



**ALGERIA:
THE INVISIBLE
HAND OF POWER
OVER THE MEDIA**

**REPORTERS
WITHOUT BORDERS**
FOR FREEDOM OF INFORMATION

A REPORTERS WITHOUT BORDERS INVESTIGATION

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INTRODUCTION

The re-election of Abdelaziz Bouteflika in 2014 for a fourth term as the president of Algeria has caused a lot of tension. The future of the country has been questioned for many reasons such as the lack of information about the president's health status on his 2013 AVC attack, which limited his speech and movement abilities, the lack of transparency in organizing and running the elections, or still the numerous recurring corruption scandals that attack the political system. The situation has deteriorated, as Algeria has, since 2015, suffered from the falling of the price of petrol whereby the price of the barrel has decreased by 70% in two years. These difficulties have nonetheless encouraged a few opposition initiatives to take place. In 2014, the National Coordination for Liberties and for the Democratic Transition (Coordination nationale pour les libertés et la transition démocratique CNLTD) was established, as well as a number of other initiatives taken by other NGOs and political parties inside the l'Instance de concertation et de suivi de l'opposition (ICSO). This instance demanded a quick response towards a democratic transition and has held its second congress in March 2016.

In the midst of this complex political situation, the media has played a rather important role in building an information vector between the state and the citizen. For a long time the press, and especially the post-1990s private newspapers resulting from the process of democratic openness, have been the focal point in assessing press freedom in Algeria. However, the reforms undertaken by the government in the media sector since 2011 and the press code voted in 2012 are also to be considered. The 2012 press code has partially decriminalized the press offenses and has also liberalized the television sector, a state monopoly heretofore. The 2014 Audiovisual law consolidates this opening even further, though the new private television channels are evolving in a grey zone awaiting further legal texts regulating the sector. Besides newspapers and television channels, electronic media has enriched the Algerian media panorama. The growing number of citizen journalists should also lead to reconceptualising the information sector in the digital and social networks age.


However, an increased number of actors in the media sector does not necessarily equate to a greater government tolerance of the right to free, independent information, nor to a genuine pluralism of opinion. The country is ranked 129 out of 180 in RSF's 2016 World Press Freedom Index. Certain topics such as the health of the country's president, the violation of the "principal values of the society" or the "foundations of the nation" are stumbling blocks few media dare to go over. The public authorities use many pressurizing judicial, economic and political tools to narrow the scope of the freedom to inform. In June 2016, two managers of an Algerian television channel (KBC / El Khabar) were placed under arrest warrant for more than 20 days for «false statements.»

On December 11, 2016, the news of the death in detention of the Algerian-British journalist Mohamed Tamalt in Algiers deeply shocked the profession and the defenders of the human rights. Mohamed Talmat, who was sentenced to two years in prison for «contempt of court» and «attack on the President» after the publication of statutes on Facebook, began a hunger strike as soon as he was imprisoned on 27 June. Falling into a deep coma in early September, he died in December in prison.

Another journalist, Hassan Bouras, who has been harassed since 2003, is also behind bars for publishing a video where three witnesses openly expose serious corruption cases involving senior officials of the judicial and security system in the city of El Bayadh, in western Algeria. Hassan Bouras was convicted on the basis of the criminal code for «contempt of body», among others.

By choosing to resort to the penal code, magistrates completely disavow the 2012 Information Code and the Constitution.”

Based on some 20 interviews conducted between May and October 2016 in Algiers and Oran, this report presents a non-exhaustive description of the evolution of press freedom in Algeria since 2014. It then details the pressures on the sector for the last two years. In the last section, recommendations on how to strengthen freedom of information in Algeria are presented to the authorities, journalists, and the international community.



1 A SUFFOCATING MEDIA PLURALISM

1. **In the 2000s, newspaper suspensions, journalists' imprisonments, heavy fines, assaults and unpunished crimes (see for instance, the case of El Watan Tébessa correspondent, Abdelhaï Beliardouh¹) were abundant. Despite these difficulties, the print media continues to struggle and be creative in producing quality information. As the economic climate has improved, journalists have launched their own newspapers. The readership has expanded and is expected to increase.**
Read RSF Press release on the case on the 23rd of July 2002 here : <https://rsf.org/fr/actualites/le-correspondant-del-watan-tebessa-agresse-et-sequestre>
2. The 2011 Arab uprisings have pushed the authorities to take up opening measures. Although the 2012 information code replaces the prison sentences by fines, most of the press offenses such as defamation, insult, or outrage remain punishable by the Penal Code².
Penal code : <http://www.joradp.dz/TRV/FPenal.pdf>

■ AN EXSANGUINATED PRESS, TRYING HARD TO SURVIVE

Since 2014, print media has suffered from an unfavorable political and economic situation. The 150 press titles in Algeria often choose a somewhat critical or a completely uncritical editorial line whereby they do not condemn political leaders or their actions to ensure the viability of their media companies, which are largely dependent on advertising. Souad Azouz, deputy director of the Ennahar group, maintains that although the most widely read newspapers Echourouk (351,000 copies/day in 2015) and Ennahar (232,000 copies/day in 2015) define themselves as «non-aligned,» they tend to favor the sensational, or take information from the official news agency when it comes to covering subjects such as social movements across the country.

