

# ALGERIA

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## Country Information and Policy Unit

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## **1. SCOPE OF DOCUMENT**

1.1 This assessment has been produced by the Country Information & Policy Unit, Immigration & Nationality Directorate, Home Office, from information obtained from a variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the assessment on a 6-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom.

1.5 An electronic copy of the assessment has been made available to the following organisations:

Amnesty International UK

Immigration Advisory Service

Immigration Appellate Authority

Immigration Law Practitioners' Association

Joint Council for the Welfare of Immigrants

JUSTICE

Medical Foundation for the care of Victims of Torture

Refugee Council

Refugee Legal Centre

UN High Commissioner for Refugees

## 2. GEOGRAPHY

2.1 Algeria is the largest of the three countries, which make up the Maghreb. It is on the western Mediterranean coast of Africa, and is surrounded by Morocco, Mauritania, Mali, Niger, Libya, Tunisia, and the disputed Western Sahara territory. **[2a]** The official name for Algeria is The Democratic and Popular Republic of Algeria. The capital is Algiers. 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), most of which is in the Sahara desert. The official state name is Republique populaire democratique d'Algerie (Democratic People's Republic of Algeria) or Al-Djournhouryya Al-Djazairyya ad Dimoukratyya Ash-Shabyya. **[1a]**

2.2 The population is estimated to exceed 29 million. The capital, Algiers, has the highest population concentration with about 2 million people. **[1a]**

2.3 The majority of the population is Islamic - Sunni. There are a small number of Christians- about 150,000, and a few hundred Jews. **[4]** The official language is Arabic, but French is widely spoken. The Berber language is also spoken, particularly in the Kabylie and Aures mountain regions. The Berbers are the original inhabitants of Algeria and make up approximately 17% of the total population. **[1a]**

## 3. HISTORY

### A. ORIGINS OF ALGERIA

For detailed information about Algeria's history see also source **[1a]** and Annex B Chronology.

3.1 The Berber people originally inhabited the area of North Africa, which is now Algeria. An Arab invasion in the seventh century introduced new settlers, imposed Arab culture on the Berbers and introduced Islam to the area.

3.2 Algeria was conquered by French forces in the 1830s and annexed by France in 1842. For most of the colonial period, official policy was to colonise the territory with French settlers, and many French citizens became permanent residents. **[1a] [2a]**

3.3 On 1 November 1954 the principal Algerian nationalist movement, the Front de Libération Nationale (FLN), began a war of national independence, in the course of which about 1 million people were killed or wounded. Despite resistance from the Europeans in Algeria, the French government agreed to a cease-fire in March 1962 and independence was declared on 3 July 1962. A new government was formed (from a single list of FLN candidates), with Ahmed Ben Bella, founder of the FLN, as Prime Minister. As a result of the nationalist victory, about 1 million French settlers emigrated from Algeria. **[1a]**

3.4 In June 1965 the Minister of Defence, Colonel Houari Boumedienne, deposed Ben Bella in a bloodless coup. He took control of the State as President of a Council of the Revolution, which was composed of 26 members, chiefly army officers. In December Boumedienne was elected President unopposed, winning more than 99% of the votes cast. In December 1978 President Boumedienne died, and was succeeded by Colonel Benjedid Chadli. **[1a]**

3.5 Following the economic problems resulting from the collapse of oil prices in the mid-80s a wave of strikes and riots culminated in considerable bloodshed and street demonstrations were suppressed by the armed forces in October 1988. A state of emergency was declared and President Chadli decided to embark on a programme of constitutional reform. In February 1989 a multi-party constitution was imposed. **[1a]**

## **B. RISE OF THE FIS**

3.6 Early 1990 saw demonstrations against police brutality, for and against the traditional Islamic role of women, for the teaching of the Berber language, and against brothels and alcohol. Meanwhile the Front Islamique de Salut (FIS - Islamic Salvation Front), established in 1989, had emerged as the largest and most influential opposition movement, capable of developing a nation-wide organisation based on mosques and Islamic organisations. Its promise of social justice and its grass-root welfare services appealed strongly to the urban poor and unemployed. In local elections in June 1990, the FIS gained control of 32 of Algeria's 48 provinces and 853 of the 1,539 municipalities, winning a landslide victory in all major cities. **[1a]**

3.7 In July 1990 President Chadli acceded to the demands of the FIS for an early general election, announcing that it was to take place in early 1991. In August 1990 a general amnesty permitted the release of thousands of "political" prisoners, and in September the former President, Ben Bella, was allowed to return from exile. In December 1990 the National People's Assembly adopted a law providing that, after 1997, Arabic would be Algeria's only official language and that use of French and Berber in schools and in official transactions would be punished by substantial fines. In response, more than 100,000 people demonstrated in Algiers against political and religious intolerance. **[1a]**

3.8 It was announced, in April 1991, that elections to the National People's Assembly would be held on 27 June. At the same time major changes to the electoral system were proposed.

These included restrictions on campaigning in mosques and increases in the number of constituencies - moves designed to tilt the electoral process against the FIS and in favour of the FLN. **[1a]**

3.9 After protests about the new electoral law and a call by the FIS for a general strike, the Government declared a state of siege and suspended the elections indefinitely. During the widespread unrest, which followed, the leaders of the FIS, Abbasi Madani and Ali Belhadj, were arrested with several thousands of their supporters. In October, the dates for general and presidential elections were set as 26 December for the first round, and 16 January 1992 for a second round in those constituencies where there was no outright first round winner. **[1a]**

### **C. ELECTIONS AND EVENTS OF 1991**

3.10 The Government refused to allow the detained FIS leaders to stand for election from prison, and for a time it seemed that the FIS would not take part. But in the event, in the first round, the FIS won 188 seats outright, the FLN 15, the mainly Berber Front des Forces Socialistes (FFS) 25, and independents 3. This left the FIS needing victory in only 28 of the 199 seats where a second round of voting was needed in order to secure an absolute majority. **[1a]**

3.11 On 4 January 1992, the National People's Assembly was dissolved by presidential decree and President Chadli then resigned, apparently under intense pressure from military leaders. Security forces took over key installations in Algiers, and Prime Minister Sid-Ahmed Ghazali confirmed that the army had been asked to maintain public order and safeguard security. The Higher Security Council cancelled the second round of the elections. **[1a]**

3.12 On 14 January, a High Council of State was created to take over the functions of the Presidency until the end of 1993 (when Chadli's term of office would have expired) at the latest. The President of the High Council of State was Mohammed Boudiaf, a hero of the war of independence, who had quarreled with Ben Bella and had been in exile in Morocco since 1964. **[1a]**

3.13 Violent clashes occurred across the country over the weekend of 8 and 9 February 1992, between police and FIS supporters. Detention centres were opened in the Sahara, and the FIS claimed that 150 people were killed, and as many as 30,000 detained since the military-sponsored take-over. The Government declared a state of emergency and the FIS was banned. The Government also dissolved 411 FIS-controlled local and regional authorities. **[1a]**

### **D. EVENTS OF 1992-1995**

3.14 After the outlawing of the FIS, the Islamic opposition became fragmented and increasingly radicalised. A political vacuum was created which was increasingly filled by armed Islamic groups operating autonomously across the country, united only in their opposition to the regime. Insurgents killed security personnel, politicians, civil servants, intellectuals and foreigners. See Section 5B Armed Groups/Terrorists and Annex F Main Islamic Militias **[1a][2a]**

3.15 On 29 June 1992 President Boudiaf was assassinated and Ali was appointed to succeed him. In mid-July the FIS co-leaders Abassi Madani and Ali Belhadj were sentenced to 12 years imprisonment. **[1a]** In February 1993 the state of emergency was renewed for an indefinite period. **[5]** Subsequently, on 31 January 1994, the nominee of the High Council of State, Defence Minister and General, Liamine Zeroual was appointed as the new president. **[1a]**

3.16 In August 1994 members of the political parties the National Liberation Front (FLN) Algerian Renewal Party (PRA), Movement for Democracy in Algeria (MDA), Ennahda and Hamas participated in national dialogue with the Government. The FFS, Ettahadi and Hamas boycotted the talks. Around this time Madani wrote to the president, apparently offering a truce, and called for the rehabilitation of FIS, the lifting of the state of emergency, and a general amnesty before the beginning of negotiations. In mid-September 1994, Madani and Belhadj were released from prison and placed under house arrest. (They were later put back in prison in 1995.) However, FIS did not join the next round of dialogue. **[1a]**

3.17 Throughout 1994, violence in Algeria escalated with daily attacks by the Islamic extremists on government officials, judges, politicians, intellectuals, journalists and teachers. Assassinations of foreign nationals led to most embassies in Algeria advising their citizens not to travel to Algeria, and those in Algeria to leave immediately. Algerian security forces intensified their campaign against armed Islamic groups and reports suggested that air attacks, punitive raids, and torture had been used in an attempt to eradicate the terrorists. **[1a] [6a]**

3.18 In November 1994, talks known as the "Sant Egidio" meeting were held in Rome with the purpose of exploring possible solutions to the Algerian crisis. Although opposition leaders, including the FIS attended the talks in January 1995, the reaction of the Algerian regime to these meetings was negative; and instead it published proposals for the holding of a presidential election in 1995. **[1a] [2a] [6a]**

## **E. PRESIDENTIAL ELECTIONS OF 1995**

3.19 Presidential elections were held on 16 November 1995. The FFS and FLN, the two main legal parties in the country, and the FIS, urged voters to boycott the elections. There were only four candidates including President Zeroual. (backed by the military); Sheik Mahfoud Nahnah (Hamas Islamic Party); Said Saadi (anti-Islamic, Rally for Culture and Democracy- RCD leader); and Nouredine Boukrouh (Islamic moderate). **[1a]**

3.20 Despite a considerable number of threats made by the various armed Islamist groups to anyone choosing to vote, the official turnout figure was given as 75%. President Zeroual won the election with 61% of the vote; his nearest rival Sheik Nahnah won 25%. **[1a]**

## **F. EVENTS OF 1995-1997**

3.21 There were numerous reports of bomb explosions including car bombs in the main cities, massacres of civilians and fighting between government security forces and Moslem guerrillas. **[1a] [6ac] [7ab] [8bc]**

3.22 In December 1996 the Council of Government chaired by the Prime Minister Ahmed Ouyahia endorsed a draft decree on the law regulating political parties. This aimed to clarify the principles and objectives of political parties, and became law in February 1997. The most important of these was that parties were not to identify themselves specifically with the causes of Islam, Arab or Amazigh (Berber). The criteria governing the setting up of political parties was also defined. **[1a] [7a]**

3.23 In March 1997 supporters of President Zeroual set up the National Democratic Rally (RND) to run in the 5 June legislative election. **[1a]** In April Algeria's main legal Islamist party Hamas changed its name to Movement of a Peaceful Society (MPS), in order to conform to the new law banning Islamic political parties. **[1a] [7a]** In June the newly elected Council of Ministers (see paragraph 3.28 below) dissolved seven political parties including the MDA for failing to comply with the new regulations about political associations. **[1a]**

3.24 In July 1997 FIS leader Abassi Madani was released. However by September he was under house arrest. **[1a]**

3.25 In October 1997 the AIS, the armed wing of the FIS, led by Madani Mezrag, declared a ceasefire, in an attempt to expose members of the GIA armed Islamist group as the principal perpetrators of the recent civilian massacres. The cycle of violence had intensified in mid-1997 when a series of massacres took place in villages to the south and west of Algiers increasingly referred to as the "triangle of death". The GIA was widely held responsible for the massacres but it was claimed that some units had been infiltrated by military intelligence, also that the security forces had failed to protect the population. **[1a]** See Section 5B *Security Forces*

## **G. ELECTIONS OF 1997**

3.26 In the general election of June 1997 the turnout was officially recorded as 65%. The National Democratic Rally, the major supporter of President Zeroual, won 156 of the 380 seats contested, the moderate Islamist MSP won 69 seats and the National Liberation Front won 64. These parties formed the coalition government. Of the remaining seats, Nahdah won 34, FFS 20, RCD 19, PT 4, and the remainder were taken by independents and small political groupings. **[1a]**

3.27 Local elections were held on the 23 October 1997. The RND won more than half the seats contested. **[1a]** In October and November Algeria's main legal opposition groups, including the FLN and MSP, organised demonstrations to protest about what they considered to be fraud in the local elections. **[1a]**

3.28 On 25 December 1997, members of the Municipal and Provincial People's Assemblies in all provinces elected two thirds of the members of the Council of the Nation, the second chamber of parliament. The RND won most seats- 80, followed by the FLN with 10 seats. The remaining one third of the seats were appointed directly by President Zeroual. **[1a] [12]**

## **H. EVENTS OF 1998**

3.29 Press reports in January 1998 indicated that as many as 2,000 people, mainly civilians, died in a succession of massacres during the holy month of Ramadan, which commenced on December 30 1997. **[1a]**

3.30 In February 1998 four other armed Islamist groups, the Ansar Battalion and the Mawt Battalion, the Rahman Battalion and the Islamic League for the Call and the Jihad [LIDD] joined the truce announced by the AIS in October 1997. **[1a] [12]**

3.31 30 political parties were dissolved on 19 May 1998 for failing to abide by the new rules on political parties. **[1a]** The most prominent political parties dissolved were Ettahadia (Arabic acronym for Solidarity, Progress and Democracy), the Democratic Movement for Algerian Renewal, the Union of Democratic Forces, and the Liberal Social Party (see Annex E for full list).

