independent organization that had members throughout the country; however, the LADDH was not permitted access to government officials for human rights advocacy or research purposes, or to prisons, except for normal consultations allowed between lawyer and client.” [6a] (p13)

“The less active Algerian League for Human Rights (LADH) is an independent organization based in Constantine. LADH has members throughout the country who followed individual cases. In September 2003, Mohamed Smain, President of LADH, was summoned to the local police precinct and arrested without charge. The presiding judge dismissed the court case the following day. Smain had been sentenced to 1 year in prison for the defamation of the mayor of Relizane and eight members of its local self-defense force. He alleged in a published report on human rights abuses that his nine accusers had participated in the abduction, torture, killing, and disappearance of dozens of people. Smain was granted ‘provisional liberty’ the same year while the Supreme Court reviewed his case.” [6a] (p13)

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INTERNATIONAL NGOS

6.111 The USSD report for 2004 reported: “The Ministry of Foreign Affairs denied Freedom House (FH) permission to open an office in Algiers until, according to an official at the MFA, FH wrote a more ‘balanced’ annual report. The Government also told FH that its activities related to disappeared persons would be approved on a case-by-case basis. FH was also forced to cancel a seminar on disappearances because some of the seminar participants’ visa applications were denied.” [6a] (p13-14) (See 6.128 [Freedom of movement re. INGOs and visa to visit Algeria](#))

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POLITICAL ACTIVISTS – FRONT ISLAMIQUE DU SALUT (ISLAMIC SALVATION FRONT) (FIS)

6.112 The Norwegian Refugee Council in their 18 March 2005 report “Slow IDP return to rural areas” adds the following summary:

“The FIS was dissolved the following month [March 1992] and thousands of activists arrested. In response, the Islamic Salvation Army (AIS), an armed group affiliated to the FIS, launched a violent campaign aimed at bringing down the new [military] regime.” [54a] (p2)

6.113 The FIS website, English-language introductory pages, states:

“The FIS is an Algerian political party founded in March 1989 after the new constitution legalising multi-party politics was adopted in response to the popular uprisings in October 1988. The party was officially recognised in September 1989. Since its inception, the president of the FIS has been Dr Madani Abassi, and its vice-president Sheikh Ali Benhadj.” [18]

“The FIS is in historical continuity with the Algerian Islamic movement and the nationalist movement, which strived to free Algeria from the colonial yoke and build an independent and just state founded on the principles of Islam.” [18]
 “The FIS works to establish a civilian multi-party political system premised on the belief that supreme and absolute sovereignty belongs to God, and power belongs to the people.” [18]

“The FIS took part in the first ever free local elections in Algeria, on 12 June 1990, and won the elections in 853 councils out of 1539, and in 32 districts out of 48. It also took part in the only free parliamentary elections in the country since independence, on 26 December 1991, and won overwhelmingly the poll which was cancelled two weeks later, on 11 January 1992, by a military putsch.” [18]

“The illegal and illegitimate putschist regime dissolved administratively the party in March 1992, but the FIS has not recognised this arbitrary decision. The FIS has maintained its political influence and activities despite the political campaign pursued by the tyrannical military junta against its members and electorate. The FIS continues to represent a decisive presence in the Algerian political landscape.” [18]

6.114 The USSD report for 2004 notes: “Membership in the FIS, although a defunct organization, remained illegal.” [6a] (p10) Amnesty International noted in June 2003: “Members or sympathizers of the banned Front Islamique du Salut (FIS), Islamic Salvation Front, as well as members of their families remain vulnerable to human rights abuses. However, it is not always clear whether the abuses are being committed against individuals on account of their association with the FIS or for other reasons.” [26a] (p18)

6.115 The Europa Regional Survey records that two founding members of FIS, who were imprisoned in 1991, were released in July 2003 on completion of their sentences and that they are still subject to restrictions on political activity. [1a] (p177)

See also Section 5 State Structures Political System and Annex B Political Organisations - FIS.

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EMPLOYMENT RIGHTS AND TRADE UNIONS

EMPLOYMENT RIGHTS

6.116 The USSD report for 2004 states: “Forced or bonded labor is prohibited by the Constitution’s provisions on individual rights, and the Penal Code prohibits

compulsory labor, including forced or compulsory labor by children. The Government generally enforced the ban effectively.” [6a] (p16)

6.117 The USSD report for 2004 states:

“The minimum age for employment is 16 years. Inspectors from the Ministry of Labor supposedly enforced the minimum employment age by making periodic or unannounced inspection visits to public sector enterprises. They did not enforce the law effectively in the agricultural or private sectors. UNICEF reported in 2003 that approximately 3 percent of children worked in some capacity. No child labor was reported in the industrial sector; however, economic necessity compelled many children to resort to informal employment. Many children worked part time or full time in small workshops, on family farms, and in informal trade. One report stated that more than 25,000 children between the ages of 6 and 14 were working in the informal economy. [6a] (p17)

See Section 6b [Child labour](#)

6.118 The USSD report for 2004 states:

“The law defines the overall framework for acceptable conditions of work but leaves specific agreements on wages, hours, and conditions of employment to the discretion of employers in consultation with employees. The monthly minimum wage was insufficient to provide a decent standard of living for a worker and family. The minimum wage was approximately 8000 dinars (\$105) per month. Ministry of Labor inspectors were responsible for ensuring compliance with the minimum wage regulation; however, enforcement was inconsistent.” [6a] (p17)

TRADE UNIONS

6.119 The USSD report for 2004 states:

“About two-thirds of the labor force belonged to unions. Workers are required to obtain government approval to establish a union, and the Government may invalidate a union’s legal status if its objectives are determined to be contrary to the established institutional system, public order, good morals or the laws or regulations in force. There were no legal restrictions on a worker’s right to join a union. There is an umbrella labor confederation, the General Union of Algerian Workers (UGTA) and its affiliated entities. The UGTA encompasses national unions that are specialized by sector. The law on labor unions requires the Labor Ministry to approve a union application within 30 days and allows for the creation of autonomous unions, other than those affiliated to UGTA. However, attempts by new unions to form federations or confederations have been obstructed by delaying administrative maneuvers. The Autonomous Unions Confederation (CSA) has attempted since early 1996 to organize the autonomous unions, but without success. The CSA continued to function without official status.” [6a] (p16)

6.120 The USSD report for 2004 also states:

“The law prohibits discrimination by employers against union members and organizers and provides mechanisms for resolving trade union complaints of antiunion practices by employers. It also permits unions to recruit members at

the workplace. Unions may form and join federations or confederations, affiliate with international labor bodies, and develop relations with foreign labor groups. For example, the UGTA is a member of the International Confederation of Free Trade Unions (ICFTU). However, the law prohibits unions from associating with political parties and also prohibits unions from receiving funds from foreign sources. The courts were empowered to dissolve unions that engaged in illegal activities.” [6a] (p16)

- 6.121 The International Confederation of Free Trade Unions (ICFTU) Annual Survey of Violations of Trade Union Rights (2004) states, with regard to trade union rights in practice:

“The National Autonomous Union of Public Administration Staff (SNAPAP) reports that its members have regularly faced harassment and persecution. Two applications to form a national confederation have been opposed by the government. They have also been prevented from setting up branch unions, notably in hospitals. Organising has also been obstructed through the use of sanctions, threats and dismissals in local administrations, in the water sector, public works, customs and in civil defence. Member unions have also frequently been prevented from holding general assemblies. The authorities have avoided the registration of other unions, by simply refusing to acknowledge receipt of their registration applications. There were two cases of this in 2003. The smaller, independent unions face problems because they do not usually represent over 20 per cent of workers in an enterprise.” [41a]

STRIKES

- 6.122 The USSD report for 2004 states:

“The law provides for the right to strike, and workers exercised this right in practice, subject to some conditions. The law provides for collective bargaining for all unions, and the Government permitted this right in practice for authorized unions. Under the State of Emergency, the Government can require public and private sector workers to remain at work in the event of an unauthorized or illegal strike. According to the Law on Industrial Relations, workers may strike only after 14 days of mandatory conciliation or mediation. The Government on occasion offered to mediate disputes. The law states that decisions reached in mediation are binding on both parties. If no agreement is reached in mediation, the workers may strike legally after they vote by secret ballot to do so. A minimum level of public services must be maintained during public sector service strikes.” [6a] (p16)

“The law provides that all public demonstrations, protests, and strikes must receive government authorization prior to commencement. Strikes and labor gatherings occurred throughout the year in various sectors, including the construction, medical, port facility, education, and customs sectors. The 2001 ban on marches in Algiers remained in effect.” [6a] (p16)

- 6.123 The ICFTU 2004 report states:

“A strike may only be held after a 14 day period of compulsory mediation, conciliation or arbitration. The government can prohibit a strike if it feels it may cause a serious economic crisis. A minimum level of public services must be maintained during public sector service strikes. Under the State of Emergency,

decreed in 1992, any action taken with the intention of either obstructing the operation of establishments providing a public service or impeding traffic or freedom of movement in public places may be considered a subversive or terrorist act, liable to a penalty of up to 20 years' imprisonment." [41a]

6.124 The USSD report for 2004 states, regarding developments in 2004:

"In 2004, the ILO [International Labor Organization] Committee of Experts requested the Government take steps through legislation to ensure that no provisions of Legislative Decree 92-03 were applied against workers peacefully exercising the right to strike. The decree defines as subversive acts, or acts of terrorism, those offenses directed against the stability and normal functioning of institutions through any action taken with the intention of 'obstructing the operation of establishments providing public service' or of 'impeding traffic or freedom of movement in public places.' The Government did not act, claiming that the Decree was not directed against the right to strike or the right to organize and has never been used against workers exercising the right to strike peacefully." [6a] (p16)

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FREEDOM OF MOVEMENT

6.125 The USSD report for 2004 states:

"The law provides for freedom of domestic and foreign travel, and freedom to emigrate; however, the Government sometimes restricted these rights in practice. The Government does not permit young men who are eligible for the draft and who have not yet completed their military service to leave the country if they do not have special authorization; however, such authorization may be granted to students and to those persons with special family circumstances." [6a] (p11)

"Under the State of Emergency, the Interior Minister and the provincial governors may deny residency in certain districts to persons regarded as threats to public order. The Government also maintained restrictions on travel into the four southern provinces of Ouargla, El-Oued, Laghouat and Ain-Salah where much of the hydrocarbon industry and many foreign workers were located, to enhance security in those areas." [6a] (p11)

"...The Family Code does not permit married females younger than 18 years of age to travel abroad without their guardian's permission (see Section 5)." [6a] (p11)

6.126 The USSD report for 2004 continues, with regards to roadblocks:

"The police and the communal guards operated checkpoints throughout the country. They routinely stopped vehicles to inspect identification papers and to search for evidence of terrorist activity. They sometimes detained persons at these checkpoints. Armed bandits and terrorists intercepted citizens at roadblocks, often using stolen police uniforms and equipment to rob them of their cash and vehicles. On occasion, armed groups killed groups of civilian passengers at these roadblocks (**see Section 1a**). Such acts were not performed or imposed by government forces." [6c] (p11)

TRAFFICKING OF PEOPLE

6.127 The USSD report for 2004 states:

“The law does not prohibit trafficking in persons and there were reports that such practices occurred. The Government did not acknowledge trafficking to be a problem, as the Government is mostly concerned with the increasing rate of illegal immigration. According to the Government, laws against illegal immigration, prostitution, and forced labor are used to enforce anti-trafficking standards, in the absence of specific anti-trafficking laws.”

