



## ALGERIA

### SUBMISSION TO THE UNITED NATIONS HUMAN RIGHTS COMMITTEE, LIST OF ISSUES

121<sup>ST</sup> SESSION, 16 OCTOBER 2017-10 NOVEMBER 2017

## INTRODUCTION

Amnesty International provides the below information to the United Nations (UN) Human Rights Committee (the Committee) ahead of the adoption of the list of issues for the fourth periodic report of Algeria at its 121<sup>st</sup> session.

This submission sets out some of Amnesty International's key concerns about violations of the International Covenant on Civil and Political Rights (the Covenant), and in particular with regard to freedom of religion or belief and religious minorities (articles 18 and 27), freedom of expression and opinion (article 19), freedom of assembly and association (articles 21 and 22), accountability for past abuses (article 2), freedom of movement (article 12), the prohibition of torture and other ill-treatment and fair trial guarantees (articles 7 and 14) and the death penalty (article 6).

## FREEDOM OF EXPRESSION (ARTICLE 19)

While the amended Constitution provides that no press offences can be punished with deprivation of liberty, it conditions media freedom to the “respect of religious, moral and cultural values of the Nation” and national legislation, and does not protect those peacefully expressing their view from prosecution for defamation, public insult and similar Penal Code provisions that carry the penalty of imprisonment.<sup>1</sup>

Algerian authorities continued to sentence journalists, bloggers, activists and protesters to prison terms for peacefully expressing their views,<sup>2</sup> including British-Algerian journalist Mohamed Tamalt who died in

---

<sup>1</sup> Amnesty International, *Algeria: Constitution needs stronger human rights safeguards* (Index: [MDE 28/3366/2016](#)); Amnesty International, *Algeria: End relentless targeting of government critics* (Index: [MDE 28/2951/2015](#)).

<sup>2</sup> Amnesty International, *Algeria: Halt repression of fracking and unemployment protesters* (Index: [MDE 28/2122/2015](#)); see Algeria entries in *Amnesty International report 2016/17, the state of the world's human rights* (Index: [POL 10/4800/2017](#)); *Amnesty International report 2015/2016, the state of the world's human rights* (Index: [POL 10/2552/2016](#)); *Amnesty International report 2014/15, the state of the world's human rights* (Index: [POL 10/0001/2015](#)); *Amnesty International report 2013, the state of the world's human rights* (Index: [POL 10/001/2013](#)) and subsequent years.

detention in December 2016.<sup>3</sup> Authorities also used Penal Code provisions on offending the judiciary to convict a human rights defender and lawyer who criticized a court ruling in 2008.<sup>4</sup>

In 2014, 2015 and 2016 the authorities drew on excessively tight broadcasting regulations to shut down private channels and TV programmes in apparent reprisals against their independent editorial lines, including during the 2014 presidential elections.<sup>5</sup> The authorities have also relied on the restrictive Law on Information to challenge the ownership of print press publications.<sup>6</sup> Several foreign journalists were denied visas to cover the 2014 presidential elections.<sup>7</sup>

Penal Code provisions such as Article 144 *bis* 2 also criminalize criticism of Islam, the state religion according to Algeria's Constitution. This provision was used in 2016 to prosecute an individual for the peaceful exercise of his rights to freedom of expression, religion and belief. He remains imprisoned.<sup>8</sup> This provision was also used in 2016 and 2017 to prosecute members of the Ahmadi religious minority for peacefully practising their faith.<sup>9</sup>

## FREEDOM OF ASSOCIATION (ARTICLE 22)

Law 12-06 on Associations, promulgated in 2012, further restricted freedom of association by imposing wide-ranging and arbitrary restrictions on the purposes, goals and activities of associations, giving the government the power to refuse to register associations deemed to threaten national values and morality, and to suspend or dissolve groups considered to “interfere with the internal affairs” of the country or undermine “national sovereignty”. The law includes penalties of imprisonment and fines for membership of unregistered, suspended or dissolved associations.<sup>10</sup> Many associations seeking registration, including human rights groups and Amnesty International's branch in Algeria, have been left in legal limbo, while others have had their registration refused.<sup>11</sup>

