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ALGERIA

“Disappearances”: the wall of silence begins to crumble

INTRODUCTION

Since 1993, some 3,000 Algerian men and women have “disappeared”¹ after being taken away by the security forces. A tiny percentage of those who have “disappeared” have reappeared later. Some are subsequently reported to have died, although the circumstances of their deaths have never been clarified. The fate of the vast majority, however, remains unknown.

People from every walk of life have been taken away from their homes, often at night and in front of their families or neighbours, taken from their place of work in the presence of colleagues, or from the street, by police, gendarmerie and military security units, as well as by militias armed by the state. Many are believed to have been arrested because they were suspected by the security forces of being connected in some way or another with an armed group or had been denounced as such. For others, there is no apparent reason why they should have “disappeared”.

The systematic practice of secret detention² after arrest is one of the main contributing factors to “disappearances”. According to current Algerian law, suspects may be detained incommunicado for a maximum of 12 days, although this is incompatible with international human rights treaties ratified by Algeria. While the law requires the families to be promptly informed of their arrest and detention, detainees are often held in secret detention by the police, gendarmerie and military security for weeks, months or even years. Some are later released without charge or transferred to a recognized place of detention and their detention acknowledged by the authorities, but many are simply never heard of again. Some of the “disappeared” are believed to have died during secret detention, as a result of torture, neglect or extrajudicial execution, but many are believed to be still alive in secret detention.

¹ Amnesty International uses the term “disappearance” whenever there are reasonable grounds to believe that a person has been taken into custody (including unacknowledged detention centres) by government authorities and their agents and these later deny that the victim is in custody, thus concealing his or her whereabouts and fate.

² Those held in secret detention are kept by security forces in:

- a) places such as police, gendarmerie, army and military security posts where there are custodial facilities intended for short-term incommunicado detention;
- b) places administered by security forces which are not intended for custodial purposes; or
- c) houses, buildings and other places which are used by the security forces but are not known to have any official function.

In all cases of secret detention, the security forces responsible for the detention do not acknowledge holding the detainee.

Persistent efforts have been made by the families of the "disappeared" to obtain information on the fate and whereabouts of their relatives. In recent years Amnesty International has been in contact with hundreds of families who have spared no effort to search for their missing relatives, making inquiries at police stations, military barracks, government ministries and the official human rights body, the *Observatoire national des droits de l'homme* (ONDH), National Human Rights Observatory. Many have also visited hospitals and morgues and frequented cemeteries in the desperate hope of finding a trace of their loved ones. In the vast majority of cases these efforts have yielded no results.

Amnesty International, other international and Algerian human rights organizations, lawyers and human rights activists have repeatedly asked the Algerian authorities to provide information on these "disappearances", but have received no reply of any substance. In addition, these organizations and an increasing number of families have submitted hundreds of cases to the UN Working Group on Enforced or Involuntary Disappearances (WGEID). In July 1998, the UN Human Rights Committee expressed grave concern at the human rights crisis in Algeria, including the fate of the "disappeared", and urged the Algerian government to take steps to address the issue.

In spite of increasing evidence of the large scale of the problem, the authorities have systematically denied all knowledge of the "disappeared", even in the cases of people whose secret detention was confidentially confirmed to the families by members of the security forces and officials. For years the families of the "disappeared" tended to refrain from protesting publicly for fear of endangering the safety of their detained relatives as well as their own, and in the hope that their patience and tireless searches would bear fruit. Mothers of "disappeared" people have been at the forefront of the quest for information. In recent months, after years of requesting news from the authorities without reply, they have become frustrated and, reduced to despair, willing to risk more and more to achieve their goals. In so doing, they have overcome their fear and started to vent their grief in public, holding demonstrations, publicly demanding news of their missing relatives and speaking to the media.

The recent overt campaign work by the mothers on behalf of their children, with the help of a few courageous human rights lawyers, has broken the taboo which had previously obscured the "disappearances" in Algeria. The issue has made headlines in the national press and become a subject of public debate. By publishing this report Amnesty International seeks to contribute to existing efforts to shed light on the fate of the "disappeared" and to put an end to the practice of "disappearance" in Algeria.

This report studies the phenomenon of "disappearance" in Algeria since its beginnings around six years ago. It seeks to identify different patterns of "disappearances" and to illustrate them with cases which have come to Amnesty International's attention. The report looks at what families have done to search for their missing relatives and what sort of responses they

have received from the Algerian authorities. Amnesty International is calling for a full, impartial and independent investigation to be launched into all cases of "disappearance". The report focuses on "disappearances" because many of the "disappeared" are believed to be still alive. So long as they remain in secret detention their lives are at risk and, therefore, urgent action is necessary to clarify their fate. The report is accompanied by a document entitled *ALGERIA: Who are the "disappeared"? Case-studies* (AI Index: MDE 28/02/99), a selection of detailed case-studies of people who have "disappeared".

The organization continues to monitor, campaign against and condemn, repeatedly and unreservedly, killings, torture and other abuses committed in Algeria by security forces and by militias armed by the state. Amnesty International places its primary focus on human rights violations by governments, because it is states which are obliged to implement international human rights instruments and it is states which are responsible for investigating human rights violations and bringing to justice their perpetrators. However, the organization also monitors, campaigns against and condemns killings, rape and other abuses committed in Algeria by armed groups which define themselves as "Islamic groups". Abuses other than "disappearance" perpetrated by the security forces, state-armed militias and armed groups are elaborated on briefly in the next section and have been documented in previous reports³ published by the organization in recent years, but are not the subject of this report.

³ *Algeria: Civilian population caught in a spiral of violence* (AI Index: MDE 28/23/97); November 1997.

- *Algeria: Fear and silence: A hidden human rights crisis* (AI Index: MDE 28/11/96); November 1996.

- *Algeria: Killings in Serkadji Prison* (AI Index: MDE 28/01/96); February 1996.

- *Algeria: Repression and violence must end* (AI Index: MDE 28/08/94); October 1994.

- *Algeria: Executions after unfair trials; a travesty of justice* (AI Index: MDE 28/15/93); October 1993.

- *Algeria: Deteriorating human rights under the state of emergency* (AI Index: MDE 28/04/93); March 1993.

BACKGROUND

The phenomenon of "disappearances" has developed in Algeria against a backdrop of a human rights crisis which has claimed tens of thousands of lives in the past seven years. As well as widespread killings, the country has been afflicted by daily human rights abuses committed by security forces, state-armed militias and armed groups which define themselves as "Islamic groups".

After the cancellation of the second round of Algeria's first multi-party elections, which the *Front islamique du salut* (FIS), Islamic Salvation Front, looked set to win, at the beginning of 1992, the FIS was outlawed and tens of thousands of its members and alleged supporters were arrested. Amnesty International welcomed the fact that torture was virtually eradicated in the period between 1989 and 1991. However, in 1992 torture started to be used once again by the security forces and quickly became widespread. Thousands of people were held in administrative detention without charge or trial in internment camps in the desert in the south of the country. Tens of thousands were imprisoned after unfair trials and 26 people were executed in 1993, the first executions since 1989. A moratorium on executions was declared at the end of 1993, but since then extrajudicial executions have increased and appear to have often been used as an alternative to arrest and prosecution. An emergency "anti-terrorist" decree passed in 1992 was incorporated virtually in its entirety into permanent legislation in 1995 and the state of emergency imposed at the beginning of 1992 remains in place.