“According to media reports and a local NGO, forced prostitution and domestic servitude of illegal immigrants from West Africa occurred as immigrants transited through the country seeking economic opportunity in Europe. Official statistical estimates of the severity of trafficking do not exist. Since the Government did not acknowledge trafficking to be a problem, there were no government assistance programs for victims or any information campaigns about trafficking.” [6a] (p14, section 5)

ENTRY INTO ALGERIA FOR INTERNATIONAL NGOS

6.128 The USSD report for 2004 notes:

“Visits by international human rights NGOs occurred both at the invitation of the Government and independently, when the Government chose to issue visas. Representatives of the National Endowment for Democracy, Freedom House, and Global Rights all visited the country during the year. However, numerous international human rights groups continued to encounter visa difficulties following the publication of reports deemed critical of the Government. Difficulty with obtaining visas also occurred when groups intended to hold meetings, conferences, or workshops related to what the Government considered sensitive issues, such as disappearances or electoral reform. The Moroccan employees of Global Rights experienced lengthy visa delays that forced them to cancel several meetings in the first quarter of the year. Representatives of the Fund for Global Human Rights and the International Foundation for Election Systems were denied visas in September. ...Representatives of Human Rights Watch and Amnesty International were also denied visas during the year [2004].” [6a] (p13-14)

“...The Government continued to deny requests for visits from the U.N. Working Group on Enforced or Involuntary Disappearances, the U.N. Special Rapporteur on Torture, and the U.N. Special Rapporteur on Extra-judicial Executions. The U.N. Rapporteur on the Freedom of Religion was allowed to visit the country in September 2002.” [6a] (p14)

6.129 Amnesty International (AI) published on 25 May 2005 an interim report, entitled, “Algeria: initial report of an Amnesty International delegation’s visit to Algeria, 6-25 May 2005”. [26f]

6.130 The Human Rights Watch (HRW) also announced a fact-finding mission to Algeria, set for 2005:

“Human Rights Watch’s mission to Algeria is its first since November 2002. It had requested visas to return since January 2003, but did not get approval until June 2005. During this trip the delegates visited Algiers, Oran and the towns of Blida, Relizane and Laghouat.” [27]

6.B. HUMAN RIGHTS SPECIFIC GROUPS

ETHNIC GROUPS

THE BERBERS

- 6.131 The World Directory of Minorities, published in 1997, states regarding the Berbers:

“Berbers call themselves Imazighen [alt. Amazigh] meaning noble or free born. The term ‘Berber’ derives from the Greek ‘barbario’ and the Latin ‘barbari’ from which Arabs derived the term ‘barbariy’, meaning primitive or foreign. The Berber-speaking population of Algeria comprises a little over one quarter of the population of 26 million and is concentrated in the mainly mountainous areas of Kabylia, Chaouia, the Mزاب and the Sahara. Berbers are the indigenous inhabitants of the North African littoral, isolated from the rest of Africa by the Sahara Desert.” [3] (p393)

- 6.132 The USSD report for 2004 states:

“The ethnic Amazigh minority of about 9 million centered in the Kabylie region participated freely and actively in the political process and represented one-third of the Government; however, Amazigh protests and boycotts surrounding the May and October 2003 and the April elections underscored the economic and social neglect felt by many in this community, which makes up nearly one-third of the overall population.” [6a] (p13)

BERBER LANGUAGE AND CULTURE

- 6.133 The Europa Regional Survey for 2005 notes that the National Charter of 1996 recognised the Berber culture and language as one of the components of Algerian identity. [1a] (p212) The US State Department Background Brief, published in December 2004, states: “In October 2001, the Tamazight language was recognized as a national language but continues to be a matter of contention since it is still not an ‘official language.’” [6c] (p4) The Africa Research Journal of January 2005 adds: “Parliament in 2002 passed a law making Tamazight a national language but the government has insisted that if it is to become an official one alongside Arabic, a referendum will be needed.” [7] (p16075)

- 6.134 The Canadian Immigration and Refugee Bureau (Canadian IRB) database of responses, in a response dated 5 August 2004 on the Mouvement Culturel Berbère (MCB):

“While the MCB calls for recognition of the main Berber language, Tamazight, a report published on the Forced Migration Online site indicates that the fact that Tamazight was recognized as a national language in 2002 is not considered to be sufficient because it still does not have official language status (n.d., 8). In

addition, sources point out that, even after Tamazight was designated as a national language, the MCB felt that the government had still not taken the necessary steps to promote the new national language (*Le Matin* 21 July 2003; *L'Expression* 22 July 2003). According to the MCB, [translation] 'the time lag between the official statement and the reality in the country is enormous' (ibid. 3 Aug. 2003)." [8b]

BERBER GROUPS – THE MCB (MOUVEMENT CULTUREL BERBÈRE)

- 6.135 The Canadian Immigration and Refugee Bureau (Canadian IRB) database of responses, in a response dated 5 August 2004 on the MCB:

"Founded in 1980 in Kabylia (ICG 10 June 2003, 3), the MCB is an organization made up of various factions that sometimes espouse different ideas (*L'Expression*, 27 Apr. 2003). According to *L'Expression*, the MCB, which was formerly [translation] 'repressed by the only party, ended up flourishing because of a multi-party system and the will of the public to move toward democracy' (17 Apr. 2004)." [8b]

"In August 2003, one faction of the MCB, led by Ould Ali El-Hadi, organized a summer university, in which over 200 supporters of Berber culture participated (*L'Expression*, 14 Aug. 2003). When an Algerian political party, the National Liberation Front (Front de libération nationale, FLN), announced that it was willing to work with the MCB, El-Hadi explained the reasons for the break with the Berber political party Rally for Culture and Democracy (Rassemblement pour la culture et la démocratie, RCD), which, according to him, was not open enough to the opinions of the other factions (ibid.)." [8b]

"On 20 April 2004, two factions of the MCB held a demonstration to denounce some of the government practices concerning poverty in Algeria and to affirm their rights as Berbers (*Le Matin* 18 Apr. 2004)." [8b]

- 6.136 A report by the International Crisis Group (ICG) in June 2003 stated that the MAK – Mouvement pour l'Autonomie Kabylie, led by Ferhat Mehenni and a minor party that advocates an autonomous Kabylia – although supported outside Algeria, was not popular in Kabylia, and that it had been used by the authorities to divert attention from the demands of the protest movement. [37c] (p24)

TREATMENT OF BERBERS

- 6.137 The ICG report of June 2003 states: "The Kabyles are not generally discriminated against in public life on the basis of their identity, and their preoccupation with the issue [of identity] has other causes." [37c] (p5)

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EVENTS OF 2001-2005 IN KABYLIA

- 6.138 As summarised in the US State Department's Background Note dated December 2004:

"In 2001, Berber activists in the Kabylie region of the country, reacting to the death of a youth in gendarme custody, unleashed a resistance campaign

against what they saw as government repression. Strikes and demonstrations in the Kabylie region were commonplace as a result, and some spread to the capital. Chief among Berber demands is recognition of Tamazight (Berber) as a national language, restitution for death of Kabylies killed or wounded in demonstrations, and greater control over their own regional affairs.” [6c] (p4)

- 6.139 A report by the International Crisis Group (ICG) in June 2003 analysed the situation in Kabylia. [37c] The report noted that the protests that started in 2001 were about local government failings and socio-economic grievances and that they have continued so long in Kabylia as opposed to other parts of Algeria because of the specific conditions there. [37c] (p3-7) The report stated the principal complaint of the rioters of 2001 in Kabylia and elsewhere in Algeria was the contempt they receive at the hands of authority (hogra) who abuse their power with impunity. [37c] (p12) The report also noted that since the advent of pluralism in 1989 substantial practical concessions have been made to acknowledge the separate Berber identity of Algeria. However, although the Algerian Government has made concessions it has not handled the issues well. [37c] (p5)

EL KSEUR

- 6.140 The *African Research Bulletin* for January 2005 states, regarding El Kseur:

“The Algerian Government has reached an agreement with tribal leaders from the restive Kabylie region, where hostility to the Algiers authorities erupted into bloody unrest in 2001, Prime Minister Ahmed Ouyahia revealed. Ouyahia said agreement had been reached on the so-called El-Kseur platform, which includes economic demands and the recognition of the language spoken by the ethnic Berbers who live mainly in the northeastern Kabylie region.” [7j] (p16074)

“...The demands were first put forward – as a ‘non-negotiable platform’ – in June 2001 by Kabylie’s tribal heads, known as aarchs, who met in the village of El-Kseur, after weeks of bloody riots and clashes between local youths and the security forces.” [7j] (p16074)

A BBC News report dated 17 January 2005, “Algeria strikes deal with Berbers”, adds: “Several aspects of the new agreement, such as making Tamazight an official language and cutting the number of security forces in Kabylie, have not been agreed in detail and could take years to implement.” [60b]

ISSAD REPORT

- 6.141 The EuropaWorld website, updated 2005, summarises the findings of the official inquiry into the 2001 riots in July 2001, and its subsequent political reception, stating:

“Meanwhile, in December 2001 the final report of the Issad commission had been published, confirming the initial findings that the gendarmerie had been to blame for the repression in the Kabyle, and also expressing deep pessimism about the immediate future of the region. Emphasizing the increasing authority of the military throughout the country since 1992, the report stated that the responsibilities of the civil and military authorities had become blurred and denounced the subtle slide from ‘a state of emergency to a state of siege’. Issad

also condemned the military's widespread abuse of its powers and the laws of the country." [1b] (Recent History)

6.142 The Europa Regional Survey of 2005 states: "Earlier the heads of the gendarmerie and civil police, as well as the Ministry of the Interior, had admitted the existence of abuse in the Kabylie but denied that it was systematic and widespread." [1a] (p173)

6.143 The USSD report for 2004 states:

"The gendarme responsible for the death of a Kabylie youth that sparked the 2001 Black Spring was tried in 2002 by a military tribunal and sentenced in 2003 to 2 years in prison for involuntary homicide. He was released during the year (see Section 1d). No disciplinary action was taken in the March 2002 case where hundreds of persons died in riots between gendarmes and protesters and the April 2002 case in which numerous persons were injured and killed during street battles between Kabylie protesters and riot police." [6a] (p2)

TUAREGS

6.144 The Directory of World Minorities, published in 1997, states:

"The 12,000 Tuareg, who are nomadic Berbers, live almost exclusively among the mountainous massifs of Ajjer and Ahaggar in southern Algeria. Raiding and the control of caravan routes were the traditional mainstay of Tuareg economic organization in pre-colonial times, but increasing French control limited raiding and necessitated the development of salt caravans to Niger. Independence brought the almost total disruption of Tuareg society with its large class of slaves, iklan, bought from Sudan, and former slaves, haratin. Socialist ideology and nationalism committed Algeria to the assimilation of minority groups and the welding of the north and south into a unified state. Freed slaves, haratin, began to rise against the Tuareg and refuse to pay their contract dues for cultivating land. Violent skirmishes resulted in the imprisonment of some Tuareg and a policy of promoting sedentarization through the construction of cooperatives. By the end of the 1960s the Tuareg had little choice but to assimilate into the Algerian system." [3] (p394)

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WOMEN

LEGAL AND SOCIAL SITUATION

6.145 A UN document of 2003 notes that since 1996, Algeria has been a party to the UN Women's Treaty (CEDAW) on the banning of all forms of discrimination against women. [25b] (p1-2) The Reply report of the Algerian Government published on 5 November 2004 in response to the CEDAW Second Periodic Report states:

