

URGENT ACTION

INVESTIGATE TORTURE OF WHISTLEBLOWER

Mohamed Benhlima is an activist, former military official and whistleblower who exposed alleged corruption by high-ranking Algerian military officials online. He sought asylum in Spain but the Spanish authorities refouled him to Algeria in March 2022. The Algerian authorities subjected him to torture and ill-treatment and imprisoned him in El Harrash prison in Algiers before moving him to El-Blida military prison. He is undergoing trials on several cases before the military and civil courts. He was sentenced to death in absentia, while still an asylum seeker in Spain, on charges of espionage and desertion.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

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Your Excellency,

*I am writing to raise concern about torture allegations made by whistleblower **Mohamed Benhlima**, who has been in solitary confinement in El-Blida military prison since 28 April 2022. He is being held in a small cell with only 10-minute breaks daily without any contact with other prisoners. On 19 June, he testified in front of the judge in Kolea court that military security agents in S'hawla intelligence center in Algiers subjected him to torture and other ill-treatment for many days after his refoulement to Algeria on 24 March 2022. The allegations include him being stripped naked and freezing water poured on his body.*

During their bi-weekly visits, his family reported visible weight loss, pale face and dark circles under his eyes. During the 19 June visit, his family noticed his moustache was plucked, not shaved, and both his hands and arms had many little holes as if his skin had been pierced by what could have been a nail clipper or a hot instrument. His family requested an investigation into the torture allegations in a letter that they addressed to the Algerian authorities including the Military Attorney General, the President of the Republic, and the Minister of Justice on 25 June. In the same letter, the family complained about the conditions of the bi-weekly visits they are allowed to pay him in El Blida military prison. The prison administration leaves the family waiting until the official visit time is almost over and that all other families have finished their visits before allowing Mohamed Benhlima's family to see him for less than 10 minutes and in the presence of guards.

On 19 and 22 June, Algerian national television aired new videos of Mohamed Benhlima entitled "new confession from terrorist Benhlima". These videos, deemed defamatory by his lawyers, gravely violate his rights to privacy and a fair trial, and jeopardise the investigation process.

I urge you to ensure the immediate release of Mohamed Benhlima, end his prosecution under charges stemming from the exercise of his rights to freedom of expression and peaceful assembly, and quash the death sentence against him. Pending his release, I urge you to ensure that he is held in conditions meeting international standards and protected from torture and other ill-treatment. Finally, I urge you to continue to grant him the right to regularly communicate with his family and lawyers and refrain from any form of intimidation against his defence team.

Yours sincerely,

ADDITIONAL INFORMATION

Mohamed Benhlima is an Algerian citizen who sought asylum in both Spain and France, a former military official, and whistleblower who exposed alleged corruption by high-ranking Algerian military officials on a YouTube channel and participated in peaceful protests against the Algerian authorities that started in Algeria in 2019. Upon deportation to Algeria, the Algerian authorities widely mediatised Mohamed Benhlima's "detention" and gravely violated his right to privacy as well as his fair trial rights, most notably his right not to be forced to testify against himself.

Algerian national broadcasting services aired a video in which he "confesses" to the crimes of conspiracy against the state and affirms that he was not treated badly in custody. Mohamed Benhlima had himself released a video from the immigration detention centre in Valencia, Spain, before his forced deportation to Algeria, in which he warns that such videos would not be genuine and would show that he "was subjected to severe torture at the hands of intelligence services".

According to the information that Amnesty International has obtained, Mohamed Benhlima arrived in Spain on 1 September 2019 through a valid Schengen visa. He filed for asylum in Spain and received a residence permit from Spanish authorities, which he renewed and was valid until 5 November 2021. On 23 August 2021, he received a summons to the police station in Bilbao, Spain. Fearful of a possible extradition to Algeria, he fled to France shortly after. His fear of extradition was based on a similar case of extradition from Spain to Algeria of former military official and asylum-seeker Mohamed Abdellah on 20 August 2021. Mohamed Benhlima was later arrested and brought back to Spain. On 14 March 2022, the Spanish authorities opened an administrative file of expulsion for infringement of Art. 54.1.a. of Immigration Law 4/2000, alleging that Mohamed Benhlima took part in "activities contrary to public security or which may be harmful for Spanish relationships with foreign states".

The Spanish authorities justified the opening of an expulsion file against him based on Mohamed Benhlima's alleged association with political opposition group Rachad, which was listed as a terrorist group by Algeria on 6 February 2022. The Spanish authorities claimed that Rachad's objective was to infiltrate radical youth into Algerian society to protest against the Algerian government and concluded that the activist was a member of a terrorist group. However, the Spanish authorities did not provide any proof of use of violence, advocacy of hatred, or any other action taken by the activist that could be considered as "terrorism" in accordance with the definition proposed by the UN Special Rapporteur on the protection of human rights while countering terrorism.

The Spanish authorities do not appear to have considered a context in which Algerian authorities have been increasingly levelling bogus terrorism and national security charges against peaceful activists, human rights defenders and journalists since April 2021. On 27 December 2021, UN Special Procedures warned that the definition of terrorism in the Algerian Penal Code was too imprecise and undermined human rights. They stated that the procedure for registration on the national terrorist list did not comply with international human rights standards and expressed concern that it could give rise to abuse. On 24 March, at around 7pm, Mohamed Benhlima's lawyers were notified of the resolution of expulsion and promptly filed a request for an interim suspensive measure at the National Court of Spain, which was rejected; however, it was revealed later that the activist was already being escorted on a plane to Algeria at the time.

PREFERRED LANGUAGE TO ADDRESS TARGET: Arabic; French; English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 7 September 2022

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Mohamed Benhlima (he/him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/mde28/5608/2022/en/>