El Khabar groups (225,000 copies/day in 2015) and El Watan (123,000 copies/day in 2015) have maintained an editorial line in recent years marked by their opposition to the re-election of Mr Bouteflika for a fourth mandate. Because of this opposition, they were and are still hustled. «There is a political will to harm the print media whose editorial line is critical,» deplores Cherif Rezgui, El Khabar newspaper editor. He explains that they «know from a reliable source that the authorities, notably the Minister of Communication and the Minister of Industry and Mines, do not hesitate to contact the major manufacturers to deprive us from advertisements. This policy has cost El Khabar 50% of its advertising revenues in 2015.»



© FAYEZ NURELDINE

Mr Omar Belhouchet, El Watan newspaper editor, carries on in the same line of thinking by saying that «any gains obtained by the independent press during the 90s, at a high price of very heavy sacrifices, are being lost in a context of deregulation where, under the cover of pluralism, obscure funds are gradually seizing up the media.»

In order to avoid this scenario, an independent authority for the regulation of the print media should be set up to carry out the reforms that would encourage the independence of the media and the pluralism of opinion. According to the Information Code³, seven of the 14 members of the authority are elected at an absolute majority by the professionals and not by the state executive or legislative bodies. It is widely believed that this authority has not yet been elected, as the government fears it will become too independent. In May 2016, Hamid Grine, Minister of Communication reflected that this authority «would duplicate the ministry» and proposed to «suppress.» He was soon to be contradicted by Prime Minister Abdelmalek Sellal, who declared last September that there is «a delay in the election of the authority due to the difficulties encountered in issuing journalists' membership cards.»

↓
An Algerian buys a newspaper from a street vendor.

3.
Information code of 2012 : <http://www.joradp.dz/TRV/FInfo.pdf>

■ AN EVOLVING AUDIOVISUAL SECTOR

The private sector: In the hot seat

After decades of the state locking the audio-visual sector, the 2012 reform has opened this sector to the private, which has resulted in the appearance of some fifty television channels. In April 2013, only five of them - Dzair TV, Ennahar TV, El Djazair, Echourouk TV and Hogar TV – were licensed to open offices in Algiers. Unfortunately, this one-year license was not renewed in the following year.

Due to ambiguous and flawed legal texts, the Algerian TV channels have an offshore company status allowing them to broadcast to Algeria via satellite providers such as the Egyptian NileSat. The ambiguous “off-shore” status complicates even further the work of these channels that find it difficult to accredit their journalists, to record programs in Algerian studios, or to attract advertisers. Subject to the will of the government, these channels can have their equipment seized their studios sealed overnight, or can simply be closed down. In 2015, the lack of clear regulations led the authorities to close manually the El Watan TV channel. Not for a mistake that it would have committed, but instead for remarks made by Madani Marzag, one of its guests, who has never been bothered by the authorities.

Abdou Sammar, editor of the *Algérie Focus* magazine and columnist for several television programs censored in 2015 and 2016, has remarked, «it is very clear that the Algerian authorities fear the image. It is for this reason that they do everything to keep it under control by favouring thematic channels, especially those devoted to entertainment.»

Articles 4 and 7 of the 2014 Audiovisual Act speculate that only the public TV channels may be classified as general-interest channels, covering wide topics as information, culture, education and entertainment. The private sector is, however, limited to thematic channels where the hours of the information programs are duly specified as speculated by articles 5, 17 and 18 of this law.

Public sector: a questioned credibility

«The public service must first of all strengthen the socio-cultural cohesion of Algeria,» according to a source from the EPTV (Public Television channel). Our source thinks that the future of this sector is very much influenced by an excessive number of TV channels and claims that «the big challenge we face is the increase in the number of satellite channels, around 1,400 today in the Arab world.»

The public sector has ten press titles, five televisions, and eight national radios, and yet it struggles to serve the public interest through the production of credible and independent information. The newspapers cover the activities of the President of the Republic and the government without giving voice to the opposition. Pre-recorded programs are heavily broadcasted. The topics focus on the socio-cultural values in the Algerian identity, trying to make it a driving principle within the mission of the public sector.