"At a meeting of the Council of Ministers held on 8 March 2004, at which ways and means of enhancing the promotion of women's rights were considered, the President of the Republic announced that Algeria had decided to strengthen the existing legal framework and take the necessary positive action to enable women to free themselves from social constraints and take full and effective

advantage of their rights under the Constitution. He went on to say that the Government should, in that context, take the necessary measures to align the country's legislation with the development of international law pertaining to the protection of women's rights. It should proceed with the ratification of instruments relating to the legal status of women and review the question of whether the reservations made by Algeria when acceding to the Convention on the Elimination of All Forms of Discrimination against Women [CEDAW] remained appropriate. The Algerian Government subsequently undertook a review of the Family Code and the Code of Algerian Nationality. Once the proposed amendments are introduced, it will be possible to consider withdrawing the reservations." [25a] (p1-2)

ABUSE

6.146 The USSD report for 2004 states, with regard to spousal abuse:

"Spousal abuse was common. In March, the National Institute of Public Health hosted a seminar on violence against women. Seminar statistics showed that 69.5 percent of female victims of violence were housewives, 27 percent were illiterate, and that rape constituted more than 55 percent of all sexual assaults." [6a] (p13)

"Spousal abuse was more frequent in rural than urban areas and also more frequent among less-educated persons. Spousal rape also occurred. Prison sentences for non-spousal rape range from 1-5 years; however, there are no specific laws against spousal rape. There are strong societal pressures against a woman seeking legal redress against her spouse for rape, and there were few reports of the law being applied in such cases. Battered women must obtain medical certification of the physical effects of an assault before they lodge a complaint with the police. Because of societal pressures however, women frequently were reluctant to endure this process. According to a study by the Ministry of Justice, women's associations, and the National Institute of Public Health, 70 percent of women refused to lodge a complaint." [6a] (p13)

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6.147 A news report of 11 January 2005 from Afrol.com news agency summarises the main thrust of the Algerian Government's submission to CEDAW, that the situation of women in rural areas of Algeria is different to the situation of women in urban areas in relation to societal attitudes and discrimination, stating:

"Although numerous articles of Algeria's national legislation provided for gender equality, the situation of women in the country was 'hardly equal, particularly in rural areas, where stereotypical sexist views persist' the experts noted. Problems in rural areas included gender-related violence, male dominance at home and in the workplace and the appliance of traditional laws. Responding to questions about rural women, an Algerian government representative noted what he called 'a rural exodus in the past few years,' as consequence of the poor position of women there. The percentage of women in rural areas was already down at 49 percent, he said, pointing to recent surveys. Algerian women seemed to be revolting against the sexism and discrimination experienced in particular in rural areas. Their interest in moving on and liberating themselves from male dominance was also documented by recent statistics on education. While illiteracy rates among elder women in rural Algeria

remain high – despite a large number of national literacy programmes – the new generations of women are becoming more educated than men of the same age groups. Even in rural areas, school drop-out rates were now higher among boys than girls, according to the Algerian government. In 2002-2003, the drop-out rate was 6.7 percent total – 7.8 percent for boys and 5.7 percent for girls – on a national level. Women now constituted 54 percent of university attendance.” [13a]

NEW FAMILY CODE

6.148 The EuropaWorld website (accessed 12 July 2005) gives the following information:

“In August 2004 a bill to improve women’s rights was drawn up by the commission in charge of revising the family code, which had been established in October 2003. The new legislation was approved by the Government and sent for review by the Council of Ministers, despite fierce opposition from Islamist groups who considered that it went against the teachings of the Koran. The reform would make it illegal for a man to divorce his wife without stating clear grounds, and would allow a woman to receive financial support from her husband once they were divorced. Moreover, women would not have to ask permission from a male relative in order to marry.” [1] (Recent History)

6.149 Radio Algiers, as reported by the Africa Research Journal in August 2004, outlines the main features of the new Family Code draft:

“A new bill will revoke marriage by authorization, so that marriage can be concluded between a man and a woman who reach the age of 19 and there is no need for guardianship of a woman who is aged 19. Both husband and wife will enjoy equal rights. If a woman want [sic] to, she can ask a judge for divorce. In case of divorce, the husband must give the house to the wife or at least rent a house for the wife who looks after her children. Alternatively, the wife has the right to stay in her husband’s house even if she is divorced. Meanwhile, immediately after the mother, it is the husband who has the right to bring up his children in case of divorce.” [7e] (p15871)

6.150 The USSD report for 2004 states, with regard to women taking an active role in public:

“Despite constitutional and legal provisions providing equality between men and women, in practice women still faced discrimination in employment resulting from societal stereotypes. Leaders of women’s organizations reported that discriminatory violations are common. Labor Ministry inspectors did little to enforce the law. Social pressure against women pursuing higher education or a career was greater in rural areas than in major urban areas. Women made up more than half of the university student population; however, women constituted only 19.7 percent of the work force. Nonetheless, women may own businesses, enter into contracts, and pursue careers similar to those of men. About 25 percent of judges were women, a percentage that has been growing in recent years.” [6a] (p15)

6.151 Amnesty International, in the interim report, published on 25 May 2005, of its fact-finding mission to Algeria on 6–25 May 2005, states:

“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.” [26f]

EMPLOYMENT

6.152 The Reply report of the Algerian Government published on 5 November 2004 in response to the CEDAW Second Periodic Report states:

“In 2003, the share of women in the labour force reached almost 20 per cent; in addition, there were more than 600,000 women in informal employment. According to available statistics, 56 per cent of women workers are under 40 years of age and half of these women are aged between 24 and 29 years, while 21 per cent of women workers are aged between 20 and 24 years. One of the main characteristics of women’s employment in Algeria is their strong representation in certain fields and occupational groups, such as teaching and education (49.62 per cent in 2000), health care (54 per cent in specialized medicine and 73 per cent in pharmacy) and law (30.75 per cent).” [25a] (p12)

THREAT FROM ARMED GROUPS

6.153 Amnesty International (AI) in “Steps towards change or empty promises?” published in September 2003, states:

“While abductions, torture and killings of male victims by armed groups appear to have become isolated cases, abductions and rape of women continue to be reported in the Algerian press, albeit at much lower levels than in the years preceding 1999.” [26c] (p36)

“...Women’s organizations have complained that victims of rape by armed groups do not benefit from rehabilitation provided by the government, including medical, psychiatric and other post-traumatic counselling, nor from compensation which other victims of armed groups have been able to receive. Non-governmental organizations, such as the member organizations of the Wassila Network, offer medical and psychological assistance to a limited

number of individuals, but do not have adequate resources to provide it to the hundreds of women and girls who need help.” [26c] (p37)

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CHILDREN

LEGAL AND SOCIAL SITUATION

6.154 The USSD report for 2004 states that:

“The Government is generally committed to the welfare, rights, health and education of children. The Government provides free education for children through high school. Education is compulsory until the age of 16 and is free and universal. In 2004, more than 90 percent of children completed the ninth grade, on average the highest grade level normally attained by students. Boys and girls generally received the same treatment in education, although girls were slightly more likely to drop out of school in rural areas because of familial financial reasons, as sons were sometimes given educational priority over daughters. The girls were then sent to vocational training schools.” [6a] (p14)

CHILD LABOUR

6.155 The USSD report for 2004 states that:

“The minimum age for employment is 16 years. Inspectors from the Ministry of Labor supposedly enforced the minimum employment age by making periodic or unannounced inspection visits to public sector enterprises. They did not enforce the law effectively in the agricultural or private sectors. UNICEF reported in 2003 that approximately 3 percent of children worked in some capacity. No child labor was reported in the industrial sector; however, economic necessity compelled many children to resort to informal employment. Many children worked part time or full time in small workshops, on family farms, and in informal trade. One report stated that more than 25,000 children between the ages of 6 and 14 were working in the informal economy.” [6a] (p17)

6.156 The USSD report also states: “Forced or bonded labor is prohibited by the Constitution’s provisions on individual rights, and the Penal Code prohibits compulsory labor, including forced or compulsory labor by children. The Government generally enforced the ban effectively.” [6a] (p17)

VIOLENCE AGAINST CHILDREN

6.157 The USSD report for 2004 reported that:

“Child abuse was a problem. Hospitals treat numerous child abuse cases every year, but many cases go unreported. Laws against child abuse have not led to notable numbers of prosecutions. NGOs that specialized in care of children cited continued instances of domestic violence aimed at children, which they attributed to the ‘culture of violence’ developed since the civil conflict of the 1990s and the social dislocations caused by the movement of rural families to the cities to escape terrorist violence. One study performed by the National Institute of Public Health in 2002 reported that 62 percent of children have been victims of physical abuse. Children continued to be victims of terrorist attacks.

In one November [2004] incident in the wilaya of Relizane, a whole family, including children, was killed. In April [2004], two children and their mother were killed by a homemade bomb.” [6c] (p14)

CHILD SOLDIERS

- 6.158 The Coalition to Stop the Use of Child Soldiers, in the “Child Soldiers Global report 2004” Algeria section, published on 17 November 2004, states:

“Although the voluntary recruitment age remained unclear, children did not appear to have been recruited into government armed forces. There were unconfirmed reports of under-18s being used by government-allied paramilitary forces and armed political groups, but little documented evidence was available.” [39a]

- 6.159 The Global Report 2004 continues, in relation to local militias and Government-backed paramilitary groups:

“There were no safeguards to prevent recruitment of under-18s into local militias or government-allied paramilitary groups authorized and supported by the authorities. Such groups include “communal guards”, created in 1996 to defend public order. “Communal guards are recruited amongst candidates of at least 19 years of age who have gained the best marks in tests” (Executive Decree 96-266, Article 21). Groupes de légitime défense (GLD), Legitimate Defence Groups, are self-defence militias established under Executive Decree 97-04 of January 1997. Authorized by joint order of the Ministries of Defence and Interior, they are supplied with arms by the authorities (Article 8) and required to wear distinctive uniforms. According to government officials, enlistment is voluntary and, although no minimum age for recruitment is specified, recruitment is on the same basis as for the armed forces. The minimum age for carrying firearms in Algeria is 19. In 2003 the GLD were estimated to have up to 300,000 members. One study by Algerian human rights activists was given evidence of children being recruited and carrying automatic weapons in a family-run GLD headed by local officials.” [39a]

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CHILDCARE ARRANGEMENTS

- 6.160 The UK Foreign and Commonwealth Office (FCO) states in a letter to CIPU dated 22 September 2002 that: “The decision to place a child in a home is made by the authorities concerned when they are abandoned at birth, or by the Infants Judge after an investigation into the situation of the infant.” [5b]

- 6.161 The FCO information above also states: “Care homes for lone children are set up and run by the Government. They are regulated by the law, namely Executive Decree No 92-182 of 13 October 1992. Such care homes are intended to upkeep nurslings and only children below the upper limit of compulsory school attendance may be placed in such homes. They take boys and girls. A number of charities also run care homes, such as the Association Algérienne Enfance et Familles d’Accueil Benevolés. Algerian families often adopt young children from state and charity homes under the Kafala system of adoption under Islamic law. Kafala is widespread in Algeria. But in nearly all cases it concerns babies.” [5b]

6.162 The FCO information continues: “Older children who lack family support are placed in homes by court order or allocated to foster care. The fostering of children is regulated by the law, namely Ordinance No. 72-103 of 10 February 1972 relating to the Protection of Children and Youth. For the purposes of this law infants are defined as being under 21 years of age. The provisions of Ordinance No. 72-103 applies to those infants whose health, security, morality or education are in danger. As a consequence they are placed under the protection of the State and the Infants Judge is empowered to take all necessary measures. He may decide, depending on the youth’s situation, to place him in a specialised centre, a care home, or a vocational centre. He may also entrust a person with the care of the child.” [5b]

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HOMOSEXUALS

6.163 The World Legal Survey by the International Lesbian and Gay Association records that “According to Article 338 of the Penal Code (adopted June 8 1966) sodomy may be punished with imprisonment from two months to two years and a fine (500–2,000 Algerian dinars). Sodomy upon a male person under 18 years may be punished with a sentence of up to three years and a fine of up to 10,000 dinars.” [30]

6.164 The same report also refers to: “Article 333: (law no 82.04 of 13.2.1982, J.O. No. 7) on an outrage to public decency: increase in penalties in the case of acts against nature with a member of the same sex: ‘When the outrage to public decency has consisted of an act against nature with an individual of the same sex, the penalty is imprisonment of between 6 months and 3 years, and a fine of between 1,000 and 10,000 Algerian Dinars.’” [30]

6.165 The Amnesty International report of 1 June 2003, “Asylum-seekers fleeing a continuing human rights crisis” states, regarding homosexuality:

“Homosexuality is a taboo subject in Algeria, as it is in various other countries in North Africa and the Middle East. In practice, the shame associated with homosexuality means that few individuals openly reveal their sexual orientation. Homosexuals may suffer harassment from the security forces and society in general.”