In 1992 armed FIS members and supporters began to target members of the security forces, resulting in hundreds of deaths. However, since 1993 a variety of armed groups calling themselves "Islamic groups" have sprung up and increasingly targeted civilians. The leadership, composition and demands of these groups remain unclear since they have no spokespeople and issue few public statements. Little is known about what communication the groups have with each other and there are frequent reports of splinter factions, which are often not heard of again. Such groups have been responsible for murdering individuals and groups of civilians from all walks of life, including the most vulnerable members of society, from unborn or new-born babies to the elderly and infirm. They have carried out indiscriminate attacks on non-military targets, such as markets, cafés, trains and buses, and, even when they have planted bombs near police stations and gendarmeries, their victims have mostly been civilians. In addition, civilians, members of the security forces and young conscripts have been killed following abduction and torture, and women captives have been raped, sometimes repeatedly, by members of armed groups. Armed groups have also been terrorizing the population by issuing death threats - which are often carried out - against people whom they accused of supporting the authorities, or of not supporting the armed groups, or whose behaviour or lifestyle they objected to. Furthermore, many of these groups have committed common criminal activities such as theft and racketeering.

In a situation where the security forces were not providing sufficient protection for the civilian population, paramilitary militia groups armed by the state came into existence in 1994 and were legalized in 1997. The spread of such militia groups, particularly in rural areas, acting outside the framework of the law-enforcement structure has allowed yet more actors to keep the level of violence high in Algeria. Even though their mandate is one of "self-defence" they have been carrying out offensive military operations, either on their own or in conjunction with the army and security forces and in some areas they have virtually replaced the security forces for prolonged periods of time. Such militia groups have been responsible for grave human rights violations, including murder and abductions. In April 1998, two militia chiefs from the Relizane area in western Algeria, who were also mayors for the main governing party, the *Rassemblement national démocratique* (RND), National Democratic Rally, were arrested and accused of being involved since 1995 in the abduction and murder of several citizens from the local community. Despite the very serious charges against them they were released within a few weeks and have not been brought to justice.

Tens of thousands of people, many of them civilians, have been killed since 1992, often in the most brutal ways. Men, women, children and even babies have been massacred by armed groups, decapitated, shot dead, blown up, hacked and burned to death, and mutilated with knives, machetes and saws. People have been slaughtered and then stuffed with explosives to serve as booby-traps, pregnant women have been disembowelled, entire families have been wiped out and village markets have suffered direct hits by mortar bombs.

In 1997 and early 1998, Algeria saw the most intense period of violence it had experienced since the conflict began, as the civilian population was targeted in an unprecedented manner. Large-scale massacres of up to hundreds of people, mostly in poor, rural communities, occurred on a regular basis. The massacres were committed by large groups of men who attacked at night, while many people were asleep, killing entire families and pursuing and killing whoever tried to flee. Many of these massacres, including most of the largest ones, were committed in the area around the capital, in the most militarized part of the country and often very near army barracks and security forces outposts. However, in most cases the army and security forces did not intervene to stop the massacres or to apprehend the attackers who were invariably able to leave undisturbed. The manifest lack of protection for the civilian population by the Algerian authorities prompted unprecedented expressions of concern from the international community. However, the authorities rejected calls for investigations to establish the facts and responsibilities about the massacres and other abuses and have continued to deny access to the UN Special Rapporteurs on torture and on extrajudicial, summary or arbitrary executions, to international human rights organizations and to many foreign journalists.

Since then, although the spotlight of the world's media has tended to avert its eyes from the human rights crisis in Algeria, civilians continue to be killed every day. Censorship of the domestic media by the authorities and the largely restricted and selective access granted to

foreign journalists have meant that few voices can be heard offering a version of events significantly different to that of the Algerian government's on the human rights situation.

The international community has, for the most part, failed to face up to its responsibilities with regard to the human rights crisis in Algeria. The UN Human Rights Commission has repeatedly failed to take any form of effective action. Political initiatives in 1998 such as the visits by the European Union troika, the European Parliament delegation and by a panel set up by UN Secretary-General Kofi Annan and headed by former Portuguese President Mário Soares have been extremely limited in scope because they lacked any kind of human rights component, had neither the power nor the means to carry out any investigation and contained no follow-up provision.

With the UN Special Rapporteurs on torture and on extrajudicial, summary or arbitrary executions still unable to gain access to Algeria, the UN Human Rights Committee was, in July 1998, the first UN mechanism to issue specific recommendations to the Algerian government for measures it should take to stop and prevent grave violations. Following its examination of Algeria's report, submitted three years late, on its implementation of the International Covenant on Civil and Political Rights (ICCPR) the Human Rights Committee expressed grave concern at the human rights crisis in Algeria.

Since the outbreak of the conflict in 1992, Amnesty International has documented and repeatedly condemned cases and patterns of human rights abuses committed by security forces, armed groups which define themselves as "Islamic groups", and, more recently, by militias armed by the state, and has issued appeals and recommendations to the government authorities and to armed groups. The organization has tried repeatedly to engage the Algerian government in constructive dialogue, but has received no reply to its request for talks and correspondence. Until mid-1996 Amnesty International regularly conducted visits to Algeria despite restrictions on access, but since then its representatives have been denied entry to the country. Other international human rights organizations are also barred from the country, including the International Federation of Human Rights Leagues and Human Rights Watch, which carried out one visit each in mid-1997. Prison visits by the International Committee of the Red Cross (ICRC) were suspended in 1992 at the request of the Algerian authorities, who refused to allow the ICRC full, regular and confidential access to detainees. Only a US-based press-freedom organization, the Committee to Protect Journalists, was allowed to carry out a visit in October 1998.

THE "DISAPPEARED": WHO ARE THEY?

The "disappeared" are a widely varied group of people. Abdellah Bounab, a 44-year-old hospital worker, was arrested in Relizane on 4 September 1994 and then "disappeared". Amina

Benslimane, a 28-year-old secretary, was arrested in front of her mother at her home in Algiers at 8.30 am on 13 December 1994 and there has been no news of her since. Abderrahmane Sahraoui, a 17-year-old high school student, was taken from his home in Algiers on 30 December 1996 and subsequently "disappeared". Abdelkader Bouziane Boulenouar, a 30-year-old farmer, was last seen on 6 May 1996 at an army barracks in Ain Frass to which he had been summoned. Naima and Nadjoua Boughaba, two sisters in their twenties, were both working as clerks in the court of El-Harrach, a suburb of Algiers, when they were arrested together on their way to work in the morning of 12 April 1997 and then "disappeared". Abdelkader Nekrouf, a 47-year-old lawyer, was arrested at his office in the province of Mascara on 8 July 1997 and never seen again.

The men and women who have "disappeared" come from every social class, political background and walk of life. People from cities and rural areas, rich and poor, young bachelors and elderly widows, middle-aged professionals and unemployed youths, have all been affected by the phenomenon.

Mustapha Benkara, a 41-year-old surgeon at Medea Hospital, married with two children, was a candidate for the *Front de libération nationale* (FLN), National Liberation Front, in the 1991 legislative elections. He was arrested by the security forces whilst working at the hospital on 31 March 1994. During the first 10 days following the arrest, his family were told unofficially that he was alive and well, but news about him soon stopped filtering through and his whereabouts have remained unknown ever since. Mustapha Benkara had been previously arrested in 1993, reportedly because he was suspected of having been forced by an armed group to treat one of their injured members and of having failed to inform the security forces after the event.

Mohamed Rosli, a director of studies at the Institute of Sociology in the University of Blida, had been elected as FIS candidate in the first round of the 1991 legislative elections. He was arrested by security forces in plain clothes in his office at the university on 30 October 1993 and has not been seen since. Around two years after his arrest, his family received a letter from him through someone who had been detained with him in the military prison in Blida and who had subsequently been released. In the letter, Mohamed Rosli said that he had been tortured. All efforts by his family to obtain any information from the security forces and authorities concerning his whereabouts have been in vain. At the time of Mohamed Rosli's arrest and "disappearance" his brother, who was serving in the Algerian police force, tried to find out where Mohamed was detained but was advised to drop the matter. Young and newly married, the brother fled Algeria with his wife after the "disappearance" because he felt at risk from armed groups, because of his job, and from his colleagues in the security forces, due to being closely related to someone so out of favour with the authorities.