4.
The audiovisual act of
2014 : <http://www.joradp.dz/FTP/jo-francais/2014/F2014016.pdf>

→
An Algiers building
façade covered with
satellite dishes.



■ A COMPETITIVE BUT FRAGILE ELECTRONIC PRESS

From the mid 2000s, the number of Algerian e-press titles has been increasing, though the number of Internet users remains low. The international Union for Telecommunications reports 38.2 Algerians out 100 used the Internet in 2015.

Recognized by the public, the pure players progress in a precarious legal fog. Although the 2012 Information Code devoted a chapter to them, they have to organize themselves as service companies, communication agencies, or foreign companies to be able to practice. «We are in a situation of alienation from the norm,» says Ihsane El Kadi, director of Interface Media that publishes the *Emerging Maghreb* site. He adds that «the legal precariousness in which we operate makes us live in constant fear of a police raid, especially when dealing with sensitive subjects such as the return to Algeria in March 2016 of Chakib Khelil, former Algerian Minister of Energy, very close to Bouteflika and accused of serious corruption.»

Hamid Guemache, editor of an online magazine TSA, adds, «our journalists are not accredited as long as we have no clear legal status. This situation makes it hard for us to do our job properly and paves the way for small arrangements and favors all detrimental to the freedom of press.» Ihsane El Kadi explains that «we have no other choice at the moment. We tried crowd funding in Radio M but it turned out to be very complicated to set up. The development of online paid content, for example, is impossible since our readers must pay online to subscribe to our site. E-payment is not yet possible in Algeria!»

On October 4th, 2016, e-payment was launched in Algeria with much fanfare, but the media cannot use it yet.

INNOVATIVE RADIO M

In spite of the existing obstacles, the online media took a number of interesting initiatives such as web-radio. In 2013, the publisher of Interface Médias launched his first radio project entitled Radio M, «the small radio of the great Maghreb,» broadcasting a program entitled the Café presse politique. In these news programs, rich readings and analyses of the Algerian political scene evolutions were proposed thanks to diverse opinions that paved the way for a free tone and a refined analysis.



© Twitter



Radio M's logo and
Twitter profile.



© Ghardaïa – Photo H. Lyes/El Watan

■ A CITIZEN PRESS THROUGH THICK AND THIN

The voices of journalist-citizens have emerged in regions where they can be heard on social networks and YouTube. They share their photos and videos to fill gaps in official information coverage, especially in areas where important social movements are taking place.

↓
Demonstrations
in Ghardaïa

In the absence of any protective code, the Algerian authorities do not hesitate to pursue them on the basis of the Penal Code. Apparently, several bills related to digital spaces are pending before the Council of Ministers. They include a digital code, a law on the protection of personal data, and a law on access to information. These texts will certainly try to seek to control the right to access of information on the Internet.

Mohamed Benchicou, past editor of the daily newspaper *Le Matin* and actual editor of the online newspaper *Le Matin d'Algérie*, as well as a political prisoner himself from 2004 - 2006, claims that "the information sector national sovereignty spreads now over to the internet." He adds that the "journalist-citizens will be the next censorship victims as they possess a tool that can give birth again to combating journalism far from political compromises."

The state has its firm grip on the Internet, as there is only one state owned Internet provider company. Access to the web can be interrupted any time on a sole decision of the government. In June 2016, Internet access was blocked to deter any attempts to leak the baccalaureate, the national end of secondary education, and exam topics. There are legitimate worries that the government will censor the information and thus limit the whistleblowers' freedom.



2

A PRESS SUFFERING FROM MULTIFACETED PRESSURES

To control the media landscape, the authorities use a multitude of legal, political and economic measures to sustain pressuring the mass media, encourage docility, and guarantee the development of a dependent spirit.

■ THE JUDICIAL PRACTICES STIFLE JOURNALISTS' EVERYDAY ENDEAVOUR

5. In February 2016, the Algerian parliament took on the project of revising the constitution⁵. Article 50 guarantees the freedom of the written, audio-visual, and social press, and precludes any form of initial censorship. Furthermore, a press slander cannot be punished by a custodial sentence.
Constitution of Algeria, march 2016 : 2016 : <http://www.joradp.dz/TRV/Fcons.pdf>

6. This article is expected to reinforce the 2012 information code. This code removes any custodial sentence against journalists, though information is still subject to a plethora of exceptions such as the "respect of the national identity, the society's cultural values, national defence and security exigencies, economic interests or still the nation's unity and sovereignty" (article 2).
<https://www.amnesty.be/je-veux-agir/agir-en-ligne/ecrire-des-lettres/article/un-an-de-prison-pour-avoir-denonce-des-faits-de-corrupcion>

