

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

COMMITTEE AGAINST TORTURE 40TH SESSION ALGERIA, 3RD REPORT 2 – 5 MAY, 2008

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Information submitted to the Committee

State report¹

Algeria submitted its 3rd and 4th periodic reports as one document on 10 February 2006. The report sets out Algeria's general political structure, explains how human rights are promoted and protected, and provides replies to the previous observations and comments of the Committee against Torture (the Committee). It also gives detailed information about measures that have been adopted to implement the *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* (the Convention).

While the report refers to numerous legislative reforms that have been implemented, it lacks substance on the actual implementation of these reforms. Information on areas where improvement is needed or problems exist is also noticeably absent. The insufficient information contained in the State report is reflected in the list of issues sent by the Committee to the State.

The report notes the establishment of a national human rights institution, the National Advisory Commission for the Promotion and Protection of Human Rights (the Commission). This body provides monitoring and early warning functions, and is responsible for investigating human rights violations. The Commission produces an annual report on the human rights situation in Algeria, which is presented to the President.

The report states that Algeria's international obligations prevail over domestic legislation and that the Government maintains an excellent relationship with the special procedures of the Human Rights Council.

In addressing concerns previously raised by the Committee, the report offers substantive responses. It states that the definition of torture in the Criminal Code has been brought further in line with Article 1 of the Convention. It also introduces measures introduced for the prevention of torture, such as the videotaping of interrogations. The report claims that many accusations of torture and ill treatment have been made by various sources, including those of foreign origin, against the security forces. The report indicates that, while some

¹ CAT/C/DZA/3, 10th February, 2006. Available at: <http://tb.ohchr.org/default.aspx?country=dz>

cases have been investigated and tried by the courts, the majority of claims are unfounded, including those alleging the impunity of members of the security forces.

List of issues²

The list of issues provided by the Committee comprises 37 questions covering the provisions of the Convention. These include *inter alia* questions on the tenure of judges, the National Commission on Missing Persons, and legislative measures to combat violence against women and children. Questions were also raised concerning the ratification of the *International Convention for the Protection of all Persons from Enforced Disappearances* and the Optional Protocol to the *Convention against Torture* (OPCAT).

The Committee requested concrete information related to the continuing state of emergency, including in relation to the effect of the state of emergency on the independence of judges, and whether guarantees are in place to ensure that detention facilities remain under judicial supervision. The Committee also inquired whether a time limit has been established for the state of emergency.

One particular area of concern raised by the Committee in the list of issues and referred to throughout the dialogue with the State was Article 45 of the Charter for Peace and National Reconciliation (the Charter).³ This Article states: “Legal proceedings may not be brought against individuals or groups who are members of any branch of the defence and security forces of the Republic for actions undertaken to protect persons and property, safeguard the nation and preserve the institutions of the People’s Democratic Republic of Algeria. Any allegation or complaint shall be declared inadmissible by the competent judicial authority.” The Committee wished for clarification that the ordinance for the implementation of the Charter fully complies with the Convention.

The Committee also asked how, and to what extent, individuals, non-governmental organisations (NGOs), and human rights institutions are informed of the mechanisms for submitting information to the treaty bodies.

NGO reports

Three NGO reports provided information to the Committee on the situation in Algeria. They were provided by Al Karama for Human Rights, Amnesty International and *Collectif des Familles des Disparu(e)s en Algerie*.⁴ Their reports are substantive and provide information on a wide range of issues, often in direct contradiction to that provided by the State.

The report of Al Karama for Human Rights included information on the state of emergency, the continuing practice of torture, enforced disappearances and a substantive section on the role and activities of the Department of Intelligence and Security (DRS). The report stipulates that under the Charter “...members of the armed forces who surrendered to authorities are exempt from prosecution for certain crimes committed during the period. Crimes that are not exempted include massacres, bombings or rapes.” Furthermore, those who committed violations of human rights amounting to crimes against humanity cannot be prosecuted under Article 45 of the Charter. The report alleges the existence of 96 centres in Algeria that continue the practice of torture.

