

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

Date: 28 May 2020 Index: MDE 28/2416/2020

# ALGERIA: MAKE FINDINGS OF INVESTIGATION INTO FEKHAR'S DEATH PUBLIC

On the first-year anniversary of his death, the Algerian authorities should make public the results of their investigation into the death of human rights defender and minority-rights activist, Kamaleddine Fekhar, Amnesty International said today.

On 28 May 2019, Fekhar who was active in defending the rights of the Mozabites, an Amazigh community in the region of Ghardaïa, doctor and local president of the section of the Algerian League for the defence of human rights (LADDH) died in the Blida hospital while detained after 50 days of a hunger strike, to protest his detention for Facebook posts critical of the authorities. The day after his death, the Algerian Minister of Justice announced that an investigation was opened into the circumstances of his death but since then, no official results were ever published.

Fekhar should never have been imprisoned in the first place for Facebook posts in which he exercised his right to freedom of expression, and his death raises many questions regarding the responsibility of the Algerian government in this tragic event, said Amnesty International.

On 31 March 2019, security officers arrested Fekhar and another defendant in the same legal case, Hadj Brahim Aouf, in Ghardaïa for posts they had published on Facebook commenting on the case of two Mozabites accused of manslaughter and sentenced to ten years in prison on 26 March. They subsequently began a hunger strike to protest their imprisonment.

Amnesty International reviewed the Facebook posts in question and found that there was no incitement to violence or advocacy of hatred and that the speech was therefore protected by his right to freedom of expression. The two men accused the judiciary and state officials of lying, racial discrimination, promotion of "fitna" (discord in Arabic, in reference to the 1990s internal conflict) and lack of judicial independence. The police report mentioned that the evidence for investigating Fekhar included a video in which he accused the judiciary of being subservient to the executive branch and the police of fomenting trouble in Ghardaïa.

On 2 April, both Kamaleddine Fekhar and Hadj Brahim Aouf appeared before the public prosecutor in the First Instance Court of Ghardaïa. The latter referred them to the investigative judge for a hearing and ordered their pre-trial detention pending investigation on charges of "inciting hatred and discrimination" (Articles 295-1 of the penal code), "inciting to an armed gathering" (article 100-2), and "spreading sayings aimed at influencing the magistrates' decisions" particularly the judiciary (Articles 144, 146, 147-1). They were imprisoned in Chaâbet-Ennichène prison.

On 26 May, one of Fekhar's lawyer, Salah Dabouz, wrote on Facebook that Fekhar's health had critically deteriorated in the past days. Dabouz reported that Fekhar's wife had visited him at the Ghardaïa hospital earlier that day and Fekhar had been unconscious. Two days later, on 28 May, Dabouz announced Fekhar's death in a hospital in the city of Blida.

Dabouz told Amnesty International, that Fekhar's family had filed a complaint on 13 June 2019 against several Ghardaïa's officials, including the governor, an investigative judge, the hospital director and the prison director. A few days later on 17 June, a judge in the Ghardaïa tribunal refused to investigate the case. The family has filed an appeal against the judge's decision before the Supreme Court on 19 June 2019 and is still awaiting its decision.