



Algeria – Researched and compiled by the Refugee Documentation Centre of Ireland on 29 April 2019

Update on state protection in Algeria

A UK Home Office Country Policy and Information Note, in a section titled “Protection” (paragraph 2.2.3), states:

“The government maintains effective control over the security forces. The police are generally professional and responsive to calls for assistance, although some human rights groups allege that torture has sometimes been used in to obtain confessions. The security forces were also reported to occasionally use vaguely worded provisions to arrest and detain persons, especially those considered to be disturbing public order or criticising the government. There is some evidence that the government is willing to address abuses by the security forces - there were 2 documented cases of officials being prosecuted for torture or abusive treatment in 2016 for an incident occurring in May 2015. However although the law provides mechanisms to investigate abuses and corruption, impunity reportedly remained a problem.” (UK Home Office (August 2017) *Algeria: Background information, including actors of protection and internal relocation*, pp.5-6)

The 2019 Freedom House report for Algeria, in response to the question “Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?”, states:

“A 2006 reconciliation law gave immunity to perpetrators of serious crimes during the civil war. Allegations of torture have decreased since the end of the war, but human rights activists still accuse the police of using excessive force and abusing detainees.

Terrorist groups continue to operate in Algeria, and in July 2018, a clash between security forces and an alleged jihadist cell led to the deaths of seven soldiers. However, attacks have grown less frequent in recent years, and no terrorist bombings were reported during 2018.” (Freedom House (4 February 2019) *Freedom in the World 2019 – Algeria*)

The 2018 US Department of State country report for Algeria, in a section titled “Pretrial Detention”, states:

“Prolonged pretrial detention remained a problem. Nongovernmental observers believed pretrial detainees comprised a significant portion of the total detainee and prisoner population but did not have specific statistics. According to the Ministry of Justice, approximately 12 percent of the prison population was in pretrial detention.

The law limits the grounds for pretrial detention and stipulates that before it can be imposed, a judge must assess the gravity of a crime and whether the

accused is a threat to society or a flight risk. Judges rarely refused prosecutorial requests to extend pretrial detention. Most detainees had prompt access to a lawyer of their choice as accorded by law, and the government provided legal counsel to indigent detainees. Human rights activists and attorneys, however, asserted that some detainees were held without access to lawyers.

The law prohibits pretrial detention for crimes with maximum punishments of less than three years imprisonment, except for infractions that resulted in deaths or to persons considered a 'threat to public order.' In these cases, the law limits pretrial detention to one month. In all other criminal cases, pretrial detention may not exceed four months. Amnesty International alleged that authorities sometimes detained individuals on security-related charges for longer than the 12-day prescribed period." (US Department of State (13 March 2019) *2018 Country Reports on Human Rights Practices*, pp.6-7)

A report from Human Rights Watch on recent events in Algeria states:

"Algerian authorities have resumed forcibly dispersing peaceful demonstrations and arbitrarily detaining protesters in the capital, Algiers, Human Rights Watch said today. The government crackdown is an apparent attempt to curb the massive pro-democracy marches that have taken place weekly since February 2019 and forced the resignation of President Abdelaziz Bouteflika on April 2.

Algerian authorities should rescind the 2001 decree banning all demonstrations in Algiers and allow people to exercise their right to peaceful assembly anywhere in Algeria, Human Rights Watch said.

"Algerians have continued to assert their right to peaceful assembly in recent weeks despite growing police efforts to crack down on them," said Sarah Leah Whitson, Middle East and North Africa director at Human Rights Watch. 'Protesters report being arrested, strip searched, handled roughly, and detained for hours.'

The protest movement first formed to oppose a presidential run by the ailing Bouteflika for a fifth five-year term in elections originally scheduled for April. On April 10, the Algerian parliament confirmed upper house speaker Abdelkader Ben Salah as interim president for 90 days. Ben Salah announced that a new presidential election would be held on July 4.

Security forces have responded inconsistently to the protests. On February 22 and on subsequent days, the security forces dispersed street rallies and arbitrarily arrested dozens of protesters, detaining some for hours, then releasing them without charge. Then in March, security forces allowed huge marches in the capital each Friday, with only minimal interference.

During April, security forces forcibly blocked smaller sit-ins and protests held on other days of the week. Three activists told Human Rights Watch that security forces on April 6, a Saturday, dispersed a small gathering of veterinarians in downtown Algiers who were denouncing conditions for granting public funds to animal shelters.

Abbane Meziane, a journalist with the daily Al Watan, told Human Rights Watch that he saw the security forces pushing into the gathering and chasing protesters from the steps of the post office. The police immediately arrested those who resisted and forced them into police vans. When police ordered Meziane to leave, he refused, saying he was a journalist doing his job. They arrested him together with eight protesters and took them to the Cavaignac police station, holding them for hours.” (Human Rights Watch (19 April 2019) *Algeria: Police Renew Crackdown on Mass Protests*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

References:

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