² CAT/C/DZA/Q/3, 26 February, 2008. Available at: <http://tb.ohchr.org/default.aspx?country=dz>.

³ Article 45 states: “Legal proceedings may not be brought against individuals or groups who are members of any branch of the defence and security forces of the Republic for actions undertaken to protect persons and property, safeguard the nation and preserve the institutions of the People’s Democratic Republic of Algeria. Any allegation or complaint shall be declared inadmissible by the competent judicial authority.”

⁴ This report is only available in French at the time of writing.

In comparison, the State, in its written replies, stated that the Charter ‘aims to draw a clear distinction between actions undertaken by law enforcement officials solely to protect persons and property and safeguard the Republic on the one hand and personal acts or offences giving rise to criminal liability which cannot be justified on the grounds of safeguarding the aforementioned legitimate interests’.⁵

The report provided by Amnesty International echoes the concerns of Al Karama in many areas including the activities of the DRS. The report also raises questions concerning the independence of judges, citing lack of security of tenure leaving them open to Government interference. Regarding enforced disappearances, the report notes that the State Party refuses to accept responsibility for such cases, even though decisions of the Human Rights Committee have found it responsible in specific cases. The report also addresses in some detail the various forms of violence that women in Algeria are subjected to and the lack of effective care and remedies for victims.

Themes and issues

Algeria’s delegation

The Algerian delegation consisted of representatives from the permanent mission in Geneva as well as some representatives in attendance from relevant ministries and public authorities. It is worth noting that there was only one female member of the delegation, a diplomatic secretary based in Geneva.

Ambassador S.E. Jazairy, Permanent Representative of Algeria to the UN in Geneva headed the delegation. The other members present were;

Mr Mokhtar Lakhdari, *Magistrat*, Director, Ministry of Justice
Mr Abdelwahab Hamed, *Magistrat*, Counsellor, Ministry of Justice
Mr Lazhar Soualem, Director, Ministry of Foreign Affairs
Mr Abdelali Lakjdari, *Commandement de la Gendarmerie Nationale*
Mr Salah Eddine Toudert, *Direction generale de la Surete nationale*
Mr Mohammed Bessedik, Ministre Counsellor, Permanent mission of Algeria to the UN
Mr Larbi Djacta, Deputy Permanent Representative, Permanent mission of Algeria to the UN
Mr Mohamed Chabane, Diplomatic Counsellor, Permanent mission of Algeria to the UN
Ms Selma Malika Hendel, Diplomatic secretary, Permanent mission of Algeria to the UN.

The dialogue between the Algerian delegation and the Committee was often strained and antagonistic on the part of the delegation. The oral responses offered to many of the questions raised by the Committee were generally unsubstantial and merely reiterated those provided in the report and written replies to the list of issues. The Committee’s return to several specific issues highlighted its dissatisfaction with the responses they were receiving. The delegation argued that some of the questions overstepped the mandate of the Committee and that, at times, the Committee had ‘put words in their mouths that they had not uttered.’

Members of the Committee urged the State Party to extend invitations to the special procedures. The delegation, obviously feeling under some pressure from the Committee, announced that it is a State’s prerogative to extend such invitations and that the matter should not be made one of obligation. The delegation continued its strongly worded response stating that the Committee is not a ‘court room’ and visits by mandate holders are not ‘police inspections’.

⁵ CAT/C/DZA/Q/3/Add.1, 17 April, 2008. Available at: <http://tb.ohchr.org/default.aspx?country=dz>.

The delegation also refused to accept the Committee's concerns about the Charter and were defensive in their final responses on this matter.⁶ Ms Belmir noted that Algeria's initial response to questions raised by the Committee stated that the Charter is a political text and should not be commented on by a legal body. She questioned the validity of this response and asked if treaty bodies are exclusively legal. She further noted that the Charter is, by definition, a legal text and asked the delegation for a further explanation of their response.

