



September 30, 2002

To
Members of the European Parliament

RE: EP vote on the Euro-Mediterranean Association Agreement with Algeria

Dear Madam, dear Sir,

On 9/10 October, the European Parliament is scheduled to vote on the Euro-Mediterranean Association Agreement with Algeria. In giving its assent, the European Parliament will be expressing its expectation that the government of Algeria will meet its commitment under Article 2 of the Agreement to treat democratic principles and fundamental rights as essential elements of the Agreement.

To approve the Agreement without specifying concrete steps that need to be taken will risk reducing Article 2 to a mere piety at a time when grave human rights abuses continue to be committed with impunity in Algeria.

The undersigned human rights organizations therefore call on the European Parliament to adopt the draft resolution that was approved by its Foreign Affairs Committee, B 5-0000/2002, which spells out specific steps the government of Algeria should take to meet its human rights commitments, as well as mechanisms to periodically evaluate compliance with Article 2. To reinforce this resolution on human rights, we recommend that it be cited within the resolution assenting to the Association Agreement.

The undersigned organization wish to underscore the importance of the following points contained in the Foreign Affairs Committee draft resolution:

1) Specify mechanisms for evaluation (Article 22 of the draft resolution)

We applaud the resolution's call for mechanisms designed to ensure regular monitoring of the implementation of Article 2. We recommend that the European Parliament contribute to this process by committing to convene annual hearings, together with the Council and the Commission, prior to the meeting of the Association Councils.

2) Support human rights, civil society and the struggle against impunity

The draft resolution rightly insists that the Algerian government must pursue its efforts to improve its procedures for defending and protecting human rights and to allow the flourishing of independent civil society. It also recognizes that impunity remains a major obstacle to restoring the rule of law. We encourage you to support Articles of the draft resolution echoing this notion, including Articles 6, 16, and 22.

3) Access for the UN thematic mechanisms and for international NGOs

We fully support Article 5 of the draft resolution calling for access to Algeria for the UN thematic mechanisms and international human rights NGOs.

In light of statements made by Algerian Foreign Minister Abdelaziz Belkhadem before the Foreign Affairs Committee on 9 September that Algeria had always answered positively

to requests from UN human rights mechanisms and received international NGOs in 2000, 2001 and 2002, we would like to remind you that:

- the Algerian authorities have failed to cooperate effectively with the human rights mechanisms of the United Nations. The UN Working Group on Enforced or Involuntary Disappearances, which asked in 2000 to visit Algeria, has still not been granted access to the country. Long-standing requests by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and the UN Special Rapporteur on torture to visit Algeria have similarly not resulted in invitations.
- Over the past five years, visas have been granted only rarely to enable official research visits to Algeria by international human rights NGOs, including Amnesty International, Human Rights Watch, the International Federation for Human Rights (FIDH) and Reporters sans Frontières. The government of Algeria should change its policy in order to allow international organizations regular access to Algeria for the purpose of collecting information and exchanging information about human rights.

4) Addressing "Disappearances" (Article 3 of the draft resolution)

We welcome the EP's reassertion that respect for human rights, including the "resolving of the tragic problem of disappearances and eliminating all forms of impunity, is an essential element of the association agreement." To this end, Article 3 should be amended to call on the Algerian authorities to set up an independent and impartial commission of inquiry to investigate the thousands of killings, "disappearances", reports of torture, and other human rights abuses committed since 1992 by the security forces, state-armed militias, and armed groups. The European Parliament should also call on the Algerian authorities to make public the methods, findings and conclusions of all investigations which they claim have been conducted, and what follow-up measures have been taken accordingly; and to bring to justice anyone reasonably suspected of being responsible for human rights abuses in proceedings which meet international fair-trial standards.

Again, in light of statements by Foreign Minister Belkhadem before the Foreign Affairs Committee on 9 September that cases of "disappearances" were being examined by the Ministry of Justice, that Algeria had created a *bureau* in charge of "disappearances", and that results of the ongoing investigation would be passed on to the President, we wish to remind you that:

- Algerian authorities have until now failed to undertake full, independent and impartial investigations required to address the problem. The "clarifications" they give are generally based solely on the inadequate responses given by the security forces implicated in the disappearances.
- Algerian authorities have also failed to implement key recommendations made by the UN Human Rights Committee in August 1998 specifying how Algeria should address the issue of "disappearances".
- The offices that were set up throughout the country to receive complaints of "disappearances" have produced few if any tangible results for the families of the "disappeared". The offices are by their very nature problematic, since they are administratively part of the Ministry of the Interior, an institution whose forces are believed to have carried out the abduction of many of the people reported to have "disappeared."

5) Ending the state of emergency (Article 4 of the draft resolution)

We call on you to reinforce Article 4, which calls for lifting the state of emergency. We encourage the EP to urge Algerian authorities to revise legislation adopted following the announcement of the state of emergency to bring it into conformity with international human rights standards. Following the announcement of the state of emergency in 1992, an "anti-terrorist" decree was issued in September 1992, which, among other things, increased the time limit that suspects could be held in the custody of the security forces before appearing before a judge from a maximum of two to twelve days.

Legislation adopted in 1995 incorporated into the Penal Code and Criminal Procedure Code of many of the objectionable provisions of this "anti-terrorist" decree, thus effectively transforming an emergency decree into permanent legislation. These and later legislative amendments have had a profound effect on the situation of human rights in Algeria.

6) Fight "terrorism" while respecting human rights (Article 10 of the draft resolution)

We welcome the Parliament's insistence that measures taken in the fight against "terrorism" comport with human rights principles. In this context, the European Parliament should call on the Council and the Commission to take immediate steps to ensure that measures taken in the framework of "counter-terrorism" in Algeria are in accordance with international human rights standards, as required by the text of the Association Agreement.

The EP should commit itself to ensuring that any EU cooperation with Algeria on combating "terrorism" upholds internationally recognized standards of human rights, and call on the Council and the Commission to maintain the same vigilance.

7) Address the ongoing crisis in Kabylia (Article 17 of the draft resolution)

In light of the killings of some 100 unarmed civilians since April 2001 in the context of demonstrations and unrest, notably in Kabylia, the European Parliament should explicitly call on the Algerian authorities to ensure that prompt, thorough and independent investigations are conducted into all violations of the right to life and that the alleged offenders are brought to justice in proceedings which meet international fair trial standards.

We welcome the intentions of the European Parliament to play a greater role in the shaping of future EU-Algerian relations. A strong political resolution is an important first step in this process. We believe that the proposed strengthening of the language of the draft resolution will also provide the basis for effective parliamentary control of the implementation of Article 2 by the Council and the Commission.

Since the EU's first Euro-Mediterranean Association Agreement took effect in 1998, it has become clear that Article 2's noble sentiments require explicit benchmarks and assessment mechanisms if they are to be implemented meaningfully. By endorsing the measures proposed above, the European Parliament will signal its commitment to achieving this objective, not just with respect to Algeria, but with all of its Mediterranean partners.

Yours sincerely,

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