3.32 Matoub Lounes, a popular Berber singer, was killed and his wife and 2 sons were wounded at a false roadblock on 25 June. Rioting in the Berber area of Kabylia developed and led to further demonstrations against the Arabisation law (see next paragraph). **[1a]**

3.33 On 5 July a law was implemented generalising the use of Arabic in enterprises and public departments, except in dealings with the outside world which would be directed by the requirements of international transactions. The articles of Law 96 stipulate that all written correspondence of administrations, enterprises, associations, and political parties be in Arabic. The law was condemned by many political parties and led to a protest march by thousands of Berbers, led by leaders of the FFS (Socialist Forces Front), to demand official recognition of their Tamazight language. **[1a]** See also Section 5B *Ethnic Groups*

3.34 In July and August 1998 an Eminent Panel appointed by the Secretary General of the United Nations visited Algeria. Their mission was defined as being to gather information with regard to the situation there to provide the International Community with greater clarity on that situation. In their concluding observations the Panel stated, amongst other observations, that Algeria deserved the support of the international community in its effort to combat terrorism but that the Algerian authorities should examine measures to improve the transparency of their decisions. **[5]**

3.35 President Zeroual announced on 11 September that he would leave office before his term ended officially in November 2000. **[1a]**

## **H. PRESIDENTIAL ELECTIONS 15 April 1999**

3.36 Presidential elections were held on 15 April 1999. Abdelaziz Bouteflika was proclaimed as the new President on April 16 after winning 73.8% of the votes. His victory was tainted, however, by the decision of all the other candidates in the poll to withdraw from the election several days before it took place and by subsequent international comment that the true voter turnout figure was substantially lower than claimed. The six candidates, who would have competed with Bouteflika, said that the military, which had backed Bouteflika's candidacy, had intervened to rig the ballot in his favour. The opposition held demonstrations in major cities

across Algeria to protest against the election. **[1a]**

3.37 The new President stated his aims were to promote civil concord, reform the economy and stamp out corruption. The Government claimed that as over 60% of the electorate had voted in the election despite the boycott by the other candidates, President Bouteflika had achieved a mandate to govern. However, local and international observers disputed the voter turnout figure, contending that the real figure was substantially lower. The French daily *Le Monde*, quoting a military source, estimated that the actual turnout was 23.3 % with President Bouteflika obtaining only 28% of the votes cast, although still more than his rivals. **[1a]**

## **J. EVENTS OF 1999**

3.38 The Islamic Salvation Army (AIS), the armed wing of the banned political party Front Islamique du Salut (FIS), declared an end to their guerrilla struggle against the Government on June 6 1999. The AIS had been observing a unilateral cease-fire since October 1997, a move seen as taken to distance itself from the Armed Islamic Group (GIA), which was widely blamed for horrific massacres of thousands of Algerian civilians. **[1a]**

3.39 In July, the President pardoned 5000 imprisoned Islamist sympathisers and drew up a Law on Civil Concord, which was unanimously adopted by the National People's Assembly. The Law offered an amnesty for Islamic militants not implicated in mass killings, rapes, or bomb attacks on public places, and reduced sentences for such crimes provided they surrender to the authorities within 6 months (i.e. by 13 January 2000). **[1a] [16a]**

3.40 At a referendum held on 16 September, according to official figures, 98.6% of voters supported the President's initiative with turn-out estimated at 85% of the registered electorate. The opposition FFS party asserted that the rate of participation had been only 45%. Families of victims of Islamist attacks denounced the new Law. **[1a]**

3.41 In November Abdelkader Hachani, a leader of the FIS, was killed in Algiers. No one claimed responsibility for the killing. **[16b]** In December a suspect was arrested. **[16c]**

3.42 Also in December President Bouteflika appointed a government headed by Ahmed Benbitour as the new Prime Minister. Seven political parties were represented in the new coalition government: RND, FLN, MSP, Ennadha, RCD, ANR and PRA. **[16c]**

(See also *Annex C Glossary* and *Annex D Political Parties*)

## **K. EVENTS OF 2000**

3.43 More than 180 people were killed during the holy month of Ramadan ending on 8 January 2000. This was a similar total to the previous year's Ramadan and much lower than that of 1997/88. **[16d]**

3.44 The amnesty deadline for armed terrorist groups expired on 13 January 2000 Just before the deadline the AIS leader Madani Mezrag announced that the AIS would dissolve itself. In

return on 11 January the president announced an immediate amnesty for all AIS members. It was reported that the Algerian army command had agreed to arm the AIS members and treat them like regular soldiers. According to official sources more than 1000 people, mostly members of the GIA, also surrendered under the amnesty. **[6e]** The Islamic League for Preaching and Holy War (LIDD) also announced its dissolution in January according to the Algerian Press. **[16d]**

3.45 In August Ali Benflis, described as a reformer and close collaborator of President Bouteflika, was appointed Prime Minister. His cabinet differed little from that of his predecessor, Ahmed Benbitour, although the new foreign minister Abdelaziz Belkhadem was known for his sympathy to the FIS. **[16g] [16i]**

3.46 In November the Wafa party was refused legal status by the Interior Minister on the grounds that it was a reconstitution of the dissolved FIS. **[16j]**

3.47 The number of terrorist attacks on the population increased from mid-2000. **[16g]** During the Ramadan month ending on 27th December 2000 over 300 people were killed. These included over 100 members of the security forces. In several instances groups of 20-30 civilians were killed. Violence was reported across much of the north of the country, particularly in the south and west of Algiers. **[16k]**

## L. EVENTS OF 2001

3.48 In February and March Algerian newspapers reported increased operations by armed forces against the terrorist groups. **[14d] [17b] [17e] [17g]**

3.49 In late April riots occurred in the Kabylie region following the death of a young man in police custody near Tizi Ouzou during the annual "Berber Spring" demonstrations. See Section 5 Berbers A number of riots and anti-government demonstrations took place in Kabylie in the following months. Up to eighty people were killed and several hundreds were injured in and around the towns of Tizi Ouzou and Bejaia. Demonstrations in support of the protesters also took place in other parts of the country and in France. The authorities, at first silent in commenting on events, stated that a gendarme would be prosecuted for the initial death in custody, and announced a government enquiry into the riots and surrounding events. However the RCD, the mainly pro-government Berber political party, withdrew from the government in protest at its handling of the riots, especially the use by the gendarmerie of guns against demonstrators. **[16m]**

3.50 On 3 May demonstrations of about 10,000 people in Algiers passed off peacefully. **[16m]** However the gendarmerie used teargas and attacked demonstrators and looted property at other locations in May and June. **[16m] [16n] [40a]** On 14 June at least two people were killed and about 1000 people injured in Algiers during a demonstration there. A ban on further marches in Algiers was imposed and President Bouteflika denied that he would resign but called for calm. **[16n]** Senior officials stated that the gendarmerie would work towards rebuilding bridges with the population, particularly in the regions that had witnessed incidents. Seven gendarmes were put on trial in connection with use of firearms bringing the total so far to

12 gendarmes referred to specialised justice. [17k] Further demonstrations and some violent incidents occurred in early July in Kabylie. [16o]

3.51 The demonstrations were seen by observers as having developed from the security forces mishandling of the immediate situation in Kabylie. [16n] [40a] They ignited further protests over the traditional Berber agitation for language and cultural recognition, and encompassed wider expressions of anger and despair over poverty, unemployment and lack of housing, and against the regime. [16n][16o] Several opposition parties took part in the protests, including the FFS and PAGS, and womens groups, but much of the organisation was provided by village committees, which rejected local officials and police. [16n] [17j]

3.52 The preliminary report by an independent commission chaired by a law professor, Mohand Issad was issued in July. It held the gendarmerie mainly responsible for the violence. It concluded that the violent reaction of the people was provoked by the no less violent reaction of the gendarmes, which kept events going for two months. [14j] Speaking shortly before the report was issued, the head of the security forces acknowledged the need for improvements in the police force and said these would be addressed. [14h] The government stated they were ready to take steps to meet the Berber concerns more fully. [17m]

3.53 Meanwhile killings by armed groups continued in rural areas as the year progressed although main cities were generally secure. [14e] However, in August a bomb exploded in Algiers (the first since 1998), near the casbah, wounding 34 people. [14i] [40c]

## M. ECONOMIC SITUATION

3.54 The unit of currency is the Algerian dinar (AD). 1 AD =100 centimes (CT) Exchange rate (September 2001) £1 = 106.57 AD. Paper money comprises banknotes with a face value of 5,10, 20 centimes and 1,2,5,10,20,50 dinars. [15]

3.55 Economic growth has been restricted by dependence on state owned industries and lack of foreign investment. Algeria has a large foreign debt and unemployment is high. Revenue from the oil and gas industry has been the mainstay of the economy. President Bouteflika has promised to speed up privatisation of state enterprises and move towards a free market economy. [1a] [10] Negotiations for an Association Agreement with the EU were started in 1997 but have made slow progress. [1a] Officially, about 30% of the workforce is unemployed, and about 70% of persons under the age of 30 cannot find employment. [4]

## 4. INSTRUMENTS OF THE STATE

### A. POLITICAL STRUCTURE

4.1 Under the Constitution the President is the head of state and is elected by universal suffrage for a five-year term. The President is also responsible for appointing a Prime Minister. The Parliament has an elected lower chamber - the National Popular Assembly (APN), and an upper chamber, the National Council, where two thirds of the representatives are elected by municipal and provincial councils, while the remaining third are appointed by the President. Laws originate in the lower house, and must be approved by three quarters of both

the upper and lower chambers. The country is divided into 48 electoral sections or wilayats. Algeria is a multi-party state, but parties must obtain approval to exist from the Ministry of the Interior. Parties must not be created on a religious, linguistic, racial, gender, corporate or regional basis. **[1a] [4]**

4.2 The first parliamentary elections since 1992 (when the elections were cancelled to prevent the Islamic Salvation Front (FIS) gaining power) took place on 5 June 1997. The pro government RND obtained the largest percentage of votes. **[1a]** See Section 3 *Elections of 1997*.

4.3 In elections held on 15 April 1999, Abdelaziz Bouteflika was elected as the new President with an official 73.8% of the votes but with a probable 30% turnout. His victory was tainted, however, by the decision of all the other candidates in the poll to boycott the election several days before it took place, credibly charging election fraud by the military. [4] The President stated his aims were to promote civil concord, reform the economy and stamp out corruption. **[1a]** See Section 3 *Presidential Election April 1999* and *Annex D Political Parties*

## B. JUDICIAL SYSTEM

4.4 An independent judiciary is provided for in the constitution, which also states that trials are public and defendants have the right to legal representation. However executive branch decrees restrict the independence of the judiciary. **[4]** The highest court of justice is the Supreme Court (Cour supreme) in Algiers. Justice is exercised through 183 courts (tribunaux) and 31 appeal courts (cours d'appel), grouped on a regional basis. Algeria adopted a Penal Code in 1966, retaining the death penalty, which was suspended since 1994. The judiciary is composed of the civil courts, which try misdemeanours and felonies, and the military courts (which have also tried civilians for security and terrorism offences). A Constitutional Council has the power to review the constitutionality of treaties, laws, and regulations and although not part of the judiciary, it has the authority to nullify laws found unconstitutional. Until 1995 special security courts sat to determine security related cases. These sometimes tried people "in absentia". They have now been abolished and ordinary criminal courts now hear security related cases. **[1a] [2a] [4] [6c]**

4.5. Under the Constitution defendants are presumed innocent until proven guilty. The Constitution states that detention in criminal cases should not exceed 48 hours before the suspect is charged or released. The Anti-Terrorist law of 1992 states that suspects may be held in detention for 12 days maximum, and the individuals should be informed of the charges against them. **[4]**

4.6. The authorities do not always respect defendants right to due process. Prolonged pre-trial detention and lengthy trial delays are problems although the practice of detention beyond the legal limit appears to be less frequent. **[4]**

4.7. In August 2000 the President announced a massive reorganisation of the judiciary. He replaced 87% of the heads of the 187 lower courts and 99% of the presidents of the 37 higher courts. Most of the heads were assigned to new locations, however a number were replaced outright. Whereas women previously headed only a few courts, 19 now have female heads. **[4]** In August 2001 a further round of changes included the appointment of two woman presiding judges for the first time, 404 more examining magistrates and the dismissal of 16 presiding judges and 25 public prosecutors. **[17I]**

4.8 Prisons Conditions remain generally poor with significant overcrowding. However an international NGO reported that conditions had improved considerably during 2000. A decrease in prison population reduced overcrowding somewhat. Moreover, prisoners were generally found to be in good health and benefiting from adequate food and expanded visitation rights. The provision of adequate medical treatment to prisoners is limited. **[4]** Several inspection visits to prisons by the International Committee of the Red Cross have taken place and reports submitted to the Algerian authorities. **[18]**

## C. MEDICAL SYSTEM

4.9 Since 1974 all Algerians have had the right to free medical care. **[1b]** In the World Health Organisation

(WHO) survey in 2000 Algeria ranked 84th out of 191 countries surveyed in health system attainment and performance (the UK was 28th). Life expectancy in 1999 was 68 -70 years for men and women. [30] The International Committee of the Red Cross and the Red Crescent carry out a number of health projects in the country [18], also Medecins sans Frontieres. [36] A survey conducted on behalf of WHO in 2000 found that the upheavals of the past decade had a negative effect on public health, especially child health. However, the health system had continued to function and signs of recovery were appearing. [32] Other reports on medical standards refer to a fall in standards due to underinvestment in the late 1990s. [12] [15] [14c]

4.10 The Algerian Ministry of Health publishes statistical medical data: this includes lists of regional and specialist hospitals. [35] There are 10 psychiatric hospitals in different parts of the country. [33] [35] The government data also lists medical staff at end-1998 as 191, 885 people, an increase of 3% over the previous year. Within that total are 9202 specialists of whom 3508 are private, 3985 residents, and 16783 generalists of whom 5191 are private. [35] There are about 8 physicians and 21 hospital beds per 100,000 people. Medicines are sold through the state monopoly at subsidised prices, and are provided free to children and the elderly, though there have been some cutbacks. [14c]

4.11 HIV/AIDS The 2000 update on HIV/AIDS issued by UNAIDS showed no information on HIV seroprevalence, and a total of 386 AIDS cases present in Algeria in 1998. [31] According to an Algerian health official there are now 1100 persons who are HIV+ in Algeria. Of these 501 have AIDS. There is a medical facility in Algiers for the treatment of HIV/AIDS. Three other facilities are not yet fully functioning. Treatment is free. [2c]

4.12 The government does not mandate accessibility to buildings or government services for the disabled. Public enterprises generally ignore a law that requires they reserve 1% of their jobs for the disabled. Social security provides payments for orthopaedic equipment. [4]

## D. EDUCATION SYSTEM

4.13 In 1995/6, according to UNESCO estimates, the average rate of adult illiteracy was 41.6% (males 28.9% and women 54.6%). [1b]

4.14 Education in the national language (Arabic) is officially compulsory between ages six and fifteen. Primary Education begins at age six. Secondary education begins at age twelve and lasts for up to six years (comprising two cycles of three years each). In 1996 total enrolment was equivalent to 86% of the school-age population (90% of boys and 86% of girls). Enrolment in secondary schools included 56% of children in the relevant age group (58% of boys and 54% of girls). Priority is being given to teacher training, to the development of technical and scientific teaching programmes, and to adult literacy and training schemes. [1b]

4.15 In 1995/6 347, 410 students enrolled in higher education. There are ten universities, seven other centres universitaires and a number of technical colleges. [1b]

## E. SECURITY FORCES

See also *Human Rights Section 5B Security Forces, Military Servicemen, Militias* and *Section 4 Military Service* below

4.16 The Government's security apparatus is composed of the armed forces (army 105,000 including 75,000 conscripts, air force 10,000 and navy 7000); and paramilitary forces of 181,200 - including an estimated 100,000 self-defence militia and communal guards and a gendarmerie of 25,000. (1999 figures) [1a] All of these elements are involved in counter insurgency and counter terrorism operations and are under the control of the government. The security forces have committed serious human rights abuses, although allegations of such abuses continued to decline in 2000. [4] See below and *Human Rights Section 5B Security Forces*

4.17 Responsibility for maintaining law and order is shared by the Gendarmerie Nationale and the Surête

Nationale. **[15] [27b] [39]** Members wishing to be discharged must have their resignation approved by a special police commission and leaving the force without authorisation can incur punishments ranging from a fine to imprisonment. **[8a]**

4.18 Surête Nationale (Directeur-Generale Surête Nationale-DGSN) under the Ministry of Interior maintains law and order in urban areas and performs other routine police functions, including traffic control. **[15] [27d]** Elements of the Surête also play a part in counter subversion, and work with customs inspectors at legal points of entry to control illegal activities of undesirable immigrants and contraband traffickers. **[27d]**.