Furthermore, the delegation was adamant in its refusal to accept allegations of disappearances against the security forces. The Committee repeatedly requested a list of those reported as disappeared. However, while the delegation reminded the Committee that it had been provided with a list of those who had benefited from compensation for family members who had disappeared, it refused to provide a list of those alleged to be disappeared. The delegation firmly argued that this was a 'private matter'. As an apparent justification for the lack of cooperation and a more constructive approach to the Committee's concerns, the delegation concluded that Algeria had been through a 'horrible decade' and that the country deserved a fresh start. It was not clear if this statement was directed at the Committee, those who sought clarification of the fate of family members, or both.

In introducing the State report, Mr Idriss Jazairy, stressed the irreparable damage that had been caused to the national social fabric by the events in the 1990's. He also noted the difficulty of bringing social cohesion, freedom, and security to the country under such difficult circumstances. However, he insisted that Algeria continues to make efforts to implement human rights in accordance with its international obligations. He stressed that in its fight against terrorism, all legal resources are used and the right to life is prioritised. Mr Jazairy insisted that terrorists and their sponsors had legitimised violence and crime. He noted that the situation had caused many, including professionals, to leave the country. Mr Jazairy stated that discussions have been held on creating initiatives to encourage people to return.

Mr Jazairy also commented on Algeria's recent review under the universal periodic review (UPR) mechanism. He noted that States had alleged the use of torture by security forces during the peak in terrorist activity in Algeria. However, he was adamant that torture is not tolerated and that civil society and the media have regular access to detainees, without any exception. Mr Jazairy stated that previous recommendations of the Committee have been taken into account in many areas, including those relating to the police and the judiciary. He underlined that cases of torture are severely punished. Despite reforms of the judiciary, Mr Jazairy acknowledged that Algeria faces an ongoing challenge in improving all aspects of the judicial system. He strongly denied the existence of secret detention centres, stating that the 'insufficient proof provided shows how little credit can be given' to the allegations.

During the interactive dialogue, Mr Jazairy expressed the delegation's surprise at questions raised by the Committee, which it felt went beyond its mandate. Further, in its view, the Committee appeared to be conducting a 'mini UPR'. The delegation asserted that they felt that the Committee had, at times, misunderstood what had actually been said. The delegation's final responses were therefore presented with a degree of defensiveness.

The rapporteurs for Algeria were Mr Grossman (Chair) and Ms Belmir, who offered thorough analyses of the submissions by the State. Many issues were raised during the dialogue with the State, including the definition of torture in the reformed Criminal Code, terrorism, diplomatic assurances, the continuing state of emergency, and the judicial system.

Definition and prohibition of torture (Article 1)

⁶ These issues centred on the alleged impunity enjoyed by members of the security forces under Article 45, and the provisions provided for in Article 46 concerning defamation of the security forces.

Mr Grossman raised questions concerning the definition of torture in Algeria's revised Criminal Code of 2004. He noted that the Committee had followed the reform of the Criminal Code with much interest. He inquired why the definition contained in Article 1 of the Convention was not utilised, noting that public officials had not been included as perpetrators which could mean they are not held accountable for their actions. Mr Grossman stressed the importance of ensuring that all measures to combat torture are compatible with international human rights law. He went on to criticise the inclusion of '...an act of torture that *can* be described as a crime' emphasising that any act of torture is a crime. The delegation stressed that the non-inclusion of public officials in the legal provisions was a misunderstanding. The delegation underlined that any officer guilty of torture would be prosecuted and sentenced. It further emphasised that the domestic definition of torture is in conformity with the provisions of the Convention.

Mr Grossman asked about the number of cases regarding torture that had been opened, and how many of those had resulted in a conviction. He asked for further clarification on the conduct of trials. Specifically he wished to know if trials and sentencing are public and whether allegations of ill-treatment during questioning by the accused were put forward with the evidence of the purported crime. Mr Grossman also wished to know if Algeria actively prohibits the use of confessions obtained under duress or torture. The delegation underlined that confessions obtained under torture are not accepted as evidence in Algeria.