7. In practice, Judges have rarely used any of these legal provisions to condemn journalists, preferring almost always to use the penal codes in the press suits.
http://www.hufpostmaghreb.com/2014/06/04/justice-algerienne-prison_n_5443740.html

The penal code: a journalistic nightmare

8. The Public Prosecutor has been the main body responsible for the prosecution of journalists and citizen journalists over the last two years. The Criminal Code is systematically used because the offenses related to the right to inform - namely defamation, contempt, and insult - are protected by it. Sentences range from two months to five years' imprisonment and fines vary from 1,000 AD to 500,000 AD (10 to 4,000 euros).
http://www.hufpostmaghreb.com/2014/06/04/justice-algerienne-prison_n_5443740.html

9. Since 2014, cases such as the prosecution cases for «insulting state constituent bodies» (see the case of Hassan Bouras in 2015 and 2016⁶), «inciting riots and non-armed gathering» (see the case of Rachid Aouine⁷ in 2015), "publication of photos and videos prejudicial to the national interest «(case of Youssef Ould Dada⁸ in 2014) or «infringement upon the President of the Republic «(case in progress of Tahar Djehiche⁹) are commonplace.
<https://rsf.org/fr/actualites/proces-du-caricaturiste-algerien-tahar-djehiche-rsf-de-mande-la-cour-supreme-de-casser-le-jugement>



↓
Algerians gather to listen to a speech by President Abdelaziz Bouteflika broadcast on a giant screen in Telemcen.

MOHAMED TAMALT: JOURNALIST DEAD IN PRISON

On 11 December, Algerian-British journalist Mohamed Tamalt, correspondent of the Algerian newspaper El Khabar in London, died in Algiers. He was imprisoned there on 27 June. On 4 July the Sidi M'ahmed court sentenced him to two years' imprisonment and 200,000 dinars of fine on the basis of articles 144bis and 146 of the Criminal Code for «contempt of body» And «attack on the person of the President». Its wrong? To have insulted Algerian President Abdelaziz Bouteflika via videos and poems broadcast on the Internet. The journalist, who had lived in the United Kingdom since 2002, had created the online journal Assiyak Alarabi (Arabic Context). Criticism of the Algerian authorities, Mohamed expressed on his blog his political opinions and disseminated information and commentary provocative. After his incarceration, Tamalt went on a hunger strike to protest his imprisonment. Diabetic, his state of health had deteriorated very badly in recent weeks. Today the family of the journalist asks for access to his medical file and the opening of an independent investigation to punish those responsible for this tragic death.



←
The journalist
Mohamed Tamalt died
on 11 December after
going on hunger strike
in prison.

Preventive detention: Damocles sword for journalists

Even before their trials are held, prosecuted media professionals or citizen-journalists are held in preventive and, in most cases, arbitrary detention.

Pre-trial detention is, however, regulated by law. Section VII of the penal procedure code¹⁰, revised in July 2015, stipulates that detention remains an exceptional measure used only if the accused runs the risk of not appearing before the court. In addition, if the sentence for the offense committed is less than or equal to three years' imprisonment, the accused may not be detained unless he has committed serious offenses such as murder or disturbing public order.

In fact, journalists or citizen-journalists have been - and still are - victims of the warrant of detention, as the charges against them are generally politically motivated (see the case of Abdessami Abdelhaï held in pre-trial detention for almost 24 months).

10.
The penal procedure
code : <http://www.joradp.dz/TRV/FPPenal.pdf>

11.
Interview : : <http://www.algerie-focus.com/2015/05/detention-provisoire/>

In an interview¹¹ in Algeria Focus last year, Mr. Salah Debbouz, a lawyer, estimated that «the majority of human rights activists incarcerated in a prison, without trial, on the basis of the principle of pre-trial detention, are in fact subjected in an indirect and completely unconstitutional way to a prison sentence.»

IN 2016, TWO KBC OFFICIALS IN PRE-TRIAL CUSTODY

Mehdi Benaïssa and Ryad Hartouf, officials at the KBC channel and part of the press group El Khabar, were placed in pre-trial custody from June 24th to July 18th, 2016 for «false declarations» (article 223 of the Penal code) concerning filming permits. Their detention was illegal under the latest amendments to the Penal procedure Code, since the maximum penalty for this offense is three years' imprisonment. Another contradiction of the Algerian justice system has preferred to submit to the will of the executive and punish media professionals for having the courage to broadcast satirical programs criticizing the Algerian authorities.



←
The KBC TV
channel's
headquarters.