Authorities also regularly denied authorizations to associations to hold public meetings and gatherings. The Ministry of Interior issued instructions to refuse such requests for 19 associations including human rights groups in 2014 ahead of the presidential elections.<sup>12</sup> In December 2015, authorities banned a training event in Algiers for members of the Maghreb Co-ordination of Human Rights Organizations, in which human rights defenders from Algeria, Mauritania, Morocco and Tunisia were due to participate.<sup>13</sup>

---

<sup>3</sup> Amnesty International, *Algeria: Further information: Health concern for British-Algerian journalist: Mohamed Tamalt* (Index: [MDE 28/4738/2016](#)).

<sup>4</sup> Amnesty International, *Algerian human rights lawyer convicted for denouncing violations*, ([Press release](#): 28 November 2008).

<sup>5</sup> Amnesty International, *Algeria: Authorities shut down TV channel* (Index: [MDE 28/003/2014](#)); Amnesty International, *Algeria: Lift restrictions on El Watan TV and other private broadcasters* (Index: [MDE 28/2696/2015](#)).

<sup>6</sup> Amnesty International, *Algeria: End media restrictions* (Index: [MDE 28/4369/2016](#)).

<sup>7</sup> Amnesty International, *Algeria: Key human rights concerns ahead of presidential elections* (Index: [MDE 28/004/2014](#)).

<sup>8</sup> Amnesty International, *Algeria: Prisoner of conscience remains in prison: Slimane Bouhafs* (Index: [MDE 28/4783/2016](#)).

<sup>9</sup> Amnesty International, *Algeria: Wave of arrests and prosecutions of hundreds of Ahmadis* ([Press release](#), 19 June 2017).

<sup>10</sup> Amnesty International, *Algeria: Associations law must be repealed before January deadline* (Index: [MDE 28/003/2013](#)).

<sup>11</sup> Amnesty International, *Algeria: New law on associations used to stifle civil society* ([Press release](#), 7 May 2013).

<sup>12</sup> Amnesty International, *Algeria: Key human rights concerns ahead of presidential elections* (Index: [MDE 28/004/2014](#)).

<sup>13</sup> Amnesty International, *Amnesty International report 2015/2016, the state of the world's human rights* (Index: [POL 10/2552/2016](#)).

# FREEDOM OF ASSEMBLY (ARTICLE 21)

Algeria lifted its 21-year state of emergency in 2011, but Law No. 91-19 on Governing Public Meetings and Demonstrations still requires prior authorization to hold public gatherings and assemblies. Such authorizations are rarely granted in practice. Legislation provides that unauthorized “unarmed gatherings” and disobeying dispersal orders are punished with imprisonment. In the capital Algiers, authorities continue to prohibit unauthorized demonstrations under a 2001 decree. Peaceful demonstrations are routinely forcibly dispersed by security forces across the country and protesters are often arrested.<sup>14</sup>

Peaceful protesters opposing President Abdelaziz Bouteflika’s candidacy in the presidential elections saw their first gatherings in March 2014 forcibly dispersed by security forces, with dozens arrested.<sup>15</sup> Demonstrations held regularly by families demanding truth about the fate of their relatives, who were subjected to enforced disappearance during the 1990s, are almost always dispersed.

# ACCOUNTABILITY FOR PAST ABUSES (ARTICLE 2)

Ordinance 06.01 of 2006 implementing the Charter for Peace and National Reconciliation remains in force. The law had granted immunity from prosecution to security forces and state-armed militias involved in grave human rights abuses during Algeria’s internal conflict in the 1990s. These included thousands of enforced disappearances, secret and arbitrary detention and extrajudicial executions. The law also threatens anyone critical of the conduct of the security forces, entrenching impunity and obstructing the right to truth, justice and reparation for victims and their families with imprisonment. Victims of abuses by armed groups and their families also continue to be deprived of their right to truth, justice and reparations due to amnesty measures benefitting some armed groups. Some of these human rights violations and abuses may amount to crimes against humanity.<sup>16</sup>

In addition, amendments to the Preamble to the Constitution adopted in February 2016 endorse the legacy of the “national peace and reconciliation” process, ignoring the plight of victims and their families who continue to oppose amnesty measures adopted since 1999 for security forces and members of armed groups.<sup>17</sup> The state has yet to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, which it signed in 2007.