“Sexual relations between persons of the same sex is punishable under Article 338 of the Penal Code. Penalties range from imprisonment of 2 months to 2 years and a fine of 500 to 2,000 Algerian dinars. If one of the individuals is less than 18 years old, punishment for the adult can be raised to up to three years’ imprisonment and a fine of 10,000 Algerian dinars.” [26a] (p10)

6.166 The Canadian Immigration and Refugee Bureau’s Refinfo database in an entry dated 28 July 2004 updates its information on the treatment of homosexuals by Algerian society and police, and states:

“Limited information on the treatment of homosexuals by Algerian society and the police could be found among the sources consulted by the Research Directorate within the time constraints for this Response. The following information, however, may be of some interest. ... Any person who sodomizes

a male under 18 years of age can be punished by a maximum sentence of three years in prison and a fine of 10,000 dinars (ILGA 31 July 2004...)"

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6.C. HUMAN RIGHTS – OTHER ISSUES

UNHCR POSITION PAPER ON ALGERIAN RETURNEES

6.167 UNHCR has made various statements on the human rights situation in Algeria and asylum claims. However, a position paper published December 2004 states: "The position represents the recommendation of UNHCR as at December 2004, and supersedes all earlier advisories in this regard." The position paper in its entirety is as follows:

"UNHCR position paper on the return of Algerian nationals found not to be in need of international protection:

"Algeria continues to be perceived by many observers to be making sustained efforts towards establishing peace and security on its territory. However, the national reconciliation process remains fragile and there are continuing reports of human rights abuses in the country. The Law on Civil Harmony (adopted in July 1999 and overwhelmingly endorsed in a national referendum in September 1999) did not bring an end to the political violence, and indiscriminate attacks on civilians by armed groups, as well as clashes between the latter and the government forces, continue to take place. In light of this situation, Algeria continues to produce a significant number of persons in need of international protection. According to UNHCR statistics, 9,977 Algerian nationals sought asylum worldwide in 2003."

"UNHCR is concerned that asylum seekers found not to be in need of international protection, who are returned to Algeria may face hostile treatment due to the Algerian Government's perception that such persons may have been involved in international terrorism. In this regard, it should be noted that both the Groupe Salafist pour la Prédication et le Combat and the Groupe Islamique Arme have been listed as proscribed organizations by the United States in the wake of the events of 11 September 2001. Further, there are public reports that European (e.g., Spanish, Italian, German, French and British) intelligence/security authorities have uncovered networks related to these groups in recent months. It is alleged that these networks operate within the context of Algerian and other North African migrant communities in Europe."

"While UNHCR would not consider it within its purview to comment on the substance of such reports, it is noted that the above factors contribute to the suspicion with which rejected asylum seekers would be treated upon return to Algeria, notably those persons who have had prior links to Islamist movements. Therefore, there is a strong presumption that such persons may be subject to persecutory treatment upon return. While it could be expected that such persons may have a valid claim regarding real or imputed political opinion, it has been observed that certain asylum countries use unduly stringent criteria in their refugee determination processes, both on the interpretation of the refugee definition and on their credibility tests, and therefore some such applicants may have been improperly rejected."

“In view of the foregoing, UNHCR urges States to use appropriate care in applying the 1951 Convention criteria and in particular to consider within that determination the potential risks associated with prolonged stay abroad, particularly for those perceived to have links with Islamic groups.”

“Therefore, UNHCR continues to emphasize the need to exercise the utmost caution when considering the forced return of rejected asylum seekers to Algeria. The Office also reminds States of their obligations to consider the complementary forms of protection afforded by other international human rights instruments, such as the 1950 European Convention on Human Rights, and the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, especially to cases within the categories mentioned above.”

“The position represents the recommendation of UNHCR as at December 2004, and supersedes all earlier advisories in this regard.”

“UNHCR Geneva December 2004” [24e]

TREATMENT OF REJECTED ASYLUM SEEKERS

6.168 The UNHCR highlighted their renewed concerns regarding returnees in a position paper published in December 2004, particularly in relation to returnees perceived as terrorists:

“UNHCR is concerned that asylum seekers found not to be in need of international protection, who are returned to Algeria may face hostile treatment due to the Algerian Government’s perception that such persons may have been involved in international terrorism.” [24e]

The position paper continues that Western government intelligence reports about terrorist infiltration into North African migrant communities in Europe may have heightened the suspicions of the Algerian authorities towards returnees, notably those linked with Islamist movements. The paper argues: “Therefore, there is a strong presumption that such persons may be subject to persecutory treatment upon return. ... Therefore, the UNHCR continues to emphasize the need to exercise the utmost caution when considering the forced return of rejected asylum seekers to Algeria.” [24e]

6.169 In a Human Rights Watch (HRW) open letter of 23 June 2005 to Mr. Tony Blair, UK Prime Minister, entitled, “UK: Empty promises can’t protect people from torture,” the HRW stated:

“In Algeria, Morocco, Jordan, and Tunisia, persons suspected of terrorist activity or labeled as such are specifically targeted for abusive treatment, including torture. Research by Human Rights Watch and Amnesty International, and detailed assessments of the United States Department of State, all demonstrate the very real risks of sending persons labeled as terrorism suspects back to these countries.” [27f]

PERIOD IN DETENTION

- 6.170 The Amnesty International report, "Steps towards change or empty promises?" of September 2003 notes:

"... and those accused of a 'transnational crime' for up to 60 months. According to the UN Human Rights Committee, pre-trial detention should be an exception and as short as possible." [26c] (p9)

DEATH PENALTY AND EXTRADITION

- 6.171 The Hands Off Cain NGO website (updated January 2005) states:

"The EU had repeatedly requested Algeria to abolish the death penalty and eradicate torture. Algeria intended to co-operate more closely with European authorities, that refuse to hand over Algerian nationals detained on the continent on charges of terrorism because of the existence of the death penalty in the north African state. The European Convention on Human Rights binds EU countries to reject extradition requests if there is a possibility of a death sentence." [47]

UNACCOMPANIED MINORS

- 6.172 The Amnesty International report of 1 June 2003, "Asylum-seekers fleeing a continuing human rights crisis" states regarding unaccompanied minors:

"Amnesty International is not aware of any NGO playing a role in the tracing of parents of relatives, nor, given the difficulties of access to information in Algeria, is it easy to imagine any NGO being able to play such a role. Amnesty International has no information about state or charity care of unaccompanied minors who are returned to Algeria." [26a] (p14)

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SAHRAWI REFUGEES IN ALGERIA

- 6.173 The Europa Regional Survey of 2005 notes that Western Sahara is a territory to the south under the administration of Morocco, whose sovereignty is under dispute between the government of Morocco and the Polisario Front (Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro), an organisation seeking independence for the region. [1a] (p820) The area was part of Spanish Sahara until 1976. [1a] (p820)

- 6.174 The USSD report for 2004 gives the following information with regards to the status of the area:

"In 1988, Morocco and the Polisario accepted the U.N. plan for a referendum allowing the Sahrawis to decide between integration with Morocco or independence for the territory. However, disagreements over voter eligibility were not resolved, and a referendum has not yet taken place. In 1997, U.N. Secretary General Kofi Annan appointed James Baker as his personal envoy to examine approaches for a peaceful settlement." [6f] (p2)

"During the following years, Baker visited the territory, consulted with the parties, and offered proposals to resolve the problem. In January 2003, he presented a peace plan that called for a 4 to 5 year period of limited autonomy

for an interim administration composed of elected members of a Western Sahara Authority, to be followed by a referendum to determine the status of the territory. Morocco ultimately rejected the plan, while the Polisario accepted it. Subsequently, an adjusted text to the Baker Plan added an additional ballot option in the referendum to include self-government or autonomy, in addition to the two previous options of independence or integration into Morocco. In July 2003, the Security Council called on the parties to work towards its acceptance and implementation. Morocco voiced objections to that resolution, while the Polisario expressed support.” [6f] (p2)

“Baker resigned his post in June [2004]. Following his resignation, the U.N. Secretary General designated Alvaro De Soto as his Special Representative for the Western Sahara.” [6f] (p2)

“On October 28, the Security Council voted to extend the MINURSO mandate until April 30, 2005 to give the parties more time to work out their differences.” [6f] (p2)

- 6.175 The USSD report for 2004 for Algeria summarises, regarding the Sahrawis refugees:

“The Government provided temporary protection to approximately 160,000 refugee Sahrawis, former residents of the Western Sahara who left that territory after Morocco took control of it in the 1970s. The office of the U.N. High Commissioner for Refugees (UNHCR), the World Food Program (WFP), the Algerian Red Crescent, and other organizations assisted Sahrawi refugees. The Government cooperated with UNHCR and other humanitarian organizations in assisting refugees.” [6a] (p11)

- 6.176 “The World Refugee Survey of 2005”, published by the Washington-based US Committee for Refugees and Immigrants [USCRI] in June 2005, gave the following information and assessment of conditions in the Polisario-controlled camps:

“Freedom of Movement and Residence The [Algerian] Government allowed the rebel group, Polisario, to confine nearly a hundred thousand refugees from the disputed Western Sahara to four camps in desolate areas outside Tindouf military zone near the Moroccan border ‘for political and military, rather than humanitarian reasons,’ according to one observer. According to Amnesty International, ‘This group of refugees does not enjoy the right to freedom of movement in Algeria. ... Those refugees who manage to leave the refugee camps without being authorized to do so are often arrested by the Algerian military and returned to the Polisario authorities, with whom they cooperate closely on matters of security.’ Polisario checkpoints surrounded the camps, the Algerian military guarded entry into Tindouf, and police operated checkpoints throughout the country.” [38a] (Algeria country update)

“The Polisario did allow some refugees to leave for education in Algeria and elsewhere and to tend livestock in the areas it controls of the Western Sahara and in Mauritania. An unknown number reportedly held Mauritanian passports and the Algerian government also issued passports to those the Polisario permitted to travel abroad.” [38a] (Algeria country update)

- 6.177 The USCRI in the same report, later in the text, added:

“Retraction: In the 2004 Survey, USCRI mistakenly reported that the refugees in the camps near Tindouf enjoyed freedom of movement. We also used the working population figure of aid agencies which, in light of Polisario’s refusal to allow a census and independent estimates, was likely inflated.” [38a] (Algeria country update)

