



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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**List of issues to be considered during the examination of the
third periodic report of ALGERIA (CAT/C/DZA/3)**

Articles 2 and 4

1. Please describe the measures taken to ensure that only a judicial authority can take decisions restricting individual liberty, in spite of the continuing state of emergency in the State party. Please also indicate what measures are in force to guarantee that all places of detention are subject to judicial supervision. In what circumstances may the State party suspend the judiciary under the current state of emergency? Who takes this decision? Can it be reviewed? Has this situation already occurred?
2. Please indicate whether the State party has established a time limit for the state of emergency introduced in February 1992. If it has not done so, is it contemplating this step in the near future?
3. Please indicate how the incorporation into the legislation on the status of the judiciary of some provisions of the decree establishing the state of emergency is compatible with the independence of judges, given that some of the resulting texts regulate the appointment, promotion and removal of judges. Please explain why judges become irremovable only after 10 years of service. How many judges have been removed before the 10-year time limit? On what grounds?
4. Please provide information on the transfer to legitimate defence groups of responsibility for the maintenance of public order and for the protection of the life and security of the population. Please indicate whether these groups are supervised by organs of the State. How many groups of this kind exist? What are their names and the areas in which they operate? If members of these groups were to be implicated in acts of torture, could they be held responsible for such acts as public officials or persons acting with the consent of the Government, in pursuance of article 1 of the Convention?

5. Please provide detailed information on the recommendations of the National Commission on Judicial Reform and on their implementation by the Ministry of Justice.
6. Please specify the number and type of cases since 1991 in which criminal legislation concerning offences such as acts of torture has been applied. Please also describe the outcome of the examination of these cases, the penalties imposed or the reasons for acquittal.
7. Please indicate what measures have been taken to resolve cases of disappearances following the creation of the ad hoc National Commission on Missing Persons. Please indicate when the ad hoc Commission's final report dated 31 March 2005 will be made public, and provide the Committee with a copy. Please provide information on the Commission's conclusions and on the existence of a central register of reported cases of disappearance. Does the State party intend to compensate the families of missing persons? Does it plan to ratify the International Convention for the Protection of All Persons from Enforced Disappearance?
8. Please indicate:
 - (a) The average number of pending cases at the various levels of the court system which concern complaints about torture or cruel, inhuman or degrading treatment. Please state how many of these are civil law cases and how many are criminal law cases;
 - (b) The number of police and security officers per 100,000 inhabitants and their distribution in the territory of the State party;
 - (c) The number of public prosecutors and judges per 100,000 inhabitants and their distribution in the territory of the State party; and
 - (d) The proportion of accused persons and prisoners who apply for and actually receive free legal aid. Does the State party offer free advice and assistance for all criminal court proceedings? Is this aid supplied in immigration-related proceedings?
9. According to article 45 of Ordinance No. 06-01 of 27 February 2006, concerning the implementation of the Charter for Peace and National Reconciliation, "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." Please indicate how this Ordinance is compatible with articles 4 and 12 of the Convention in cases where members of the defence and security forces are allegedly implicated in acts of torture in the framework of the actions that fall within the scope of the Ordinance. How many complaints have been registered and shelved on the basis of article 45 of the above-mentioned Ordinance?

Article 3

10. Please specify whether Algerian legislation permits the expulsion, extradition or return (refoulement) to other States of asylum-seekers whose applications are denied or persons not admitted to the territory of the State party, even if there are serious grounds for believing that they would be in danger of being subjected to torture.

11. Please provide detailed information on Algerian legislation on foreigners. In particular, please explain whether applicable domestic law provides an effective remedy against forcible return. In addition, please indicate whether an appeal made during the consideration of an asylum request has a suspensive effect. If an administrative body is responsible for taking decisions regarding admission to Algerian territory, may the persons concerned appeal to a judicial authority?

12. What guarantees exist for foreigners who are not admitted into Algerian territory? In particular, how are such persons informed, in a language that they can understand, of the reasons for this measure, and of their right to be heard and to have the decision reviewed by an appropriate authority?

13. Please indicate if any complaints have been received since 1999 concerning acts of torture and cruel, inhuman or degrading treatment, including those resulting in unintentional homicide, committed during extradition, refoulement or expulsion procedures. If so, please provide statistics and indicate what types of injuries the complainants sustained. What has been the outcome of the complaints in terms of prosecutions, sanctions, and compensation for the victims? Please give specific examples.