---

<sup>14</sup> Amnesty International, *Algeria: Halt repression of fracking and unemployment protesters* (Index: [MDE 28/2122/2015](#)); see Algeria entries in *Amnesty International report 2016/17, the state of the world’s human rights* (Index: [POL 10/4800/2017](#)); *Amnesty International report 2015/2016, the state of the world’s human rights* (Index: [POL 10/2552/2016](#)); *Amnesty International report 2014/15, the state of the world’s human rights* (Index: [POL 10/0001/2015](#)); *Amnesty International report 2013, the state of the world’s human rights* (Index: [POL 10/001/2013](#)) and previous years.

<sup>15</sup> Amnesty International, *Repression on the rise in Algeria as peaceful protesters face imprisonment* ([Press release](#), 18 May 2016); Amnesty International, *Algeria: Crackdown on peaceful assembly ahead of presidential elections* (Index: [MDE 28/002/2014](#)).

<sup>16</sup> Amnesty International, *A legacy of impunity: a threat to Algeria’s future* (Index: [MDE 28/001/2009](#)); Amnesty International, *Algeria: Time to end impunity for past and present abuses* (Index: [MDE 28/3521/2016](#)).

<sup>17</sup> Amnesty International, *Algeria: Constitution needs stronger human rights safeguards* (Index: [MDE 28/3366/2016](#)).

# FREEDOM OF RELIGION OR BELIEF AND RELIGIOUS MINORTIES (ARTICLE 18 AND 27)

Algeria's laws continue to breach freedom of religion. The Constitution, amended in 2016, conditions freedom of religious worship to highly restrictive national legislation.<sup>18</sup> Those whom authorities consider to be non-Muslims face heavy restrictions on religious worship under Decree 03-06 of 2006 which criminalizes collective religious worship that is not regulated by the state.

Algerian authorities have also violated freedom of religion in practice. In 2010, Algerian authorities refused to register new Protestant churches, forcing Algerian Protestants to pray in unauthorized churches.<sup>19</sup> In 2016 and 2017, in an unprecedented crackdown, over 280 members of the Ahmadi religious minority were prosecuted for practising their faith, with many being sentenced to prison terms.<sup>20</sup>

# GENDER-BASED DISCRIMINATION (ARTICLE 26)

Algeria's Family Code discriminates against women in relation to marriage, divorce, child custody and guardianship, and inheritance. Article 11 of the Algerian Family Code provides that a woman of legal age should conclude her marriage contract in the presence of her *wali*, who can be her father or a male relative or any other person of her choice. According to Article 66 of the Family Code, a mother who remarries loses custody of her children. A husband can freely divorce his wife without justification, but a wife must meet specific conditions set out in articles 53 and 54 of the Family Code in order to initiate a divorce. Inheritance remains weighted in favour of sons compared to daughters. The law entrenches a simple mathematic formula with a severely discriminatory effect: the share for one son is equal to that of two or more daughters.<sup>21</sup>

# SUMMARY EXPULSIONS AND FREEDOM OF MOVEMENT (ARTICLE 12)

Algeria continues to lack national asylum legislation. Law 08.11 of 2008 on the conditions of entry into, stay and movement of foreign people in Algeria criminalizes irregular entry, stay and exit from Algeria, and punishes those who aid irregular migrants with imprisonment. Authorities also continued to convict Algerians attempting to reach Europe by sea or crossing land borders through locations other than official border exit posts for unlawfully exiting the country.

---

<sup>18</sup> Amnesty International, *Algeria: Constitution needs stronger human rights safeguards* (Index: [MDE 28/3366/2016](#)).