4.19 Police and Gendarmes The Gendarmerie Nationale is responsible for maintaining law and order in villages, towns and rural areas; providing security surveillance over local inhabitants; and representing government authority in remote areas. It is organised into battalions, whose companies and platoons are dispersed to individual communities and outposts. **[27c]** It is an armed force and works in close collaboration with the army to combat terrorism in rural areas. The Corps de Garde Communale (local police) provides standard policing on a local level and where necessary supports the security forces in the fight against terrorism. See also *Local Militias* below. **[15] [27c]**

4.20 Local Militias In addition to the Corps de Garde Communal various local defence militias have also been formed since about 1994 on a voluntary basis and the security forces equip these militias with arms including pistols and rifles.

- Legitimate defence groups (Groupes de legitime defense - GLD) or "patriots" founded for defensive purposes to compensate for a lack of security forces in isolated areas. They have been accused of exceeding their remit and carrying out killings. **[6ac] [8t] [15] [16i]**
- Private militia. These include the Free Algerian youth organisation (Organisation de jeunes algeriens libres - OJAL) and the Organisation for the preservation of the Algerian Republic (Organisation de la sauvegarde de la Republique algerienne - OSRA) and are designed to eliminate people suspected of being Islamic terrorists. **[15]**

4.21 Special task forces comprise selected men from the army, Gendarmerie and Surête that carry out security related surveillance and control operations and raids against subversive or terrorist groups. Special gendarmerie task forces are sometimes called "Ninjas". **[2a] [8f] [15]**

4.22 Intelligence units operate under the Ministry of Defence but have extensive scope when exercising their duties:

- Department of Intelligence and Security (Departement de renseignement et de la securite - DRS), formerly known as Military Security (Security Militaire - SM) is the principal agency for domestic and foreign intelligence activities. DRS operates under the Ministry of Interior but comprises military personnel commanded by an army general who report to the Minister of Defence. It is supported by the Direction of de la securite interieure (Department of internal security - DSI) and the Direction de documentation et de securite (Department of documentation and external security - DDSE). **[15] [27a] [27b]**
- Service de la securite speciale (Special Security Service) responsible for surveillance, coordinating other security services and government security. **[15]**

## F. MILITARY SERVICE

See also Human Rights Section 5B *Military Servicemen* for further information on Absence without Leave and Threats from Terrorists.

### Background

4.23 Male Algerians are normally due to be conscripted for 18 months national service between the ages of 19 and 30. There is a subsequent liability for recall as a reservist to age 50. **[6b] [19]** The subject of reducing the length of national service or abolishing it has been publicly discussed but no decision has been taken as yet on

this point. **[8n] [21]** Women are not allowed to do military service. **[19]** There is no provision for conscientious objection in the NSC. **[6b] [19]**

4.24 Employment and Travel Article 8 of the National Service Charter (NSC) states that citizens whose national service status is not in order are ineligible for jobs in both the public and private sectors. **[8n] [20]** Algerians who want to obtain a passport or an identity card have to submit a document attesting that they have been registered for national service or granted a deferment or exemption. Young Algerians who are liable for military service cannot leave the country before fulfilling their military obligations, although special permission may be granted to students and people in exceptional family circumstances. **[8n]**

## Registration

4.25 Articles 43 to 62 of the NSC deal with the various procedures governing national service recruiting. According to the law, one month before the registration period, the wali, through a media and poster campaign, calls on the young men concerned to register for national service. Young men who turn 18 must register by a given date with the people's community assemblies in the communities where they live. **[6b] [8n] [19]**

4.26 The NSC stipulates that the chairperson of the people's community assembly shall, between 1 January and 1 March, tabulate the names of all those who register. The wali then sends a copy of the tables to the recruitment office. Each registrant is placed in a category according to whether, among other things, he is a son who is the sole support of [translation] "an ascendant or a young or disabled collateral relative," a son or brother of a chahid (a man killed during the war of independence), a son or brother of a soldier, a married man with a child, the holder of a pre-military diploma cum laude or summa cum laude, or a bachelor who is a secondary support of a family of five young children. **[8n]** See *Exemptions and Deferments* below.

4.27 In 1994, the Algerian government announced a number of measures dealing with conscription, including the creation, in each community, of a [translation] "permanent cell" responsible for handling registrations, deferments, exemptions and postponed enlistment's. **[8n]**

## Selection

4.28 Those registered are summoned to selection and orientation centres. Articles 64-69 of the NSC include provisions dealing with severely handicapped people, who are exempted from going in person to a selection and orientation centre. At the selection and orientation centre, those registered are given a medical check-up and are classified as fit, temporarily unfit or permanently unfit for national service. Article 76 states that candidates suffering from grave and irreversible physical or psychological conditions are considered to be permanently unfit for service. Those classified as permanently unfit are released from their military obligations. **[6b] [8n] [20]** The rank of Aspirant is given only to those called to undertake military service, and reservists. It is the lowest rank in the hierarchy of subaltern officers. **[27] [28]**

4.29 Conscription orders are sent by the recruitment offices to the people's community assemblies, who must forward them to the individuals concerned at least two weeks before the scheduled enlistment, with a request for an acknowledgement of receipt. This is done by mail. If a person is not at home, the conscription order is delivered to his immediate relatives or to the chairperson of the people's community assembly. Each call-up notice has a code referring to a general computer file at the recruitment office of the army. Algerian diplomatic missions can authenticate the code and provide information on the validity of the document. It has been stated that there are many false call-up notices currently in circulation and it is very difficult to distinguish valid documents from fraudulent ones. Only the authentication of the code on the call-up notices can validate or not a call-up notice for military service. **[8k] [8m] [8n] [8s]** See also *Military Service Documents* below

## The Reserve

4.30 Order 76-111 of 9 December 1976 defines the reserve as being "constituted of all citizens who have finished their active service and are subject to military obligations". Thus, the reserve includes "retired regular and contractual soldiers who were released from the army at their request, as well as all those who have fulfilled their national service obligations". Article 27 excludes certain categories of people: "individuals convicted of criminal offences, and individuals convicted of endangering state security or encouraging desertion

or absence without leave". According to order 76-110 of 9 December 1976, the military obligations of Algerian citizens last 27 years and consist of four stages:

1. national service (two years) (18 months military service and a further 6 months availability as reservists);
2. availability (immediate recall) (five years);
3. first reserve (ten years), and
4. second reserve (ten years).

**[6b] [19]**

## **Reserve Recalls**

4.31 1995 Decree 95-146 ordered a call-up of reservists on 27 May 1995. It was the first time since the war of independence ended in 1962 that reservists were being called upon to take part in resolving the country's internal problems. Under this decree, the classes of 1988, 1989, 1990 and 1991 were recalled to serve for a one-year period. It was stated that the government planned to recall up to 15,000 reservists to maintain security during the 1995 presidential elections. The decree had no provision for keeping the reservists in service beyond the one-year period. **[8n]**

4.32 1996 In 1996 the government issued decree No. 96-311, which stated that "reservists recalled [under the 27 May 1995 decree] can be maintained in active service beyond the recall period". In addition to maintaining these reservists in active service in 1996, the government also reportedly recalled another 10,000 reservists who had done their national service four to eight years earlier. **[8n]**

4.33 1997 In an interview on 14 October 1997 the military attaché of the Algerian Embassy in Washington stated that the Algerian army did not recall reservists in January 1997. **[8e]** It is possible that in the autumn of 1997 the government recalled a number of reservists in order to maintain security during the October 1997 municipal elections. However, this procedure has also been described as an important conscription process **[8j]** while another source stated that in the fall of 1997 the government extended the term of reservists in active service. **[8n]** However, in a January 2000 interview an Algerian consular official in Ottawa stated that to his knowledge there had been no recall of reservists in 1997. **[8x]** A chronology of events concerning military service published by the Algerian newspaper *El Watan* on 12 February 2000 did not mention any recall of reservists in 1997. **[8x]** No further information has been traced on this subject. **[8bb]**.

4.34 1998 Decree No. 98-233 of 18 July 1998 announced that another recall of reservists would start on 20 September 1998. This decree affected the following classes: 1992/4, 1993/1, 2, 3 and 4, and 1994/1, 2 and 3. The recall was for one year, but the 1998 decree, unlike the 1995 one, contained a provision allowing for extensions. **[8n]** The Algerian Defence Attaché in London has stated that there have been no further recalls. **[29]**

For information on military service absentees see Human Rights Section 5B *Military Servicemen Absence Without Leave*

## **Exemptions and Amnesties**

4.35 Some people can obtain an exemption from their national service obligation. The regional commissions grant such exemptions. The military authorities and diplomatic missions abroad issue exemption cards to students and others exempted from military service. It is possible to buy these cards in Algeria for a fee. **[8i]** Article 93 of the NSC states that an exemption may be granted upon request to a citizen who provides evidence that he is the sole supporter of an "ascendant"; or of a collateral relative who is a minor or disabled; or is the son of a *chahid* (a man killed during the war of independence). **[8i] [8n] [8p]** Deferments may also be granted to students. (See *Deferments* below)

## **Exemption for Men Over Age 30 at 1 November 1989**

4.36 Article 1 of law No. 89-20 of 12 December 1989 states that "citizens who were thirty (30) years of age or older on 1 November 1989 are exempted from national service whatever their legal situation in respect of

national service". A representative of the Embassy of Algeria in Ottawa stated in 1993 that the amnesty proclaimed by this law was not permanent, and applied only to people who were 30 years of age or older in 1989. Law No. 89-20 of 12 December 1989 was reportedly adopted in order to avoid various logistical problems associated with the reduction in the length of national service; such a reduction was called for by law No. 89-19, promulgated the same day. In addition, the two laws were intended to signal the government's waning enthusiasm for national service and were also a response to pressure from Algerians who were chafing at the military's interference in public affairs. [8n]

### **Current Exemptions for Men Over Age 27**

4.37 During 1999 and 2000 measures were published to regularise the situation of men who had not undertaken their conscription. [8s] [8u] [8bb] [8dd] [8ee]

4.38 Two decrees were issued around June 1999, and a further decree on 13 September 1999 by which the Algerian military authorities could regularise the status of people aged 27 years or more at 31 December 1999. [8s] [8u] The first measure applied to students. [8o] It was subsequently stated that draft evaders and those whose service has been deferred are eligible for the new regularisation measures or amnesty. [8bb] The measures do not apply to deserters [8bb] [8ee], nor to doctors. [8s]

4.39 Arrangements were announced in July 2000 to extend the system to men born between 1 January and 31 March 1973. [8dd] The latest position is that all men born before 31 December 1978 are eligible to apply for exemption. [8ff] [29]

4.40 The administrative procedures to be followed for Algerian citizens living abroad require the person to apply to the Embassy of the country where they are living and present a completed application form, a birth certificate, and two recent photographs. [8s] [8dd] Evidence of identity has to be presented with the application form. This can be a passport, ID card or driving licence. [21] A French academic and commentator on Algerian affairs stated that it would seem the regularisation measures are gradually being implemented: the Algerian press regularly publishes notices from the MDN (Algerian MOD) ordering young people who have not done their national service to report for regularisation of their status. [8u] Lists of those living abroad who have been granted exemption are published by the Embassy of the country concerned. [8u] [21] [34]

See also Human Rights Section 5B *Military Servicemen Absence Without Leave*

### **Postponed Enlistment**

4.41 Article 90 of the NSC states that there are two categories of people who are eligible for a postponed enlistment. Those who have a brother who is a volunteer soldier or a conscript in the national service and has not yet finished his term of service; and those who present a "socially significant" reason. The postponement ends when the circumstances justifying it cease to exist. [8n]

### **Deferments**

4.42 According to the NSC, citizens who wish to continue their studies in Algeria or abroad may apply to the selection and orientation centre for a deferment. The application will then be forwarded to the recruitment office, which will decide whether to grant the deferment. The deferment may be renewed until the student reaches the age of 27. The recruitment office must receive the application for renewal by 1 July of each year. Article 100 states furthermore that the deferment will be cancelled if the applicant does not present, immediately after the start of the academic session, proof that he is pursuing his studies. [8i] [8n] However measures to allow students and others who had not done their national service to regularise their status were published from June 1999. [8o] - see Exemptions above and students can now apply for exemption when they have completed their studies. [8ff]

### **Documents relating to Military Service**

4.43 The following documents are used:

- The ordre de convocation (convening order) is a document that requires the young persons whose

names are on the national service lists to appear at specified locations to undergo their medical examination. **[8s]**

- The ordre d'appel (order of assignment) is a document for persons called into active service. It is written in French. The order is a white printed 21x27mm form. It bears the letterhead of the competent military authority and includes the following information:

First name and family name of the person concerned, with the names of their parents, address, class, assignment unit, date, signature date on which the document was created, and, stamp of the authority that generated the document. It may be typed or completed by hand by the regional recruitment office. These offices report to the High Commission of the National Military Service, which is part of the Department of National defence (MDN). An officer of the national gendarmerie delivers the document to the residence of the person concerned in exchange for a signed acknowledgement of receipt. The order of assignment is sent only once. Persons who do not respond to this call-up are considered to be draft evaders and they are sought by the national gendarmerie. Such persons may enter Algeria, but they may only exit the country once their national service status has been regularised. Every person of an age eligible for national service is required to provide proof of his status (deserter, exempted from service, etc.) to the border officials before he is allowed to leave the national territory. **[8m] [8s] [8v]**

- The ordre de (mis en) route is a travel document that allows military personnel to have free transportation to the military barrack to which they have been posted. **[8g] [8s]**
- The carte de dispense (exemption card) is still light green and has an identification photograph. **[8s] [8ff]** It is written in Arabic and shows the name, first name and place of birth. It specifies the type of deferral. Everyone who has benefited from the latest regularisation measures receives an exemption card. **[8ff]**
- The document de sursis (deferral card). Formerly yellow, the card is now the same colour as the exemption card, i.e. light green, and also includes a photograph of the holder. The deferment is renewable every year until the end of the person's studies. Once the studies are finished the person can ask for an exemption card. **[8ff]**
- The discharge document given to conscripts who have finished their service. This is not a card, but a military record comprising four to five pages. The cover is clear. It contains a photograph of the holder as well as information about their military situation, rank etc. the military notebook is written in French. **[8w]**
- The ordre de rappel (recall order) is a document that applies exclusively to reservists. **[8s]**

4.44 Documents related to national service are national documents that are identical for all regions of the country. With the exception of the ordre d'appel (order of assignment), all documents have been written in Arabic since January 1999. **[8s]**

### Penalties for Draft Evasion/Desertion

4.45 The 1971 Military Penal Code sets out the scale of punishments below. Algeria has been in a declared state of emergency since 1992 therefore the wartime scales are liable to apply. **[19]** No distinction is drawn between conscripts and professional soldiers. For officers the penalties are heavier. Call up evasion is defined at Article 16 Of the NSC - " Any citizen called up to fulfil his national service obligations and who has been duly notified by a call up order is deemed to have evaded call up if, in the absence of a compelling reason, he has not presented himself at the place designated for his induction 30 days after the date given by the call up order mentioned above."

