

Algeria - New assault on independent and civil society forces since resumption of Hirak protests

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Cairo Institute for Human Rights Studies (CIHRS)

Euromed Rights

International Federation for Human Rights (FIDH), within the framework of the Observatory for the Protection of Human Rights Defenders

MENA Rights Group

National Committee for the Liberation of Detainees (CNLD, Algeria)

World Organisation against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders

Introduction

Since Hirak protests resumed on 26 February 2021, Algerian authorities have clearly escalated repression against peaceful opposition and independent forces, including protesters, human rights defenders, and journalists. **At least 5,300 arrests of peaceful protesters** have been documented since 22 February 2021. On 14 May, at least **1,000** arrests including **18 journalists** were reported - a record number of arrests in one day since February 2019.

Since February 2021, at least **36 journalists** have been arrested and/or prosecuted in relation to their work and **15 reported assaults or violent arrests** while covering protests. At least **16 online news websites remain inaccessible** in Algeria; 6 of them were blocked in the past year. At least 7 **human rights defenders** have been arbitrarily prosecuted; 4 of them reporting violent arrests or physical assaults. **6 allegations of physical or sexual abuse in detention** were made public since February; none of them investigated.

According to the National Committee for the Liberation of Detainees (CNLD), as of 26 May, there are at least **183 prisoners of opinion currently detained** - the highest number since the beginning of the Hirak movement. **86 of them were sentenced to prison terms** between 16 and 24 May.

Protesters have reported unnecessary and excessive use of force, including beatings and violent arrests, most recently on 14 May. Authorities have **repeatedly obstructed protests**. To allow their release, the police have demanded that protesters sign a **formal written pledge** that they will not participate in other protests.

On 9 May, signalling a further increase in the criminalisation of peaceful protests, the Ministry of Interior released a statement for the first time requiring "prior notification" for the holding of weekly Hirak marches, requesting organisers to provide their names, itinerary and slogans. Reportedly, protesters have had to change their itinerary (most recently on 7 May in Algiers) to avoid police violence and obstruction.

The legal framework for freedom of assembly remains very restrictive in Algeria. What is called a "prior declaration" in the Constitution and in the law is in practice a prior authorisation, in violation of international standards, and must be submitted by an organisation at least eight days prior to a protest. Illustrating this confusion, on 20 May, the Ministry of Interior denied having received **"authorisation requests"** for the organisation of protests on 21 May, following reports on social media announcing that authorisations had been requested.

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Most significant human rights violations in Algeria from March to May 2021

- **Targeting of prominent civil society organisation**

On 26 May, **Rally Youth Action (Rassemblement Action Jeunesse – RAJ)**, a youth and citizenship organisation created in 1993 that was very active in the Hirak protest movement, was notified that the Ministry of the Interior requested its dissolution before the administrative court of Algiers, on the basis that the activities of the organisation are in violation of Law 12/06 governing civil society organisations and contradict the objectives listed in the statutes of the organisation. Its **president Abdelouahab Fersaoui** on the same day was summoned to report to the central police station in Bejaïa without any reasons specified.

Since the start of the Hirak movement, RAJ has been particularly targeted by authorities. The president of the organisation, Abdelouahab Fersaoui, was sentenced on appeal on 17 May 2020 to six months of prison for "undermining national unity" (Article 79 of the Penal Code) and "inciting to violence" (Art. 74). He was arrested in October 2019 for participating in a gathering in support of Hirak detainees in front of the Sidi M'hamed court (Algiers).

At least eleven other members of the organisation have been prosecuted in 2020 in connection with their civil society work, including Hakim Addad, founding member of RAJ, currently prosecuted in two different cases in relation to peaceful protests and publications in support of the Hirak.