- 6.178 Three reports from the Arabic News [dot] com website followed events in July 2005, when there were protests by camp inmates about camp conditions. The first report, entitled “Uprising in Tindouf camp to protest poor living conditions”, dated 1 July 2005, notes: “Inhabitants of the camps waved slogans that are hostile to the Polisario and calling for the lift of the blockade imposed on them to be able to return to source.[sic]” [9a] The second report, dated 2 July 2005, entitled “Algerian intelligence decides to supervise security in Tindouf camps” recounts the Algerian intelligence service’s decision to manage the camps’ security directly, particularly in relation to the power vacuum left after the return of the former top Polisario official, Hammati Rabbani, to Morocco. [9b] The third report, “Angry youth call for uprising against Polisario in Tindouf camps”, outlines the nature of the demonstrations and states the following in relation to forced Polisario conscription:

“The separatists’ leaders called on soldiers to join their units and military centers, noted the same source, underlining, however, that soldiers refused to obey orders knowing they will have to repress demonstrations similar to those of 1988.” [9c]

“...The return last week of former Polisario top official, Hammati Rabbani, to Morocco has created a crisis inside the Polisario leadership.” [9c]

“On Saturday, the commanders of four military zones in Tindouf rebelled against the defense minister of Polisario’s self-proclaimed Sahrawi republic ‘SADR’, sparking off further tension.” [9c]

“The military officers called for the resignation of Ould Bouhali whom they accused of corruption and theft and of gathering wealth to the detriment of the well-being of the populations forcibly held in Tindouf camps.” [9c]

“The mediation between the four commanders and the defense Minister has failed, heralding an imminent explosion of the situation within the Polisario leadership.” [9c]

- 6.179 The USSD report for 2004 for Western Sahara adds:

“The number of persons in the refugee camps was in dispute. During the year, the Government claimed that the Polisario detained 45,000 to 50,000 Sahrawi refugees against their will in camps near Tindouf, Algeria. The Polisario claimed that refugee numbers were much higher, but denied that any refugees were held against their will. The U.N. High Commissioner for Refugees (UNHCR) and the World Food Program appealed to donors for food aid, and distributed food aid to a population of approximately 155,000 in the refugee camps during the year.” [6f] (p2)

- 6.180 The USCRI report states regarding visits in 2004 outside the camps, back to the Western Sahara:

“Between March and August [2004], the UNHCR sponsored a series of Confidence Building Measures including five-day family visits between some 1,500 refugees and their immediate relatives in western Sahara, and telephone connections in the camps. UNHCR issued each family a Travel Manifesto as a travel document.” [38a]

The USSD report for 2004, on Western Sahara adds further detail:

“On August 30 [2004], the UNHCR completed a 6-month program of confidence building measures, highlighted by family visits that brought 1,200 persons to meet with long-separated relatives for 5 days. Most participants were Sahrawi refugees from the refugee camps in Algeria visiting relatives in the Moroccan-controlled territory. Approximately, 19,000 Sahrawis registered to participate in the program, and 1,476 persons were transported for visits. After a hiatus to secure additional funding and work out program modalities, the program resumed in November [2004] until the end of the year. The confidence building measures also include telephone exchanges between relatives in the territory and refugee camps in Algeria.” [6f] (p2)

MOROCCAN GOVERNMENT DEVELOPMENTS

6.181 The USSD report for 2004 on Western Sahara states:

“Through the [Moroccan] Arbitration Commission of the Royal Advisory Council on Human Rights (CCDH), the [Moroccan] Government in 2000 began distributing preliminary compensation payments to affected Sahrawis, and announced that more compensation could be distributed pending the results of a review of petitions by Sahrawi claimants. However, as in previous years, many still viewed the CCDH process as biased, slow, and flawed administratively.” [6f] (p1)

“In January, the [Moroccan] Equity and Reconciliation Commission (IER) continued the work started by the CCDH, to settle serious violations of human rights. The IER was tasked with making reparations for families of disappeared persons and other victims, restoring the dignity of victims, providing for their rehabilitation and medical care, and providing a thorough accounting of the events which led to human rights abuses and of the circumstances of the crimes themselves. The IER was composed of appointed members, most of whom were human rights activists including Commission President Driss Benzekri, a former political prisoner. The IER had an extended mandate until March 30, 2005 due to the larger than expected number of petitions. By August [2004], the IER reported having received almost 20,000 complaints, a number of them having to do with the territory. Throughout the year [2004], investigative teams from the IER visited the territory on several extended occasions, in which interviewers and researchers looked into complaints, medical personnel treated former detainees, and IER staff prepared for public hearings of the abuses.” [6f] (p1)

“The public hearings began on December 21 [2004] in Morocco. Under agreement with the IER, participants did not disclose the names of persons they considered responsible for violations. Around 200 victims, families of victims, and witnesses of violations were scheduled to participate in future hearings, throughout the country, over a period of 10 weeks. The IER was expected to

present a final report in April 2005 discussing the reasons and institutional responsibilities for grave violations prior to 1999.” [6f] (p1)

- 6.182 An Amnesty International report in June 2003, entitled “Asylum-seekers fleeing a continuing human rights crisis” and numbered MDE 28/007/2003, states: “Amnesty International is not aware of Sahrawi refugees being allowed by the Algerian authorities to leave the camps without the authorization of the Polisario authorities and to find safe haven in other parts of Algeria.” [26a] (p19) The USSD report for 2004 for Western Sahara states: “The Polisario reportedly restricted freedoms of expression, assembly, association, and movement in its camps near Tindouf.” [6f] (p3)

MOROCCAN PRISONERS

- 6.183 The USSD report for 2004 on Western Sahara states:

“The 1998 U.N. settlement plan called for the Polisario to release all remaining Moroccan prisoners of war (POWs) after the voter identification process was completed. In 1999, MINURSO completed the voter identification process. According to Polisario claims, the Government continued to withhold information on 150 Polisario missing combatants and supporters, whom the Polisario listed by name. The Government of Morocco formally denied that any Sahrawi former combatants remained in detention. The International Committee of the Red Cross (ICRC) continued to investigate such claims by the Polisario. In a few cases, the ICRC found that individuals on the Polisario list were living peacefully in Moroccan territory or in Mauritania. The ICRC presented this information, along with documentation to the Polisario.” [6f] (p2)

“Prisoners held by the Polisario continued to be among the worlds’ longest held POWs. In recent years, the Polisario began to release Moroccan POWs in small groups. The Polisario released 200 Moroccan POWs during the year. By year’s end, the Polisario still held 412 POWs, many of whom had been prisoners for close to 20 years.” [6f] (p2)

“There continued to be credible reports from international organizations, Moroccan nongovernmental organizations (NGOs), and from the released POWs themselves that Moroccan POWs suffered serious physical and psychological health problems due to their prolonged detention, abuse and forced labor.” [6f] (p2)

- 6.184 The USSD news website USINFO.STATE.GOV posted a news article dated 18 August 2005 and states:

“Senator Richard Lugar, the chairman of the Senate Foreign Relations Committee, has traveled to Algeria at the request of President Bush and facilitated the release of 404 Moroccan prisoners held by the Algerian-backed Polisario movement, according to a statement from the White House August 18 [2005].” [6g]

PALESTINIAN REFUGEES

- 6.185 “The World Refugee Survey of 2005”, published by the Washington-based US Committee for Refugees and Immigrants [USCRI] in June 2005, gave the following information:

“The Government recognized all Palestinians as refugees. ... According to UNHCR, Palestinian refugees had access to the labor market under a special dispensation.” [38a] (Algeria country update)

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Annex A: Chronology Of Major Events

- 1962** Algeria gained independence after a war with France. Ben Bella was elected President.
- 1965** Ben Bella deposed in a bloodless coup by Colonel Houari Boumedienne
- 1976** **November:** A new constitution was approved by a referendum, maintaining Islam as the state religion and formulating plans to create a socialist system.
- 1978** **December:** President Boumedienne died.
- 1979** Colonel Ben Djedid Chadli inaugurated as President.
- 1986** Referendum approved a new National Charter. The constitution was amended to take account of Muslim interests.
- 1987** The Government introduced austerity measures to cope with the decline in petrol prices and the increase in Algeria's national debt.
- 1988** The austerity measures provoked a series of strikes. In October there were riots in Algiers, spreading to Oran and Annaba. A six-day state of emergency was imposed, and according to official sources 159 people were killed in confrontations with government forces, and more than 1,500 were arrested.
November: A referendum approved the proposal for non-FLN candidates to participate in elections.
December: Chadli elected President for a third term.
- 1989** **February:** A new constitution ending the one party state was approved by referendum.
FIS founded and over 20 parties licensed.
- 1990** Widespread strikes and demonstrations occurred.
June: In the local elections the FIS received 55 per cent of the votes cast.
August: A general amnesty was announced and thousands of political prisoners were released.
December: Demonstrations followed the announcement that Arabic was the official language, and the use of French and Berber in schools and official translations would be punished by fines.
- 1991** **May:** FIS organised general strikes to protest about the organisation of the forthcoming elections.
June: Violent clashes between Islamic fundamentalists and security forces resulted in between 20 and 50 deaths.
July: Army units arrested about 700 Islamists and occupied the headquarters of the FIS. The President of FIS, Abbasi Madani, and the Vice President, Ali Belhadj, were arrested.
December: First round of the general election. FIS were the largest party with 47.5 per cent of the votes cast.
- 1992** **January:** The National People's Assembly dissolved, and President Chadli resigned. The second round of voting was cancelled. A five-member High Council of State (HCS) was appointed to act as a collective presidency until

the expiry of Chadli's term of office in December 1993. The chairman was Muhammad Boudiaf.

February: HCS declared a state of emergency.

March: FIS dissolved by the Government.

June: President Boudiaf assassinated. Violence increases and the GIA emerges as the main group behind these operations.

July: Madani and Belhadj were sentenced to 12 years' imprisonment.

- 1993** **February:** State of emergency renewed for an indefinite period.
May: Large demonstrations took place, mainly organised by the UGTA.
July: Kasdi Merbah, former Prime Minister, was assassinated.
- 1994** **January:** Liamine Zeroual appointed Head of State for a three-year term. A three-year transition period culminating in a presidential election was announced.
September: Madani and Belhadj released from prison and placed under house arrest.
- 1995** **November:** Presidential election. There were four candidates, and President Zeroual won 61 per cent of the valid votes. The FLN, FFS and FIS urged people to boycott the elections.
- 1996** **February:** Legislation adopted on comprehensive Arabisation of official and public business. [8x]
November: A referendum approved changes to the constitution which included changing the law regulating political parties, banning those based on religion, language, gender or regional differences.
- 1997** **January:** The Secretary General of the UGTA, Abd al-Hak Benhamouda, was assassinated.
March: supporters of President Zeroual set up the National Democratic Rally (RND) to run in the 5 June legislative elections.
April: FIS called for a boycott of the elections. Hamas changed its name to Movement of a Peaceful Society, to conform with the new laws regulating political parties.
June: Elections – the turnout was officially recorded as 65 per cent. The RND won 155 seats and became the largest party in the National Assembly. They formed a coalition with the Islamist Movement for a Peaceful society (MSP), and the National Liberation Front.
September: FIS chief Madani released, but then placed under house arrest.
October: A major split occurred in FIS, when supporters of Madani denounced other FIS leaders for declaring a cease-fire of its military wing, the Islamic Salvation Army (AIS). Local elections were won by the RND. In October and November the main legal opposition groups organised demonstrations against what they saw as fraud in the elections. Demonstrators were beaten with batons.
December: Members of Algeria's local councils chose representatives to sit in the upper house of parliament. The National Democratic Rally gained 35 of the first 42 seats decided.

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- 1998** **February:** Four other armed Algerian fundamentalist organisations, the Ansar Battalion, the Al-Sharq al-Awsat, the Rahman Battalion and the Islamic

League for the Call and the Jihad had joined the truce announced by the armed wing of the FIS in October 1997.

The violence continued in the early part of 1998, and 400 were killed in one massacre.

