

Benita Ferrero-Waldner
Commissioner for External Relations
European Commission

Brussels, 6 March 2008
Our ref. B753

Dear Ms. Ferrero-Waldner,

Subject: EU-Algeria Association Council meeting

In light of the upcoming EU-Algeria Association Council meeting on 11 March, Amnesty International urges the EU to raise the following human rights concerns.

Discrimination and violence against women

The Algerian authorities have taken positive steps towards ending discrimination against women, by amending the Family Code and the Nationality Code in 2005.

However, these steps do not fully address legal discrimination against women, which remains entrenched particularly in the Family Code. Even though the 2005 amendments have brought further restrictions on the practice of polygamy, the rights of a man to marry more than one woman has been maintained in law. As regards the right to divorce, a woman may obtain a divorce without the consent of her husband only by paying financial reparation, while a man is exempted from such reparation.

Under the new Family Code, the custody of children falls first to the mother in case of divorce, however the mother may lose the custody of her children in case of remarriage. Inheritance has been left untouched by the 2005 amendments to the Family Code, meaning that daughters still receive half of what is received by sons.

As regards acts of violence, women remain vulnerable to violence by non-state actors, including domestic violence. The National Institute for Public Health has initiated major studies on violence against women in Algeria since December 2002, which shows that acts of violence by husbands against their wife remain prevalent. There are no specific legal provisions criminalising domestic violence, including marital rape.

Secret detentions and torture by the security forces

Even though the level of violence has generally decreased by comparison with the internal conflict of the 1990s, there are still reports of unlawful killings.

The Department for Information and Security, which is a branch of the security forces known as the Military Security or DRS (Département du Renseignement et de la Sécurité), continues to be responsible for secret detentions and to commit torture with impunity. Being an intelligence agency specialising in interrogating individuals, the DRS can arrest persons believed to have information on armed groups in Algeria or about alleged terrorist activities abroad.

Amnesty International has received dozens of allegations of torture and ill-treatment of detainees held by the DRS. The most frequently reported methods of torture include beatings, electric shocks, and the *chiffon* method in which the victim is tied down and forced to swallow large quantities of dirty water, urine or chemicals. Detainees are also undressed and humiliated, beaten on the soles of their feet, suspended by the arms from the ceiling for prolonged periods, or threatened that female family members would be arrested and raped.

In most cases, neither the suspects nor their families are informed of the reasons for their arrest. Suspects are deprived of their right to communicate with their families, or to a medical examination at the end of their *garde à vue*. All of these practices violate Article 51 *bis* of the Algerian Code of Criminal Procedure, which

states that the arresting officers have to inform anyone who is taken into detention of his rights during the *garde à vue*.

In most cases reported to Amnesty International, the purpose of the torture and other ill-treatment is to extract information or confessions from the detainees about activities of armed groups in Algeria, or about international terrorism. Detainees are usually forced to sign an interrogation report, which often contains their "confession" to involvement with armed groups or international terrorism, and sometimes declarations that they were well-treated in detention.

Besides, complaints of detainees about torture or ill-treatment appear not to be investigated. Even though the right to be assisted by a lawyer is enshrined in Article 100 of the Code of Criminal Procedure, most detainees accused of terrorist activities are not when they are first brought before a judge.

In 2004, the Algerian Penal Code was amended to define torture explicitly as a crime. Nevertheless, Amnesty International is not aware of any case where a DRS or other security officer has been prosecuted for alleged acts of torture or other ill-treatment, before or after the 2004 amendment.

Harassment of human rights defenders

The right to freedom of expression was further restricted under amendments to the Penal Code in 2001 (Law 01-09 of 26 June 2001), which prescribed prison terms for the offence of defamation. Using this Law, the authorities have brought prosecutions against journalists working in privately-owned media and human rights defenders. In addition, the 2006 Decree Implementing the Charter for Peace and National Reconciliation (Law 06-01) further threatens with imprisonment those who denounce or debate abuses by the security forces.

Amnesty International calls on the Commission to use the opportunity of the Association Council meeting to urge the Algerian authorities to:

- Repeal or amend laws which still discriminate against women in order to ensure equality between women and men and criminalise offences related to domestic violence, including marital rape;
- Open full, independent and impartial investigations into all cases of enforced disappearance, secret detention and torture which are brought to their attention and bring to justice those responsible for such human rights violations;
- Take immediate step to ensure that officers of the DRS, who routinely violate legal safeguards in arrest and detention, no longer carry out such functions and are no longer allowed to exercise judicial police functions;
- Reform legislation to ensure that all detainees have access to legal counsel at all stages of the judicial process, including during detention, interrogation and preliminary investigations;
- Ensure that any statement which is established to have been made as a result of torture or ill-treatment is not invoked as evidence in any proceedings, except against a person accused of torture or ill-treatment, and introduce legal safeguards to this effect;
- Repeal legal provisions introduced in Law 06-01 of February 2006 which prevent courts from investigating complaints against the security forces and those who act in concert with them, and which criminalises free expression and debate about the conduct of the security forces;
- Ensure that human rights defenders can carry out their work without fear of intimidation.

We look forward to hearing from you on these matters after the meeting,

Yours sincerely,



Natalia Alonso

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