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ON HUMAN RIGHTS IN ALGERIA

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Algeria is in a multi-dimensional crisis, and in a crisis of the governed toward the governing. Algeria cannot be well governed in a situation of political paralysis, economic recession and social tensions. When the political system in power leads to a centralised monolithic rule that controls everything and is controlled by nobody, is above the law, patronises political life, and forces the people into a straightjacket, then there is no law against it. There is no rule of law, counterbalance or freedom.

Seven years of violence, terror, massacres, torture, extra-judicial executions, disappearance of people, population drift to the cities because of insecurity, all within a political climate of mistrust, intolerance, hatred and division, have only worsened the crisis and furthered repeated, systematic and serious violations of human rights.

The total war policy, to which the authorities have devoted all their efforts and enormous funds for seven years, has failed and only caused violence to spread throughout the country. There is no credible evidence that this policy will work in the short or long term in favour of the regime in power.

The population has been in a state of precariousness and marginalisation. It is exasperated by its living conditions, the continued and brutal erosion of its living standard, a drained economy, massive redundancies that aggravate unemployment — about 30 % of the active population, deplorable health conditions, and the devaluation of the dinar. The population is truly and utterly stricken by poverty.

Thirty-seven years after Algeria's independence, the people are still waiting for the dawn of human rights. The 11 January 1992 coup d'état is the root cause of the political violence which has bathed in blood and plunged into mourning Algeria for the past seven years. As part of this coup, the army leadership, called 'the decision-makers', decided alone the cancellation of the electoral process, the dissolution of the People's National Assembly [parliament] and the deposition of the president of the republic. The authorities born of this coup are neither constitutional, nor legal, nor legitimate, nor democratic. We live in a political system with no democratic breathing space, which tolerates neither the right to disagreement nor non-conformist thinking.

After experiencing two states of siege, in October 1988 and June 1991, Algeria has been under a state of emergency since 9 February 1992. This state of emergency has not spared the country violent social and political upheavals and, above all, serious and repeated human rights violations, including violations of the right to live and the right to the moral and physical integrity of the human person.

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The Setting up of Concentration Camps

Since the state of emergency of the 9 February 1992, everyday has brought its sinister crop of grave outrages to human dignity. The state of emergency authorised the internment of 17,000 Algerians according to the LADDH^A, 34,000 according to the FIS^B, in concentration camps in the Sahara desert where the temperature in the shade reaches close to 50 degrees Celsius. These detainees were not prosecuted for offences or crimes but were arrested for their beliefs. They were detained under mere administrative internment orders that are in fact nothing short of *lettres de cachet*.^C

Administrative internment is an affront to human rights and a danger to liberties and democracy. The late President Boudiaf had declared: 'I say it loudly and clearly: there will be no torture.' The detainees of the Sidi Okba detention camp, 15 kilometres away from Ouargla, sent to the national daily *El-Moudjahid* a seven-page right of response, which has never been published. Page two of this document, concerning cruelty, degrading and inhuman treatments and torture, reads:

During our stay in the gendarmerie barracks, the police stations and in the offices of the *Sécurité Militaire*, we were punched, kicked, hit with broom sticks in the face, on the head, in the stomach, and in the genitalia. We were burnt with candles in the elbows and the genitals; our beards were pulled out. We were tortured with electricity. We had the anus distended after being forced to sit on bottles.

Torture

It has not ceased to mark the history of our country and has always been part of the political struggle. It was first used by French colonialism during the occupation of Algeria and the war of national liberation. Then it was used by the Algerian regimes to break internal oppositions and repress the people.

Colonel Trinquier wrote about the mujahid, whom he dubbed terrorist:

He must know that when he is caught, he will be treated neither like an ordinary criminal nor like a prisoner taken on the battlefield. During his interrogation, if he easily gives the information requested, the interrogation will be ended quickly; otherwise the experts will have to extort his secret by all means. Like a soldier, he will have to face suffering and may be death.

^A *Algerian League for the Defence of Human Rights*, founded and headed by the author.

^B *Islamic Salvation Front*.

^C In 1636 these were letters, with a royal seal, the king of France used to order the imprisonment or the exile of people without trial.

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The rebirth of the Algerian state in 1962, after so many deaths, so much blood, mourning, sacrifice and ruination, led all the Algerians to believe that they would never again be the subject of ill-treatment and torture. Political events since June 1991 have shown that the Algerian authorities endorse torture and do nothing to put an end to it. Every Algerian is aware that thousands of victims have been tortured. These acts of torture are not isolated cases but constitute a routine administrative measure used systematically by the security services under the military and civilian authorities. The main objective of torture has remained the same the time of colonisation: it is the domination of man by man. What has changed is the magnitude of the means used, their costs, which are met unsparingly despite the crisis, and their greater technical efficiency.