May: An executive decree was signed by Algeria's Health Minister on 5 May allowing women who had been raped by suspected Muslim rebels to have abortions.

Thirty political parties were dissolved for failing to conform with the new rules on political parties.

June: On 25 June Matoub Lounes, a popular Berber singer, was killed, and his wife and two sons were wounded, at a false roadblock by an armed group. Rioting and demonstrations in Berber towns followed.

July: Implementation of a law generalising the use of Arabic in enterprises and public departments.

Visit to Algeria by Eminent Panel appointed by the Secretary General of the United Nations.

September: President Zeroual announced that he would resign before the end of his term of office and hand over power after presidential elections in early 1999.

- 1999** **April:** Abdelaziz Bouteflika announced as the winner of the presidential election. On the eve of the presidential election six of the seven presidential candidates withdrew from the elections claiming fraud. [1a]
June: The AIS declared an end to their guerrilla struggle against the Government on 6 June. [1a]
 President Bouteflika promised an amnesty for the AIS and its supporters and submitted an amnesty law as part of the Civil Concord Law. [1a]
July: Approximately two thousand prisoners imprisoned for subversive acts were released. [1a]
September: Referendum on the question of "Do you agree with the President's approach to restoring peace and civil accord?" was won by the Yes votes.
November: Abdelkader Hachani, a leader of the FIS, was killed in Algiers. In December a suspect was arrested. [7a]
December: A new Prime Minister, Ahmed Benbitour, and cabinet were appointed. [1a] [7a]
- 2000** **January:** About 180 people were killed during Ramadan. [7b]
 The AIS and LIDD armed Islamist opposition groups disbanded just before the expiry of the amnesty for armed groups. [1a]
 It was reported that many AIS members would join the national army to fight the remaining armed groups. [1a]
April: Four international human rights groups, including AI, were allowed to visit Algeria. [1a]
August: Ali Benflis was appointed Prime Minister. [1a]
November: The Government refused to legalise the Wafa party on the grounds that many of its members were ex-FIS members. [1a] [7f]
December: Over 300 people were killed in violent incidents during the month of Ramadan. [7g] [73b]
- 2001** Violent incidents and clashes with the security forces continued to be reported. Over 66 insurgent acts were reported in the first three months and about 300 people were killed. [73b]

Up to 80 people were killed in riots in the Kabylia region between April and June. This followed the killing of a man in police custody during the annual "Berber Spring" demonstrations. The RCD party withdrew from the government in protest at its handling of the situation. [1a]

November: Over 700 people were killed in Algiers when floods engulfed the working class district of Bab el Oued following a torrential downpour. [1a]

- 2002** **February:** GIA leader Anton Zouabri was killed by security forces. [1a] (p180) According to unconfirmed reports Rachid Oukali alias Abou Tourab Errachid, his reported successor, was killed by security forces in June. [7m]
- March:** The Government agreed a number of concessions in response to the Berber complaints. These included amending the constitution to give official status to the Berber language, and compensation for relatives of victims of the violence. [1a] (p174)
- May:** The FLN party won majority control in elections for the legislative assembly. [a1] [7I] The elections were described in reports as marred by violence and a boycott by the two main Berber parties. [7I] A new government was formed under the previous prime minister, Ali Benflis. [7I]
- October:** The FLN party won the majority in local elections. [7o]

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- 2003** **May:** Ahmed Ouyahia replaced Ali Benflis as Prime Minister. [1a] An earthquake caused serious damage and loss of over 2000 lives in north east Algeria, including parts of Algiers. [1a]
- July:** Two main FIS leaders, Abassi Madani and Ali Benhadj, were released from prison and house arrest on completion of their sentences. [1a]
- August:** Tourists kidnapped by an armed Algerian Islamist group in the Sahara desert were freed. [7r] (p15432)
- September:** Several FLN ministers were dismissed from the government. [1a] (p177) [7s] (p15445)
- October:** A FLN Congress that was to announce the candidature of Ali Benflis for President was banned by the government. A new cabinet was announced. [7t] (p15488)
- December:** An Algerian court froze the activities of the FLN party. [7v] (p15562) The RND party of President Bouteflika obtained 17 out of 46 seats in elections for the Council of the Nation [Senate]. [7v] (p15562) [59r] The level of violence blamed on armed Islamic groups declined sharply in 2003 according to Algerian official statistics and the Algerian press. USSD for 2003 reported that "Press reports estimated that approximately 1,162 civilians, terrorists, and security force members died during the year, a 61 percent decrease in violent deaths from 2002. Official government statistics indicated that fewer than 900 persons were killed." [6c] (p2)
- 2004** **January:** The head of the Algerian army, General Lamari, stated the army would be neutral in the forthcoming presidential election, also that the army would deal with any threat to political stability. [7w] (p15587) A joint declaration by leading political figures denounced methods used by the head of state and his clan to hang on to power and called for transparency in the presidential election. [7w] (p15587)
- March:** The date of the Presidential election was announced as 8 April 2004. Six candidates were approved by the Constitutional Council:
- Abdelaziz Bouteflika:** Incumbent president
- Ali Benflis:** Leader of the National Liberation Front, former single party

Saad Abdallah Djaballah: Leader of National Reform Movement (MRN).

Said Sadi: Leader of the Rally for Culture and Democracy

Louisa Hanoune: Leader of the Workers' Party

Ali Faouzi Rabaine: Leader of Ahd 54 party.

It rejected three applicants: Ahmed Taleb Ibrahim, Sid Ahmed Ghozali and Moussa Touati. [76a]

8 April: Abdelaziz Bouteflika was re-elected as President with 84.9 per cent of the votes cast. [59m]

2005 January: Authorities announce the arrest of rebel Armed Islamic Group (GIA) head Nourredine Boudiafi and the killing of his deputy and declare the group to be virtually dismantled.

Government makes deal with Berber leaders, promising more investment in Kabylie region and greater recognition for Tamazight language.

March: Government-commissioned report says security forces were responsible for the disappearances of more than 6,000 citizens during the 1990s civil conflict.

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Annex B: Political Organisations

See also [Section 5 Political System](#) and [Section 6 Political activists](#)

Sources 1, 2, 12, 24a and 28 contain more detailed information about Algerian political parties of the past ten years.

Source 37b also analyses the implications of the June 2002 legislative elections for various parties and movements.

Al-Islah see MRN

Ennadha (or Nahda)

Led by Hahbib (or Lahbib) Adami. [1a] [2] [12] **Yazid Benacha was elected Secretary-General in October 2003.** [77a] Fundamentalist Islamist group. [1a] It claims to have many former FIS members in its ranks. [12]

Ettahadi/Challenge – see MDS

Front Democratique (FD)

Headed by former Prime Minister, Sid Ahmed Ghazali, the FD applied for registration in May 2000, but received no response within the time period specified by law and has since remained unlicensed. [6c] [12] Ghazali's application to be a contender for the April 2004 presidential election was unsuccessful. [76a]

Front Islamique du Salut (FIS)/Islamic Salvation Front/al-Jibhat al-Inqath

Leadership: Abassi Madani (President); Ali Belhadj (vice-president); Annuoar Haddam (spokesman in exile) [1a] [2] The FIS was founded in March 1989 as an umbrella organisation for Islamist groups. It may have existed in some form prior to this. The FIS was widely supported before it was banned on 4 March 1992. [1a] It remains illegal. [1a]

The two main founders were Abbasi Madani and Ali Belhadj. They were arrested on 30 June 1991 and charged with conspiring to overthrow the Government. [1a] In July 1992 they were sentenced to 12 years' imprisonment. [1a] They were put under house arrest in September 1994, but Belhadj was later returned to prison. [1a] Madani and Belhadj were released in July 2003 on completion of their sentences. They remained subject to restrictions on their political activity. [1a] Both were issued with a court order banning them from engaging in any political activity; holding meetings; establishing a political, cultural, charitable or religious association; participating in a political party; or becoming a member of any other association. Ali Belhadj refused to sign the order. See Annex B Political Organisations [1a] (p177) Dr Madani was given permission in August 2003 to leave Algeria. [7r] (p15428) The USSD for 2003 stated "The Government issued him a passport in late August and Madani was allowed to travel abroad in early September. A condition of his provisional liberty precludes him from making media statements; he has done so frequently while under house arrest and from abroad with little or no government retaliation." [6c] (p6)

Other leaders included Abdelkader Hachani, a moderate leader of the FIS, who was killed in Algiers in November 1999. [1a] [2] [7a] Ahmed Zaoui, another leader, is in detention in New Zealand while the authorities there consider his case. [70]

The FIS party has an organisation in exile. [7n] It is divided into factions between whom there is animosity. [12] In August 2002 a FIS Congress in Belgium reportedly ousted Rabeh Kebir from party management. [7n] At a further meeting in Switzerland in October 2002 Mourad Dhina was named as interim head of the party's executive. [59b] However, in April 2004 Rabah Kebir congratulated President Bouteflika on his re-election, speaking on behalf of the group in exile. [59n] The aims of the FIS are to take power after reclaiming a place in the political process and create an Islamic state based on the Sharia. The FIS claimed to be the only true Islamic party and drew its support from all sections of society. [2]

Some ex-FIS members are in the Ennadha, MRN (el Islah), and Wafa parties. [2] **See also** [Political Activists](#)

Front de Liberation Nationale (FLN)/National Liberation Front/Jabha al-Watani

Secretary-General: Boualem Benhamouda. Until February 1989 this was the only legal party in Algeria. This party led the seven-year war of independence with France, which ended in 1962. It has a basically socialist philosophy. [1a] [24a] The FLN gained a majority in the June 2002 legislative elections and the October 2002 local elections. [7o] [12] The party has been in conflict internally over the rivalry between Ali Benflis and the President. Benflis was a contender in the Presidential election of April 2004. **See Section 4 History** [Events of 2003](#) and [Events of 2004 and Presidential Election](#)

Front des Forces Socialistes (FFS)/Socialist Forces Front

This party was originally set up in 1963, and was revived and legalised in 1989. The President is Hocine Ait-Ahmed, who returned to Algeria in 1999 to participate in the 1999 Presidential elections following self-exile in Europe. He still lives mainly in Switzerland. [12] The party believes in democratic socialist principles, and dialogue with the FIS. It obtains most of its support from Berbers and middle-class urban residents in Algiers and some other cities. [1a] [2] [12] [24a] The FFS boycotted the June 2002 legislative elections but took part in the October 2002 local elections. [1a] [7o] A new first secretary, Djoudi Mammeri, was appointed in April 2003. [7q]

Front National Algérien (FNA)/Algerian National Front

Leader: Moussa Touati. [1a] Won eight seats in the May 2002 legislative elections. [37b]

Hamas – see MSP

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Mouvement Cultural Berbère (MCB)/Berber Cultural Movement

Founded in 1976 and is not so much a political party as a pressure group associated with the Berber FFS and RCD parties. It is engaged in efforts to promote the Berber language and identity. Each April the MCB organises demonstrations in Kabylie towns to commemorate the "Berber Spring" when a number of students were killed in demonstrations in Tizi Ouzou in 1980. [11] [24a]

Mouvement Democratique et Social (MDS)/Democratic Social Movement, formerly Ettahadi and PAGES

Secretary-General: Al-Hashemi Cherif. Left wing. Launched in October 1999 as successor to Ettahadi, itself created as successor to the Socialist Vanguard Party (Parti de l'Avant-Garde Socialiste – PAGES), itself descended from the Communist Party (CPA) founded in the 1930s. Ettahadi boycotted the 1997 and 1999 elections. Its conversion into the MDS signified a renewed commitment to the democratic process

and the mixed economy, as well as opposition to any compromise with Islamic extremism. [1a] (p163) [2] [24a]