14. Please indicate in what cases Algeria may request diplomatic assurances from a third State to which it plans to extradite, return or expel an individual. Please also provide examples of cases in which the authorities did not extradite, return or expel individuals because there was a danger that they might be subjected to torture. What information served as the basis for taking such decisions? In the event of extradition, what diplomatic assurances does the State party seek and what action does it take to check on compliance therewith?

15. Please provide data, disaggregated by age, sex and nationality, for 2004, 2005, 2006 and 2007 concerning:

- (a) The number of asylum requests registered;
- (b) The number of requests granted;
- (c) The number of persons whose requests for asylum were granted because they had been tortured or might be tortured if they were returned to their country of origin;
- (d) The countries from which the asylum-seekers came;
- (e) The number of asylum applications which were rejected and the countries from which the applicants came between 2004 and 2007;
- (f) The number of forcible deportations or expulsions (please indicate how many of them concerned rejected asylum-seekers);
- (g) The countries to which these persons were expelled.

Article 7

16. The State party indicates, in paragraph 119 of its report, that under article 696 of the Code of Criminal Procedure, the Government may hand over to a foreign Government, at the latter's request, any non-Algerian in Algerian territory who faces prosecution in the requesting State or who has been sentenced by a court in that State. Please indicate whether Algerian legislation allows the extradition of an individual to another State where there are substantial grounds for believing that this person would be in danger of being subjected to torture. If not, please indicate the criteria used to identify countries where there are substantial grounds for believing that an individual would be in danger of being subjected to torture. May the State party extradite persons to countries where the death sentence is in force?

Article 10

17. Please provide updated information on the instruction and training provided for law enforcement officers and other public officials on the treatment of prisoners and measures to prevent torture and other cruel, inhuman or degrading treatment. Please specify whether such instruction and training includes information on the Convention. How and by whom are such training and instruction programmes monitored and evaluated? How often are these training courses held? Are they compulsory? Please indicate whether prison staff are trained to take account of the needs of imprisoned women and minors and of prisoners suffering from contagious diseases. Please indicate also whether immigration officers receive specific training in asylum procedures.

18. Please specify whether there are specific programmes to train the medical personnel who are assigned to identify and report cases of torture and assist in the rehabilitation of victims. Please indicate whether the police and medical personnel are trained to identify and assist victims of domestic violence, sexual assault and paedophilia.

Articles 11 and 16

19. Please provide information on legislation and practice concerning:

(a) The registration of a person from the moment of his or her arrest until he or she is brought before a judge;

(b) The circumstances in which incommunicado detention may be ordered, the authorities competent to order it and the maximum length of such detention;

(c) The obligation of the public prosecutor to order, on his or her motion or at the request of the detainee, a forensic examination in cases where a detainee alleges to have been subjected to ill-treatment between the time of his or her arrest and his or her appearance before the judicial authority.

(d) Please indicate the maximum and average length of pretrial detention.

(e) Please indicate the number of forensic examinations requested following allegations of torture during the period covered by the report. How many examinations were conducted? What were the findings? Did they give rise to an immediate criminal investigation? If so, what was the outcome of those investigations?

20. Please provide detailed information on the specific measures that the State party has taken to guarantee in practice that every detained person is brought before a court within 48 hours, in conformity with article 51 of the Code of Criminal Procedure, and to guarantee his/her right to have the assistance of legal counsel of his/her own choosing, to be examined by a doctor and to contact his/her next of kin or a person of his/her choice from the outset of police custody. Is there a national register of persons under arrest and in detention? Please specify whether the medical examination is confined to persons benefiting from a clemency measure or whether it is available to all detained persons. Please indicate how much time elapses on average in practice between arrest and the bringing of charges.

21. Please provide information on any emergency or anti-terrorist legislation that may limit the guarantees granted to detainees, particularly the right to be heard by a judge as soon as possible, the right to contact family members and to inform them of the situation, and the right to have access to legal counsel and a doctor from the outset of deprivation of liberty. Please indicate at which stage persons suspected of involvement in acts of terrorism, whose detention in custody can be extended for up to 12 days, must be brought before a judge. On what basis does the State determine whether persons are terrorist suspects? Please provide some examples. How many persons have been accused of terrorism since 1999?

22. Please provide detailed information on the exceptional circumstances in which the State Prosecutor can extend detention in custody for a further 48 hours without the person being brought before the prosecutor, to which paragraph 77 (ii) and (iii) of the State party's report refers (CAT/C/DZA/3).