Mr Mariño raised the alleged death by torture of Mounir Hammouche in 2006 while in police custody. He further noted the requests made by the victim's family for results of the autopsy. He also asked if there is a specific problem with this investigation and how the family can obtain the information they require. In response, the delegation acknowledged the case of an individual who committed suicide while in custody. It noted that the investigation is still ongoing, but reported that a forensic doctor who carried out the post-mortem recorded the cause of death as hanging.

Turning to the abolition of the death penalty, Mr Grossman queried whether Algeria has decided to abolish this practice. The delegation confirmed that the death penalty has not been enforced since 1993 and that changes in the criminal code have reduced those offences for which the death penalty can be imposed. If the death penalty is pronounced as punishment it is commuted to life imprisonment.

In its concluding observations the Committee noted, among the positive developments, that torture has been criminalised as a specific offence under the Criminal Code.

Judiciary, police, agents of the State and DRS

The Committee asked wide-ranging questions on the judiciary, police and DRS practices.

In addressing matters of the judiciary, Mr Grossman pointed out that the existing time frame of 10 years' service for judges before security of tenure was long. He asked how many judges have served for less than 10 years and whether maintaining the practice of non-secure tenures affects their independence. He also questioned the written response of Algeria that the system displays a fair geographical distribution of judges, allowing equal opportunity to operate in various parts of the country. Ms Belmir agreed with Mr Grossman that the response was insufficient and noted that the State has many excellent judges who deserve better than the restrictions placed on them and that the justice system can only exercise power if it is respected.

The delegation, in response, stressed that judges are not removed from office unless they are 'at serious fault'. Algeria reiterated its written response on the probation period, stating that the matter is one of rotation.

Mr Grossman questioned the reasoning behind the reduction of the age of criminal responsibility from 18 to 16 and asked about the reasons for this change. The delegation explained that the minimum age remains 18 years but that persons between 16 and 18 years can be judged in a criminal court for terrorist offences.

However, it stressed that adult supervision is ensured and minors cannot be sentenced to death or life imprisonment.

Addressing so called ‘self-defence’ groups, Mr Grossman underlined that the State has a monopoly on the use of force and asked which official entity decides what constitutes a self-defence group. Furthermore, he wished to know what support these groups receive and from whom, including training and resources received from the Government. He also asked if any complaints have been made against such groups.

Turning to the practice of amnesty, Mr Grossman explained that under international law, amnesty is not allowed for crimes that constitute international crimes. He stressed that individuals who have committed such crimes should not be granted amnesty. Mr Grossman noted that under Article 45 of the Charter, legal proceedings cannot be taken against individuals or groups who act as ‘part of the component for those safeguarding the nation and its institutions’ and the authorities have to reject all accusations.⁷ He wished to know if this Article was introduced as a temporary measure, noting the obligation of the State to prosecute international crimes. Having expressed concerns over the apparent protection against prosecution of governmental security personnel under Article 45, Mr Grossman went on to question the provisions in Article 46, which establishes public derogation or criticism of the police as a criminal offence. He noted it carries a sentence of up to 10 years’ imprisonment. He therefore asked if there is legislation that offers protection of the right to freedom of expression. He went on to explain that international human rights law allows individuals to make public statements.

The delegation refused to accept any criticism of the Charter and was adamant that the Charter is seen in Algeria as a dynamic process of complementary measures designed to erase the effects of the ‘national tragedy’, or the so-called ‘black decade’. Furthermore, it maintained that the Charter is the ‘exclusive and inalienable’ property of the Algerian people.

In its concluding observations the Committee stress that the minimum age of criminal responsibility for terrorism offences should be raised in line with international norms.