<sup>19</sup> Amnesty International, *Algeria: Respect the right of religious minorities to worship* (Index: [MDE 28/006/2010](#)).

<sup>20</sup> Amnesty International, *Algeria: Wave of arrests and prosecutions of hundreds of Ahmadis* ([Press release](#), 19 June 2017). At the time of publication, all Ahmadis prosecuted in these cases were at liberty pending trial.

<sup>21</sup> Amnesty International, *Algeria – Impunity Past and Present: Amnesty International submission for the UN Periodic Universal Review 27<sup>th</sup> session* (Index: [MDE 28/5468/2016](#)).

The authorities also summarily expelled migrants, asylum-seekers and refugees during the period under review.<sup>22</sup> In December 2016, security forces arrested an estimated 1,500 sub-Saharan African migrants and refugees in Algiers, and arbitrarily expelled hundreds of them to neighbouring Niger within days. Those not expelled were released in the southern city of Tamanrasset and reported being barred from public transport to prevent them returning to Algiers.<sup>23</sup>

## **TORTURE AND OTHER ILL-TREATMENT IN DETENTION AND RIGHT TO A FAIR TRIAL (ARTICLES 7 AND 14)**

Under Article 51 of the Code of Criminal Procedure, detainees suspected of terrorism-related offences can be held legally for a period of up to 12 days without charge or access to legal counsel. In January 2016, the Department for Information and Security (known as DRS),<sup>24</sup> which wielded wide powers of arrest and detention, including incommunicado detention of terrorism suspects, was dissolved by an unpublished presidential decree. It has been replaced by a new body, the Direction of Security Services, which reports directly to the President.

The authorities and media regularly report scores of killings of members of armed groups by the security forces, but disclose few details, prompting concerns that some may have been extra-judicially executed.<sup>25</sup>

## **DEATH PENALTY (ARTICLE 6)**

Although no executions have been carried out in Algeria since 1993, the courts continue to hand down death sentences, mostly against people tried in their absence for terrorism-related offences. At least 50 people were sentenced to death in 2016.<sup>26</sup>

---

<sup>22</sup> See Algeria entries in *Amnesty International report 2016/17, the state of the world's human rights* (Index: [POL 10/4800/2017](#)); *Amnesty International report 2015/2016, the state of the world's human rights* (Index: [POL 10/2552/2016](#)); *Amnesty International report 2014/15, the state of the world's human rights* (Index: [POL 10/0001/2015](#)); *Amnesty International report 2010, the state of the world's human rights* (Index: [POL 10/001/2010](#)).

<sup>23</sup> See Algeria entry in *Amnesty International report 2016/17, the state of the world's human rights* (Index: [POL 10/4800/2017](#)).

<sup>24</sup> On 27 April 2016, the UN Human Rights Committee found that Algeria had breached Articles 7 and 9 of the International Covenant on Civil and Political Rights in relation to Mejdoub Chani, a dual Algerian-Luxembourgish national who reported being held incommunicado and tortured by the DRS in September 2009. He said he was forced to sign a statement incriminating him for corruption. He was sentenced to a 15-year prison term and a fine of four million Algerian dinars (over 36,000 US dollars) on appeal in December 2012. See UN Human Rights Committee Views adopted by the Committee under article 5, paragraph 4, of the Optional Protocol, in respect of Communication No. 2297/2013, UN Doc. CCPR/C/116/D/2297/2013.

<sup>25</sup> See Algeria entries in *Amnesty International report 2016/17, the state of the world's human rights* (Index: [POL 10/4800/2017](#)); *Amnesty International report 2015/2016, the state of the world's human rights* (Index: [POL 10/2552/2016](#)); *Amnesty International report 2014/15, the state of the world's human rights* (Index: [POL 10/0001/2015](#)); *Amnesty International report 2013, the state of the world's human rights* (Index: [POL 10/001/2013](#)) and previous years.

<sup>26</sup> Amnesty International, *Death sentences and executions report 2016* (Index: [ACT 50/5740/2017](#)).