### DRAFT EVASION

Peacetime	Wartime
3 months-5 years	2-10 years

**DESERTION**

The various penalties for desertion depend on whether the deserter fled within the country, went abroad, or deserted to the enemy, and whether the deserter was alone or in a group.

**Desertion within the country**

Peacetime	Wartime
6 months- 5 years imprisonment	2-10 years imprisonment

**Desertion in the country with others**

The penalties for desertion in the country are the same for officers and soldiers, but in addition officers may also be discharged.

Peacetime	Wartime
1-10 years imprisonment	5-15 years imprisonment

**Desertion abroad**

Peacetime		Wartime	
Soldiers	Officers	Soldiers	Officers
2-10 years imprisonment	5-10 years imprisonment*	10-20 years imprisonment*	20 years imprisonment*

**Desertion abroad with others or with arms**

Peacetime		Wartime	
Soldiers	Officers	Soldiers	Officers
5-10 years imprisonment	10 years imprisonment*	Life imprisonment*	Life imprisonment*

**Desertion as an armed group**

Peacetime		Wartime	
Soldiers	Officers	With Collusion	With arms
10-20 years imprisonment*	20 years imprisonment*	life imprisonment*	Death penalty

**Desertion to the enemy**

Death penalty

**Desertion in the presence of the enemy**

Soldiers	Officers
10-20 years imprisonment*	life imprisonment*

\* with forced labour

[6b] [19]

See also Human Rights Section 5B *Military Servicemen* for further information on Absence without leave and Threats from Terrorists.

## **V.A HUMAN RIGHTS - General Assessment**

### **POLITICAL OVERVIEW**

**A.1** The US State Department Report for 1999 observed that the government's human rights record remained poor, although there were improvements in a few areas. [4b] Human rights groups and the International Committee of the Red Cross have been allowed access to the country this year. After visiting in April 2000 Amnesty International representatives stated that the human rights situation is improving but many serious concerns about the human rights crisis of recent years have not been addressed. [6d] In August 1999 several thousand political prisoners were released and in September the referendum on the Civil Concord gave strong support to President Bouteflika's peace policy. The limited amnesty for terrorists led to the disbanding of the AIS terrorist group, which had been observing a ceasefire since 1997. President Bouteflika has played an active role in international affairs. His early success needs to be followed through with improvements to the economy, reducing corruption and improving security by dealing with the ongoing activities of the remaining terrorist groups. [1] [3b] [6de] [8i] [10] [17a]

### **SECURITY SITUATION**

**A.2.** President Bouteflika has stated that 100,000 people were killed in the last ten years. The reasons for these killings were not always clear, nor was it always possible to be sure who the perpetrators were. Local and international human right groups condemned both Islamic groups and government factions for being behind some of the killings. [1] [4b] [6ac] [7ab] In 1997/8 the worst affected areas were the three urban areas to the south of Algiers - Boufarik, Blida, and Medea, referred to as the "triangle of death", where massacres of villagers took place almost weekly. [6c] In July 2000 an expert on armed groups in Algeria stated that the army has been in control of this territory since 1998 and the "triangle" no longer exists, and that at the present time one could speak of other "triangles of death" elsewhere in Algeria. [8m] Most incidents from the end of 1998 were in rural areas and in the smaller towns and cities. [1] [3b] [8k] [8m]

**A.3** Terrorist abuses and security incidents continued throughout 1999 but decreased and became more localised compared with 1998. In many cases terrorists randomly targeted civilians in an apparent attempt to create social disorder, also to facilitate the theft of goods needed by the armed groups. Killing of civilians tended to be in smaller numbers although there were a few large scale massacres. [4b] In January 2000 the AIS, the armed wing of the FIS party, and another group, the LIDD, took advantage of the government amnesty and disbanded. [16f] About 1000 members of the GIA terrorist groups also surrendered under the amnesty. [6e] [8m]

**A.4** The main armed Islamist groups now operating in the country are the GIA and the Salafist Call and Combat Group (GSPC). Government forces are reported to be mounting operations against them but regular reports of terrorist attacks on the population and military continue. [3b]

In the short term there is nothing to suggest that the armed groups now operating will lay down their arms. [8m] However, the main cities are generally secure and incidents of terrorist activity have become more localised in rural areas and smaller towns, and with generally fewer numbers of casualties in incidents in the past year. [3ab] [6de] [8km]

**A.5** In July 2000 an expert on armed groups stated that it is essentially rural terrorism which is taking place except in the strongholds of the armed groups. [8m] He gave the following analysis of the security situation in different areas. Some cities with more than 50000 inhabitants are affected by terrorist activities: Khemis, Miliana and Ain Delfa are under threat. The situation in Algiers and Constantine is very calm, although some networks still exist. There are also some networks in Annaba and sporadic attacks in Blida. Oran and Nostaganem are also calm as far as terrorism is concerned. [8m].

See also [Armed Islamic Groups/Terrorists](#) below and [Annex F Main Armed Groups](#).

## SECURITY FORCES

**A.6** Members of the security forces have allegedly been responsible for serious human rights abuses. These include extrajudicial killings, unfair trials, rape, torture of detainees and arbitrarily arresting and detaining individuals suspected of involvement with armed Islamist groups. [1][2a] [3b][4b] The Algerian authorities allegedly arrest individuals they suspect of having Islamist sympathies. There have been instances of individuals being arrested just because they happen to be inhabitants of an area considered to be an Islamic militant stronghold. The security forces were also accused of failing to intervene in a timely manner at sites of massacres. The government denied these claims. [4ab]

**A.7** According to testimonies collected by Human Rights Watch, and the Medical Foundation, torture in Algeria by the Algerian security forces commonly includes severe beatings and forcing dirty water down a victim's throat to the point of choking "chiffon"). Others have claimed that they received electrical shocks to their bodies or had been sexually assaulted. [5b] [7b] [22]

**A.8** The government claims that the security forces only kill when there are armed clashes with terrorists, and that as a matter of policy disciplinary action is taken against members of security forces who are guilty of violating human rights. Several such cases have been reported. [4ab] The National Observatory for Human Rights (ONDH) which is linked to the government, also reported that military and service personnel have been punished for human rights abuses. [2a] The UN Eminent Panel was provided with a list of around 140 cases in which action had been taken against members of the security forces. [5b] In response to complaints from mistreated persons after a terrorist bomb incident in 1999, the authorities suspended several police officers from duty and opened criminal proceedings against them. [4b] Human rights activists stated that instances of arbitrary arrest and detention decreased in 1999. [4b] According to the anti-terrorist law the police may hold suspects in pre-arraignment detention for up to 12 days and must inform suspects of the charges against them. USSD reported that in practice in 1999 the security forces generally adhered to this 12 day limit. [4b]

## MILITIAS - PATRIOTS/COMMUNAL GUARDS

**A.9** Amnesty International claimed in 1996 that these militias deliberately killed individuals who

they believed were terrorists. It also appears that they either act with the security forces, or sometimes abuse their power, and take action on their own initiative. [6a] The Algerian authorities have said that security forces, including militia group members would be tried for human rights abuses. [4b] [6c] At least one such case occurred in 1999. [4b]

## **MISSING PEOPLE**

**A.10** There is a wide range of estimated numbers of missing persons in Algeria during the 1990s - from 2,000 to 20,000. - which involved the security forces. However there were no such reports during 1999. [4b] The government released several thousand political prisoners in 1999. [1] [4b]

**A.11** Information submitted to the UN Eminent Panel in 1998 alleged that some of the missing persons had been arrested or taken by, or last seen with, security or law enforcement personnel. [5b] Human Rights Watch has collected testimonies showing that persons have been seized from their homes by forces that refuse to identify themselves or provide reasons for their arrest. [7b] Many of those detained are held for weeks or months without being brought before a judge or informed of the charges against them. [7b]

**A.12** Other information received by the UN Eminent Panel stated that some of those missing had joined the terrorists. There were also reports of disappearances caused by "terrorists" and some armed "Islamic Groups" have issued "fatwas" allowing for the abduction and rape of women (see section on [Women](#)). [5b]

**A.13** Families and representatives of the missing persons and local human rights groups insist that the government could do more to solve the outstanding cases. The government asserted that the majority of cases involve terrorists disguised as security forces or former rebel supporters who went underground to avoid terrorist reprisals. [6c]

## **5. HUMAN RIGHTS**

### **A. GENERAL ASSESSMENT**

#### **Political and Human Rights situation**

A.1 President Bouteflika came to power in April 1999 in an election process flawed by allegations of misconduct of the poll. [4] He has played an active role in international affairs. However, his initial pledges of improvements to the economy, reducing corruption and improving security by dealing with the ongoing activities of the remaining terrorist groups have achieved only partial success and tensions exist between Bouteflika and the military establishment, which strongly influences government policy. His authority has also been weakened by the Berber riots and demonstrations earlier this year. [1a] [3b] [4] [6d] [6e] [6f] [6g] [7c] [8u] [10] [37a]

A.2 The US State Department Report for 2000 observed that despite measurable

improvements, particularly in addressing problems of torture and arbitrary detention, the government's human rights record remained poor and serious problems persisted. [4] A number of human rights groups were allowed to visit Algeria during 2000. [4] Amnesty International reported after their first visit in May 2000 that the human rights situation was improving: there had been a significant drop in the level of violence and killings, and reports of arbitrary arrest, prolonged incommunicado detention, torture, disappearances and unfair trials, had diminished significantly. [6d] However, AI's report also called on the Algerian government to take action over the thousands of killings, massacres, "disappearances", abductions, torture, extrajudicial executions and deliberate and arbitrary killings of civilians, which have occurred, in recent years. After a second visit in November 2000 they deplored the lack of concrete action to investigate these cases. [6e] [6f] See Section 5B *Missing People* below. The International Committee of the Red Cross continued its programme of prison visits and other programmes in cooperation with the Red Crescent. [18]

## Security situation

See also Section 5B *Armed Groups/Terrorists* and Annex F *Main Armed Groups*.

A.3. President Bouteflika has stated that about 100,000 people were killed in the internal violence of the last ten years. Local and international human right groups condemned Islamic groups, government agents and security forces for the killings. [1a] [4] [6ac] [7ab] [37a] The height of the violence was reached in 1997/8. At that time the worst affected areas were the three urban areas to the south of Algiers - Boufarik, Blida, and Medea, referred to as the "triangle of death", where massacres of villagers took place almost weekly. [6c]

A.4 The Civil Harmony Law of 1999, who was endorsed by a referendum of September 1999, led to the offer of a limited amnesty for terrorists. As a result, in January 2000 the AIS terrorist group (the armed wing of the banned FIS party), and some smaller groups, which had been observing a ceasefire since 1997, took advantage of the amnesty and disbanded. [1a] [4] [7c] There was resentment by some victims of the violence and their relatives at the apparent impunity thus extended to terrorists [6ef] [7c]

A.5 No official account of the response to the Civil Harmony Law and presidential decree has been issued. Estimates vary from about 5500 by Amnesty International (AI), quoting government sources, to 7000 by a former defence minister [17i] It was estimated by AI that just over 1000 were from the AIS and LIDD - groups associated with the 1997 ceasefire who benefited from the presidential amnesty. Some 4500 others mainly from the GIA and GSPC groups surrendered under the terms of the Civil Harmony Law. [6g] [16h] Members of the AIS who took advantage of the amnesty were reported to be integrated into the army. [16e] Subsequent reports also suggested that some had returned to fight with the terrorist groups [16i] also that some had been killed by their former associates. [17a]

A.6 The main groups now operating in the country are the GIA and GSPC - see *Armed Groups/Terrorists* below and Annex F *Main Armed Groups*. About 2500 civilians, terrorists and security force members died during 2000 as a result of terrorist incidents and clashes with the security forces, and 3000 in 1999. [4] [6g] In many cases terrorists randomly targeted civilians in an apparent attempt to create social disorder. Bombs left in cars, cafes and markets killed

and maimed people indiscriminately. Killings and bombs were also directed at the security forces. [4] The violence takes place primarily in the countryside and smaller towns as the security forces have largely forced the insurgents out of the cities. [1a] [3a] [3b] [4] [8x] [8aa] [8cc] [23]

A.7 Violence has continued in 2001 at a similar level to the previous year despite security force operations. [14e] [17e] In late April riots and demonstrations triggered by protests at the death of a young Berber man in police custody, led to a wave of riots and demonstrations in which over 50 people were killed and several hundreds injured in Kabylie. [16m] [16n] [16o] (see Events of 2001)

For further information see also Section 5B *Armed Groups/Terrorists* and Annex F *Main Armed Groups*.

## B. SPECIFIC GROUPS

### Security forces

B.1 Members of the security forces (this includes police and paramilitary forces) have committed serious human rights abuses, although allegations of such abuses continued to decline in 2000. [4] These included extrajudicial killings, unfair trials, rape, torture of detainees and arbitrarily arresting and detaining individuals suspected of involvement with armed Islamist groups. [1a][2a] [3b][4] The security forces have also been accused of failing to prevent or intervene in a timely manner at sites of massacres although there were no such reports in the past year nor that security forces were complicit in massacres. [4] According to the anti-terrorist law the police may hold suspects in pre-arraignment detention for up to 12 days and must inform suspects of the charges against them. In practice in 2000 the security forces generally adhered to this 12 day limit. [4]

B.2 Although prohibited by the Constitution, the police sometimes resort to torture when interrogating persons suspected of involvement with armed insurgency groups. [4] Reported incidents of torture by the security forces were substantially fewer in 2000, [6e] although victims may hesitate to complain for fear of reprisal. [4] The government has made efforts to monitor treatment of suspects in police custody. [4] Torture methods include severe beatings and forcing dirty water down a victim's throat to the point of choking ("chiffon"), electrical shocks to the body and sexual assault. [5] [7b] [22]

B.3 The government claims that the security forces only kill when there are armed clashes with terrorists, and that as a matter of policy disciplinary action is taken against members of security forces who are guilty of violating human rights. Several such cases have been reported. [4] The Government told Human Rights Watch in 2000 that 348 persons associated with the security forces, including members of the self-defence militias, had been prosecuted for human rights abuses since 1992. They declined to disclose names and other details. [7c] The head of the security forces said in July 2001 that there was a shortage in the police force and that changes were needed to enlarge the force and improve its training and culture. He said that security forces frequently breach the law, which led to the dismissal of over 1700 policemen in 1997 of

who over 280 were tried. [14h]

B.4 The terrorist groups, particularly the GSPC, also target security force members. See *Armed Groups/Terrorists* below and Annex F *Main Armed Groups*.