Torture has become an integral part of interrogations, which it replaces or supplements. It is used for obtaining confessions that make sentencing easy in courts and for extorting information. But it also serves as a punishment or an intimidation technique for the recruitment of informers.

Torture is neither a blunder, nor an isolated act, nor an unfortunate accident, but a generalised practice made into a system of government. The men and women who suffered it are scarred in their flesh, hearts and memory for life.

To hide the truth and deny the existence of torture is the golden rule of governments. But the digest of torture is to be found in prisons. The late Hocine Abderrahim, formerly principal private secretary of FIS leader Abassi Madani, was presented as the instigator of the 26 August 1992 bomb attack of Algiers airport. In the witness box he made a statement in which he said

I ran for the 26 December 1991 legislative elections, and I was elected. One hundred thousand people voted for me in the *daira*^D of Bouzareah. I was arrested on 6 September 1992. I spent 34 days in a detention centre and was taken twice to Ain Naadja [Military] Hospital for treatment. My skull was gaping. I nearly lost my sanity under torture. For a moment I thought I was going to die. If I had been asked who was responsible for the earthquakes of Chlef and Nador, I would have said that it was me. If I had been told that I had killed my father, my mother and [the assassinated President] Boudiaf, under torture I would have answered yes, I had.^E

In another statement made at the witness box, Rouabhi Mohamed, son of a *shabid* and principal of a secondary school, said: 'All the confessions in the police statement were extorted from me under 32 days of torture'. 'Even Hitler would not have done the same thing', Rouabhi added, showing his

^D A borough-like administrative division.

^E This statement was also reported in *El Watan* of 10 May 1993 and in *Liberté* of 16 May 1993.

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nails and his head to the audience and to the court. He hesitated a long time before revealing his torturers had castrated him.

Summary Executions

Following deadly ambushes and attacks against army personnel, policemen and civilians carried out by Islamist armed groups which, owing to their lightness and mobility, vanish quickly in nature, the army surrounds the places where the military operations have taken place, takes the law in its own hands and retaliates disproportionately against the population. The macabre and sinister number of dead in this war, which mowed Algerians in the prime of their lives, is impossible to establish with precision because of the censorship of any security-related information. Nevertheless there appears to have been over 120,000 dead since June 1991. Thousands of Algerians from the hinterland or from the popular districts of the cities have been arrested in their homes and executed summarily.

The Disappeared

'Disappearing' people after their arrests allows the security services to act with impunity towards their abductees. Several thousand Algerians have been 'disappeared' since 1992. Our human rights league has taken on the case of the disappeared and supports the struggle of their families. Thousands of families have based their action on the following.

The facts: namely the kidnapping of their relatives who had been arrested in their homes, at their work places or after a normal summons by the security services.

They aim to take the issue of the disappeared before the national and international public opinion in order to break the silence the authorities want to impose on them. By so doing, they seek to ensure that the truth is not stifled by the executioners and the advocates of the reason of State.

They want to bring pressure to bear on the authorities to get them to answer the question they have been asking for years: 'what have you done with the thousands of disappeared?'

Massacres

As a defender of human rights, I must say this: in Algeria there is a state terrorism. There is a state terrorism because the army represses not only those who have taken up arms, but also those who are thought to help them, providing them with food, information and shelter, freely or through coercion. Such people are therefore targeted by the army. There are terrorists on the side of the Islamic armed groups, but there is also a terrorism carried out by

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shadowy armed groups. The daily *Demain l'Algérie* wrote that when General Larbi Belkheir was Interior Minister, 300 death squads were set up.

Algerians expected a firm stand of the international community against the massacres in Algeria. A United Nations delegation known as the UN Panel led by Mario Soares did visit Algeria from 22 July to 4 August 1998. It drafted a report to the UN Secretary-General. But this report, made public on 10 September 1998, discharges the Algerian authorities for the past, and gives them a free hand for the present and a blank cheque for the future. I met and discussed with the members of the panel and handed over to them a written report about the violations of human rights in Algeria.

It is true that the UN Panel visited some places where massacres of citizens had taken place. A case in focus is the Panel's visit to Beni Messous, an outer borough of Algiers which had been the target of a massacre on 5 September 1997. The Panel was accompanied in its tour by an Algerian general. In Beni Messous, the site of the massacre is 300 metres away from the Communal Guard, at three minutes from the Military Security barracks, at 10 minutes from the gendarmerie barracks, and at five minutes from the Cheraga military helicopter airfield. In the October 1998 report on the UN Panel's visit, our League's vice-president, Mr Hocine Zehouane, stated that the victims were people who had flocked to this area from the hinterland and settled in makeshift dwellings. Shortly before the massacres, these dwellings had been visited by uniformed squads, which took away the family identity books of the residents, ostensibly for census purposes. All these disturbing facts give the lie to the pretext of the nature of the terrain, which was the official version given to the Panel with a supporting map by a colonel, to justify the non-intervention. Why did the Panel not visit other major sites of massacres, like Rais, Bentalha, Sidi-Hammed, where there are still survivors of the massacres. In these areas people are still asking insistent questions, in particular why the armed forces refused to intervene for all the begging of the citizens who had managed to escape to the assailants. They also want to know why the access to these sites was forbidden to any person willing to assist them or inquire about relatives.