23. Please indicate:

(a) The number of complaints, investigations, examinations, proceedings, convictions and decisions aimed at providing redress and compensation for victims of acts of torture and other cruel, inhuman or degrading punishment or treatment since 1999;

(b) The name and location of all places of detention;

(c) The maximum and the average length of detention on remand;

(d) The prison population, disaggregated by offence and length of sentence;

(e) The number of imprisoned women and minors; and

(f) The number of deaths that occurred in penal establishments. Please indicate the number of deaths that occurred during detention in custody. Were forensic examinations

conducted after those deaths? What were the findings thereof? Were investigations into torture or ill-treatment conducted in response to the findings of the forensic examinations? If so, what action was taken to follow up the investigations?

24. Please indicate the legislative and administrative measures taken to combat violence against women and children, in particular in places of detention and in the family environment. Please provide statistics showing the number of complaints registered, of trials and of convictions for domestic violence. Is marital rape a statutory crime in the State party?

25. Is there a specific legal framework which protects children from trafficking? Please indicate what measures have been taken to prevent and eradicate this phenomenon. Please provide statistics showing the number of cases registered, of trials and of convictions for trafficking in persons. What is the average length of sentence passed by the Algerian courts for the trafficking of persons?

Articles 12 and 13

26. Please indicate the measures taken to conduct prompt and impartial investigations into allegations of torture and ill-treatment and to ensure that the alleged perpetrators of these acts are tried and given appropriate sentences if found guilty, and that the victims are properly compensated.

27. Please indicate the number of cases in which judicial or administrative sanctions have been imposed on law enforcement officials for ill-treatment of detainees. Please indicate the nature of the sanctions and the length of the sentences imposed on them. Please indicate whether, in cases of allegations of torture or cruel, inhuman or degrading treatment, civil servants implicated in these cases are suspended from duty, as a precautionary measure, for the duration of the investigation. Please indicate what form of protection is given to victims of domestic violence and trafficking who report an offence, give evidence or cooperate in criminal proceedings?

28. Please indicate if persons placed in detention, in cases where their complaints of torture and ill-treatment are dismissed, have the possibility to submit their cases to the competent judicial authorities through private prosecution. What is the outcome of these complaints?

29. Please indicate whether the *Wali* and the regional council are legal or administrative bodies? Please also indicate whether they have examined complaints involving allegations of torture and cruel, inhuman or degrading treatment. Please supply the Committee with copies of any reports drawn up after visits to places of detention. Are the recommendations contained in these reports binding? Have international bodies, such as the International Committee of the Red Cross, visited Algerian prisons? If so, what was the outcome of these visits? If not, why have no such visits taken place?

30. Please specify which independent body (bodies) is (are) responsible for visiting prisons and other places of detention. Please indicate the frequency of these visits since 1999, the recommendations put forward by this body (these bodies) following such visits and how the recommendations were implemented. If these recommendations have not been implemented, please explain why not.

Article 14

31. Please indicate whether individuals have received compensation following cases of torture or ill-treatment. If so, please indicate the number of such cases and describe the type of violence to which the individuals in question were subjected. Please give an idea of the average amount of compensation granted in civil proceedings.

32. Please indicate whether the State party makes physical, psychological and social rehabilitation services available to victims. Please indicate whether these services are financed by the State party, how many of these services exist and how many people use them.

Article 15

33. Please clarify whether the Code of Criminal Procedure explicitly states that any statement proven to have been made as a result of torture shall not be invoked as evidence in any proceedings. If this is not the case, please explain why. Please indicate the possible remedies available in cases of convictions based on statements obtained under torture or as a result of cruel, inhuman or degrading treatment. Please indicate how many people have been sentenced on the basis of their confessions. How many people have tried to retract their statements on the grounds that their confessions had been obtained by torture? What action is taken on these allegations?

Other

34. Please indicate whether the Convention against Torture can be directly relied upon before the State party's domestic courts. If so, please give specific examples.

35. Please indicate the extent to which individuals, non-governmental organizations and human rights institutions are informed of the mechanisms for submitting communications to the human rights treaty bodies, in particular the Committee against Torture.

36. Please provide information on the legislative, administrative and other measures that the Government has taken to respond to threats and acts of terrorism, and please describe if, and how, these measures have affected human rights safeguards in law and in practice.

37. Does the State party envisage ratifying the Optional Protocol to the Convention against Torture? If so, has it established or designated a national mechanism to conduct periodic visits to places of detention in order to prevent torture or other cruel, inhuman or degrading treatment?
