

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# ALGERIA: REPRESSION OF CIVIC SPACE AHEAD OF PRESIDENTIAL ELECTIONS

Presidential elections will be held in Algeria on 7 September 2024 amidst severe restrictions on civic space and a continued crackdown on human rights including the rights to the freedom of expression, peaceful assembly and association, and media freedom. In addition to these restrictions, Amnesty International is concerned that Algerian authorities have adopted a series of legislation to blatantly curtail the effective exercise of human rights in the country.

Authorities have continued to restrict the activities of opposition political parties based on repressive legislation and to prosecute political activists in relation to the exercise of their human rights. Political activist and member of the suspended political party the Democratic and Social Movement (MDS) Yacine Mekireche was arrested on 6 August for Facebook publications.

The space for the exercise of the rights to freedom of expression, peaceful assembly and association by civil society organizations, activists and other people has remained curtailed through arbitrary arrests and detention. The obstruction of a book signing event on 29 June and two human rights events in February and March 2024 illustrate the authorities' persisting intolerance for peaceful gatherings.

Authorities have continued to use vaguely worded and baseless terrorism charges to crackdown on peaceful dissent, as illustrated by the detention of activist and poet Mohamed Tadjadit since January 2024. Amendments to legislation on the financing of terrorism have further reinforced the overly broad nature of counterterrorism legislation in the country and the risk of its misuse.

Most notably, in 2023 and 2024, Algerian authorities introduced multiple legal amendments and new legislation including penal code amendments and a new law on information which represent a clear setback for the effective realization of the right to freedom of expression and press freedom. In addition, the recent arrests and restrictions on the right to freedom of movement of journalists Merzoug Touati, Mustapha Bendjama and Farid Alilat illustrate the repression of independent media.

Article 25 of the International Covenant on Civil and Political Rights (ICCPR) ratified by Algeria recognizes and protects the right of everyone to take part in the conduct of public affairs.<sup>1</sup> The Human Rights Committee (HRC) established that: *"In order to ensure the full enjoyment of rights protected by Article 25 [of the ICCPR], the free communication of information and ideas about public and political issues... is essential. This implies a free press... [and] requires the full enjoyment and respect for [the rights to freedom of expression, freedom of peaceful assembly and freedom of association]."*<sup>2</sup>

Amnesty International analyzed recent legislation, reviewed relevant court verdicts and legal documents and conducted interviews with 19 people.

Amnesty International urges the Algerian authorities to immediately release those arrested solely for peacefully exercising their human rights and to ensure the rights of everyone including the rights to freedom of expression, peaceful assembly and association and uphold the country's international human rights obligations including under the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights to which Algeria is a state party.

## BACKGROUND

<sup>1</sup> International Covenant on Civil and Political Rights (ICCPR), Article 25.

<sup>2</sup> UN Human Rights Committee (HRC), General Comment 25: The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service (Article 25), 12 July 1996, UN Doc. CCPR/C/21/Rev.1/Add.7, para. 25.

Amnesty International has previously documented the shutting down of civic space and the silencing of peaceful dissent by the authorities, be it inside Algeria or transnationally.<sup>3</sup> In addition to the misuse of terrorism charges,<sup>4</sup> authorities have arbitrarily suspended two political parties and threatened to dissolve another one,<sup>5</sup> dissolved two prominent civil society and human rights organizations,<sup>6</sup> and ordered the dissolution of two media outlets, among the last independent outlets in the country.<sup>7</sup> Their owner and founder, journalist Ihsane El Kadi, has remained arbitrarily detained since December 2022.<sup>8</sup>

In a recent report on his mandate's visit to Algeria in September 2023, the UN Special Rapporteur on the rights to freedom of peaceful assembly and association declared that the criminalization of civil society work in Algeria had "a chilling effect and has created a climate of fear, resulting in a severe shrinking of civic space".<sup>9</sup>

## CONTINUED RESTRICTIONS ON OPPOSITION POLITICAL ACTIVITY

Authorities have continued to unduly restrict the activities of opposition political parties and to prosecute political activists simply for exercising their human rights.

In 2022 and 2023, Algerian authorities arbitrarily suspended two political parties and ordered the closure of their premises – the Socialist Workers' Party (PST) and the Democratic and Social Movement (MDS) – and attempted to suspend another one – the Union for Change and Progress (UCP), who is still awaiting a ruling on its outright dissolution – based on requests from the Ministry of Interior.<sup>10</sup>

Law 12-04 on Political Parties<sup>11</sup> gives broad powers to the Ministry of Interior to request the dissolution of political parties that violate any legal obligation such as, in these cases, the holding of "unauthorized gatherings" and delays in holding their annual congresses.