The massacres of Beni Messous, Bentalha and other places represent, in law, non-assistance to people in danger. Yet the Panel did not write a single word about this. They simply made their own the arguments of the Algerian authorities, saying the conflict may spread to other countries. Thus, the Panel followed right into the footsteps of the European Troika^F.

The silence of the UN panel over the Serkadji prison massacre is yet another grave failure. This jail, situated in the heart of Algiers and in a high se-

^F The troika denotes a fact-finding delegation from the European Parliament that visited Algeria in January 1998. The troika's report for the European Council of ministers was not made public.

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curity zone, was the scene of a massacre, on 21-23 February 1995, that left dead more than one hundred political detainees. *Le pouvoir* gave two official but contradictory versions of this atrocity: one claimed it was a failed 'escape attempt', the other alleged it was a 'mutiny'. The league has published a 198-page report that demonstrates this was in fact a carefully planned and executed operation to eliminate selectively political prisoners. It also showed that the authorities not only killed persons under state protection, but also forced detainees to make false televised testimonies and confessions, and systematically destroyed material evidence likely to shed light on the circumstances of the carnage.

In the face of this odious situation, which is reminiscent of imprescriptible war crimes in international law, the victims' families, their lawyers and human rights activists have made an urgent appeal to the world's conscience and to the human rights organisations to press for the setting up of an independent and neutral commission of inquiry to establish the truth.

Yet, the UN Panel made no mention of it at all in its report. In fact, when visiting the Serkadji prison, the members of the Panel talked to only one Islamist prisoner — they preferred to spend all the rest of the time with prisoners detained for economic crimes.

What was most worrying about this UN panel was their absence of emotion towards the Algerian tragedy. At no time did they call on the Algerians to make peace.

The Judicial System

Justice is a power according to the constitution. It is in fact the instrument of *le pouvoir*. The interference of *le pouvoir* in judicial affairs and the temptation to influence judicial decisions are the rule. Where there are no independent magistrates, there are only delegates of the authorities. In past political trials, the magistrates did not rule in conformity with the law and their conscience, but in accordance with the instructions given by *le pouvoir*, the justice minister and the security services involved. Justice does not control the police which has overpowered it: it only continues the work of the police the way the latter has indicated.

What the judges are required to know about a defendant is what he is, not what he has done. This is the time of fabricated trials, which are grotesquely reminiscent of the Moscow trials of 1936-1938, those of the Algerian war, and of the dissolved state security court and the special courts. According to Vichinsky's theory, the perfect proof is the defendant's own confession obtained under torture — the charge being already a pre-sentence judgement that precedes the actual sentence. Under a state of emergency, asking for a

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fair trial in political matters is — as the political expression goes — tantamount to getting blood out of a stone.

Judicial crimes have been committed. Innocent people have been given severe sentences, while others have been sentenced to death and executed. This will remain an indelible stain on justice. Some magistrates will go down in history as butchers, not as judges.

Political asylum is flouted everywhere; it is in danger everywhere, especially in Europe where it is interpreted in an increasingly restrictive way through the adoption of repressive and deterring measures which contradict internal and international laws. To send back to Algeria political refugees, whose residence is not legal and who had fled their country to escape a ferocious repression, is tantamount to being accessory to the fate awaiting them on their arrival: torture and sometimes death.

The Will of the State and the Will of the People

Current political events have the virtue of laying bare the Algerian regime's real nature. Within the regime, there are factions pitted against each other in a fierce power struggle. What can a president of the republic, a government and a parliament born of rigged elections do when it is known that the real power is monopolised by the military? The army is at the head of the country, does intend to stay and has no plan to give up its status as the exclusive power holder.

Whether they cast their votes or voting is done in their place, the people never decide: they only endorse the choices of the decision-makers. The poll results are secured in advance and the rate of participation is fixed high up in the military hierarchy.

Power is only meaningful if it is not snatched away from the people, if it is exerted under their supervision and remains at the service of the human being, his dignity and his rights. All those who took up a political or armed struggle against dictatorship maintain that acts of violence that target civilians are acts of terrorism. In Algeria, there are three kinds of terrorism: state terrorism, the Islamist armed groups' terrorism and the terrorism of mysterious armed groups. Democracy, and its corollary — free elections — to give back to the people their sovereignty and their power to choose freely their representatives at the state institutions, will be meaningful in Algeria only when peace is restored.

It is the state that must reflect the people's will. It is not the people who must submit to the will of the state.

Algiers, 29 February 1999

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