Media trapped in a grotesque bureaucracy

In the case of the suspension of a program or a medium, the ban to enter a newspaper premises, or still, the seizure of TV channel equipment, the government uses an array of arguments such as the absence of an authorization to film, incomplete files, and noncompliance of the media statutes, (especially the audiovisual ones), in place of current laws. These blockages committed in the name of a heavy bureaucracy are purely initiated to deter media from criticizing the government. The authorities' decisions are final and without appeal. The media is not given any deadlines to settle its situation.

TWO LOST SHOWS, 0 FOUND...

In recent years, the majority of Algerians watched the satirical program «Djornane el Gosto» on the private channel El Djazairia TV, before it migrated to the KBC channel of the El Khabar group in 2015. Considered a real breath of fresh air for the audiovisual landscape, this program broadcasted during the month of Ramadan was hailed for its intellectual content and excellent actors. Opting for satire to reflect on daily events, this program did not hesitate to give a raw picture of leaders and the consequences of their deeds. In 2015, the Audiovisual Regulatory Authority produced a verbal warning against the show. On June 23rd, 2016, the program was censored during filming by the national gendarmerie, and its team was expelled. The program was later renamed «Ness Stah.» This violent raid came a few days following the stopping and sealing of the recording studio of another KBC critical talk show called «Kihnakienass.» The two broadcasts were banned for lacking filming permissions, a new pretext erected to silence any analytical voice attempting to propose alternative views to official information.

←
Staff of the
satirical programme
Djornane El Gosto



© Djornane El Gosto

→ Algerian President Abdelaziz Bouteflika meets the French prime minister during an official visit on 10 April 2016.



17

© ERIC FEFERBERG / AFP

■ EXTENDED POLITICAL PRESSURES

Since 2014, the media most targeted by political pressures are those that opposed the re-election of Mr Bouteflika for a fourth mandate, such as *El Watan* and *El Khabar*. Pressures take the form of verbal threats made by high officials, restrictions to the right to inform imposed on foreign media outlets, and most recently, Internet smear campaigns and serious threats against journalists.

When the authorities openly intimidates journalists

The media regularly receive verbal attacks and threats even coming from politicians of the highest caliber. This creates a particularly damaging climate of tension and fear.

These threats that often masquerade as «lack of professionalism» are mostly geared towards media attention to highly sensitive topics such as the health of Mr. Abdelaziz Bouteflika, corruption scandals, or the luxurious assets of leaders abroad.

The minister of communication Hamid Grine announced in June 2014 the «virtuous circle» of ethics (look up page 19) and asked publishers, advertisers, and journalists to adopt certain measures to achieve an «ethical attitude.» This has largely harmed the production of independent information. In 2015, RSF identified some 15 verbal threats emanating not only from the Minister of Communication, but also from the Prime Minister and the President.

On 22nd October 2016, National Press Freedom Day, the Algerian President used very harsh words to address the online media. He condemned the media for their inclination “to broadcast slanderous and insulting insinuations,” and “to sow subversive ideas, even openly and without scruple, to our people and our country».

INTERRUPTION OF A TV PROGRAM FOLLOWING THE PRIME MINISTER THREATS

In April 2015, the program El Djazairia Weekend was interrupted abruptly after making reference to the Prime Minister's daughter. Journalist Abdou Semmar selected a quote from «Paris-Alger, a passionate story,» a book written by journalists Marie-Christine Tabet and Christophe Dubois. Following this incident, the Prime Minister swiftly called for order. The following day, Karim Kardache, the program director, was summoned by the Audiovisual Regulatory Authority, which warned him verbally before releasing a public statement accusing the program of «sarcasm and sneering at high officials» and «symbols of the state.» The statement also accused the program of violating the profession's ethics and stated that such violations were to be sanctioned by the information and audiovisual legal texts.

Upon request to change the format of the program and to dismiss the columnist Abdou Semmar, the channel preferred to abandon this program altogether and broadcasted their last issue on April 24th, 2015.

Mercenaries 2.0: A new and growing threat

The number of cyber violence incidents targeting editors-in-chief, newspaper directors, and journalists has increased since 2014. Facebook pages such as «1, 2, 3 Viva l'Algérie» that have received more than 700,000 «likes» have emerged as online mercenaries. These pages select provocative articles that are critical of the Algerian authorities or the Algerian society and post them in vicious chains online. This then spurs a series of heinous and violent comments, often published on the Facebook wall of a targeted journalist. In some cases, threats online have resulted in murder.

The authorities have not reacted to these situations, which encourages the tolerance of these online interactions. According to different sources, security services enable these types of web pages and related practices.