Enforced disappearances

Mr Grossman acknowledged Algeria’s ratification of the *International Convention for the Protection of all Persons from Enforced Disappearances* as a great achievement. However, he noted the receipt of information by the Committee on thousands of individuals classed as victims of enforced disappearances. He asked if the list of persons who are reported to have ‘disappeared’ is public and if the Committee could gain access to it.

The delegation reminded the Committee that it had been provided with a list of those who had received compensation for disappeared family members, but refused to provide a list of those alleged to be disappeared, arguing that this is a ‘private matter’ for the individuals concerned. The delegation likened revealing the identities of the alleged disappeared to revealing an individual’s income tax return.

Mr Grossman also asked about compensation and reparation for victims of enforced disappearances, including who receives compensation, how much, and what criteria are applied in this assessment. Mr Grossman asked for clarification as to whether relatives have to produce a death certificate to claim compensation. Ms Belmir emphasised that it is ‘absurd’ to require a death certificate for claiming compensation. She wished to know who declares the individual to be deceased.

In response, the delegation explained that a judge has to certify the disappearance of an individual and, once certified, there is a four-year time frame before compensation can be issued. Under the Charter, the delegation stressed, the time frame has now been shortened, allowing families to access their compensation earlier. The

⁷ See previous footnote no. 3

delegation also stated that the family of the victim may apply through the courts for compensation and information, but if this does not meet their needs, they may file a complaint under the first Optional Protocol to the *International Covenant on Civil and Political Rights*.

Ms Belmir highlighted the need for families to know the fate of their family members. She noted that a report of a register set up to file complaints is due to be published. She urged for the publication of this report by the National Commission on Missing Persons. She also questioned Algeria's stated position that as a sovereign State it believes this to be a purely domestic matter and not one of international concern.

Both Ms Belmir and Ms Kleopas drew on experiences of their respective countries, Morocco and Cyprus, in suggesting good practices for addressing enforced disappearances. Ms Belmir noted that Morocco had set up a national commission on missing persons, while Ms Kleopas explained the importance of openness in dealing with this issue. The delegation responded by stating that the State has 'almost been swept away' by the crimes of enforced disappearances and that the State recognises its responsibility to the victims' families. Ms Kleopas noted with satisfaction that Algeria has accepted that a problem exists and urged that proper investigations be conducted.

The delegation also explained that the Charter does not prevent an individual from claiming that a relative has disappeared. However, it did not accept allegations of enforced disappearances against the security forces without profit noted that such allegations are considered defamation.

The concluding observations of the Committee requests that the list of those reported disappeared since 1990 be made available, and reminds the State that the enforced or involuntary disappearance of an individual can also be viewed as inhuman treatment of the victim's family. In this regard the Committee requests that the State guarantee the rights of families of the disappeared in seeking redress.

Violence against women and children

Ms Gaer noted that the National Consultancy for the Protection and Promotion of Human Rights has never published a report on the status of women in Algeria, and suggested that it do so. She referred to the visit made by the UN Special Rapporteur on violence against women in January 2007, and the concerns raised by her about the lack of follow-up to her recommendations. Ms Gaer enquired about the action taken to implement the national strategy on violence against women. The delegation replied that the strategy is now operational, and contains initiatives including the prioritisation of the prevention of violence against women. The Commission for Prevention of Violence against Women ensures victims' access to centres which provide advice and support. The delegation stressed that training on the prevention of violence against women is extensive. It is incorporated into human rights training at law schools, police academies, and schools for military officers.

Ms Gaer stressed that amnesty provisions should not be applicable to the widespread rapes, kidnappings, and murders committed by armed groups. She requested information on investigations and prosecutions of cases of rape during armed conflict. Ms Sveaass asked about the type of care provided to the victims and about the psychological and physical damage suffered by them. Finally she enquired whether children have been born as a result of rape, and whether victims of rape have access to abortion.

The delegation acknowledged that attacks against women had taken place, particularly in remote areas where oil companies are sometimes operating. It explained that there are a number of reasons for these attacks, including unemployment and poverty. The delegation requested that the Committee provide information on any other cases that have come to its attention in order to facilitate investigations.