### **Local militias - Patriots/communal guards**

B.5 Amnesty International in 1996 and other reports claim that these militias deliberately killed individuals who they believed were terrorists, and that they either act with the security forces, or sometimes abuse their power, and take action on their own initiative. [6a] [8t] [16l] The Algerian authorities have said that security forces, including militia group members would be tried for human rights abuses. [6c] [7c] During 2000 there were reports that pro-government militia killed one or two civilians and these were handled as common murder cases. [4] See also Section 4 *Security Forces*

### **Missing people**

B.6 The number of persons missing after detention by the armed forces during the 1990s is over 4000. There were no reports in 1999 and 2000 of further disappearances linked to the security forces. However, the government has been widely criticised for failing to respond adequately to the concerns of relatives and local and international human rights groups and no prosecutions of security force personnel have resulted from their investigations. The government has dismissed allegations that accusations of security forces involvement in the disappearances and said that investigations are taking place that will be disclosed to the families concerned. [4] [6e] [7c] [14f]

B.7 Terrorist groups also continue to kidnap civilians. [4] See *Armed Groups/Terrorists* and *Women*

### **Armed groups/terrorists**

See also Section 5A *Security Situation*. and Annex F *Main Armed Groups*

B.8 Since the cancellation of the elections in 1992 and the banning of the FIS political party which was poised to win it, several Islamic armed terrorist groups have been operating in Algeria. [1a] [2a] [15] [23ab] These groups have carried out attacks on various categories of persons and the civilian population, issued death threats and subjected their victims to kidnap, rape and other forms of torture. [4] [5] [6c] President Bouteflika has said that over 100,000 people were killed in the domestic violence of the 1990s. [4]

B.9 In the early and mid-1990s the Armed Islamic Group (GIA) made specific threats against many categories of people who they considered anti-Islamic such as members of the security forces and women who wore western dress. [2a] In 1998 an Eminent Panel appointed by the Secretary General of the United Nations visited Algeria with the remit to gather information on the situation to provide the international community with greater clarity. They reported that terrorism had passed through 4 stages. In the first it was aimed at security forces and government employees; in the second it was aimed at intellectuals, journalists, lawyers, artists and foreigners; in the third stage it was aimed at the general infrastructure of the country, e.g. bridges, schools, railways and electricity supply; and in the current stage (i.e. 1998), it was

aimed at the current population. **[5]**

B.10 In January 2000 one of the main groups, the AIS, and another smaller group, the LIDD, disbanded in response to the amnesty for armed groups under President Bouteflika's civil concord initiative. **[16d]** They had been observing a unilateral cease-fire since October 1997, a move to distance itself from the GIA which is widely blamed for horrific massacres of thousands of Algerian civilians. **[1a]**. Some AIS members who took advantage of the amnesty were integrated into the army. **[16e]** Some 1000 GIA members were also reported to have surrendered under the amnesty. **[6g]**

B.11 In the short term there is nothing to suggest that the armed groups now operating will lay down their arms. **[8aa]** **[17d]** Reports vary from several hundred to several thousand of the number of terrorists who remain operational. **[3b]** **[8aa]** The numbers have become smaller since the amnesty. **[4]** Although Government forces are reported to be mounting operations against them regular reports of terrorist attacks on the population and military targets continue. **[4]** **[16l]**

B.12 The types of attacks committed by the terrorist groups include apparently indiscriminate killings in massacres and with small bombs. **[4]** They also ambush intended victims by mounting fake roadblocks. **[8z]** Government officials and security forces and their families are also targeted. **[4]** The GSPC targets security force members and infrastructure rather than civilians. **[3b]** **[8aa]** **[16l]** Some killings by the armed groups relate to opposition to the authorities and the amnesty programme, but some of their activities are criminal rather than political such as revenge banditry and land grabs **[4]** and committing robberies or operating protection rackets. **[8aa]** Armed groups also threaten individuals (such as shopkeepers and entrepreneurs) in dangerous regions. **[8aa]** Women are also kidnapped for servitude and rape. **[4]** **[8aa]** **[16l]**

B.13 Most terrorist incidents take place in the countryside and smaller towns as the security forces have largely forced the insurgents out of the cities. **[4]** **[8z]** **[8aa]** **[8cc]** It is essentially rural terrorism that is taking place except in the strongholds of the armed groups. Some cities with more than 50,000 inhabitants are affected by terrorist activities: Khemis, Miliana and Ain Delfa are under threat. The situation in Algiers and Constantine is very calm, although some networks still exist. There are also some networks in Annaba and sporadic attacks in Blida. Oran and Nostaganem are also calm as far as terrorism is concerned. **[8aa]** More than 50% of attacks in 2000 were carried out in areas west of Algiers, mainly in the provinces of Medea, Ain Defla and Tipaza (including Tenes), and to a lesser degree, relatively speaking, in the Chlef region. The GIA of Antar Zouabri is active in this region Residue pockets of the GIA also exist further west in Relizane, Mascara, Tiaret and Saida. The GSPC is mainly active in the region east of Algiers between Boumerdes province and part of Kabylie. **[16l]**

See also Section 5A *Security Situation*. and Annex F *Main Armed Groups*

## **Military servicemen**

See also Section 4 Instruments of the State *Military Service*

## *Background*

B.14 The national service, its length and even its existence have been debated in Algerian society. Senior Algerian army officers stated on several occasions to the Canadian Embassy in Algiers and also to Home Office staff in London that national service has become less useful to the armed forces. Several reasons were given for this state of affairs: the complexity of defence systems, the social disturbances caused by enlistment, and the fight against terrorism. Military leaders believe that a professional volunteer army would be of a higher standard. Army circles are reportedly discussing the possibility of abolishing national service, but the intentions of the government in this regard remain unclear **[8n] [8u] [21] [33]**

B.15 It appears that many young men have not done their national service especially in the mid 1990s when there was strong resistance to national service and very few young Algerians were willing to do their national service **[19]**, also some young Algerians were inclined to leave the country. **[8n]** In 1994 a French newspaper stated that conscripts made up half the numbers of the army and were on the front lines in the fight against the armed Islamic groups. **[8n]**

B.16 In 1999 and 2000 the Algerian authorities published amnesty measures allowing young men over age 27 at 31 December 1999 who have not done their national service to regularise their military service situation. **[8s] [8u] [8dd]** (This is in addition to the previous amnesty in 1989 which applied to men aged over 30 on 1 November 1989.) These announcements are part of an ongoing system to regularise the situation of the large number of young men in this position, including those who have left the country, such as students, and do not wish to return to do their military service. **[21] [29]** The reasons given include the Algerian military authorities wish to relax the requirements for military service, the high cost of military training, overpopulated barracks, and the situation of young men who are unable to obtain official documents and obtain employment. **[8u]** For further details of these measures see Section 4 Military Service Exemption and Amnesties

#### *Absence Without Leave - Conscripts, Reservists and Deserters*

B.17 Article 16 of the Algerian National Service Code (NSC) provides that if a conscript who has received his joining orders does not appear at the designated site within 30 days of the indicated date, he will be considered to be absent without leave, unless the delay was caused by circumstances beyond his control. Such individuals are sought by the Gendarmerie nationale. Such persons may enter Algeria but will only be able to leave again when their national service position is regularised. **[8u]** Various punishments for absence without leave are liable - See Section 4 Instruments of the State Military Service Penalties

B.18 In 1996 a paper by the Swiss section of Amnesty International stated that "in the prevailing climate ...the risk of torture is high, owing to the fact that deserters and call up evaders are easily taken for supporters of Islamic movements. **[6b]** A 1998 report stated that on the one hand conscripts are threatened with death by the armed Islamic groups and on the other they face long prison sentences if they desert or refuse to perform military service. **[19]**

B.19 However, more recent reports state that absentees are not treated so harshly by the authorities as in the past. The Algerian authorities informed the Canadian Embassy in Algiers in March 1999 that people suspected of being absent without leave are arrested by the police and immediately brought before a military tribunal which "is free to decide the punishment for the

individual," according to the law. They stated that absence without leave is not considered to be a major issue by the Algerian authorities: those convicted of this offence are usually sent to their units to do their national service. **[8n]**

B.20 The same source quotes the two Algerian human rights organisations-the Observatoire national des droits de l'homme (ONDH), which is linked to the state, and the Ligue algérienne des droits de l'homme (LADH). They have stated that they have received no complaints regarding torture of deserters and draft evaders. Both these organisations also indicate that the situation today is considerably different from what it was in the 1970s, when soldiers who were absent without leave might have been treated more harshly. **[8n]**

B.21 A professor specialising in Algerian military affairs at the Centre d'études et de recherches internationales in Paris, Luis Martinez, also believes that young Algerians who return to Algeria are not tortured if they have not fulfilled their military obligations. **[8n]**

B. 22 UNHCR have stated they are not aware of the authorities using excessive or inhumane or discriminatory treatment in the case of deserters and draft evaders. **[2d]** See UNHCR section

B.23 Reservists. It appears that many men did not respond to the various recall notices to the reserve in the 1990s. (See Section 4 Instruments of the State Military Service Reservists ) Although such men are liable for the same punishment as those who do not answer the draft call **[8x]** reservists who have been recalled and fail to present themselves at the place where they have been assigned are not sought by the Algerian authorities. **[8h]** **[8u]** Also, according to a researcher with the Centre des hautes études sur l'Afrique et Asie moderne in Paris the application of the law on national service seems rather flexible. The researcher stated it is possible to raise questions about the application of the punishments because some people who have not answered the recalls have been able to continue their activities without being worried by the Algerian authorities. **[8x]**

### *Threat to Military Servicemen from Terrorists*

B.24 Military Conscripts Between 1993 and 1995 Islamists put up posters in mosques threatening to kill young Algerians who reported for military service and the deaths of hundreds of such draftees was reported around 1994. **[8n]** Several human rights reports referred to the position of draftees who feel caught between the military authorities and the terrorists. **[6b]** **[19]**

B.25 Most newspaper reports of such cases are dated 1994 and 1995. **[8n]** However, there are still occasional reports of young men who have just finished their military service being the victims of terrorist attacks. **[3b]** **[8n]** There was a report of 25 January 1999 that a young man who had just finished his military service was killed by Islamists in M'chedallah, in the Bouira region (120 km east of Algiers). **[8n]** It has been claimed that a number of measures taken by the government have diminished this type of Islamist activity and that the "terrorists" mainly launch general attacks against the civilian population in the regions rather than targeting specific individuals. **[5]****[8n]** However, the GSPC target the military and conscripts within its areas of operation. **[8aa]** **[16l]**

See also *Armed Groups/Terrorists* above and Annex F *Main Armed Groups*

### **Ethnic groups**

## *The Berbers*

B.26 The Berbers are the major ethnic minority in Algeria and comprise a little over one quarter of the population. The Berber population is concentrated in the mainly mountainous areas of Kabylia, Chaouia, the Mزاب and the Sahara. They were the original inhabitants of Algeria. The Berbers wish to keep their own language (Amazigh) and culture. **[2b] [13]** Other Berber dialects exist, although rarely written, in the rural areas. **[24]** The National Charter of 1996 recognised the Berber culture and language as one of the components of Algerian identity.

B.27 Although Amazigh is not currently taught routinely in schools, a pilot has been set up to teach the Berber language in some schools. There are professorships of Amazigh culture at the University of Tizi Ouzou and it is possible to study for a degree in Berber culture and Amazigh. The government-owned national television station broadcasts a brief nightly news programme in Amazigh. **[4]** A commission has been set up to promote Berber culture and introduce the Berber language into education and communications systems. **[13]**

B.28 A 1998 law requires the use of Arabic as the official language in government business and other areas such as medical prescriptions and communications equipment. **[4] [8y]** The law is not being enforced rigidly in practice with regard to the replacement of French by Arabic. **[8y]**

B.29 Matoub Lounes, a popular Berber singer, was killed and his wife and 2 sons were wounded at a false roadblock on 25 June 1998. Rioting in the Berber area of Kabylia developed and led to further demonstrations against the Arabisation law **[1a]** See above paragraph and Section 3 *Events of 1998*.