Among those who "disappeared", especially in 1993-94, are many FIS members, including several FIS candidates in the 1990 and 1991 elections, supporters and known or suspected sympathizers. Others seem to have "disappeared" because they were suspected by some security services of helping armed groups - either actively or by acquiescence. Others, it is thought, were denounced to the security services as members or supporters of armed groups by neighbours or acquaintances with whom they were perhaps in some form of dispute, sometimes over financial matters. Sometimes denunciations are made by detainees during interrogation under torture. Many former detainees have told Amnesty International that after arrest they were interrogated at length by the security forces about neighbours, colleagues, school friends and acquaintances whom the security forces believed were involved with armed groups. Several of these former detainees, while subjected to torture in detention, found no alternative but to denounce large groups of people whom they hardly knew, such as work colleagues, mere acquaintances, neighbours, former school companions whom they had not seen for years, and so on. Some conceded that some of their friends, colleagues, neighbours, acquaintances or even family members could indeed have been linked to armed groups but maintained that they had no way of knowing.

Vast numbers of people have been arrested and many may have "disappeared" because they had received a visit from an old school friend, relative, or relative of a friend and had given him or her hospitality in the customary way without knowing that the person was, or was suspected of being, involved with an armed group. This pattern is particularly pronounced in poor and densely populated areas, especially among the young and unemployed, where the armed groups have recruited many of their members. Moreover, it is not uncommon to find families in which some members are working for the government, administration or security forces and others are members of armed groups. Many people have been tortured and some may have "disappeared" because the security forces presumed that they were in possession of information relating to the activities of a family member in an armed group, or that they themselves were involved in these activities, even if they were not.

Some people have "disappeared" following their acquittal in a trial held in a court of law. Their families suspect that the abduction of their relatives was ordered by sections of the security forces dissatisfied with the judge's ruling on the cases. Others appeared before a magistrate after being held secretly but instead of being moved to a recognized place of detention were then taken back into secret detention and "disappeared". Hamou Mahboub, a journalist with the now banned newspaper *El-Djazair el-Youm* (Algeria Today), was abducted on 23 April 1994 in the street in the centre of Algiers. Amnesty International learned that he had been brought before an examining magistrate of the *Cour spéciale* (Special Court) in Algiers about a month after his arrest. He was later seen in the *Commissariat central* (Central Police Station) in Algiers by other detainees who were held with him between 15 and 18 April 1995, but he then "disappeared".

Others have "disappeared" following the completion of custodial sentences. Ahmed Chouchane believes that this would have been his fate had his lawyer not been waiting for him outside the prison on the day of his release from detention. Ahmed Chouchane was sentenced to three years' imprisonment by a military court while serving as a captain in the Algerian army. Defence lawyers had withdrawn from the trial in protest at irregularities. On 1 April 1995, the scheduled day of his release, he was abducted from outside the gates of El-Harrach Prison in Algiers by the security forces, which were present outside the prison in heavy numbers, in both official and ordinary cars. His lawyer, who was waiting for him outside the prison, witnessed the abduction and alerted Amnesty International and the international media. Amnesty International made inquiries with the Algerian authorities seeking information about Ahmed Chouchane's whereabouts and the reason for his detention, and, although the organization received no reply on the matter, he was released from secret detention a few days later.

It is common for the security forces to conduct carefully orchestrated operations in which a number of targeted individuals from the same community are arrested at a similar time, often during the same night, and then "disappear". Those rounded up might be friends or relatives of each other, but equally they might merely happen to live in the same village or quarter of a city. There are also cases in which some of those arrested in a raid on a community are later found in detention, and then possibly brought to trial, while others "disappeared". In May 1997 a 70-year-old man was taken by security forces outside a mosque in Constantine; others arrested around the same time and detained with him in the first few days after arrest were either released or charged and transferred to prison but he "disappeared". His family could see no reason for his arrest and said that due to his fragile health he was unable to undertake any activities, except for going to the mosque, and spent virtually all his time at home. He was eventually released from secret detention a year later. All he knows is that he was taken to the local security forces headquarters, where he remained for some days, and was subsequently moved to two different places of detention, but he does not know where because he was blindfolded during the transfers.

On the night of 21/22 July 1994, some 15 inhabitants of Rass El-Oued, a town of around 50,000 inhabitants southeast of Algiers, were arrested in their homes between 11pm and 3am by members of the security forces and *garde communale* (communal guard). Several Toyota and Nissan jeeps, vehicles regularly used by the military, were parked outside the gendarmerie of Rass El-Oued at around 11.30pm on 21 July. Using these vehicles as transport, members of the security forces made their arrests and, once they had finished the operation, reassembled at the gendarmerie, before leaving Rass El-Oued at around 3am on 22 July with the men they had arrested. The families of the men have been trying since to obtain information on the fate of their relatives, but without success to date. Those taken included teachers, retailers, the imam of Rass El-Oued mosque, and a former FIS candidate; the youngest was 19 years old and the oldest 72.

There are incidences of people "disappearing" after being taken away by members of the security forces for questioning about members of their family. Douia Gat Benaziza, a 68-year-old widow, was arrested at 11pm on 2 June 1996 in her home in Constantine by people who identified themselves to the family as members of the security forces. They were searching for one of her sons who was wanted by the authorities and took her away, reportedly to question her about her son, but promised her family she would be released within a couple of hours. Two days later her son, whom the security forces were looking for, presented himself to the authorities and was released the same day and cleared of the allegations against him. His mother has never reappeared.

Security forces sometimes arrest other members of the family or neighbours at around the same time as they take someone away in a "disappearance" case. In most cases, the family members or neighbours are held in detention for a day or more and tortured or ill-treated, following which they are released without charge. When Younès Soualah was arrested at his home in Algiers at approximately 1am on 21 February 1995, his wife was taken with him. She was detained at the prison of Belcourt for 10 days before being released. The family, after hearing from unofficial sources that Younès Soualah was being detained by the army in Blida, managed to correspond indirectly with him until the end of March 1995, but since then his whereabouts and fate have been unknown.

SECRET DETENTION: THE HARSH SLIDE INTO THE OBLIVION OF "DISAPPEARANCE"

"No one shall be subjected to arbitrary arrest, detention or exile."

(Article 9 of the Universal Declaration of Human Rights)

Arrest and detention procedures and the wide-ranging and unchecked powers enjoyed by security forces units operating outside the control of the judiciary and in violation of both Algerian and international law have contributed in great part to the practice of "disappearances" in Algeria.

Amendments made in 1992 to the laws governing arrest procedures seem to have contributed to the phenomenon of "disappearance" becoming widespread. Prior to 1992 police officers were mandated to carry out arrests only in their base-district; in an emergency situation their territorial mandate could be extended at the request of a magistrate, but police officers operating outside their base-district still had to be accompanied by a police officer from the district where the operation was taking place. These conditions, however, did not apply to military security officers who could operate throughout the country at any time. In 1992 the law was changed to allow police officers to operate anywhere in the country without requiring authorization from the police and judiciary with primary jurisdiction over the area. Consequently,

the police having jurisdiction over a particular district may be ignorant of an arrest made in that district by members of military security and other branches of the security forces. Poor communication and coordination among the police, gendarmerie, military security and other security forces units appear to have further exacerbated the problem.