Subsequently, Facebook administrations are alerted and the pages are closed down. However they always manage to re-emerge in a different capacity. Equipped with considerable funds, these pages buy up visibility and audiences to spread hate, false rumors and propaganda.

ABDOU SEMMAR, IN THE MERCENARIES SHOOTING RANGE

On August 15th, 2016, Algeria Focus published an article revealing the undue allocation of a ministerial villa to the son of the Minister of Habitat, Urbanism and the City. Algeria Focus and Abdou Semmar, its editor, were subjected to a campaign of defamation and death threats. Facebook pages «1, 2, 3 Viva l'Algérie» and «Radio trottoire» launched a denigration campaign against the journalist, going as far as to infringe on his privacy and encourage internet users who explicitly threatened his life. Interviewed by RSF, Abdou Semmar maintained that this is not the first time they “tried to reach me by talking about my private life. However, these intimidation attempts are becoming alarming and I am seriously beginning to be afraid, not for myself, but especially for my two children and my family.”

Foreign media that the authorities do not wish to see

The authorities scrutinize the foreign media correspondents' articles under the microscope and do not hesitate to criticize them if they see fit. The Ministry of Communication regularly summons journalists who risk losing their accreditations.

Accreditations are to be renewed each year on filing a particularly large application. Very often, the Ministry of Communication delivers the precious document only after a long delay. Many correspondents therefore continue to work without this authorization, which creates immense additional pressure acts as a sword of Damocles over their heads.

AN EXTREMELY WORRYING CASE OF WITHDRAWING A JOURNALISTS' ACCREDITATION

In March 2015, Boualem Goumrassa, a correspondent for Asharq Al Awsat (a Saudi daily newspaper published in London), had his accreditation withdrawn—a rare punishment. The Algerian journalist allegedly attacked «senior government officials» and criticised the President of the Republic and the Minister of Communication on television. According to the Ministry of Communication, these facts constituted a violation of the «The Foreign Media Correspondents' ethical charter,» an unknown text to most correspondents unavailable to the public.

Moreover, foreign journalists have encountered extreme difficulties to obtain their entry visas. Giving these journalists a visa has been filtered through in dribs according to the Algerian leaders' political agenda logic.

UNWANTED FRENCH JOURNALISTS

In April 2016, Algeria refused to grant visas to French journalists from *Le Monde* and *Canal Plus*. They were to cover the official visit of Prime Minister Manuel Valls to Algiers on April 9th and 10th. The applications for their visa were refused as a result of the publication of a photograph in the daily *Le Monde* linking Mr. Bouteflika to the «Panama Papers» scandal.

The Algerian Foreign Ministry's statement revealed «a hostile press campaign against Algeria and Algerian institutions conducted in various French media.» On April 13th, 2016, Hocine Kheldoun, communication director of the Front de Liberation Nationale (FLN), affirmed that the health of the Algerian president did not concern the French press and added that the latter «should not play with fire, especially as the relations between the two countries are feverish.» The amalgam between the government and the French press is difficult to understand. Several French media chose not to cover this official visit in solidarity with their colleagues.

←
The *Le Monde* front page story of 5 April 2016 linking Algeria's president to the «Panama Papers.» The issue was censored in Algeria.



© Le Monde

■ MEDIA DEPRIVED OF PUBLIC FUNDING HAVE THEIR BACKS TO THE WALL

As producing quality information requires favorable economic conditions, the Algerian authorities have, since the 1990s, used key sectors such as advertising and printing debts in an attempt to control and manipulate the media landscape. Other tools such as abusive tax controls have been used to tighten the state's grip on the freedom of information.

As the state has largely run the distribution of public advertising and the payment facilities granted to press titles, it uses them as levers of pressure that can be activated at any time against any media that chooses to tackle sensitive topics. Thus, to ensure their independence, some media have chosen to import their own printing presses and rely solely on private advertising. However, in tough economic conditions, these media outlets struggle to ensure their financial survival. Some businessmen take advantage of this economic hardship and offer to buy up or partially buy up some of the media companies, pretending to save these companies from the state's grip.

The state seals off the advertising market

When interviewed¹² in May 2016, Brahim Sail, managing director of IMMAR, a media marketing company, estimated the Algerian advertising market's worth as between \$200 million and \$ 300 million.

The media market share has been falling for two years due to the oil revenues crisis and the emergence of private television and Internet marketing.

12.
Interview on the 18th
of may 2016 : 18 mai
2016 : <http://www.maghrebemergent.com/economie/algerie/59166-le-dg-d-immat-sur-radio-m-le-marche-publicitaire-en-algerie-se-chiffre-a-200-300-maillons-de-dollars.html>

© OT / Adda



←
Communication
minister Hamid
Grine during a press
conference on
journalistic "ethics."