- **Members of cultural organisation prosecuted for foreign funding and "subversive" activities**

On 20 April 2021, authorities announced the arrest of members of **SOS Culture Bab El Oued**, a well-known youth and cultural organisation in Algiers, on charges of "foreign funding" and "subversion". According to the authorities, the organisation – identified as a "criminal gang" – received funding "from a great foreign power", and used it "to produce provocative films and documents as well as promotional publications and posters during the Hirak popular marches". According to the CNLD, the president of the organisation is in pre-trial detention since 20 April, while other members are under judicial supervision pending trial. Pursuant to the April 2020

amendments of the Penal Code, the law now provides for a prison sentence of **5 to 24 years for the receipt of foreign funding.**

- **Journalists assaulted and prosecuted for their work**

On 14 May, journalist **Djafer Kheloufi** was severely beaten by police while trying to intervene during the brutal arrest of journalist **Kenza Khattou**. The latter is prosecuted for "undermining national unity", "offence to public bodies" and "inciting an unarmed gathering". On 7 May 2021, in Algiers, journalists **Bouzid Ichalalene and Meriem Nait Lounis** were reportedly arrested and verbally assaulted by the police. On 30 April 2021, Reporters without Borders condemned a physical assault against **journalist Anis Chellouche** and an escalation of violence against journalists. On 12 March 2021, 8 journalists were physically assaulted during a protest; that assault has yet to be investigated.

On 10 May 2021, journalist **Khellaf Benhedda** learned that he had been sentenced in absentia to a fine of 100 000 dinars for "offence to the President".

On 21 April 2021, **Noureddine Tounsi** was sentenced on appeal to one year in prison in connection with his investigative work with the Platform for the Protection of Whistleblowers in Africa (PPLAAF). Journalist **Rabah Kareche** was arrested on 18 April 2021 following the publication of an article he wrote covering peaceful protests. He is prosecuted for inciting discrimination and hatred, voluntary dissemination of false information susceptible to endanger public order and undermining security and national unity.

Journalist Mustapha Bendjama, who has been repeatedly summoned, arrested and prosecuted in at least six different cases for charges such as "offence to public bodies" and "undermining national unity", was summoned again on 7 April and on 25 May 2021 by an investigating judge.

On the prosecution and reported violence against journalists **Said Boudour** and **Jamila Loukil** – see section above on terrorism charges brought against human rights defenders.

- **Opposition party and leaders arbitrarily targeted ahead of legislative elections**

Tahar Missoum, former member of the National Popular Assembly and candidate to the April 2019 presidential election, was sentenced on 6 May **to two years in prison and a fine of 300,000**

dinars, in an expedited trial, for offence to the President and inciting to an unarmed gathering, based on critical public declarations and videos. Political opponent **Karim Tabbou** was also arrested again on 28 April and is now under judicial supervision.

On 17 May, political activist **Ouahid Benhalla**, member of the leadership of the **Democratic and Social Movement (MDS)**, was sentenced to one year in prison by the Bainem court (Algiers) after his arrest on 14 May while he was joining a demonstration (he was arrested while getting off a bus on his way to a protest). Fellow party members **Fethi Ghares, Messaouda Cheballah and Hassan Mebtouche** were also arrested but released on the same day.

On 22 April 2021, the Ministry of the Interior announced legal action against **opposition party Union for Change and Progress (UCP)**, headed by lawyer and political activist **Zoubida Assoul**, for "illegal activity" due to a lack of legal status and non-compliance with the legislation. The UCP denied these accusations, declaring that they have respected all the provisions of law 12-04 on political parties. On 2 May, the Interior Ministry announced they had requested that the Council of State temporarily suspend the UCP, pending a legal ruling on its outright dissolution.

On 22 May, **the Socialist Workers' Party (PST)** announced that authorities had launched summary proceedings to suspend the party temporarily and to close its offices. On 23 April, they denounced "legal and administrative pressures" in the run-up to elections.

The MDS, UCP and PST, among other parties, announced their boycott of the June parliamentary elections.

- **Human rights defenders arbitrarily prosecuted, including for terrorism**

On 29 April, **human rights defender and trade unionist Kaddour Chouicha, and human rights defenders and journalists Jamila Loukil and Said Boudour** were prosecuted in a new criminal case, for charges which included "enrolment in a terrorist or subversive organisation active abroad or in Algeria". The case also includes at least 12 other peaceful protesters and activists. If convicted, they may be sentenced to the death penalty.