Arrest

The general pattern of arrest over the past few years has been of a group of armed men, wearing uniform or plain clothes, and sometimes balaclavas, presenting themselves at the homes of "suspects" or at their place of work and taking them away. At times, not finding those whom they are looking for at their home, security forces units may ask a family member to accompany them to the homes of relatives or friends where the person they are seeking is supposed to be. On other occasions people have been taken from the street, on their way to or from work or college, outside mosques or in their neighbourhood. Arrests have often been carried out late at night, but also in broad daylight in full view of relatives, colleagues, local residents and others. The armed men carrying out the arrest may be very polite towards family members or work colleagues present and reassure them that the person is only being taken for a routine check, such as to ascertain the person's identity, or is needed for questioning and will promptly be released.

In the overwhelming majority of cases brought to the attention of Amnesty International, members of the security forces who have carried out arrests in recent years have not shown any arrest or search warrant to those being arrested or to their families. They may give no indication of their identity, or they may admit to being members of the security forces without, however, producing any identification or specifying to which service of the forces they belong. They may take the detainees away in security force or army vehicles or in ordinary cars without markings. In a country beset by violence, with armed groups such as the *Groupe islamique armé* (GIA), Armed Islamic Group, often posing as security forces when carrying out their attacks, the fact that security forces carry out arrests in a similar manner to abductions by armed groups has contributed to increasing the climate of confusion and terror. Often those taken away by security forces have thought, as have their families, that the armed men carrying out the operation were members of an armed group. Only later did they realize that it was the work of the security forces when indications connected with the time and place of the operation were analysed or reports from detainees who had been held with the "disappeared" were received.

A journalist who was taken in March 1997 from his hotel room by a group of armed men who stormed into his room in the middle of the night, recalls thinking at the time that he was being kidnapped by an armed group. The men wore plain clothes and showed no identification or warrant. He was handcuffed, blindfolded and put in an unmarked car with his head pushed towards the floor so that he could not see where he was being taken. Once the car stopped, he was led into a building and it became apparent to him that he was in a secret detention centre. He told Amnesty International, "In retrospect it should have been clear to me immediately that

those carrying out the operation could only have been members of the security forces, because I was taken from a government hotel" (a protected place for journalists, officials, personalities and other categories at risk from armed groups). Moreover, the GIA and other such groups have never been known to abduct people from such places. From his secret detention centre he managed to smuggle out a message to his friends in the media alerting them to his arrest and detention. He was freed after a couple of weeks. Two months later he was again forcibly taken away, this time from the street and in the middle of the morning. Like the previous time, those carrying out the operation were armed, wore plain clothes, showed no identification or warrant, bundled him into an ordinary car and put a hood over his head so as to prevent him from seeing where he was being taken. Once again he was convinced that he was being abducted by an armed group, but again found himself in a security forces centre, where he spent 12 days before being released without charge. On both occasions he was tortured under interrogation and two years later he is still receiving treatment for the torture he suffered. On both occasions his relatives were not able to obtain any confirmation of his arrest and place of detention in spite of their repeated inquiries with the authorities.

Some families, who at first believed that their relatives had been abducted by an armed group, received the first indication that the operation had been carried out by security forces when they realized that the Algerian media remained silent about the case due to self-censorship⁴. Later, they would receive further evidence pointing to the involvement of the authorities. This is especially true of "disappearance" cases involving journalists, university professors, doctors, lawyers, civil servants and others. It is noticeable how little media coverage - if any at all - has been given to these cases. However, when people in such professions are killed or abducted by armed groups, there has normally been very wide coverage and condemnation of the incident in the Algerian media.

Secret detention

During the last seven years in Algeria, those arrested have routinely been held in secret detention in violation of both Algerian law and international human rights standards. According to Algerian law, specifically Article 51 of the *Code de procédure pénale* (CPP), Criminal Procedure Code, those arrested may be held in incommunicado (*garde à vue*) detention for a maximum of 12 days⁵, but the families of those arrested must be immediately informed of their

⁴ The few exceptional newspapers which have reported specific instances of "disappearance" have been banned by the authorities.

⁵ The *Décret législatif No 92-03 relatif à la lutte contre la subversion et le terrorisme* of September 1992 prolonged the period of incommunicado detention from 48 hours (or a maximum of double this period in cases involving state security) to 12 days. On 25 February 1995 this provision (and most others) of the "anti-terrorism" emergency decree was incorporated into permanent legislation and Article 51 of the CPP was amended to allow for a 12-day maximum period of

arrest and allowed to communicate with them⁶. The same article also stipulates that at the end of the period of incommunicado detention the detainee must undergo a medical examination carried out by a doctor of his or her choice.

However, in practice, these provisions are systematically breached and detainees' families are virtually never able to obtain any information on their relatives' whereabouts from the authorities or security forces. In virtually all the cases investigated by Amnesty International in the past seven years the authorities and security forces have either refused to respond to inquiries from detainees' families and lawyers or have denied all knowledge of their arrest and detention for as long as the detainees were held in secret detention, regardless of whether this lasted for days, weeks or months. Detainees have either been released without charge after prolonged periods of secret detention, or been charged and transferred to recognized places of detention, or simply "disappeared".

The judiciary, who would normally be expected to play a key role in the protection of human rights, has not fulfilled this role for a variety of reasons. It has been hampered by a lack of independence due to direct interference by the executive and those judges who have not toed the line have been harassed by the authorities. Consequently, the judiciary has repeatedly failed to seek to investigate breaches of arrest and detention procedures by the different arms of state security, in spite of substantial evidence that detainees were being held in secret detention in breach of the law. Article 51 of the Algerian CPP stipulates that any member of the security forces who violates the provisions of this article will be subjected to the punishment stipulated for arbitrary detention. However, judges and magistrates have generally turned a blind eye to even the most well documented cases of secret detention and impunity has systematically been granted to the security forces responsible for violating the law. Amnesty International is not aware that any investigation has been carried out into any of the numerous cases of secret detention which it has brought to the attention of the Algerian authorities, nor that any members of the security forces have been brought to justice for such crimes. The Algerian authorities periodically say that members of the security forces and militias have been prosecuted for "abuses" but have so far refused to provide details of such cases. Some members of the security forces and militias are reported to have been prosecuted for murder, but no cases are known of prosecution for arbitrary detention.

incommunicado detention.

⁶ Article 51 stipulates: "... *Tout en veillant au secret de l'enquête, l'officier de police judiciaire est tenu de mettre à la disposition de la personne gardée à vue tout moyen lui permettant de communiquer immédiatement et directement avec sa famille, et de recevoir ses visites.*" ("Whilst safeguarding the secrecy of the investigation, the judiciary police officer must put at the disposal of the person held in incommunicado detention all necessary means enabling him or her to communicate immediately and directly with his or her family and to receive its visits.")

Cases of prolonged secret detention which Amnesty International has been raising with the Algerian authorities since 1992 have never been investigated. Nadir Hammoudi, an architect, was arrested in October 1992 and spent 40 days in secret detention; Saadane Hassani, a student, was arrested in November 1993 and spent two months in secret detention; Noureddine Lamdjadani, a professor of medicine, was arrested in May 1994 and spent two months in secret detention; Noureddine Ameer, an orthopaedist, was arrested in December 1994 and held in secret detention for five months; Salima Djeflal, a female unemployed teacher, was arrested in July 1995 and held in secret detention for five weeks. These are just a few examples of men and women whose prolonged secret detention was raised with the Algerian authorities. In no case did any of these individuals have access to the outside world, and neither did the outside world, including their families, have any idea as to where they were being held, or even whether they were alive or dead. All of them were brought before the courts and informed the judges of their secret detention; some were released without charge or after being acquitted and others were sentenced to prison terms on charges of "terrorism". In some cases the authorities promised that investigations would be carried out, but to date none has been undertaken.