13. Interview on the 2nd of May 2016 : <http://www2.horizons-dz.com/?L-Anep-gere-seulement-20-du-marche>

Djamel Kaouane, CEO of the Publishing and Advertising Agency (ANEP) estimates¹³ that public institution advertising takes up 20% of the global market. The ANEP, which has been managing this advertising since 1993, has gradually been turned into a blackmailing tool. This deprives critical mass media from benefiting from public publicity, which is a good source of income for the press. Both El Watan and El Khabar media companies have been deprived of public advertising since 1993 and 1998, respectively.

A different problem exists in the private sector. In June 2014, Hamid Grine, recently appointed Minister of Communications, expressed the Government's desire to see companies adhere to a recently announced «virtuous circle.» He explained, «if a company is well managed (...) it can only be virtuous and selects its advertising spaces in the press in relation to the virtue of the press titles.» The threat is clear: any private company wishing to run advertisements criticizing the authorities risks having serious problems.

THE BOUCHOUAREB / TSA CASE

In November 2015, the online media *Tout sur l'Algérie (TSA)* denounced the Minister of Commerce Abdeslam Bouchouareb's "unprecedentedly fierce" campaign and accused him of calling advertisers and asking them to stop advertising in their site.

When interviewed by RSF, Hamid Guemache, TSA director, said he had evidence of the minister explicitly asking the Algerian electronics company Condor and the Italian company Ival not to advertise on TSA.

Printing: daily newspapers drowning in their debts

Whether public or private, the vast majority of Algerian press titles depend on state printing companies to print their newspapers. Public presses offer low costs and flexible terms in clearing debts. Yet what can be perceived as a means of encouraging a free press is in fact a tool for maintaining state control over information. These printing presses have been subject to political injunctions.

Thus, when the government decides to punish an independent press, it asks the printing press company to demand of the independent press the full and irrefutable payment of its arrears. This tactic is particularly effective and has led to the suspension of several titles, such as *La Nation* in the mid 90s or *Algeria News* and *El Djazair News* in 2014.

To circumvent this monopoly, some newspapers have decided to take matters into their own hands. In September 1998, the newspaper *El Watan* was again suspended after publishing an investigation of a former military security boss. Thus the owners of *El Watan* and *El Khabar* decided to import their own printing press to guarantee control over the content. The printing press could clear the Algerian customs only after strong foreign diplomatic pressures.

THE DAILY EL FAJR UNDER PRESSURE

In June 2014, the Algiers Printing Company (SIA) interrupted the printing of the Arabic-language daily *El Fajr* and demanded the full payment of 55 million Algerian dinars (around 450,000 euros) in arrears. Hadda Hazem, the daily's editor, rejected the payment order and explained to the RSF that in September 2013, they had agreed with SIA on a timetable to clear this debt. She insists that "El Fajr has respected its financial commitments and has reimbursed the fixed monthly amount. However, we were surprised to receive a bailiff request on May, 19th to repay the entire debt, otherwise the SIA reserved the right to stop printing the newspaper. We tried to contact them repeatedly, in vain." The editor called the Ministry of Communication to explain the problem. But on June, 2nd, the SIA interrupted printing of the title.

Hadda Hazem explains that this decision is in reality a sanction, or even a retaliation, following the paper's position against Abdelaziz Bouteflika's fourth mandate. She points to the fact that «only El Fajr is struck by this punishing measure for several newspapers are indebted to the SIA. This measure is more political than commercial.» The Ministry of Communication has denied any interference in the work of the SIA and has affirmed that the relations between the public printers and the newspapers are simple commercial relations.

■ BUSINESSMEN EMERGE FROM THE SHADOWS

Algerian businessmen are more and more interested in the media - especially television - which is the most powerful vector of information. This tendency might result in the emergence of a media oligarchy that could serve hidden economic or political interests that are hard to depict and quantify due to the lack of transparency from the media owners.

Some names, however, are well known. Mahieddine Tahkout, the powerful boss of the ETHRB group, bought Numedia News in 2015. The television channel El-Djazairia was bought in 2015 by the Ould Zmirli family, who made a fortune in real estate. Issaad Rebrab, ranked amongst the 10 biggest fortunes of Africa by the magazine Forbes, owns the daily newspaper Liberté. Finally, Ali Haddad, chairman of both the powerful Forum des chefs d'entreprises (FCE) and a flourishing construction and civil engineering group, owns two TV stations, Dzaïr TV and Dzaïr News TV, and two daily newspapers, *Le Temps d'Algérie* and *Wakt El-Djazair*.