Ms Sveaass acknowledged that Algeria is working on abolishing corporal punishment of children and asked about the progress that has been made so far. The delegation noted the introduction of laws designed to

provide guidance within the education system and health services in recognising and addressing violence against children. A national action plan for children for 2008 – 2015 aims at ensuring that all children and adults live in a protected environment. The delegation also noted the availability of a free hotline with trained psychologists as advisors.

In its concluding observations the Committee expresses its concern at the thousands of reported rapes at the hands of armed men and the lack of investigations into such cases. The Committee recommends the State appoint an independent commission to investigate acts that were committed during the internal conflict. The Committee also recommends that Algeria provide suitable rehabilitation for the victims.

Detention centres

The discussion of the alleged existence of secret detention centres caused some tension between the delegation and the Committee. Mr Grossman queried whether judges from the Western hemisphere could enter Algeria to confirm their non-existence. He also asked if Algerian prosecutors have checked the validity of these claims. Mr Mariño, referring to the report by Amnesty International, raised questions about allegations of non-registered barracks where individuals could be detained and interrogated. He sought clarification as to whether these allegations are founded and if so, who maintains control of the facilities. He also asked about reports of camps in remote areas where immigrants and terrorist suspects are held. He stressed that such facilities are illegal under international law and asked if it is ‘normal practice’ to detain irregular immigrants in this way before expulsion. Ms Sveaass requested updated information on the situation of children and minors in detention.

The delegation did not offer any concrete responses to the above questions.

State of emergency

Ms Belmir noted that a state of emergency prevails in Algeria. She underscored that the Human Rights Committee has found that the article of the *International Covenant on Civil and Political Rights* which allows for derogations in time of public emergency was not observed by Algeria. She noted that information received from other sources is inconsistent with the State’s response. According to the report by Al Karama, the arrangements in place for the State of Emergency give exorbitant powers to the military authorities. This, it states, is a ‘creep from a state of emergency to a state of siege’. This statement was in stark contrast to the State’s written replies to the Committee’s list of issues, which maintain that ‘the state of emergency does not affect the enjoyment of individual, collective, association or political liberties. It has been made more flexible and all the measures taken to enforce it have gradually been lifted’.⁸ Mr Grossman, in line with Ms Belmir, stressed that international law only allows for such emergency measures in the face of imminent danger to the nation. He was pleased to note that progress appears to have been made in the area of security and asked if the high international standards required for declaring a state of emergency are being met. Mr Gaye also criticised the continuing state of emergency, which he believed has persisted for too long, bringing into question its compatibility with international law. While acknowledging that the state of emergency imposed is related to the threat of terrorism, he asked for an indication of when it will be lifted. Ms Belmir commented that the regime appears to place fewer restrictions on the right to freedom of movement, and questioned whether the need for declaring a state of emergency still exists. In this regard she expressed concerns that provisions introduced in the Charter tend toward strengthening the powers of the police. She was concerned at overly rigorous provisions for the implementation of the law being placed in the hands of the police.

The delegation responded that the state of emergency has not led to the suspension of the Constitution or a denial of democratic rights, as proven by the holding of three legislative consultations and elections. Furthermore, the free movement in and out of Algeria of citizens and foreigners, the hosting of regional and

⁸ CAT/C/DZA/Q/3/ADD.1, 17 April, 2008. Available at: <http://tb.ohchr.org/default.aspx?country=dz>.

international conferences, the re-opening of foreign embassies, and continuing investment reflect the efforts that are being made towards the stabilisation of the country. This response did not seem to address the specific concerns of the Committee. It could also be seen as confirming the Committee's assumption that a state of emergency is no longer necessary.

Terrorism

The Committee expressed a lot of interest in Algeria's fight against terrorism. Mr Grossman recognised that the State report acknowledges the need to reconcile the fight against terrorism with maintaining security and respecting human rights.