Saida Kherroubi, 31, was arrested on 7 May 1997 at Bouroubaa Police Station, where she had taken food for her detained mother, Messaouda Boukhari. She had her baby daughter with her and the police asked her to go and leave the child and come back alone, which she did. Upon her return to the police station she was arrested and "disappeared". Her mother was later released at the end of May 1997 but Saida Kherroubi remained in secret detention for five months, after which she was brought before an examining magistrate and transferred to a prison awaiting trial on charges of "links with terrorist groups". The judiciary and the authorities, who had been informed of her "disappearance", continued to deny all knowledge of her whereabouts up until her transfer to prison and subsequently took no steps to investigate her "disappearance".

Given the very large number of cases of prolonged secret detention and "disappearance" which have been brought to the attention of the Algerian authorities, notably the Ministers of Justice and the Interior, the absence of investigations or of any concrete action to address the issue indicates that the problem is not just one of poor communication or inefficiency, but rather that such practices have been condoned if not encouraged at the highest level. The atmosphere of impunity which has become increasingly entrenched has invariably in turn encouraged further abuses.

The ONDH, the official human rights body which has routinely denied or minimized allegations of human rights abuses committed by security forces, has admitted that secret detention is a problem. In the organization's annual report for the year 1996, the following points are made:

"... the conditions and time limits on incommunicado detention as provided for by the Constitution and Criminal Procedure Code must be strictly respected in order to

ensure that the time limits on incommunicado detention are not breached and that this detention is not prolonged in secret in places and establishments for whose functioning the law has not provided.

"In any case, the ONDH considers that there is good reason to put a stop to places of detention outside the sphere of control legally provided for by the law."⁷

Despite this recommendation, no remedial action was taken and no mention of secret detention was made in the ONDH's report for the following year.

It is during secret detention, when detainees have no access to their family, friends or lawyer, that they are most in danger of "disappearing", as well as of being tortured, ill-treated or extrajudicially executed. The laws discussed above, which regulate arrest and detention procedures, contain provisions which, if applied, would provide important safeguards against "disappearances". There is no doubt that if the necessary measures had been taken by the Algerian authorities and by the judiciary to ensure the compliance of the security forces with these laws, Algeria would not today face a problem of "disappearance" on such a large scale.

DISREGARD FOR INTERNATIONAL STANDARDS

Algeria has repeatedly shown disregard for its international obligations relating to the protection of its citizens from arbitrary arrest, secret detention and "disappearance". The government ratified both the International Covenant on Civil and Political Rights (ICCPR), in 1989, and the African Charter on Human and Peoples' Rights, in 1987, and by doing so undertook to guarantee certain human rights.

For example, the ICCPR stipulates in its Article 9:

"1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law..."

"3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release..."

⁷ *Rapport annuel: 1996 of the ONDH; page 48.*

The African Charter similarly guarantees the right to liberty and security of person and prohibits arbitrary arrest or detention.⁸

As a member of the UN, Algeria is obliged to act in accordance with the Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the UN General Assembly on 18 December 1992 without a vote. The Declaration stresses the danger to life and liberty of the "disappeared". Article 1 states:

"1. Any act of enforced disappearance is an offence to human dignity. It is condemned as a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the Universal Declaration of Human Rights...

2. Such an act of enforced disappearance places the persons subjected thereto outside the protection of the law and inflicts severe suffering on them and their families. It constitutes a violation of the rules of international law guaranteeing, inter alia, the right to recognition before the law, the right to liberty and security of the person and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. It also violates or constitutes a grave threat to the right to life."

Article 2 states:

"1. No State shall practise, permit or tolerate enforced disappearance.

2. States shall act at the national and regional levels and in cooperation with the United Nations to contribute by all means to the prevention and eradication of enforced disappearance."

The Algerian government has, however, paid little attention to its responsibilities under international law. A state of emergency has been in place in Algeria since early 1992 and the authorities have been flouting for some six years stipulations relating to the prevention of "disappearance" that are found in the international agreements to which they are a state party.

In 1998, the Algerian government presented its report on its implementation of the ICCPR some three years late to the UN Human Rights Committee, the Covenant's expert monitoring body. During the two-day examination of the report in July 1998, the Committee repeatedly expressed its concern in no uncertain terms at the lack of concrete information both in the report itself and in the oral comments of the Algerian delegation, which repeatedly failed to provide concrete and detailed answers to the precise questions asked by the experts. The

⁸ Article 6 stipulates: "Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained."

Committee's concluding observations, published in August 1998, reflect the gravity of the situation and include the following comments:

*"The Committee is further concerned at the less than satisfactory responses from the [Algerian] Delegation, with regard to innumerable reports of arbitrary or extrajudicial executions of individuals, some while in custody, others under suspicion of being associated in one way or another with terrorist groups."*⁹

*"Given the unsatisfactory responses of the Delegation and the number of complaints from family members, the Committee is gravely concerned at the number of disappearances and at the failure of the State to respond adequately, or indeed at all, to such serious violations."*¹⁰

*"The National Observatory for Human Rights [ONDH] has conceded in its Annual Report for 1996 that places of detention exist which are outside the control legally stipulated by law. This reinforces allegations from many sources on detention of people who are not registered and brought before the courts, as required by Algerian law and Article 9 of the Covenant."*¹¹

THE TORTUOUS QUEST BY FAMILIES OF THE "DISAPPEARED"

After the arrest of a relative, it is common for the family to visit local police stations and gendarmeries and inquire after their relative's whereabouts. The most common response received by families is that there is no record of any arrest having been made. This response is made even when family members, work colleagues or neighbours recognized one or more of the arresting security agents as being from the local police station or gendarmerie.

Sometimes, the family are told that their relative is being detained and cannot be visited, but will be released soon. In a few cases the police or gendarmerie have accepted food, clothes or medicines brought by the detainee's family for their relative, but after some days the families have been told not to bother any more because their relative has been moved to another place

⁹ UN Human Rights Committee (Sixty-third session); August 1998; CCPR/C/79/Add.95; ALGERIA: Consideration of reports submitted by states parties under article 40 of the covenant Concluding Observations of the Human Rights Committee: Algeria; paragraph 7.

¹⁰ *ibid*; paragraph 10.

¹¹ *ibid*; paragraph 12.

of detention. In such cases all efforts by the families to obtain any information concerning the new place of detention have yielded no results.

Family members inquiring after their detained relatives are often treated disrespectfully and may also be ill-treated when they visit police stations and gendarmeries. Mothers of detainees have reported being verbally and even physically abused when they went to police stations or gendarmeries to investigate the fate of their sons. Amine Amrouche "disappeared" from outside his home in Baraki, a district of Algiers, on 30 January 1997. His grandmother, Fatima Yous, whom he lived with, went to the police stations, gendarmeries, law courts, hospitals and even morgues in her area, but was unable to obtain any information about him. She stated that she was insulted in the gendarmerie and when, distressed, she tried to insist that something had to be done to find her grandson, was forcibly ejected from the premises. "I was treated like a criminal," she told Amnesty International.

Some "disappeared" have reappeared weeks or months later. Some of those who have reappeared have been able to shed some light on what has happened to other "disappeared", although usually they are only able to provide scant details regarding the first few weeks or months of the detention of these others and are unwilling to testify publicly for fear of reprisals.

Hope that the detainee would eventually be released drove many families to refrain from publicizing the "disappearance" of their relatives, especially in the early stages of the "disappearance". They supposed that by remaining silent about their missing loved one they would be more likely to see that person alive again. Others believed that if they raised their cases with the authorities, they would put themselves and other family members at risk. Others found themselves in a situation where, nervous anyway about taking any bold steps to locate a "disappeared" relative, they had little idea of whom to contact or what procedures should be open to them. Many more, particularly the poor and those living in more remote areas of the country, have found it difficult to take action due to a lack of resources, or quite simply because they were not aware of their rights.