Faced with this growing interest of businessmen for the media, the Algerian government practises a «double standard» policy and thus reacts according to its ties to these financial tycoons.



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↑
Ali Haddad, the CEO of the successful BTP group and president of the powerful Forum of Business Leaders (FCE). He owns two TV channels, *Dzaïr TV* and *Dzaïr News TV*, and two daily newspapers, *Le Temps d'Algérie* and *Wakt El-Djazair*.



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↑
Issaad Rebrab, a billionaire businessman ranked by the magazine *Forbes* as the ninth richest person in Africa. He owns the newspaper *Liberté*.

THE DOUBLE STANDARDS STRATEGY

In March 2016, in order to ensure the survival and independence of the media, the owners of the El Khabar group - comprising the eponymous Arabic-language daily, a KBC television station and 50% of the printing company co-owned with El Watan - sold a little more than 90% of their shares to Ness Prod, a subsidiary of the Cevital group owned by Issad Rebrab. This transaction was cancelled on July 15th, 2016 by an Algerian court order on a complaint by the Minister of Communication invoking the information code anti-concentration articles.

However, this law does not apply to everyone in the same way: Ali Haddad, owner of several media, is not worried.

The main difference here is the relationship that each businessman has with the political power. Issad Rebrab distinguished himself by opposing the re-election of Mr Bouteflika in 2014 and could easily become a «mouthpiece» capable of upsetting the current political situation. Ali Haddad continues to prosper in the very closed circle of his regime friends.

3

RECOMMENDATIONS

TO THE ALGERIAN AUTHORITIES

In accordance with the Algerian 2016 Constitution, that was promulgated on the 6th of march, Algeria has international human rights obligations. These include the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights. Taking into account the general comment No. 34 in article 19 of the ICCPR:

1. Initiate an independent inquiry into the circumstances surrounding the death of Mohamed Tamalt to ensure that those responsible are punished as soon as possible.
2. Release Hassan Bouras and all professional and non-professional journalists detained solely for exercising their right to inform, including on the Internet and via social networks.
3. Stop resorting to the criminal code, arbitrary detention and abusive administrative procedures to prohibit and criminalize freedom of information and independent journalism.
4. Revise the penal code and abolish prison sentences for press offenses, especially those termed as insults, contempt, or defamation.
5. Stop all threats and restrictions on the right to information that has led to media censorship. This includes the following topics: the health of the head of state, the property and assets of the Algerian leadership, corruption, and social movements.
6. End verbal threats of senior Algerian politicians against journalists.
7. Ensure the protection of journalists, especially in the case of cyber violence.
8. Revise the 2012 Information Code in order to bring certain provisions into conformity with Algeria's international obligations. In particular, exceptions concerning respect for national identity, cultural values, or economic interests that do not comply with the restrictions on freedom of expression permitted by Article 19 of the ICCPR.
9. Revise the 2014 Audiovisual Act to allow private media to cover political topics without risking censorship. Also, it is recommended to revise the method of appointing ARAV members in order to grant a greater independence in particular for the licensing of audio and television channels.
10. Not to interfere with the work of the audiovisual regulatory authority in order to enable it to carry out its mission effectively, independently and transparently.

11. Discontinuing discretionary processes in the distribution by the National Enterprise of Communication, Publishing and Advertising (ANEP) of institutional and public advertising.
12. Involve media and national civil society actors, including the National Union of Journalists (SNJ), and international organizations working on freedom of information and press for any reforms undertaken in the media sector, including the one concerning the Independent Regulatory Authority for the Print Media.
13. Enable electronic media journalists to get press cards and accreditation.
14. Issue unrestricted visas and accreditations to foreign journalists and allow them to perform their work freely.

TO THE AUDIOVISUAL REGULATORY AUTHORITY (ARAV)

In reference with the African Charter on Broadcasting under the umbrella of UNESCO in 2001 and the Declaration of Principles on Freedom of Expression in Africa of the African Union:

1. Implement the principles of fairness, diversity, pluralism and transparency in licensing and in granting broadcasting frequencies all in due respect of the right of the public to independent information. Refusing licenses should be motivated and publicized.
2. Ensure the promotion of pluralism of opinion within the public sector by opening the media space to parties in opposition.
3. To ensure greater transparency on media ownership in order to avoid concentration of media and conflicts of interest.

TO THE INTERNATIONAL COMMUNITY

1. Lobby the Algerian authorities to stop the repression and censorship of professional and non-professional journalists, especially those who publish on the internet.
2. To empower the civil society organizations and the media, in particular the community media, defending the freedom of the press in the country.
3. To ask Algeria to comply with the recommendations of the Universal Periodic Review on freedom of information and freedom of press.

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