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3 Amnesty International, *Algeria: Suppressing Free Speech and Assembly: The Targeting of Hirak Activists in Algeria* (Index: MDE 28/3707/2021), **23 February 2021**, <https://www.amnesty.org/en/documents/mde28/3707/2021/en/>; Amnesty International, *Algeria: Halt Criminalization of Peaceful Dissent in Algeria* (Index: MDE 28/4264/2021), 24 June 2021, <https://www.amnesty.org/en/documents/mde28/4264/2021/en/>; Amnesty International, "Lift Arbitrary Travel Bans on Diaspora Activists", **6 May 2022**, <https://www.amnesty.org/en/latest/news/2022/05/algeria-lift-arbitrary-travel-bans-on-diaspora-activists/>; Amnesty International, *Algeria: Shutting Down Civic Space – Submission to the 41st Session of the UPR Working Group* (Index: MDE 28/5313/2022), 11 May 2022, <https://www.amnesty.org/en/documents/mde28/5313/2022/en/>; Amnesty International, "Algeria: Five years after Hirak protest movement repressive clampdown continues unabated", 22 February 2024, <https://www.amnesty.org/en/latest/news/2024/02/algeria-five-years-after-hirak-protest-movement-repressive-clampdown-continues-unabated/>

4 Amnesty International, "Algeria: Drop trumped-up charges against three human rights defenders", 17 May 2021, <https://www.amnesty.org/en/latest/news/2021/05/algeria-drop-trumped-up-charges-against-three-human-rights-defenders-2/>; Amnesty International, "Algeria: Stop using bogus terrorism charges to prosecute peaceful activists and journalists", 28 September 2021; Amnesty International, "Algeria: Release human rights lawyer tried on bogus terrorism-related charges", 29 November 2021, <https://www.amnesty.org/en/latest/news/2021/11/algeria-release-human-rights-lawyer-tried-on-bogus-terrorism-related-charges/>

5 Amnesty International, "Algeria: Authorities target political parties in their latest clampdown", **9 February 2022**, <https://www.amnesty.org/en/latest/news/2022/02/algeria-authorities-target-political-parties-in-their-latest-clampdown/>; Amnesty International, *The State of the World's Human Rights – April 2024* (Index: POL 10/7200/2024), 23 April 2024, <https://www.amnesty.org/en/documents/pol10/7200/2024/en/>, p. 76.

6 Amnesty International, "Algeria: Dissolution of leading rights group RAJ a blow for freedoms", **13 October 2021**, <https://www.amnesty.org/en/latest/news/2021/10/algeria-dissolution-of-leading-rights-group-raj-a-blow-for-freedoms/>; Amnesty International, "Algeria: Reverse decision to dissolve leading human rights group", 8 February 2023, <https://www.amnesty.org/en/latest/news/2023/02/algeria-reverse-decision-to-dissolve-leading-human-rights-group/>

7 Amnesty International, "Further information: Journalist's sentence confirmed on appeal – Ihsane El Kadi" (Index: MDE 28/7591/2024), 16 January 2024, <https://www.amnesty.org/en/documents/mde28/7591/2024/en/>

8 Amnesty International, "Further information: Journalist's sentence confirmed on appeal – Ihsane El Kadi" (previously cited).

9 UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Report: Visit to Algeria, 17 May 2024, UN Doc. A/HRC/56/50/Add.2, para. 73.

10 Amnesty International, "Algeria: Authorities target political parties in their latest clampdown", **9 February 2022**, <https://www.amnesty.org/en/latest/news/2022/02/algeria-authorities-target-political-parties-in-their-latest-clampdown/>; Amnesty International, *The State of the World's Human Rights – April 2024* (Index: POL 10/7200/2024), 23 April 2024, <https://www.amnesty.org/en/documents/pol10/7200/2024/en/>, p. 76.