However, even though in most cases the families of "disappeared" chose not to publicize the cases, thousands of families have continued to search for their missing relatives with relentless courage and determination. After receiving scant or no help from police stations, gendarmeries and courts, they have written - often sending their letters by recorded and registered post to keep some evidence of the action - to ministers, notably those of the Interior, Justice, Defence and Solidarity and the Family, to the ONDH, the *Médiateur de la république* (Ombudsman of the Republic) and to the Presidency of the Republic. They have registered complaints via lawyers willing to take on such potentially risky cases for them and have contacted political parties and human rights organizations within the country and abroad.

Since 1994 Amnesty International has been contacted by hundreds of families seeking help to trace their "disappeared" relatives. Some have communicated through relatives living abroad; others have written directly to the organization, after hearing about it from friends, relatives or human rights lawyers in the country, or after listening to interviews and programs on foreign radio and television stations which broadcast into Algeria. Many of those who wrote to Amnesty International had heard of the organization but did not know its contact details. They sent letters in envelopes marked only "Amnesty London" or "Amnesty - Human Rights Organization", in French, Arabic or English. Since 1997 the number of people who have contacted international human rights organizations about the cases of their "disappeared" relatives has increased and since 1998 hundreds of families have submitted cases to the UN Working Group on Enforced and Involuntary Disappearances (WGEID).

Unable to obtain any information about their missing relatives, many family members - especially mothers - have kept going back to the courts, hoping to see their relatives being brought before a judge. When detainees are transferred from secret detention to recognized prisons their families are not informed and usually learn about their relative's place of detention through other detainees, who inform their own families of the new arrival and have them in turn pass on the news to the families of the new detainees. However, this process can often take time, given that detainees come from all over the country and many families have no telephone. Therefore, many families have made their way from prison to prison and visited law courts to ask for a permit to visit their "disappeared" relatives, hoping that they had been transferred to a prison and the news had not reached them.

In a desperate bid to find even the smallest scrap of news about a "disappeared" loved one, many have travelled to hospitals and army barracks to look for their relative or at least evidence that he or she has passed through. Still unable to obtain any information, they have gone further still and spent hours and days searching in morgues and cemeteries, pleading with and bribing hospital workers and grave diggers to look at the lists of names for the bodies brought in, in anguish lest the body of their son or daughter might be among the many unidentified ones registered as "*X algérien*".

It is mostly the mothers who, day in, day out, have continued these painful searches, partly because they felt that as women, often elderly, they incurred less risk than others. It is also they who have borne the brunt of the many practical problems faced by families in the wake of the "disappearance" of a male relative, in addition to the pain and distress engendered by the loss of a husband or son. In Algeria, the husband is generally the bread-winner in the family and, if he has "disappeared", the wife is often left in the precarious position of having to provide for her family without state help, something she might have received had her husband been killed by an armed group. Given the current unemployment figures in Algeria (nearing 30% of the active population) and the lack of qualifications and work experience which many women are burdened with, finding a job can be almost impossible. Furthermore, there are

serious bureaucratic problems for children resulting from the "disappearance" of a father which the mother has to contend with. Many forms, such as for registering children in schools and for obtaining passports and other documents for them, cannot be completed without the signature of the father, unless the father is registered as dead, which "disappeared" people are not. There are similar problems for the women themselves if in the longer term they seek to remarry or receive inheritance.

Many families of "disappeared" have heard that their missing relatives were seen alive in secret detention days, weeks or months after arrest. In most cases the information has come from people who were detained with them and who were subsequently released or moved to recognized prisons. In some cases former detainees have given detailed and precise information about "disappeared" people with whom they were held during secret detention, such as what clothes, spectacles, watches or shoes they were wearing, or have brought messages to the families from the "disappeared". Some people have been able to use acquaintances in the army and security forces to obtain news about family members who have "disappeared". However, the information received is usually deliberately vague - maybe little more than that the person is dead or alive in detention - since those providing the information are worried that by giving away more details they will put themselves at risk. A very limited number of families with good contacts have been able to publicize the "disappearance" of their relative in the Algerian media, but without any mention that the person had been taken by the security forces.

UNCONVINCING EXPLANATIONS

The Algerian authorities have generally ignored requests for information about the fate of "disappeared" people, but, over the past three years, on a small number of cases, they have felt compelled to respond. The responses have often been made to UN bodies which had inquired about specific cases of "disappearance", but on rare occasions families have received replies from the ONDH about their missing relatives. However, these responses have invariably been inadequate and at times contradictory.

The Algerian government has employed several arguments to explain away "disappearance" cases. However, it has consistently failed to provide the necessary details to substantiate the argument put forward. Moreover, the Algerian authorities have given no explanation as to why for months or years they had not provided families, who had relentlessly contacted them for news of their "disappeared" relatives, with the information they subsequently handed over to UN bodies.

One explanation put forward by the authorities is that the person in question was never arrested and is not known by the security forces. However, some "disappeared" were known to have been previously arrested and detained and must, therefore, be known to the security

forces. The security forces and the authorities seem not to have taken any steps to investigate the cases of these "disappeared" and, in most cases, the security forces have refused the families' requests to register a complaint about their relative's "disappearance".

A second explanation given is that the person was never arrested but is sought by the security forces and is believed to have joined a "terrorist group". Yet the families of these "disappeared" people have never previously been told that their relatives are wanted by the authorities, this in spite of the numerous occasions when these families have contacted the security forces and authorities in the vain hope of obtaining news on the fate of their relatives.

A third explanation is that the person was a "terrorist" who was killed by the security forces in the context of armed clashes or arrested and subsequently killed by the security forces as they tried to escape. The government has failed to provide the families of such people with this information for months and years, despite the significant number of approaches to the security forces and the authorities made by the families, their lawyers and organizations such as Amnesty International. Furthermore, the government has failed to explain why they have never summoned the family to identify the body, handed over the remains to them, given them a death certificate or ordered an autopsy to be carried out and provided the family with a copy of the outcome. Nor have the authorities opened an investigation into the causes and circumstances of the death and made the findings available to the family.

A fourth explanation is that the person was abducted and/or killed by a "terrorist group", an argument aided by the fact that arrests by the security forces do in many cases resemble abductions by armed groups. Sometimes, the authorities have told UN bodies that they had established a "disappeared" person's death at the hands of a "terrorist group" almost immediately after the incident, but again, they fail to explain why they never informed the families of the "disappeared" and repeatedly ignored over months and years their quest for information on the fate of their relatives. Sometimes, the security forces and authorities tell UN bodies that a person was abducted and/or killed by a "terrorist group" after having previously told families of these "disappeared" that their relatives were "terrorists" who had gone into hiding with "terrorist groups". In some cases, the authorities made similar statements to Amnesty International delegates who had raised these cases with them. In none of the cases of "disappeared" people who the authorities claim have been abducted by armed groups has any investigation been carried out after the families informed the security forces and the authorities of their relatives' abduction. Whereas, in cases of people who have really been abducted by armed groups, investigations have been carried out and families and neighbours have been questioned by security forces seeking information about the incident and the armed group behind it.

