

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/DZA/CO/3)

ALGERIA

(...)

C. Principal subjects concerns and recommendations

(...)

Definition of terrorism and state of emergency

4. The Committee expresses its concern about the rather vague definition of terrorism set out in article 87 bis of the Criminal Code, although it understands that the State party has gone to some lengths to protect its national security and its citizens from the threats posed by terrorist acts. The Committee is concerned that this definition could extend to acts which may be unrelated to terrorism and lay the persons thereby arrested open to actions which could violate the Convention. Furthermore, the Committee is also concerned that the state of emergency declared in 1992 has been extended, despite information provided by the State party itself showing significant improvement in the security situation. The extension of the state of emergency is reflected by the continuing delegation of judicial police functions to officials of the Intelligence and Security Department, who have reportedly been behind numerous cases of torture and cruel, inhuman and degrading treatment committed in the territory of the State party (art. 2).

The State party should make sure that counter-terrorism measures are consistent with the commitments undertaken by Algeria under the Convention. The State party should also ensure the strict implementation of the Convention, particularly article 2, paragraph 2, which stipulates that no exceptional circumstances whatsoever, whether state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. In addition, the definition of terrorist and subversive acts should not give rise to interpretations whereby the legitimate expression of the rights established under the Covenant on Civil and Political Rights can be sanctioned as a terrorist act. The State party should also review the need for extending the state of emergency in the light of the criteria laid down in article 4 of the Covenant, to which Algeria is a party.

(...)

Secret detention centres

6. The Committee takes note of the State party's assurances that Intelligence and Security Department officers are placed under the control of the Public Prosecutor's Office, and that secure detention centres no longer exist as of November 1996. The Committee nevertheless remains concerned about reports of the existence of secret detention centres run by the Department in its military barracks in Antar, in the Hydra district of Algiers, which are outside the control of the courts. The Committee is also concerned about the lack of information showing that the competent judicial authority has taken steps to look into these allegations (arts. 2 and 11).

The State party should ensure that all places of detention, including those run by the Intelligence and Security Department, are immediately placed under the control of the civilian prison administration and the prosecutor's office. It should also ensure that the competent judicial authority takes the necessary steps to look into the allegations concerning the existence of secret detention centres run by the Department.

(...)

Missing persons

12. The Committee notes the acknowledgement by the State party of the enforced disappearance of thousands of persons in Algeria since the start of the 1990s. It also notes that the figures put forward by the Government concerning persons who have disappeared since the 1990s range from 4,000 to 7,000. The Committee expresses its concern that despite these facts the competent judicial authorities have not initiated proceedings to investigate the fate of missing persons and to identify, prosecute and punish the perpetrators of enforced disappearances. This constitutes a violation of articles 12, 13 and 14 of the Convention. The Committee is also concerned that the report of the ad hoc National Commission on Missing Persons has not been made public to date. The publication of these facts would enable anyone with information which could help to locate the missing persons to communicate it to the competent authorities (arts. 12, 13 and 14).

The competent judicial authorities have the responsibility to launch investigations spontaneously without requiring individual complaints to be registered in order to shed light on the fate of missing persons, identify, prosecute and punish the perpetrators of acts of enforced disappearance and adequately compensate the families of missing persons. The State party should make a commitment to investigate every case of enforced disappearance and communicate the results of investigations to the families of missing persons, including by immediately making public the final report of the ad hoc National Commission on Missing Persons. The Committee also considers that the publication of the names of missing persons registered since 1990 could be very useful during the gathering of information from persons who could provide facts to help move the investigation forward. The Committee also hopes that the State party will submit to it as soon as possible the list of missing persons registered since the 1990s.

(...)

Violence against women

15. The Committee expresses its concern at reports of several thousand cases of rape of women by members of the armed groups during the internal conflict in the State party. The Committee is also concerned about the lack of investigations, prosecutions and punishment of members of armed groups in rape cases and the lack of compensation and medical, psychological and social rehabilitation of the victims of such acts (arts. 12 and 14).

The State party should ensure that the identified perpetrators of sexual violence are prosecuted and duly punished. It should also appoint an independent commission to investigate acts of sexual violence committed during the internal conflict and make the results of the investigation public. The State party should also ensure that all the victims of sexual violence committed during the internal conflict receive prompt and adequate compensation and medical, psychological and social rehabilitation. These recommendations are consistent with those contained in the report which the Special Rapporteur on violence against women, its causes and consequences, presented to the Human Rights Council (A/HRC/7/6/Add.2).

(...)

26. The Committee requests the State party to provide it, within a year, with information on action it has taken to follow up the recommendations of the Committee included in paragraphs 4, 6, 12 and 15 above.

(...)