Mouvement pour la démocratie en Algérie (MDA)/Movement for Democracy in Algeria

Ceased to exist legally in 1997. [8ak] [24a]

Mouvement de la Société pour la paix (MSP)/Movement of a Peaceful Society/Harakat Moudjtamaa As-Silm (Formerly Hamas)

The name was changed in April 1997 in order to meet the criteria of the law banning political parties based on religious or ethnic issues. It is a moderate Islamic party and condemns violence and intolerance in the name of religion. It promotes respect for human rights, including women's rights in the workplace. [1a] [2] [24a] The party is represented in the cabinet but lost half its seats in the May 2002 election mainly to the MRN. [12] The party's leader, Mahfoud Nahnah, died in June 2003. [1a] (p176) Muhammed Megahria became the interim leader, and in August 2003 Bougherra Soltani was announced as the new leader. [1a] (p176)

Mouvement de la Renaissance (MR)/Renaissance Movement/Harakat al-Nahda al-Islamiyya

Moderate Islamist. Founded in 1990 by Sheikh Abdallah Djaballah. [1a] (p164) [2]

Mouvement de Réforme Nationale (MRN)/al-Islah

Also known by its Arabic name al-Islah. Founded in 1998 and headed by Sheikh Abdallah Djaballah. [1a] Its members include former FIS supporters and it is considered ideologically closest to the former FIS. [12] Djaballah was one of the candidates in the presidential election of April 2004. [76a]

Parti du Renouveau Algérien (PRA)/Algerian Renewal Party

Secretary-General: Yacine Terkmane. Leader: Nourreddine Boukrouh. Moderate Islamist. [1a] The PRA was founded 1989 and advocates Algerian nationalism based on a modern and progressive form of Islam. It favours a free market economy. [12]

Parti du Travail (PT)/Parti des travailleurs/Workers Party

Leader: Louisa Hanoune. Left wing. [1a] [2] At the May 2002 elections the PT increased its seats from four to 24. The PT is against all foreign interference, including the activities of the IMF and EU association. It also opposes the privatisation of state owned companies. [12] Louisa Hanoune was one of the candidates in the presidential election of April 2004. [76a]

Rassamblement pour la Culture et la Démocratie (RCD)/Rally for Culture and Democracy

President: Said Saadi (or Sadi). [1a] This party was set up in 1989 by former FFS members. It is largely made up of Berbers. It advocates recognition of the Berber language, Tamazight, as a national language. It is secular and anti-Islamic and supports the government in its campaign against the Muslim fundamentalist rebels. It is against legalisation of the FIS. [2] [24a] The RCD boycotted the June 2002 legislative elections and the October 2002 local elections. [7o] During 2002 it was alleged that four members of the RCD and their families had been detained and tortured and no action had been taken in connection with the case by the authorities by the end of 2003. [6c] (p4) Said Sadi was one of the candidates in the presidential election of April 2004. [76a]

Rassemblement nationale démocratique (RND)/National Democratic Rally

Set up In March 1997 by supporters of President Zeroual to contest the 5 June legislative election. In that election it won 156 seats. [1a] (p167) It was the largest party in the National Assembly prior to the June 2002 legislative elections. [1a] The leader is the current Prime Minister Ahmed Ouyahia who was elected secretary-general in January 1999. [1a] [2] [12]

Wafa wa al-adiAdl (Wafa)/Mouvement Fidélité et Justice/Movement for Fidelity and Justice

Leader: Ahmed Taleb Ibrahimi (former foreign minister and 1999 presidential candidate) Founded in 1999, but refused government recognition as a political party in 2000 on the grounds that it contained large numbers of FIS supporters. [1a] [2] [6c] [7a] [7f] [11] [12] The Wafa party was widely considered as an attempt to breathe new political life into the FIS. [12] Ibrahimi's application to be a contender for the April 2004 presidential election was unsuccessful. [76a]

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Annex C: Main Armed Groups

A number of smaller armed groups are also listed in source 24a. **See also** [Section 6 Armed Groups](#) and [Section 5 Military Servicemen Threat from Armed Groups](#)

1. Two of the armed groups operating in Algeria, the GSPC and the GIA, are proscribed organisations in the UK under the Terrorism Act 2000.
2. The violence by armed groups takes place primarily in the countryside and smaller towns as the security forces have largely forced the insurgents out of the cities, [1a] (p178) [6a] (p2) [6c] (p2) [6e] (p4) [8y] [8ac] [11] (p6) [12] (p24) [13] (p7) [26c] (p33) [27a] (p1) except in the strongholds of the armed groups. [8z] **See Section 6 Human Rights Overview**

The Salafist Group for Call and Combat (GSPC)/Groupe Salafiste pour la Prédication et le Combat/Da'wa wal Jihad

3. The GSPC began in the region east of Algiers and Kabylia. [8z] The GSPC was a former faction of the GIA but split from the group in 1998. [1a] (p178) [8z] [12] (p23) This group appears to have eclipsed the GIA since 1998 and is now the largest and most active and effective armed group operating in Algeria. [6a] (p2, Appx B) Its adherents appear to have largely co-opted the support networks of the GIA, active particularly throughout Europe, Africa and the Middle East. [6a] (Appx B) Cells reportedly exist in Italy, Germany, Belgium, and Spain, as well as in Algeria, with Tunisian and Moroccan members, as well as Algerians. [1a] (p179)
4. The main emir has been Hassan Hattab, a former GIA emir. [8z] However according to reports in late 2003 there was dissent in the group and Hattab was replaced by Nabil Sahraoui, alias Abou Ibrahim Mustapha or Abou Mouthala. [56c] [59e] [61b] A splinter group called the Free Salafi Group led by Abou Mouthala was reported in February 2004. [56c]
5. The GSPC is reportedly active in the centre-east and the east of the country, [12] (p23) [26c] (p34) [61a] namely the region between Boumerdes province and part of Kabylia. [7h] (p14268) It is reported to have groups in Jijel, Tizi Ouzou, Setif and the area around Constantine. [8z] [28] (p16) Some of its emirs are of Kabyle (Berber) origin. [8z] The GSPC also operates in some cities, such as Boghni [8z] and also the southern part of the country. [26c] (p34) Elements of the group operating in Algiers' suburbs were dismantled by the security forces in 2002/3. [12] (p25)
6. Like the GIA, the GSPC is more a collection of local militias than an organisation with a clear structure. [12] (p23) [26c] (p34) According to some reports the organisation has been weakened by rifts in recent months, and the defection of splinter groups, also by operations against them by the Algerian army. [56c] [59e] [59h] Hattab directly controlled the activities in the centre-east, known as "the second region" including Tizi Ouzou and the Kabylia region and some coastal areas to the east of the capital. [61a]
7. The "Salafi Group" is a part of the GSPC, led by Amari Saifi, also known as Abderazzak "El Para". [59i] He is reportedly a former GIA emir and second in command of the GSPC, [59e] [59i] [61a] and to lead the activities of the group in

- the eastern province (or what is known as the “fifth region,” in the area of Batna, the capital of the Aures. [61a] This group was trying to infiltrate Algiers in 2002. [61a]
8. A GSPC group was also reported in the Lakhdaria-Kadiria region (70 km south of Algiers). [57a] The local emir of this El-Farouk phalanx was reportedly Ahmed Djebri. [57a]
 9. The GSPC concentrates its operations mainly on government and military targets, primarily in rural areas, [6a] (Appx B) more specifically officers of the security forces, [12] (p23) It is often behind the ambushes and killing of soldiers and municipal guards in roads and mountainous areas. [7h] (p14268) It is said to carry out fewer operations than the GIA but they are more deadly. [8z] It finances its operations by racketeering, cross border smuggling in western Algeria, real estate investments, money laundering activities and Algerian support networks, particularly those outside Algeria. [8z] The group also collaborated with smugglers and Islamists in the south who supplied insurgents with weapons and communications equipment for attacks in the north. [6a] (p2)
 10. Although the strength of the GSPC is unknown, [6a] (Appx B) [26c] (p34) it is estimated by various sources as about 350 [1a] (p180) [25b] (p7) or 500 to 600. [12] (p23) Like the GIA, the GSPC rejected the civil concord law but some of its members have taken advantage of the amnesty. [12] (p7) About 90 GSPC members reportedly surrendered under the amnesty law up to January 2001. [8z]
 11. The authorities have also sought to convince members who are hiding in the mountains to abandon their arms and give themselves up, in exchange for a promise of good treatment. According to some reports many members of the group came down from the mountains after they read the fatwas which describe those who carry out operations on behalf of the armed groups as “defectors”. [61a] However a recent public statement by the GSPC rejected the call by the FIS leader, Abassi Madani, for a truce with the authorities. [61b]

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Armed Islamic Group (GIA) aka Armed Group/Groupes Islamiques Armés

12. This group emerged in 1993 and claimed to be involved in a Jihad or holy war. [1a] (p165) Its stated aim was to overthrow the current regime and set up a fundamentalist Islamic state. [1a] (p165) [6a] (Appx B) Held to be dissolved in January 2005, after months of arrests beginning with the capture of Boudiafi Noureddine in November 2004. [81a]
13. Many GIA members were former guerilla fighters in Afghanistan. [1a] (p165) [8z] Many of these have been killed in combat or are still fighting with the GIA, and some are in Europe. They are considered to be the harshest faction. [8z]
14. The GIA is no longer a nation-wide force. [6a] (p2) [8z] In 1996 there were splits in the GIA that led to a number of smaller groups being formed. [8z] It is composed of semi-autonomous groups each controlled by local emirs. [1a] (p180) [8an] [12] (p22) [24a] (p13) [26c] (p35) [61a] Allegedly, Algeria was divided into nine zones, each with an active group of between 20 and 300 members. [12] (p22)

- Another report estimated that the groups each contained six to seven fighters whose actions were uncoordinated. [1a] (p180)
15. The former main emir, Antar Zouabri, was killed by security forces in February 2002. [1a] (p180) [12] (p22) His replacement was reportedly Rachid Abou Tourab (real name Rachid Oukali). [1a] (p180) [7m] (p14936) [12] (p23)
 16. The current strength of the GIA is estimated by various sources as ranging between 60, [25b] (p7) fewer than 100, [6a] (Appx B) 200, [61a] and several hundred, [8an] [72a] [61a] [68a] Nevertheless they are still not a negligible force, bearing in mind that they are not afraid of the consequences of their actions. The major weakness of this group is that its members have lost the trust of the local population, following the horrible massacres that are attributed to them. [61a]
 17. The GIA does not distinguish between active enemies and neutral bystanders and sees any one who is not with them as being against them and thus a potential target. [12] (p22) The group's strategy is based on terrorising the population and stealing their provisions. [61a]
 18. Many of their attacks are killings of ordinary people in rural areas, which include atrocities such as beheadings and massacres. [12] (p22) Some attacks on communities are said to be because they had not provided support to the armed groups, and to steal food and goods. Others are false roadblocks set up by the GIA posing as soldiers for the purpose of extortion, robbery and murder. [6c] (p2,10) [8r] [8z] [11] (p6)
 19. The group members stay in an area for a few days only. If one of them comes down from the mountains and does not come back within one day, the group immediately leaves its hide-out and moves to another area. This is in case the person in question might have been arrested or might have decided to inform the police about his comrades and their hide-out. [61a]
 20. The GIA is reportedly active in large sections of the northern part of the country [26c] (p35) notably in the central and western parts of the country, and in the Algiers region [8z] especially Mitidja, [1a] (p180) [8z] [25b] (p7) Medea, [8z] and Blida. [8r] [61a] They are scattered in various regions inside the chain of mountains in western Algeria such as the wilayas of Ain Delfa, Chlef and Medea. [7h] (p14268) [8z] [28] (p15) [61a] They compete for influence with other splinter groups that are mainly active in the centre-east and eastern provinces. [61a]
 21. The GIA was also said to be very aggressive in the areas of Tipaza and Bouira where many cases of racketeering and extorting money from villagers were ascribed to them. [28] (p15) The GIA does not now have a presence in Kabylia [8z] (although a large part of its membership was of Kabyle (Berber) origin. [28] (p3) **See Ethnic Groups**) There are also GIA residue pockets further west in Relizane, Mascara, Tiaret and Saida. [7h] (p14268)
 22. The GIA rejected the amnesty law. [1a] (p177) [12] (p23) However, some GIA members surrendered to the Algerian authorities within the framework of the measures provided by the law on restoring civil accord. [7d] (p14119)