There are, of course, also variations on these themes. Mohamed Amraoui and Khair Bouadi were arrested by security forces respectively on 2 May 1994 and 22 July 1994 and then

"disappeared". In October 1996 the Algerian government responded to the UN WGEID that Mohamed Amraoui had been arrested on 2 May 1994 and that during the transfer he threw himself from a cliff into the sea and that his body was recovered after a few hours' search. In the case of Kheir Bouadi, the government responded to the UN WGEID in August 1997 that he had never been arrested. At the same time the government responded to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions that the body of Kheir Bouadi and 15 others had been found on 22 July 1994 in a forest, indicating that he had been abducted and killed by a "terrorist group". However, during the period between the arrest of these two people and the government's response to the UN - two years in the case of Mohamed Amraoui and three years in the case of Kheir Bouadi - the government never informed their families of their death, despite the families' repeated inquiries to the authorities asking for information about their "disappeared" relatives. The families have to date neither been handed the bodies of their sons for burial nor shown their graves if they are already buried.

There are many cases of people "disappearing" after arrest at their homes in and around Algiers and other cities between December 1992 and February 1996. During this period in these cities there was a government-imposed night-time curfew, at which time only government security forces could circulate freely and in large numbers. Some of the "disappeared", who were taken from their homes by groups of armed men arriving with security force and army vehicles at night in the centre of Algiers and other cities during the curfew hours, were, according to the government, abducted by "terrorist groups". On some occasions the arrest operation lasted for a considerable period of time, as the security forces searched the person's home and interrogated family members and even neighbours. The government maintains these claims without ever explaining how the "terrorist groups" were able to carry out the abductions without there being any reaction, neither at the time of the event nor subsequently, from the security forces. Such claims by the government are even more striking when it concerns cases of "disappeared" taken from homes situated near, or even opposite, police or gendarmerie barracks or posts and closely watched government buildings.

Aziz Sidhoum, a 28-year-old university student, was arrested during the night of 3 July 1994, during curfew hours. Security force agents in three cars arrived at his home, which is situated opposite the well guarded *Maison de la presse* (Press House) in the centre of Algiers. Not finding him there, they questioned the family and asked one of Aziz's brothers to accompany them to the home of Aziz's friend, a policeman, whom he was visiting. There they found Aziz and took him away. He subsequently "disappeared".

Mass graves are feared by some to be the last resting place of perhaps hundreds of "disappeared" people. Whenever one has been found, the official explanation has been that the bodies are those of victims of armed groups or of "terrorists" who have been murdered by other armed groups. However, no independent investigation is known to have been carried out to

establish with certainty the identity of the people whose bodies have been found in mass graves uncovered in recent years and the exact circumstances in which they had been killed.

The overall picture given by the response of the Algerian authorities to reports of "disappearances" is of an attempt to disseminate inaccurate and contradictory information. Instead of fulfilling its responsibility to undertake investigations into the fate of the "disappeared", the government appears to have applied itself to disguising the involvement of the security forces in the "disappearances".

The discovery at the end of 1998 that Moroccan soldiers had been held in secret detention centres in Algeria for up to 18 years has given credence to theories that the number of "disappeared" appearing on lists presented to the government and international organizations may only represent a fraction of the real figure. It has also raised hopes that many "disappeared" Algerians may be still alive. About 600 Moroccans were captured in 1978 as prisoners of war whilst serving in the Moroccan army in the context of the Western Sahara conflict (between Morocco and the Algeria-based Polisario Front, which seeks independence for Western Sahara). Hundreds of them were handed over by the Algerian authorities to the Polisario Front in the 1980s, but 50 continued to be held in Algerian secret detention centres until the end of 1996 - that is for a total of 18 years - when they were released and allowed to go back to Morocco via the ICRC. During the entire 18 years they were held completely cut off from the outside world and their families had no idea if they were dead or alive. Reports from the Moroccans released in 1996 indicate that some Algerian "disappeared" were held in the same secret detention centre from 1994. The fact that the secret detention of these people could be kept totally unrevealed for the entire 18-year duration and, furthermore, for a considerable period of time following their release, is yet another indication of the urgent need for investigations into the issue of "disappearances" in Algeria.

THE TABOO IS BROKEN

Until the beginning of 1998, the issue of "disappearances" was one of Algeria's taboos. It received no coverage in the Algerian state and private media, except for rare mentions when organizations like Amnesty International published reports raising the issue, and even then the coverage suggested that the allegations of "disappearances" were a fallacy. Amnesty International and others who have denounced human rights violations committed by security forces, such as "disappearances", torture and extrajudicial executions, have routinely been branded in the Algerian media as "supporters of terrorists" - in spite of these organizations' repeated and unequivocal condemnation of the crimes committed by armed groups.

At the international level the issue had also been difficult to raise until 1997. On the one hand, the international media has focused on other issues and, on the other, the foreign journalists

allowed into Algeria have had to work under permanent security force escort, making it difficult for them to meet families of the "disappeared" since most were too scared to speak under such conditions. In the past year, however, the wall of silence which had surrounded the issue of "disappearances" began to crack and the issue has increasingly been the subject of debate, both at a national and international level.

The seeds of large-scale public protest were sown in 1997. Weary of waiting for the authorities to give answers that they looked less and less likely to provide as more and more "disappearance" cases became known, a group of mothers of "disappeared" gathered at the Hotel Aurassi in Algiers in September 1997, while a conference on violence organized by the ONDH was taking place inside. Their attempt to meet Algerian and foreign delegates attending the conference was unsuccessful, as they were ejected from the premises and threatened with arrest by the security forces - but they had established a precedent. In October 1997, mothers of "disappeared" attempted to demonstrate outside the main post office in the centre of Algiers to protest about the "disappearance" of their children. This time they were accompanied by the President of the *Ligue algérienne pour la défense des droits de l'homme* (LADDH), Algerian League for the Defence of Human Rights, and by a human rights lawyer working on behalf of the "disappeared". The lawyer was arrested and detained for a few hours and the mothers were quickly dispersed by the security forces. But the security forces were not quick enough to prevent the mothers from waving photographs and identification documents of their "disappeared" sons and daughters in front of the camera lenses of foreign journalists, in town to cover the holding of municipal elections at the time.

The security forces also tried to prevent some of the foreign journalists from taking pictures and interviewing the mothers. One journalist had her tape recorder confiscated during the demonstration. She was later able to recover the tape recorder but the tape containing interviews with some of the mothers was never given back to her, in spite of repeated promises by the authorities that it would be returned. Articles and photographs of the mothers of the "disappeared" and of their missing relatives appeared in the media around the world and some of the coverage reached Algeria. Some television footage was seen inside the country on satellite channels, French- and Arabic-language radio programs on the subject were heard and newspaper clippings were faxed and posted to Algeria. For the first time the cry for help of the families of the "disappeared" was being heard and echoed - though not yet inside Algeria, where the media largely ignored the event.

Over the course of 1998, a momentum built up from a variety of sources. In the spring opposition members of the *Assemblée populaire nationale* (National Popular Assembly), the Algerian parliament, could be seen on television questioning the government about the issue. Feeling encouraged by this, more and more families submitted dossiers on their "disappeared" relatives to political parties, and stepped up their inquiries with ministries, the ONDH and other official institutions. Foreign delegations visiting Algeria were being exposed to the issue as local

human rights organizations, opposition members of parliament and lawyers raised the problem of "disappearances" with representatives of the European Parliament during an official visit in February 1998 and then again with members of the UN panel who visited Algeria in July and August 1998.

Meanwhile, more families of the "disappeared" started to come together in informal groups to share their traumatic experiences and to try to take bolder action. With the help of Amnesty International and other human rights organizations, a delegation of 10 people - six mothers, one grandmother, one wife and two fathers of "disappeared" - conducted a tour of European capitals in July 1998 to raise awareness of their plight. In the Netherlands, Belgium, France, Switzerland and the United Kingdom they met with members of parliament, government officials, human rights organizations and journalists, braving the potential risks of being recorded in press photographs and television footage, to highlight the issue of "disappearances". One of the women told Amnesty International, "I've waited for so long, I'll do anything which might bring us some news. The Algerian security forces can gun us down in the streets for all I care." While in Geneva, these families of "disappeared" met with the UN WGEID and demonstrated outside the UN building while the UN Human Rights Committee was examining the Algerian government's report on the country's human rights record.