B.30 The RCD and FFS parties have largely Berber membership. **[24]** RCD members were part of the government until they withdrew in May 2001 in protest at the government's handling of the Kabylie riots. **[16m]** Berbers hold high office in the government, army, business, and journalism. **[2d]** Many citizens claim to have Berber ancestry. **[2ad]** The GIA is said to have many Berber members **[24]** and some GSPC emirs are of Kabyle origin **[8y]** See *Armed Groups/Terrorists* and Annex F *Main Islamic Militias*. The Mouvement Cultural Berbère (Berber Cultural Movement) was founded in 1976 and is not so much a political party as a pressure group for Berber issues. It is associated with the FFS and RCD. 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. **[2a] [15]** In 2001 up to eighty people were killed in riots during these annual demonstrations following the death of a man in police custody. The demonstrations and riots which quickly spread in reaction during the following months were seen as frustration at economic and political conditions as well as Berber cultural aspirations. The government appeared ready to meet Berber concerns. **[17m]** See Section 3 *Events of 2001*

B.31 UNHCR have recognised Berber aspirations for recognition of their identity and culture but stated in 1997 that Algeria's population is ethnically mixed and ethnic minorities seem to fear no more and no less than other Algerians. **[2a]**

## *The Tuaregs*

B.32 The Tuaregs (nomadic Berbers) are a group of people who originate from the Berbers. The 12,000 Tuaregs live almost exclusively among the mountainous massifs of Ajjer and Ahaggar in southern Algeria. They are not prominent in politics because they are relatively few in numbers, and live a nomadic existence. **[4] [13]**

## Religion

B.33 The official religion is Islam, as declared in the Constitution, and the vast majority of the population are Sunni Moslems. The Family Code prohibits women from marrying non-Moslems, although this is not always enforced. Moslem men are allowed to marry non-Moslem women. The government appoints preachers to mosques and provides guidance for sermons. It is claimed that activities in mosques are monitored for security reasons. Non-Islamic proselytizing is illegal. Religious affiliation is not noted on identity documents issued by the government. **[1a] [4] [25]**

B.34 Discrimination on the grounds of religion is prohibited by the Constitution, and the Government respects this right in practice. The small number of Christians in Algeria (about 25000) tend to be Europeans, and are mostly members of the Roman Catholic church. There is also a very small Jewish population (fewer than 100). The Christian and Jewish populations are permitted to follow their faith without government interference. In 1994 the GIA declared its intention to eliminate Jews, Christians and polytheists from Algeria. In 1996 there were several murders by Islamic militants of Christian religious figures. For security reasons most Jews and Christians are concentrated in the Algiers, Constantine and Oran. Conversions from Islam are rare because of safety concerns and potential legal and social problems. Individuals who do convert from Islam tend to practice their religion clandestinely **[4] [8aa][25]**

## Women

B.35 The Constitution outlaws discrimination based on birth, race, sex, belief, or any other personal or social condition. However women face legal and social discrimination. Parts of the law, as well as tradition, discriminate against women. The 1984 Family Code is based largely on Islamic law, and treats women as minors under the guardianship of a husband or male relative. **[4] [7c]** Divorce is difficult for a wife to obtain except in cases of abandonment or the husband's conviction for serious crime. **[4]**

B.36 The abuse of wives by their husbands is reported by women's rights groups to be common, especially in rural areas. There are no laws to protect women from rape or abuse by their husbands and women need to produce medical certification of the effects of assault before they can lodge a complaint with the police. Women's rights groups claim that less than half of the women attacked visit doctors. They also claim that the police and courts are lenient with men who are accused of spousal abuse. **[4]**

B.37 Women are sometimes specifically targeted for killing and mutilation during terrorist attacks. They are also held captive for long periods by terrorist groups for rape and servitude. **[4]**

B.38 There are several rape crisis centres run by women's groups but they have few resources. There is a rape crisis centre which specialises in caring for women who are victims of rape by

terrorists. **[4]** There are numerous small women's rights groups. Their main goals are to foster women's economic welfare and to press for amendment of the Family Code. **[4]**

B.39 The GIA made death threats in 1995 against the wives of security force members and government officials. Women who wear western dress or pursue a western lifestyle may also be at risk of persecution from Islamist groups. **[2a] [8c] [8d]** See also *UNHCR section*.

B.40 The 1990 Labour Act forbids sexual discrimination on the labour market. However, social pressure deters many women from undertaking higher education courses or careers, and women make up only 10% of the workforce. They are nevertheless active throughout the country in a variety of professions such as the army, education, the legal profession and the medical sector, government and the media. **[4] [5] [12]**

B.41 There are numerous humanitarian, political and women's rights organisations. **[15]**

## Children

B.42 The government is committed in principle to protect children's rights. Children between the ages of 6 to 15 are entitled to free education and receive free medical care. **[4]** Girl children have considerably benefited from education opportunities and facilities. **[2a]**

B.43 Legal experts claim that the Penal and Family Codes do not offer children enough protection. Hospitals treat numerous child abuse cases each year but many cases go unreported. There are laws against child abuse but comparatively few prosecutions. **[4]**

B.44 NGOs that specialise in care of children cite an increase in domestic violence aimed at children, which they attribute to the "culture of violence" developed during the years since 1992 and the social dislocations caused by the movement of rural families to the cities to escape terrorist violence. **[4]** Children have been seriously affected by the security situation and persistent violence in Algeria. Children who have survived massacres suffer psychological problems after witnessing bloody massacres sometimes of their own families. Some are handicapped and there are many orphans. **[5]**

B.45 The minimum age for employment is 16 years. This law is not enforced effectively in the agricultural and private sectors. Many children resort to informal employment, such as street vending, from economic necessity. The government prohibits forced and bonded labour by children and generally enforces this prohibition. **[4]**

## Homosexuality

B.46 Section 338 of the Penal Code states that homosexual acts between men and between women are punishable with a term of imprisonment of up to three years. Current gay and lesbian guides indicate that discreet homosexual behaviour is possible, and that the authorities do not actively prosecute homosexuals, but open homosexual relationships are not allowed and there is no visible support for gay rights. **[8b] [9]**

## C. OTHER ISSUES

## UNHCR guidelines on asylum seekers from Algeria

C.1 UNHCR has made various statements on the Algerian human rights situation in Algeria and asylum claims. Guidelines issued by UNHCR Geneva in November 1997 **[2b]** include the following:

- The authorities do not often target members of the more moderate Islamic parties such as Society of Peace (previously Hamas) and En-Nahda.
- Passive members or sympathisers of FIS are unlikely to be at risk of persecution. People who are known to be, or who are perceived as active FIS supporters could be at risk from the authorities.
- Individuals who have distributed radical Islamic literature may face problems, including imprisonment.

UNHCR London issued further statements in a letter to the Home Office of 19 January 1998 **[2c]**. The most recent authoritative update of UNHCR views is set out in a letter of 13 March 2000 to the Home Office **[2d]**. Following is a summary:

- The security situation in the country based on the fear of becoming the victim of indiscriminate violence is not sufficient to recognise refugee status;
- UNHCR has never called for a general ban on deportation or for a positive group to be determined on a prima facie basis;
- Claims from Algerian asylum seekers are mainly based on one or more of the following reasons :-
- Fear of persecution by the Algerian government
- Fear of persecution by anti-Islamic groups
- Fear of persecution by radical Islamic groups
- Insecurity resulting from the situation of violence prevailing in the country;
- Following are examples of categories that may be potential targets for persecution. A well-founded fear must be established on a case by case basis and there is no automatism that the following should be recognised as refugees. Membership or active support of a political movement that is targeted for persecution will provide good reason for considering a fear of persecution well-founded:-
  - Members and sympathisers of radical armed groups such as GIA and FIJA [FIDA]. Such persons may also be subject to exclusion clauses;
  - Members of Government, civil servants, members of security forces, members of the judiciary and intellectuals who may be perceived to support a secular form of government;
  - Relatives, close friends and close associates of above.

Other categories:

- Draft evasion and desertion. UNHCR cannot conclude that draft evasion and desertion are equated to an expression of political opinion. They do not provide grounds for refugee status, unless grounds of conscience can be established.
- Political involvement. Membership or active support of a political movement that is

targeted for persecution will provide good reason for considering a claim to be well founded. A lesser degree of involvement may be sufficient if the applicant can show a likelihood of persecution.

- Women. May be treated as a particular social group within the 1951 UN Convention. May claim persecution due to their unwillingness to conform to the code of conduct of the Islamic fundamentalists. A thorough examination of the applicant's background and personality is required. A woman with an established career as a liberal professional may consider restrictions detrimental to her freedom and dignity. Refer to UNHCR Handbook paragraphs 40-42 and 52. An applicant's fear may be considered well founded if she can establish to a reasonable degree that her continued stay in Algeria would be intolerable for the reasons stated in the definition.

## **Freedom of political and labour association**

C.2 The Constitution provides for the right of association but the 1992 emergency law and government practice severely restrict this right. **[4]**

C.3 The government must approve all political parties before they can be established. **[4]** Law 97-09 of March 1997 prohibits the creation of parties on a basis that is "religious, linguistic, racial, gender-related, corporatist or regional". **[1a]** This Law has been criticised on the grounds that its broadly worded ban on particular categories of political parties violates the right of supporters of parties that claim a basis in the proscribed categories to associate with one another and to vote for representatives of their choice. **[7b]**

C.4 Thirty political parties were dissolved on 19 May 1998 for failing to abide by the new rules on political parties. The most prominent political parties dissolved were Ettahadia (Arabic acronym for Solidarity, Progress and Democracy), the Democratic Movement for Algerian Renewal, the Union of Democratic Forces, and the Liberal Social Party (see Annex E for full list).

C.5 In 2000 the government refused to approve the Wafa party. In explanation they stated that this was because it contained large numbers of members who belonged to the banned FIS party. **[4] [7c] [16j]** Membership of the FIS remains illegal. The FIS leader Abbasi Madani remains under house arrest and the party's number two, Ali Belhadj, remains in prison. He is allowed to receive visits. **[7c]**

C.6 The government permits some specialised groups to function such as human rights and womens rights groups, social welfare groups, and youth associations and regionally based organisations. **[4]**

C.7 Workers have the right to establish trade unions of their choice and about two-thirds of the labour force belong to unions. The General Union of Algerian Workers (UGTA) is an umbrella organisation of unions. The law prevents unions from associating with political parties. The Islamic Syndicate of Workers (SIT) organised by the banned FIS was dissolved in 1992. **[4]**

## **Freedom of assembly**

C.8 The Constitution provides for the right of assembly, but the 1992 Emergency Law and

Government practice severely restrict it. Citizens and organisations must obtain a permit from the local governor before holding public meetings. While the government frequently grants licences to political parties, NGOs, and other groups to hold indoor rallies, in most instances outdoor rallies are not permitted. **[4]**

C.9 Some unlicensed groups continue to hold regular demonstrations, including groups dedicated to the cause of persons who have disappeared. In 2000 police dispersed two such demonstrations outside government buildings and made arrests. However those arrested were released shortly afterwards. **[4]**

### **Freedom of speech and press**

C.10 There are approximately twenty daily newspapers, forty weekly publications and thirty monthlies on sale in Algeria. The most significant independent newspapers are El Khabar, Liberte, Le Soir d'Algerie, and La tribune, El Watan. **[15]** See list at Annex G

C.11 The state of emergency gives the government broad rights to restrict freedom of speech. However the government does not strictly enforce these regulations and the independent section of the press reports regularly on security matters without penalty. The government continues to provide the press with more information than in the past about the security situation. Reporting by the government -controlled section of the press tends to deflate numbers of civilians killed and inflate terrorist casualty counts. The government exercises pressure on the independent press through the state owned advertising company by the practice of directing advertising material to newspapers with a strong anti-Islamist line. There are no Islamist newspapers in print due to government pressure. However, legal Islamic political parties have access to the independent press, in which they express their opinions freely. **[4]**

C.12 In August 1999 President Bouteflika stated that journalists working for public radio and television should serve the interests of the state. **[3b]** **[4]** In general, journalists exercise self-censorship by not publishing criticism of specific senior military officers. **[4]** There have been no reports in recent years of the Government putting journalists under "judicial control". The Government used this practice in the past to harass journalists who wrote offending articles by requiring the journalists to check in regularly with the local police and preventing them from leaving the country. **[4]**

C.13 Reporters Without Borders (Reporters sans Frontieres - RSF) visited Algeria in June 2000, and raised concerns about missing journalists. **[26b]** RSF's annual report in 2000 also raised a number of issues about the pressures on the press and media. **[26a]** Although RSF and the Committee for the Protection of Journalists **[38]** stated that press freedom has improved markedly in recent years. **[26c]** **[40]** However, they and others criticised a government proposal **[17c]** to increase prison sentences for press misdemeanors which it considers could only increase the self- censorship currently practised and could lead to newspaper closures. **[17f]** This amendment was passed in July 2001 **[13g]**.

C.14 The radio and television are under government control, with coverage biased in favour of the Government's policies. **[4]** Algerian radio and television has programmes in Arabic, French and Tamazight. **[15]** Parliamentary debates are televised live. Satellite-dish antennae are

widespread, and millions of citizens have access to European and Middle East broadcasting. **[4]** the government exercise control over access and information sent out via the internet. The main independent newspapers generally have a web site. **[15]**

C.15 Many artists, intellectuals and university educators fled the country after widespread violence began in 1992; however some have returned in recent years. A growing number of academic seminars have occurred without government interference, although the government occasionally interferes in seminars which were political or economic in content. **[4]**

### **Freedom of travel**

C.16 There is considerable internal and foreign travel. Internally, air travel is the most reliable form of transport for long distances and for connections to cities located in or near high risk areas, Externally, large numbers of Algerians regularly make return trips abroad either by air or sea. In 1997 and 1998 the numbers of people travelling between Algeria and Europe was well over one million, over half to France alone. In addition Algerians travel to neighbouring countries, particularly Tunisia where nearly one million Algerians spend there holidays or go shopping every year. **[15]**

C.17 The law provides for freedom of internal and foreign travel and freedom to emigrate. However, the government at times restricts these rights. Senior officials from the FIS are not allowed to travel abroad. Young men who are eligible for conscription but have not yet completed their military service are not allowed to leave the country without special authorisation, such as for study or because of family circumstances. Women under the age of 18 are not allowed to travel abroad without their husband's permission but this provision is not generally followed in practice. **[4]**

C.18 The police and the communal guards operate checkpoints throughout the country. They routinely stop vehicles to inspect identification papers and to search for evidence of terrorist activity. They sometimes detain persons at these checkpoints. **[4]**

C.19 Armed groups intercept citizens at false roadblocks in various regions, using stolen police uniforms and equipment, to rob them of their cash and vehicles or to kill them. **[4]**

C.20 Under the state of emergency the Interior Minister and the provincial governors have the authority to deny residence in certain areas to those regarded as a threat to order. The Government also restricts travel into four southern provinces, where much of the hydrocarbon industry and many foreign workers are located, in order to enhance security in those areas. **[4]**

C.21 Travel documents Algerians carry an identity card and/or a passport. In Algeria these documents are issued by the relevant administrative authorities at provincial (Wilaya) level or exceptionally, district (Daira) level. Overseas, Algerian representations are in principle only entitled to issue new identity cards if the person concerned has registered with it and can only issue or renew passports under certain conditions, in particular once they have checked the identity of the person concerned using certain documents. In principle, all Algerian citizens aged 18 and over are required to carry an identity card on their person. The latter can be obtained using the birth certificates (register extract) of the person concerned, their father or sometimes their grandfather, as well as a certificate of residence from their commune of

residence. The issued document comes in the form of a light green book entirely written in Arabic. It is valid for ten years. **[15]**

C.22 A passport can be obtained using the following documents - identity card, birth certificate (Register extract) of the person concerned, their father, certificate of residence, work certificate or declaration from their educational or professional establishment. Overseas, a permanent residency permit from the host country and registration at the consulate are required. In the event that an Algerian loses their passport and is not registered or if it is not possible to establish their identity fully, the relevant Representation shall issue a "Pass" solely designed to allow them to return to Algeria. Two standard forms of passports are currently in circulation - one light green and the other dark green - both are valid for five years (renewable). Apart from certain legal or traditional limitations imposed on minors, married women under the age of 18 and certain professional categories, Algerians are required to complete exit or entry formalities at the frontier post. They have to fill in a travel questionnaire and present a certificate of exemption or dispensation from military service. **[15]**

## **ANNEX A**

### **PROMINENT PEOPLE**

**Hocine Ait Ahmed** -- Socialist Forces Front leader (FFS) who returned to Algeria to participate in the 1999 presidential elections following self-exile. **[1a]**

**Ali Belhadj** -- FIS vice president. Has been detained since mid-1995. Currently in prison. **[1a]**

**Ahmad Ben Bella** -- First President of Algeria after independence. Leader of the now banned MDA. **[1a]**

**Ahmed Benbitour** -- former Prime Minister of cabinet appointed in December 1999. **[1a]**

**Cheikh Ali Benhadjar** -- Leader of the Islamic League for the call and the Jihad (LIDD) - a fundamentalist Islamic militia which disbanded in January 2000..