This new terrorism related case constitutes a dangerous escalation in attacks against journalists, human rights defenders and the Hirak protest movement itself, and appears to be related to the individuals' peaceful and legitimate human rights work.

On 8 May, the father of one of the protesters prosecuted in the case, Yasser Rouibah, declared in a video that his son was tortured, beaten, stripped and urinated on in detention.

Prior to this case, Said Boudour, Jamila Loukil and Kaddour Chouicha had been repeatedly subjected to arbitrary detention and prosecution, amounting to judicial harassment. On 12 March, Chouicha and his son were beaten during a protest, and one police officer tried to strangle the former. Chouicha and Loukil also claim they were violently arrested on 4 April. Boudour claims he was physically assaulted during his arrest on 23 April.

Other cases of prosecuted human rights defenders:

- **Workers' rights defender and trade unionist Dalila Touat**, recently sentenced, was summoned and interrogated by police on 4 May 2021, and was among those arrested on 14 May.
- Following his arrest on 3 May 2021, **human rights defender Djamal Lalileche** is currently being prosecuted for offence to public bodies, publication of information to endanger security and public order, incitation to unarmed gathering, undermining national unity, and displaying publications that undermine national interest. He was not given access to a lawyer during his first hearing before the public prosecutor.
- **Lack of investigation and arbitrary targeting of activists for abuse and sexual assault in detention**

On 30 March 2021, the Algerian League for the Defence of Human Rights (LADDH) reiterated its call for independent investigations into several allegations of torture, sexual abuse and ill-treatment against Hirak protesters that have surfaced in the last couple of months; for instance, against student Walid Nekkiche, and activists Sami Dernouni, Nabil Bousekkine, Ayoub Chahetou and Saïd Chetouane (15 years old).

On 4 and 5 April 2021, **five peaceful Hirak activists were arbitrarily**¹ arrested and prosecuted – for charges such as “criminal conspiracy”, “dissemination of false information” and “incitement to debauchery” – **after they relayed videos of protester Said Chetouane, 15 years old, in which he claims to have been sexually assaulted in detention.** A public prosecutor publicly launched baseless and homophobic accusations against them (accusing them of being paedophiles, homosexuals, and consumers of drugs and pornography) and discredited Chetouane's allegations. On

¹ Mohamed Tadjadit, Malik Riahi, Soheib Debaghi, Nouredine Khimoud, Tarik Debaghi and Sadeq Louail.

27 April, reportedly on the day that Chetouane was going to submit a complaint for sexual assault, he was arrested for his participation in a protest, and was subsequently placed in a child protection centre without informing his mother. He was **hospitalised** as his health severely deteriorated after he carried out a hunger strike in protest.

Ayoub Chahetou, arrested on 26 March 2021 during a demonstration, was prosecuted for "destruction of state public property". During his trial, he stated that he was raped inside a police station. He was sentenced to six months of prison on 18 May. Although the prosecution announced a preliminary investigation, as of 25 May, his lawyers had not yet been informed of any steps taken in that investigation.

Sami Dernouni's lawyers claimed on 2 March 2021 that he had been victim of torture while detained by the Directorate-General for Internal Security (DGSI). On 3 May 2021, Dernouni was sentenced to one year of prison and a one-year suspended sentence in relation to his peaceful activism, for charges including "incitement to gathering", "undermining the integrity of the national territory" and "undermining national security".

Student and peaceful demonstrator Walid Nekkiche declared during trial on 1 February 2021 that he had been subjected to physical, sexual and psychological abuse in detention. Nekkiche was sentenced to six months in prison, following his participation in a student march in November 2019, after fourteen months in pre-trial detention. His lawyers lodged a complaint for torture on 23 July 2020. Media reported that a military tribunal will be in charge of the investigation, raising concerns as to its impartiality; while neither Nekkiche nor his lawyers have been informed of any investigation.