In July 1998 the UN Human Rights Committee expressed serious concern about the human rights crisis in Algeria and made recommendations to the Algerian government on steps to take to address the issue of "disappearances", as well as those of torture, extrajudicial executions and the role of the militias armed by the state. The UN panel which visited Algeria in July and August 1998 failed, on the whole, to address the main issues concerning the human rights crisis in Algeria as it lacked any human rights component or power of investigation in its mandate. Nevertheless, in its report published in September, the panel called on the Algerian government to pay "expeditious attention to complaints of arbitrary detention, extrajudicial execution and disappearances".¹²

In August 1998, hundreds of people, most of them mothers of "disappeared", began to demonstrate every week outside government offices and parliament, demanding information about the fate and whereabouts of their missing relatives. Their demonstrations began to receive unprecedented coverage in the Algerian media, often making the front pages of national newspapers. Initially some of the coverage was negative, branding the mothers of the "disappeared" as "mothers of terrorists", but the tone subsequently improved and many articles have raised important questions about the problem. In response to the outcry, the government felt compelled to acknowledge the issue. It announced that offices would be opened by the Ministry of Interior in Algiers and cities in each of the country's *wilayas* (provinces), at which

¹² *Algeria: Report of eminent panel: July-August 1998*; produced by the UN Department of Public Information; DPI/2007; September 1998; page 27.

people could register complaints about the "disappearance" of relatives. By the end of 1998 more than 3,000 families had contacted the authorities about the cases of their "disappeared" relatives. However, the authorities were not known to have begun or even suggested an impartial and independent investigation into the problem.

As the public protest became larger and more organized, the families began to issue public communiqués, including open letters to President Liamine Zeroual. At the same time, they sought to develop into a formal association in order to better organize their activities. In November 1998, the families set up the *Association nationale des familles de disparus* (ANFD), National Association of Families of the Disappeared. However, at the time of writing this report the authorities were still refusing to register the association and, in spite of progress accomplished in drawing attention to their plight, the families of the "disappeared" have continued to experience problems in the course of their activities. For example, on 2 December 1998, as UN Secretary-General Kofi Annan was in Algeria as part of a tour of North Africa and the ONDH was holding an event to mark the 50th anniversary of the Universal Declaration of Human Rights, the families of the "disappeared", who had intended to demonstrate outside the venue of the ONDH event, were prevented from holding the demonstration and were dispersed by members of the security forces who beat some of the women protestors.

CONCLUSION AND RECOMMENDATIONS

The pressure brought to bear on the Algerian authorities by the efforts of the families of "disappeared" and international human rights organizations has created a momentum on the issue of "disappearances" and attracted unprecedented attention within the country and internationally. Further progress will only come about if this pressure is maintained.

The complex nature of the phenomenon of "disappearances" and the need to provide better safeguards against it prompted the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities to adopt in 1998 a new standard: the International Draft Convention on the Protection of All Persons from Enforced Disappearance. There are hopes that the Convention will soon be adopted by the UN General Assembly and thereby strengthen the international legal armoury required to protect people from "disappearance".

Recommendations to the Algerian government

Amnesty International has, on several occasions over the last seven years, made detailed recommendations to the Algerian government concerning extrajudicial executions, torture, unfair trials, law enforcement and the activities of militia groups, as well as on the subject of "disappearances". The organization once again calls on the authorities to implement all these recommendations as a matter of urgency.

M Amnesty International urges the Algerian government to allow immediate access to the Special Rapporteurs on torture and on extrajudicial, summary or arbitrary executions and to cooperate with other UN human rights mechanisms, including the WGEID. It further urges the government to implement without delay all the recommendations made by the UN Human Rights Committee in August 1998, in particular those with a bearing on the phenomenon of "disappearances". These include recommendations that the Algerian government should:

p "... urgently ensure that

- a) independent mechanisms be set up to investigate all violations of the right to life and security of the person;
- b) the offenders be brought to justice;
- c) access be given as soon as possible to the ICRC and other independent observers";¹³

p "... adopt measures

- a) to establish a central registrar to record all reported cases of disappearances and day to day action taken to retrace the disappeared;
- b) to assist the families concerned to retrace the disappeared";¹⁴

p "..., in its next periodic report,... give an account of the number of cases reported, the investigations conducted and the results achieved";¹⁵

p "ensure that

- a) nobody may be arrested or detained 'outside the law';
- b) that complaints about such arrest or detention be given immediate attention and that relatives, friends or lawyers of persons detained are able to receive an effective remedy, which includes reviewing the legality of the detention;
- c) all persons arrested be kept at officially designated places of detention; their families be immediately informed; they have immediate access to a lawyer; and they are promptly charged and brought to trial;

¹³ UNITED NATIONS HUMAN RIGHTS COMMITTEE (Sixty-third session); August 1998
CCPR/C/79/Add.95; ORIGINAL: English; Distr. GENERAL
ALGERIA: Consideration of reports submitted by states parties under article 40 of the covenant
Concluding Observations of the Human Rights Committee: Algeria; paragraph 7.

¹⁴ *ibid*; paragraph 10.

¹⁵ *ibid*; paragraph 10.

d) their detention not exceed the limit provided by the law and that they have a right to medical examination on arrest and at the end of their detention.”¹⁶

M Amnesty International urges the Algerian government to:

p immediately release all persons held in secret and unacknowledged detention and who are “disappeared”, unless they are to be charged with recognizably criminal offences, in which case they should be detained in a recognized place of detention and promptly brought to justice;

p implement, as an interim measure, Article 51 of the Algerian CPP, by ensuring that detainees are not held in incommunicado detention beyond 12 days; allowing detainees to communicate with their families and to receive visits; and investigating all breaches of this Article and bringing those responsible to justice;

p reduce the legal limit of *garde à vue* detention so as to comply with Article 9 (3) of the ICCPR. In its General Comment on Article 9, the UN Human Rights Committee has stated that the delay in bringing a detained person before a judicial official “must not exceed a few days”;

p make all elements of the security forces and state-armed militias aware that “disappearances” violate international human rights law and establish competent mechanisms to monitor the activities of all of these forces;

p allow the ICRC full, regular and confidential access to all security detainees in Algeria and allow Amnesty International and other international human rights organizations immediate access to the country;

p ensure that human rights defenders within the country are able to carry out their work without any hindrance, including arbitrary arrests and detentions.

Recommendations to the Algerian judiciary

Amnesty International urges the Algerian judiciary to apply the law and investigate all cases in which there is evidence that the maximum time period for *garde à vue* detention has been exceeded and to act on all incidents of secret detention and alleged “disappearance” brought before them.

Recommendations to the UN WGEID

Amnesty International urges the UN WGEID to request from the Algerian government a visit to the country as soon as possible, in order to conduct an independent investigation of “disappearance” cases on the ground and to make recommendations to the Algerian government

¹⁶ *ibid*; paragraph 12.

on measures to be made to implement the Declaration on the Protection of All Persons from Enforced Disappearance.

Recommendations to the international community

Amnesty International urges all governments to:

- ⌚ exert every possible effort and use whatever influence they have to bring an end to the practice of "disappearance" and other grave human rights violations in Algeria;
- ⌚ establish effective systems of monitoring and controlling transfers of equipment and expertise for use by military and security forces to ensure that such transfers to Algeria do not contribute to human rights violations.