Mr Grossman noted that the definition of terrorism used by Algeria is very broad and runs the risk of allowing prosecutions for offences that do not constitute terrorist activities. He questioned whether civil rights of individuals are violated using legislation that allows the exercise of fundamental civil rights to be seen as acts of terrorism.

The delegation replied that there is no universally accepted definition of terrorism, and therefore it differs from State to State. Mr Jazairy also noted that the Committee appears to think that Algeria's response to the terrorist threat has been disproportionate. He stated that the State's response was not considered disproportionate in Algeria, and stressed the high level of public support for both the Charter and the fight against terrorism. He reiterated that provisions under the Charter do not allow for torture.

The Committee notes with concern in its concluding observations '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'. The Committee requests that Algeria ensure that counter-terrorism measures are consistent with its obligations under the Convention.

Cooperation with UN mechanisms

Ms Gaer noted that there are outstanding requests for visits by three special procedures: the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Working Group on enforced or involuntary disappearances. She further noted that during the UPR process, Algeria had stated that it would consider accepting such visits and sought assurances that invitations would be extended to the special procedures.

The delegation was not completely coherent in its response to questions concerning visits by special procedures. It was stated that Algeria wishes to receive justification for such a visit before extending invitations to them. The belligerence continued with the delegation alluding that the special procedures have no real 'purpose' but merely 'like to travel' and further; 'this is not a court room and mandate visits are not police inspections'. Ms Gaer was incredulous of the delegation's reply and urged the delegation to extend an invitation to the special procedures there and then. The delegation retorted that it is a State's prerogative to invite special procedures and that there is no obligation to do so at present. Furthermore, it argued that since Algeria has provided responses to all the Committee's questions, such a visit is not required.

Mr Mariño asked about the absence of individual complaints received by the Committee. He asked whether the public is aware that Algeria has accepted the Committee's mandate to receive individual communications.

Mr Mariño, among others, wished to know if Algeria intends to ratify the *Rome Statute of the International Criminal Court*.

The Committee, in its concluding observations, strongly urges Algeria to cooperate with UN mechanisms and ratify human rights treaties it is not yet party to.

Conclusions and next steps

During the dialogue, the Committee sought clarification on the names of those disappeared; judicial administration under the Charter for Peace and National Reconciliation; the status of investigations into rape cases and visits by the special procedures. The concluding observations were released on 26 May 2008.⁹

Issues of concern to the Committee raised during the dialogue and in its concluding observations have also been raised by the Human Rights Committee and the Committee on the Elimination of Discrimination against Women (CEDAW). Some of the concerns raised in 2005 and 2007 by the other treaty bodies are evident in the concerns of the Committee. These continuing concerns demonstrate the lack of progress in the promotion and protection of human rights and the implementation of its international obligations, in specific areas.

In 2007, the Human Rights Committee expressed its concern at the continuing impunity enjoyed by public officials who have committed human rights violations. It also noted similar concerns to the Committee with regard to criminal penalties for defamation against public officials.¹⁰

CEDAW repeated its concerns about to the levels of physical violence against women by terrorist groups in 1999 and 2005.¹¹

The Committee has requested the State Party to provide information on follow up action to recommendations made in paragraphs 4, 6, 12, and 15 of the concluding observations, within one year. The 4th periodic report has been requested for submission no later than 20 June 2012.

Last revised and updated: 20 January 2009.

⁹ CAT/C/DZA/C03, 26 May, 2008. Available at: <http://www.ohchr.org/EN/countries/MENARegion/Pages/DZIndex.aspx>.

¹⁰ CCPR/C/DZA/CO/3, 12 December, 2007. Available at: <http://www.ohchr.org/EN/countries/MENARegion/Pages/DZIndex.aspx>.

¹¹ A/60/38, 28 January, 2005. Available at: <http://www.ohchr.org/EN/countries/MENARegion/Pages/DZIndex.aspx>.

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