- **Criminalisation of free ideas and debate, including on religion**

On 23 April, renowned academic and expert in Sufi Islam **Saïd Djabelkhir** was sentenced to three years of prison and a fine of 50,000 Algerian dinars for "offence to the precepts of Islam" (Article 144bis 2 of the Penal Code), based on online publications about Islamic rituals and theology. He remains free until the appeal verdict. On 6 May, he learned through the press that his appeal trial had been postponed from 5 May to 2 June; neither him nor his lawyers were ever informed of the proceedings of the case, and he claims he was never heard or summoned by the prosecution.

On 4 May 2021, **activist and gynaecologist Amira Bouraoui** was sentenced on appeal to four years of prison in two cases. She remains free pending a verdict in cassation. In a first case, she was

convicted of ‘offence to a civil servant’, ‘offence to the President’, and ‘sharing false information susceptible to undermining public order’ for publications in which she criticised the way authorities handled the pandemic. In a second case, she was convicted of undermining the precepts of Islam, for online posts in which she criticised a religious figure.

On 22 March 2021, a five-year prison sentence against **Hamid Soudad** was confirmed in Oran, for relaying a caricature of the Prophet of Islam on social media in 2018.

On 27 February, **Rachid Seghir**, pastor in charge of the Protestant church in Oran, and one of his associates, **Nouh Hamimi**, were sentenced in absentia to two years in prison and a fine of 500,000 dinars for “proselytism” and “undermining the faith of a Muslim” (ordinance 06-03) following the discovery of Christian religious books in their bookstore, back in September 2017, which was subsequently closed by authorities.

- **Calling into question the right to defence**

On 28 March 2021, the Supreme Court accepted an appeal on the unconstitutionality of Article 24 of the Statute of Lawyers. According to Article 24, “a lawyer in the exercise of their profession cannot be prosecuted for their actions, declarations and writings in the context of the debates or pleadings in court. They shall enjoy absolute protection and confidentiality of relations between themselves and their clients, the guarantee of the secrecy of their files and correspondence, and the right to accept or refuse a client”.

Article 24, in line with international conventions such as the UN Basic Principles on the Role of Lawyers (Art.20), ensures the immunity of lawyers during the exercise of their function and is fundamental to protecting them from all forms of pressure and guaranteeing the right to defence. A review of Article 24 would clearly **threaten the right to defence**, despite it being enshrined in the Constitution (Art. 175).

- **Arbitrary sanctioning or prosecution of members of the judiciary**

On 30 May, **judge Saad Eddine Merzouk**, president of the Club of Free Magistrates (an unregistered union), was disbarred following a disciplinary hearing before the Superior Judicial Council. He was accused of inciting a strike in October 2019 and of “obstructing legal proceedings and violating the obligation of reserve”, based on social media publications in support of judicial independence.

Deputy Prosecutor Mohamed Belhadi is also subject to the same disciplinary procedure for posting a picture of himself with Judge Merzouk, considered a violation of the obligation of reserve and a serious professional misconduct. Prior to this, in February 2020, prosecutor Belhadi was arbitrarily transferred 600km south of Algiers, after he requested the acquittal of sixteen protesters.

On 5 April 2021, **Mourad Ghedia, court clerk and trade unionist currently suspended**, and president of the National Federation of Justice Sector Workers, was placed in detention pending trial on 1 June. He is prosecuted for "continuing to exercise a job after dismissal and arrest", "interfering in public and civil functions", "using a legally regulated professional title without fulfilling its conditions", "displaying pamphlets that would undermine national interest" and "incitement to unarmed gathering". Ghedia was previously suspended for nearly three years for his participation in a strike, then reinstated and suspended again in 2018.

On 11 April 2021, **Belkacem Maza, court clerk and human rights defender, suspended** since 17 September 2020, was sentenced to a six-month suspended prison sentence and a fine of 100,000 dinars for offending public bodies (Art.144 of the Penal Code) and discrediting court decisions (Art. 147), based on his participation in Hirak demonstrations.

Repression has increased drastically and a more assertive public position from states is crucial to protecting Algerians peacefully exercising their rights to freedom of expression, association and assembly. We believe this intensifying crackdown meets the criteria for the UN HRC to take urgent action, as set forth by Ireland in 2016. The time is now for UN member states to address the increasing criminalisation of freedom of association, peaceful assembly and expression in Algeria.