**Abdelhak Benhamouda** -- Former Secretary General of the General Union of Algerian Workers (UGTA). He was killed in January 1997. **[1a]**

**Ali Benflis** -- Current Prime Minister. Appointed in May 2000.**[1a] [16n]**

**Mohammed Boudiaf** -- President of Algeria from January 1992 until January 1994. Assassinated. **[1a]**

**Abdelaziz Bouteflika** -- President of Algeria from April 1999 to date. Formerly the Tourist Minister (1963) and then Foreign Minister. **[1a]**

**Ahmed Taleb Brahini** -- presidential candidate in April 1999. Leader of Wafa party, which was refused recognition in 2000. **[16j]**

**Ben Djedid Chadli** -- President 1979 until 1992. **[1a]**

**Liamine Cheikh** -- One of the leading figures in the Rally for Culture and Democracy (RCD)

**Abdallah Djaballah** -- Former leader of Ennahda. Present leader of MRN party. He was an Independent candidate in the 1999 Presidential elections.

**Salima Ghezali** -- Editor of the banned Algerian newspaper- La Nation. She was awarded the Sakharov prize for freedom of thought.

**Abdelkader Hachani** -- Senior FIS official. Led FIS election campaign in 1991. Murdered in Algiers in November 1999. **[16b]**

**Anouar Haddam** -- Head of the self-declared FIS Parliamentary Mission Abroad.

**Hassan Hattab** -- Leader of GIA terrorist group. **[8aa]**

**Abdelhal Layada** -- Former GIA leader-currently in jail

**Abbassi Madani** -- One of the main FIS leaders. Sentenced to 12 years in prison in July 1992. Released in 1997 - now under house arrest.

**Madani Mezrag** -- AIS Commander

**Khalida Messaoudi** -- Member of the RCD party. She campaigns for women's rights. Hard-line anti-Islamist.

**Sheikh Mahfoud Nahnah** -- Leader of MPS - formerly Hamas. Came second in the Presidential elections in 1995.

**Ahmed Ouyahia** -- former Prime Minister. Present Justice Minister. **[16n]**

**Ahmed Zaoui** -- Former member of the FIS consultative committee and acting official spokesman for the new FIS coordination council abroad. Sought asylum in Switzerland in 1999.

**Ali Zouita** -- Prominent lawyer- was held in detention from 1993 until 1997 despite being acquitted by a court of aiding a terrorist group

**Antar Zouabri** -- GIA leader **[8aa]**

**President Liamine Zeroual** -- President of Algeria from 1995 until he resigned in April 1999. Previously served as president of a transition government established in 1994. **[1a]**

## ANNEX B

### CHRONOLOGY

**1962** Algeria gained independence after a war with France.

The provisional government transferred its functions to the FLN in August. A draft constitution providing for the FLN as the sole party was adopted. In September 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

**1985** 22 Berber cultural and human rights activists were imprisoned after being convicted of belonging to illegal organisations. 18 alleged supporters of former President Ben Bella were also detained.

**1986 January:** Referendum approved a new National Charter. This encouraged the development of the private sector. Several Muslim fundamentalist groups formed an alliance calling themselves the Party of Allah. The influential Ahl ad-Da'awah group (People of the Call) were responsible for putting pressure on the authorities to take account of Moslem interests. As a result of this the constitution was amended to take account of Moslem 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 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.

**1990**

Widespread strikes and demonstrations occurred, caused in part by the Islamic fundamentalists.

**June:** In the local elections the FIS received 55% 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 arrested.

**December**: First round of the general election - FIS were the largest party with 47.5% 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**: Boudiaf assassinated. Replaced as chairman by Ali Kafi.

**July**: Madani and Belhadj were sentenced to 12 years imprisonment. Violent protest demonstrations resulted.

**December**: A curfew imposed in Algiers and six neighbouring areas.

## 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. The GIA threatened reprisals if FIS entered into dialogue with the regime, and it increased its number of violent attacks. The Berber RCD announced a boycott of the school year, and Berber activists staged a general strike in Kabyle, protesting about the exclusion of the Berber language from the school syllabus, and the possibility of FIS entering into dialogue with the government.

## 1995

**April**: President Zeroual resumed discussions with the FLN and FFS. These collapsed

however. November: Presidential election. There were four candidates, and President Zeroual won 61% of the valid votes. The FLN, FFS and FIS urged people to boycott the elections.

## 1996

**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 assassinated.

**March:** supporters of President Zeroual set up the National Democratic Rally (RND) to run in the 5 June legislative election.

**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%. The National Democratic Rally won 155 seats and became the largest party in the National Assembly. They formed a coalition with the Islamist Movement of a peaceful society, and the National Liberation Front.

**September:** FIS chief Madani released, but by September he was under house arrest. The violence continued. Algerian troops shot dead more than 50 suspected Moslem rebels.

**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. Local elections were won by the National Democratic Rally. 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 won 35 of the first 42 seats decided.

## 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 have been raped by suspected Moslem rebels to have abortions.

30 political parties were dissolved for failing to abide to the new rules on political parties.

**June:** Matoub Lounes, a popular Berber singer, was killed and his wife and 2 sons were wounded at a false roadblock by a terrorist group on 25 June. Rioting and further 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 will leave office before his term ends officially and will hand over power after presidential elections early 1999.

**December:** Controversial plan for compensation for victims of terrorism submitted to parliament.

## 1999

**January:** The plan was dropped after demonstrations complaining about the plan to compensate equally the families of both the victims of terrorism and the perpetrators of violence.

President Zeroual appointed members of the National Independent Committee for the Monitoring of the Presidential Election (CNISEP).

**March:** Election watchdog announces that seven politicians qualify to contest the Presidential election - Hocine Ahmed, Mouloud Hamrouche, Mokdad Sifi, Abdelaziz Bouteflika, Ahmed Taleb Ibrahim, Youcef Khatib and Abdallah Djaballah.

**April:** On 15 April six of the seven candidates withdraw from the elections claiming fraud  
16 April the election goes ahead with Abdelaziz Bouteflika announced the winner.

**June:** The Islamic Salvation Army declared an end to their guerrilla struggle against the Government on 6 June.

President Bouteflika promised an amnesty for the AIS and its supporters and submitted an amnesty law as part of the National Harmony Law.

**July:** Approximately 2 thousand prisoners imprisoned for terrorist and subversive acts were released.

Organisation of African Unity Summit (OAU) held in Algiers

**August:** Nearly half of the Provincial governors sacked.

**September:** Referendum on the question of "Do you agree with the Presidents approach to restoring peace and civil accord?" was won by the Yes votes.

**November:** Abdelkader Hachani a prominent FIS leader was killed in Algiers by an unknown gunman. [16b]

**December:** A new Prime Minister, Ahmed Benbitour, and cabinet were appointed. A suspect was arrested for Hachani's murder. [16c]

## 2000

**January:** The AIS and LIDD armed Islamist opposition groups disbanded just before the expiry of the amnesty for armed groups. It was reported that many AIS members would join the national army to fight the remaining armed groups, mainly the GIA and GSPC groups. According to official estimates some 1500 Islamists had surrendered during the amnesty period. The security forces deployed in operations against the GIA in their strongholds in the north-east and south-west of the country. Local media reported a number of killings of rebels, civilians and members of the security forces following the expiry of the amnesty. [16d]

**April:** Four international human rights groups, including Amnesty International were allowed to visit Algeria. [4] [6d]

**August:** Ali Benflis was appointed Prime Minister in place of Ahmed Benbitour. [16g]

**November:** The government refused to legalise the Wafa party on the grounds that many of its members were ex-FIS [16j]

**December:** Over 300 people were killed in terrorist incidents during the month of Ramadan. [16k] [17g]

## 2001

Terrorist incidents and clashes with the security forces continued to be reported. Over 66 terrorist acts were reported in the first 3 months and about 300 people were killed. [17g]

**April:** The alleged killer of the FIS leader Abdelkader Hachani was sentenced to death. [17h] Up to 80 people were killed in riots in the Kabylie region between April and June. This followed the killing of a man in police custody during the "Berber Spring" demonstrations. The RCD party withdrew from the government in protest at its handling of the situation. [16m] [16n] [16o]

## V.C : HUMAN RIGHTS: Other Issues

### FREEDOM OF ASSOCIATION

**C.1** The Constitution provides for the right of association, but the 1992 Emergency Law and Government practice severely restrict it. All citizens except judges, army and security service personnel, and members of the Constitutional Council have the right to join political parties. In February 1997 a new law was passed banning political party ties to non-political organisations. Some more moderate Islamist parties were however able to conduct their political activities, although not with total freedom. [4b]

**C.2** In March 1997 Law 97-09 came into force governing the formation and activities of political parties. Whilst recognising, in Article 42 of the Algerian Constitution, the right to create parties, the constitution prohibits the creation of parties on the basis that is "religious, linguistic, racial, gender-related, corporatist or regional". [1] Human Rights Watch have stated that Law 97-09's broadly worded ban on particular categories of political parties violates the right of supporters of parties that claim a basis in the proscribed categories to associate with one another and to vote for representatives of their choice. [7b]

**C.3** 30 political parties were dissolved on 19 May 1998 for failing to abide by the new rules on political parties. The most prominent political parties dissolved were Ettahadia (Arabic acronym for Solidarity, Progress and Democracy), the Democratic Movement for Algerian Renewal, the Union of Democratic Forces, and the Liberal Social Party (see [Annex E](#) for full list).

**C.4** The government permits some specialised groups to function such as human rights and womens rights groups, social welfare groups, and youth associations and regionally based organisations. [4b]

**C.5** Workers have the right to establish a union and about two-thirds of the labour force belong to unions. The General Union of Algerian Workers (UGTA) is an umbrella organisation of unions. The law prevents unions from associating with political parties. The Islamic Syndicate of Workers (SIT) was dissolved in 1992 as it had been organised by the FIS. [4b]

## **FREEDOM OF ASSEMBLY**

**C.6** Under the 1992 emergency law citizens and organisations must obtain a permit from the local appointed governor before holding public meetings. In 1999 the government banned street protests on the eve of President Bouteflika's swearing in ceremony in April police used force against protestors demonstrating in Algiers, Tizi Ouzou and Bajaia. [4b]

**C.7** The government also interfered with some NGO meetings during 1999. In July it prevented a meeting on human rights and denied entry to one of the delegates. In late 1999 the government allowed representatives from the International Committee of the Red Cross to visit prisons and open an office in Algeria. [4b] In March 2000 the Algerian government invited four human rights organisations to visit Algeria. [17a]

## **FREEDOM OF SPEECH AND PRESS**

**C.8** The state of emergency gives the government broad right to restrict freedom of speech, however the government did not strictly enforce these regulations in 1999. [4b] Compliance varied with the government directive on security information but there was an increased trend towards openness about security force losses and the government provided the press with more information than in the past about the security situation. [4b]

**C.9** The UN Eminent Panel reported that there was a pluralistic and vibrant press in Algeria. However, despite journalists and newspaper editors stressing their attachment to freedom of the press there were problems evident. The Government has a monopoly on printing and this has sometimes been used to bring pressure to bear upon independent newspapers. [5b] However at least one new newspaper started publication in 1999, and in March 2000 the Algerian government said that it had ended its monopoly on printing presses and that the independent press was free to have its own printing and distribution facilities. This was stated to be part of a review of information law. [14c]

**C.10** There were no reports during 1998 and 1999 of the Government putting journalists under "judicial control". In previous years, the Government used this practice to harass journalists who wrote offending articles by requiring the journalists to check in regularly with the local police and preventing them from leaving the country. In general, journalists exercised self-censorship

by not publishing criticism of specific officials. [4ab] In August 1999 President Bouteflike stated that journalists working for public radio and television should serve the interests of the state. [3b]

**C.11** There are no Islamist newspapers in print due to government pressure. However, legal Islamic political parties have access to the existing independent press, in which they express their opinions freely. [4b]

**C.12** The radio and television are under government control, with coverage biased in favour of the Government's policies. [4c] Parliamentary debates are televised live. Satellite-dish antennae are widespread, and millions of citizens have access to European and Middle East broadcasting. [4b]

**C.13** Many artists, intellectuals and university educators fled the country after widespread violence began in 1992; however some began to return in significant numbers during 1999 at least for visits. There was a growing number of academic seminars which occurred without government interference, although the government occasionally interfered in seminars which were political or economic in content. [4b]

## **FREEDOM OF TRAVEL**

**C.14** Freedom of internal and foreign travel is permitted by law. However, some journalists are not permitted freedom of movement. Senior officials from the FIS are also not allowed to travel, and the FIS President Abassi Madani is under house arrest. Young men who are due to be conscripted into the army are also not allowed to leave the country without special authorisation. Women under the age of 19 and males under 18 are not allowed to travel abroad without their husband's or father's permission. [4b]

**C.15** Under the state of emergency the Interior Minister and the provincial governors have the authority to deny residency in certain areas to those regarded as a threat to order. The Government also restricts travel into four southern provinces, where much of the hydrocarbon industry and many foreign workers are located, in order to enhance security in those areas. The police and the communal guards operate checkpoints throughout the country. They routinely stop vehicles to inspect identification papers and to search for evidence of terrorist activity. They sometimes detain persons at these checkpoints. [4b]

**C.16** Armed Islamist groups intercept citizens at false roadblocks in various regions to rob them of their cash and vehicles, or to kill them. According to press reports, armed groups sometimes massacre groups of civilian passengers at these roadblocks. [4b]