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Katibat El Ahoual/ El Ahwal/Houmet el-dawa el salafiyya/Defenders of the Salafi Propagation/Protecteurs de la predication salafiste (Guardians of Salafist Preaching – PPS)

23. This is reported to be a dissident splinter group of the GIA and one of the most dangerous and well organised armed groups. [1a] (p180) [8u] [12] (p23) [61a] It is said to include members who fought alongside the mujahidin in Afghanistan, including the leader, Slim Al Afghani, [61a] and to have links to Al Qaida. [1a] (p180) [25b] (p7) It is said to operate west of Algiers, [12] (p23) [25b] (p7) in the centre-west of the country. [8u] Specific sites reported include around Chlef, [1a] (p180) [8u] Tiarret, Tissemsilt, Relizane, [1a] (p180) [7b] (p13835) El Ourenis and Remka. [8u]
24. There are several reports about the size of the group: 70 members [25b] (p7); a decline from 500 down to 100 members at present; [12] (p23) and 350 members. [1a] (p180)

Groupe Salafiste pour le Djihad

25. Abdelkader Souane, a former FIS militant, [1a] (p180) is the reported leader of this group. [1a] (p180) [25b] (p7) They are said to have a political strategy, including restoring the FIS to legality, and to be close to Mourad Dhina, head of the FIS executive – see Annex B Political Organisations. [1a] (p180) They are said to number 60 men [25b] (p7) or possibly 100, and to target members of the self-defence groups and their families. [1a] (p180)

OTHER GROUPS

26. Small numbers of new recruits were reported to be coming forward on a regular basis since 2002. They included former repentants and false repentants, who switched to setting up new networks that were responsible for attacks specifically against police officers in the spring and summer of 2002, according to some observers and comments by the Algerian Minister of Home Affairs in July 2002. [1a] (p180) [12] (p24) The police later stated it happens regularly that small groups of GSPC militants enter Algiers for an extortion operation then immediately disappear from the city again. [12] (p26)
27. The **Djamaat al-Ahrar/independents Group** was claimed to be responsible for a number of attacks in and around Algiers in mid-2002, including killings of policemen. [74a] In August 2002 the authorities announced that an Islamic group consisting of 16 members had been dismantled. [12] (p25) No more bomb attacks or murders of security officers have since taken place in Algiers. [12] (p26)
28. **Islamic Salvation Army (AIS)/Armée Islamique de la Salut**
The AIS was created in mid-1994 [1a] (p166) and is often called the armed wing of the FIS, [12] (p21) [24a] (p7) although the exact relationship was ambiguous. [12] (p21) The leader was Medani Mezrag. [1a] (p166) [24a] (p7)
29. Following a cease-fire in October 1997, [1a] (p168) the AIS declared an end to their guerrilla struggle against the Government on 6 June 1999. [1a] (p169) AIS members were granted an unconditional amnesty by President Bouteflika and disbanded in January 2000. [1a] (p170) Some of its members were initially

enrolled as an auxiliary unit of the national army in operations against the GIA. [1a] (p170, 178) [7b] (p13834)

30. **Islamic League for Call and Jihad/Ligue Islamique de la dawaa et du Jihad (LIDD)** This group was led by Ali Benhadjar, a former FIS leader. [7b] (p13835) Part of the LIDD joined the cease-fire announced by the AIS in October 1997 and also followed the AIS in disbanding in January 2000. [7b] (p13835) [12] (p22) A dissident splinter group of the LIDD reportedly continued fighting in eastern Algeria. [10] (p16)
31. **Islamic Front of the Armed Jihad/Front Islamique de Djihad armé (FIDA/FIJA)** This group was active in the 1990s, but has since been neutralised. [74a] It was responsible for the killing of prominent figures or representatives such as white collar professionals, officers, academics, intellectuals, trade unionists and journalists. [24b] (p3) [74a]

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Annex D: Prominent People

Ahmed, Hocine Ait

Socialist Forces Front leader (FFS) who returned to Algeria to participate in the 1999 presidential elections following self-exile in Europe. One of the historic leaders of the Algerian War of Independence. [1a] (p163, 169)

Belhadj, Ali

FIS vice president. Sentenced to 12 years' imprisonment in 1991. [1a] (p165) He was released from prison in July 2003 on completion of his sentence. [1a] (p177)

Bella, Ahmed Ben

First President of Algeria after independence. Leader of the now banned MDA. [1a] (p161) [8ak]

Benbitour, Ahmed

Former Prime Minister of cabinet appointed in December 1999. [1a] (p170) [7a] (p13798)

Benhadjar, Cheikh Ali

Leader of the Islamic League for the call and the Combat (LIDD) – a fundamentalist Islamic militia which disbanded in January 2000. [7b] (p13835)

Benflis, Ali

Prime Minister from May 2000 [1a] (p171) to May 2003. [1a] (p177) Candidate in the presidential election of April 2004. [76]

Boudiaf, Mohammed

President (then known as Chairman of the High Council of State) from January 1992 until he was assassinated in June 1992. [1a] (p164-5) One of the historic leaders of the Algerian War of Independence. [1a] (p164)

Boudienne

Bouteflika, Abdelaziz

President of Algeria from April 1999 to date. [1a] (p169)

Brahimi, Ahmed Taleb (or Ibrahimi)

Leader of Wafa party. See Annex B Political Organisations. Presidential candidate in April 1999, [1a] (p169) his attempt to run in the April 2004 election was rejected. [76]

Chadli, Ben Djedid

President 1979–1992. [1a] p162)

Djaballah, Abdallah

Former leader of Ennahda/Islamic Renaissance Movement. [1a] (p164) Present leader of MRN/al Islah party. He was a candidate in the 1999 and 2004 presidential elections. [1a] (p169) [76]

Ghozali, Sid-Ahmed

Leader of FD party and former Prime Minister. [1a] (p165) His attempt to run in the April 2004 presidential election was rejected. [76]

Hachani, Abdelkader

Senior FIS official. Led FIS election campaign in 1991. Murdered in Algiers in November 1999. [1a] (p170) [7a] (p13799)

Haddam, Anouar

Head of the self-declared FIS Parliamentary Mission Abroad. [2]

Hattab, Hassan

Leader of GSPC armed group. [1a] (p170) [8z] Allegedly replaced in 2003. [59e] [61b]

Hamrouche, Moulod

Former Prime Minister. Presidential candidate in 1999. [1a] (p163, 169)

Hanoune, Louisa

Leader of PT party. Candidate in the presidential election of April 2004. [76]

Ibrahimi, Ahmed Taleb

See Brahimi above

Kebir, Rabah

One of the senior FIS leaders in Europe. [1a] (p166, 167) [See Annex B Political Organisations](#)

Lamari, Lt-Gen Muhamed

Chief of military forces. [1a] (p166, 169, 170)

Lamari, Maj-Gen Smain

Head of counter-espionage and internal security. [1a] (p170)

Layada, Abdelhaq

Former GIA leader – currently in prison.

Lounes, Matoub

Popular Berber singer. Killed at a roadblock in 1997. [37c] (p16)

Madani, Abbassi

One of the main FIS leaders. Sentenced to 12 years in prison in July 1991, he was later transferred to house arrest in 1994 [1a] (p166) and released in July 2003. [1a] (p177) [See Annex B Political Organisations](#)

Medienne, Maj-Gen Tawfik

Head of military intelligence and security. [1a] (p169, 170)

Merzag, Madani

ALS leader. [1a] (p68)

Nahnah, Sheikh Mahfoud

Former leader of MPS – formerly Hamas. Came second in the Presidential elections in 1995. He died in June 2003. [1a] (p176)

Ouyahia, Ahmed

Former Prime Minister and Justice Minister. [1a] (p169, 170) Re-appointed Prime Minister in May 2003. [1a] (p177)

Saadi, Said

Leader of RCD party. [1a] (p163)

Swain, Mohamed

Human rights activist. **See Section 6** [Human Rights Activists](#)

Zaoui, Ahmed

Former member of the FIS consultative committee and acting official spokesman for the new FIS coordination council abroad. Granted asylum in New Zealand in 2003 but is still in detention pending security investigation by the authorities. [59d] [70]

Zouita, Ali

Prominent lawyer; was held in detention from 1993 until 1997 despite being acquitted by a court of aiding an armed group.

Zouabri, Antar

GIA leader, killed by security forces in February 2002. [1a] (p180)

Zeroual, Liamine

Former General, Foreign Minister [1a] (p165) and President of a transition government in 1994. [1a] (p165) President of Algeria from 1995 until he resigned in April 1999. [1a] (p165, 167, 169)

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Annex E: Glossary

AIS	Islamic Salvation Army
ALDHR	Algerian League for the Defence of Human Rights
ANFVT	Association nationale des victimes du terrorisme
CNCPPDH	National Consultative Committee for the Promotion and Protection of Human Rights
FFS	Front des Forces Socialistes/Socialist Forces Front (political party)
FIDA/FIJA	Islamic Front for Holy War (former armed group)
FIS	Front Islamic de Salut/al-Jibhat al-Inqath – Islamic Salvation Front (banned Islamic political party)
FFS	Socialist Forces Front/Front des Forces Socialistes (Berber political party)
FLN	Front de Liberation Nationale/National Liberation Front/Jabha al-Watani (political party)
GIA	Group Islamic Armé/Armed Islamic Group (armed group)
GSPC	Groupe Salafite pour la Prédication et le Combat/Salafist Call and Combat Party (armed group)
LADDH	Ligue Algerienne de Defense des Droits de l'homme (Algerian League for the Defence of Human Rights)
LIDD	Islamic League for Call and Combat (armed group)
MCB	Mouvement Cultural Berbere/Berber Cultural Movement (Berber cultural pressure group)
MDA	Mouvement pour la Democratie en Algerie – Algerian Movement for Democracy (political Party)
MDS	Mouvement Democratique et Social/Social Democratic Movement (formerly Ettahadi) (political party)
MIA	Armed Islamic Movement (Former armed group)
MPS	Movement of a Peaceful Society (formerly Hamas) (political party)
NCC	National Consultative Council
NPA	National People's Assembly
ONDH	Observatoire national des droits de l'homme (National Observatory for Human Rights)

ONVT	Organisation nationale des victimes du terrorisme
ONVITAD	Organisation nationale des familles des victims du terrorisme et des ayants droit
PRA	Parti de Renouveau Algerian – Algerian Renewal Party (political party)
RCD	Rassemblement pour la Culture et la Democratie – Rally for Democracy and Culture (Berber political party)
RND	Rassemblement national démocratique National Democratic Rally (political party)
UGTA	Union Générale des Travailleurs Algériens/General Union of Algerian Workers
UNEA	Union Nationale des Etudiants Algeriens/National Union of Algerian Students
UNFA	Union Nationale des Femmes Algerien/National Union of Algerian Women

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