## **ANNEX C**

### **GLOSSARY**

**AIS** Islamic Salvation Army (Armed wing of the FIS)

- FFS** Front des Forces Socialistes - Socialist Forces Front (Political Party)
- FIDA/FIJA** Islamic Front for Holy War (Terrorist group)
- FIS** Front Islamique de Salut - Islamic Salvation Front (Political Party)
- FLN** Front de Liberation Nationale - National Liberation Front (Political Party)
- GIA** Group Islamic Armee - Armed Islamic Group (Terrorist group)
- GSPC** Salafist Call and Combat Party (Terrorist group - splinter group of GIA)
- 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 - disbanded terrorist group
- MDA** Mouvement pour la Democratie en Algerie - Algerian Movement for Democracy (Political Party)
- MIA** Armed Islamic Movement (Former Terrorist group)
- MCB** Mouvement Cultural Berbere
- MDS** Social Democratic Movement. (formerly Ettahadi) (political party)
- MPS** Movement of a Peaceful Society (formerly Hamas) (Political Party)
- NCC** National Consultative Council
- NPA** National People's Assembly
- OJAL** Organisation of Young Free Algerians
- ONDH** Observatoire national des droits de l'homme (National Observatory for Human Rights)
- PRA** Parti de Renouveau Algerien - Algerian Renewal Party (Political Party)
- RCD** Rassemblement pour la Culture et la Democratie - Rally for Democracy and Culture (Political Party)
- RND** National Democratic Rally (Political Party)
- UGTA** Union Générale des Travailleurs Algériens
- UNEA** Union Nationale des Etudiants Algeriens (National Union of Algerian Students)
- UNFA** Union Nationale des Femmes Algerien (National Union of Algerian Women)

## **ANNEX D**

### **POLITICAL PARTIES**

Sources 1, 2a, 8c, 8d, 11, 15 and 24 contain more information about Algerian political parties of the past 10 years. See also Annex E Parties dissolved in May 1998

### **Alliance of Algerian Democrats**

Founded in November 1999 under the leadership of Seddik Menaceb. At a news conference the leader said his party would contribute to political pluralism and work towards bringing about peace and security to the country. [16b]

### **Berber Cultural Movement**

The Mouvement Cultural Berbere (Berber Cultural Movement) was 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. [2a] [15]

### **En-NAHDA -Islamic Renaissance Movement**

This is a more radical Islamic party than the MPS. It is the fourth largest party in the National Assembly. Following a disagreement within the party the leader Abdallah Djaballah stood as an independent candidate in the 1999 presidential elections. [1a]

### **Ettahadi - see MDS**

### **The Islamic Salvation Front (FIS)**

The FIS was founded on 10 March 1989 as an umbrella organisation for Islamist groups. It may have existed in some form prior to this. The FIS was banned on 4 March 1992. 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] [8c] They were put under house arrest in September 1994, but Belhadj was later returned to prison and is still there. 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. [8c] [24c]

### **Front de Liberation Nationale (FLN)**

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. In 1995 it appeared to align itself more closely with the views of President Zeroual. It has members in the National Assembly. The leader is Boualem Benhamouda.[1a] [2a] [8c]

### **Front des Forces Socialistes (FFS)**

This party was originally set up in 1963, and was revived in 1990. The President is Hocine Ait-Ahmed, who returned to Algeria in 1999 to participate in Presidential elections following self-exile in Europe. 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] [2a] [11] [24d]

## **Hamas - see MSP**

## **Movement for Democracy in Algeria (MDA)**

Led by former president Ben Bella. Mostly active in exile. Supports the relegalisation of FIS. One of the signatories of the Rome Accord. [2a]

## **National Party of Unity and Action**

Founded in December 1999 by supporters of President Bouteflika. [16c]

## **Social Democratic Movement (MDS) - formerly Ettahadi.**

Left wing. Renamed in October 1999. [2a]

## **Movement of a Peaceful Society (MSP) - Formerly Hamas**

This party used to be known by its Arab acronym Hamas. The name was changed in April 1997 in order to meet the criteria of the new law banning political parties based on religious or ethnic issues. (See Annex E) It is a moderate Islamic party led by Mahfoud Nahnah and condemns violence and intolerance in the name of religion. It promotes respect for human rights, including women's rights in the workplace. [1a] [2a] [8c] [11]

## **Algerian Renewal Party (PRA)**

Leader Nourreddine Boukrouh. Moderate Islamist and pro-market formation. [1a] [11]

## **Workers Party (PT)**

Left wing group. [11]

## **Socialist Workers Party (PST)**

Left wing Trotskyist party. [11]

## **Rally for Culture and Democracy (RCD)**

This party was set up in 1989 by former FFS members. This party 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 Moslem fundamentalist rebels. It is against legalisation of the FIS. [1a] [2a] [11] [24e]

## **The National Democratic Rally (RND)**

In March 1997 supporters of President Zeroual set up the National Democratic Rally (RND) to run in the 5 June legislative election. In the June 1997 elections it won 156 seats and is the largest party in the National Assembly. The leader is the former Prime Minister Ahmed Ouyahia who was elected secretary-general in January 1999. [1a] [11]

## **Wafa (Movement for Fidelity and Justice)**

Leader Ahmed Taleb Ibrahim (former foreign minister and 1999 presidential candidate)

Refused government recognition as a political party in 2000 on the grounds that it contained large numbers of FIS supporters. [4] [7c] [16j]

## **ANNEX E**

### **POLITICAL PARTIES DISSOLVED IN MAY 1998 [14ab]**

- Amal Movement (Mouvement Amal);
- Boumedienist National Front (Front National Boumedieniste);
- Front of Jihad for National Unity (Front du Jihad pour l'Unite Nationale);
- Just Liberating Party (Parti Libérateur Juste);
- National Movement of Algerian Youth (Mouvement National de la Jeunesse Algerienne);
- Union of Algerian People (Union du Peuple Algerien);
- National Bloc (Bloc National);
- Science, Justice and Labour Party (Parti pour la Science, Justice et Travail);
- Social Justice Party (Parti de la Justice Sociale);
- Algerian Party for Justice and Progress (Parti Algerien Pour la Justice et le Progres)
- National Union of Popular Forces Party (Parti de l'Union des Forces Populaires);
- People's Unity Party (Parti de l'Unite Populaire);
- Democratic Forces Front (Front des Forces Democratiques);
- Man is the Capital Party (Parti de l'Homme Capital);
- National Salvation Front (Front National de Salut);
- Union of Democratic Forces (Union des Forces Democratiques);
- Democratic Movement for Algerian Renewal (Movement Democrate du Renouveau Algerien);
- El Haq Party (Parti El Haq);
- Social Liberal Party (Parti Social Liberal);
- Algerian People's Movement (Movement du Peuple Algerian);
- Ettahadi Movement (Movement Ettahadi) (Ettahadi is an Arabic acronym for Ettadamun, solidarity; Hadatha, progress; and Democratiya, democracy);
- Social Democratic Party (Parti Social Democrate);
- Republican Party (Parti Republicain);

- Algerian Liberal Party (Parti Liberal Algerian);
- Popular Forces Front (Front des Forces Populaires);
- Party of Tomorrow's Authenticity (Parti de l'Authenticite de Demain);
- Socialist Democratic National Party (Parti National Democratique Socialiste);
- Algerian National Rally (Rassemblement Algerian);
  - Ecology and Liberty Party (Parti pour L'Ecology et Liberte);
  - The National Alliance of Independent Democrats (Alliance Nationale des Democratres Independants)

## ANNEX F

### MAIN ARMED GROUPS

NB A number of smaller armed groups are also listed in sources 2a and 15. See also -

Human Rights Section 5b *Armed Groups/ Terrorists and Military Servicemen Threat from Terrorists*

The two main remaining armed terrorist groups operating in Algeria now are the GIA and the GSPC. Both are proscribed organisations in the UK under the Terrorism Act 2000.

#### Armed Islamic Group (GIA)

This group emerged in 1993 and claimed to be involved in a Jihad or holy war. It aims to overthrow the current regime and set up a fundamentalist Islamic state. **[7b]** The GIA has been responsible for some of the worst atrocities since the outbreak of violence in 1992, including the killing and abduction and rape of women. They have targeted families of members of the security forces, schoolgirls, intellectuals, artists, journalists and women not wearing the veil (hejab). They have also been responsible for numerous bombings. Efforts to unite with the AIS in 1994/5 were unsuccessful.

The GIA is composed of autonomous groups each controlled by local emirs (although a single command unit exists). In July 1995 one of its leaders Zitouni, who had been in charge since October 1994, was assassinated. Antar Zouabri is now the leader of one faction. **[1a] [2a] [8aa]** In 1996 there were splits in the GIA which led to a number of smaller groups being formed. **[8aa]** The GIA have recruits among former Algerian volunteers trained in guerrilla tactics by Afghan guerillas and others who fought in Bosnia. 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. **[8aa]** Many members of the banned FIS joined its ranks. **[24a]** The GIA also recruits young men from the most disadvantaged social groups. **[8aa]**

According to two specialists on Algeria in September 1999, the GIA do not use force to recruit members because this would lead to a high rate of desertion and adversely affect combat

effectiveness. GIA and other armed Islamic groups must be ideologically committed to the cause. **[8r]** However, according to newspaper reports unemployed youth are easy prey for Islamic recruiters: twenty five GIA recruiters were arrested in the poor suburbs of Algiers and in Blida in December 1997. Another Algerian specialist in the country stated in 1997 that a typical member of the GIA is in his twenties, single, unemployed, with little education and a poor knowledge of French and Arabic. **[8r]** An expert on Algerian armed groups commented in July 2000 that the armed groups are still recruiting among young people and that currently the profile of GIA members is of young people on the fringes of society, unemployed youths or former delinquents, and that the majority of them have no political culture and do not come from the FIS. **[8aa]** Several members of the GIA and GSPC are also involved in racketeering and criminal activities. **[8r]**

Regular reports of terrorist attacks on the population by the GIA occur. Many incidents are killings of ordinary people in rural areas said to be because they had not provided support to the terrorists, 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. **[8r]** **[8aa]**

The total number of members of the GIA is unknown. Estimates vary at between 5000 and 7000 members, including the GSPC splinter group (see below). **[8r]** The GIA of Antar Zouabri is no longer a nation-wide force. **[8r]** It is mainly active in the central and western parts of the country, in the Algiers region **[8aa]** especially Mitidja and Medea. **[8r]** In the second half of 2000 the GIA was mainly active in areas west of Algiers in the wilayas of Ain Delfa, Chlef and Medea. **[8aa]** **[16l]** These three wilayas have the greatest number of victims. **[8aa]** **[16l]** The GIA does not now have a presence in Kabylia **[8aa]** (although another report states that a large part of its membership was of Kabyle (Berber) origin. **[24a]** See Human Rights Section 5B Ethnic Groups ) There are also GIA residue pockets further west in Relizane, Mascara, Tiaret and Saida. **[16l]**

An estimated 1000 GIA members surrendered to the Algerian authorities within the framework of the measures provided by the law on restoring civil accord. **[6e]** **[16h]**

### **The Salafist Group for Call and Combat (GSPC)**

The Salafist Group for Call and Combat was a former faction of the GIA but split from the group in mid 1998 **[8r]** and is linked to the radical wing of the FIS. **[16l]** The leader is Hassan Hattab. **[8r]** It concentrates its operations mainly on the security forces, including conscripts and is often behind the ambushes and killing of soldiers and municipal guards in roads and mountainous areas. **[16k]** It carries out fewer operations than the GIA but they are more deadly. **[8aa]** 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. **[8aa]** The GSPC began in the region east of Algiers and Kabylia **[8r]** and some of its emirs are of Kabyle (Berber) origin, although it is now also reported to have groups in eastern Algeria and, since early 2000, in the western part of the country. **[8aa]** The GSPC operates in some cities, such as Boghni **[8aa]** and is mainly active in the region east of Algiers between Boumerdes province and part of Kabylie. **[16l]** About 90 GSPC members surrendered under the amnesty law. **[8aa]** **[16h]**

## **Islamic Salvation Army (AIS)**

The AIS was created in mid-1994 as the armed wing of the FIS. Efforts to merge with the GIA in 1994/95 were unsuccessful. Exact numbers of members are unknown, but in 1995 it was estimated at approximately 6,000. Although the exact relationship with the leaders of FIS is not clear, it may be that the leaders of the AIS acted with a certain amount of autonomy and were not directly controlled by the FIS. [7b] They merged with the Armed Islamic Movement (MIA). The main leader was Medani Mezrag.

Following a ceasefire in October 1997, the AIS declared an end to their guerrilla struggle against the Government on June 6 1999. The decision for the 1997 cease-fire was taken to distance itself from the Armed Islamic Group (GIA), which is widely blamed for horrific massacres of thousands of Algerian civilians during the 1990s. The AIS took advantage of the amnesty under the Civil Concord Law and disbanded in January 2000. Some of its members were integrated into the national army in operations against the GIA. [8aa] [16e]

## **Al-Rahman Battalion**

This is led by Mustapha Kertali. It joined the cease-fire announced by the AIS in October 1997. [1a]

## **Islamic Front of the Armed Jihad (FIDA/FIJA)**

The leader is Omar el-Fidai. This group has assassinated celebrities, intellectuals and politicians. [2a] [2c] [15]

## **Katibat El Ahoual**

This is reported as a recent dissident splinter group of the GIA and one of the most active and dangerous terrorist groups in the centre-west of the country. Within this area it is said to operate mainly in El Ourenis in the east, Remka and Relizane in the west and Chlef in the north. [8r] [8u]

## **Islamic League for Call and Jihad (LIDD)**

This is led by Ali Benhadjar. It joined the cease-fire announced by the AIS in October 1997 and also dissolved itself in January 2000. [16i]

## **Ansar Battalion and Mawt Battalion**

These two groups declared a cease-fire in line with the AIS in 1997. [1a]

## **ANNEX G**

### **ALGERIAN NEWSPAPERS/NEWS SOURCES [15]**

(THIS LIST IS NOT EXHAUSTIVE)

<b>Daily Newspapers</b>
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<b>Arabic</b>				
An Nasr (Victory) Constantine	El Acil	El Heddaf	El Khabar	El Youm
El Massa independent, Algiers	Ech-chaab (The People) pro-government	Al Badit MDA newspaper	Al Joumaria (The Republic) pro-government, Oran	
<b>French</b>				
El Watan Independent, Algiers	Horizons pro-government	La Tribune Independent, Algiers	Liberte	Le Matin Independent, Algiers
El Moudjahid (The Combatant) pro-government, Algiers Also Arabic	Le Jeune Independent	Le Soir d'Algerie Independent, Algiers	Liberte	Le Quotidien d'Oran
Le Petit Tlemcenien	La Nation Independent, Algiers			
<b>Weekly Newspapers and Other publications</b>				
Ach-Chabab (Youth) National Union of Algerian Youth, Algiers  Bi-monthly	Algerie Actualite pro-government, Algiers	Al-Djeich (The Army)  Organ of the ANP	Revolution Africaine  Socialist sympathies, Algiers	La Grande Kechfa  Satire
<b>Press Agencies</b>				
Agence Algerienne d'Information	Algerie Presse Service	Al-Fadjr	An Nasr	Journal Officiel
<b>Former Publications</b>				
La Nation - banned in late 1996	El-Maweed - weekly Islamist publication - currently banned	El-Kila'a - Islamist publication -currently banned	Ech Chourouq - Islamist publication - banned in 1997, since resumed publication	El-Hiwar -Banned in 1996

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