11 Algeria, Loi Organique 12-04 relative aux Partis Politiques [Organic Law 12-04 relative to Political Parties], 2012.

Authorities have also used Law 91-19 on Public Meetings and Demonstrations<sup>12</sup> to unduly constrain peaceful gatherings of political parties. The law requires prior notification to the authorities, but the notification requirement amounts in practice to prior authorization.<sup>13</sup>

In September 2023, authorities arbitrarily prevented for the second consecutive year the Rally for Culture and Democracy (RCD) from organizing their summer camp in the city of Batna.<sup>14</sup> In November 2023, according to a representative of the party, authorities similarly prevented the UCP from organizing a party conference in Boumerdès, northern Algeria.

More recently, authorities prevented the RCD from holding a conference in a theatre in Batna on 22 June 2024, claiming that construction work prevented it and that it would represent a threat on public order. According to a representative of the RCD, the party had obtained written confirmation from a local official on the availability of the theatre beforehand. The notification of refusal received less than 48 hours before the event did not allow them sufficient time to contest it.

On 20 August 2024, according to one of their lawyers, police arrested at least 60 political activists, a majority of them leaders or members of the RCD, as they were travelling to the northeastern town of Ifri Ouzellaguene for the annual official commemoration of the Soummam congress – the first congress of the Algerian National Liberation Front (FLN) held in August 1956. A large police force around the town prevented the activists from entering and arrested them in the morning. Authorities interrogated them about the motive and circumstances of their gathering and had them sign police statements, without letting them inform their lawyers or relatives. They released them at night and they are expecting to be summoned for an investigation.

On 6 August 2024, police arrested Yacine Mekireche, political activist and member of the MDS, from his home in Algiers and searched it without a warrant. On 8 August, an investigative judge at the court of Bainem, Algiers, arbitrarily placed him in pre-trial detention for “publishing information likely to cause discrimination and hatred” using social media (Article 34 of Law 20-05 on preventing and combating discrimination and hate speech<sup>15</sup>) and “inciting to an unarmed gathering” s 100 of the Penal Code).

Police interrogated Mekireche about four Facebook posts published between March and August 2024, which Amnesty International reviewed. The most recent post includes a comment mocking an official presidency statement. The three others include comments on transitional justice and democracy.

On 19 August 2024, authorities arbitrarily detained Karim Tabbou, leader of the unauthorized political party the Democratic and Social Union (UDS), for most of the day and brought him in front of an investigative judge at the Kolea court in Algiers without a lawyer. The judge informed Tabbou that the terms of the judicial supervision he was arbitrarily subjected to on 25 May 2023 were widened to include a ban on publications, media interventions and political activity and a prohibition from leaving his local jurisdiction. The political activist refused to sign on to these new terms.

Tabbou was held after he reported to internal security services in Algiers as he is mandated to do weekly under the conditions of his judicial supervision, which an investigative judge ordered following the opening of an investigation in relation to his participation in a television programme about “democratic transition in the Maghreb region”. The judicial supervision also included a travel ban and a prohibition to participate in political gatherings and hold press conferences.

In a separate case, on 13 March 2024, the Bir Mourad Rais court in Algiers had previously sentenced the political leader to a six-month suspended prison sentence and a fine of 50,000 dinars (about EUR 340), following a complaint against him from Bouzid Lazhari, former president of the National Human Rights Council, a consultative body placed with the presidency. The court found Tabbou guilty of “inciting to an unarmed gathering” under Article 100 of the Penal Code, “contempt to a public servant in exercise” and an unsubstantiated offense of “defamation”, respectively under Articles 144, 296 and 298 of the same code.

## CURTAILING OF PEACEFUL ASSEMBLY AND ASSOCIATION

<sup>12</sup> Algeria, Loi 91-19 modifiant et complétant la Loi 89-28 du 31 décembre 1989 relative aux Réunions et Manifestations Publiques [Law 91-19 amending and supplementing Law 89-28 of 31 December 1989 relating to Public Meetings and Demonstrations], 1991.

<sup>13</sup> Amnesty International, *Algeria: Halt Repression of Fracking and Unemployment Protesters* (Index: MDE 28/2122/2015), 27 July 2015, <https://www.amnesty.org/en/documents/mde28/2122/2015/en/>

<sup>14</sup> Amnesty International, *The State of the World's Human Rights – April 2024* (Index: POL 10/7200/2024), 23 April 2024, <https://www.amnesty.org/en/documents/pol10/7200/2024/en/>, p. 76.

<sup>15</sup> Algeria, Loi 20-05 relative à la Prévention et à la Lutte contre la Discrimination et le Discours de Haine [Law 20-05 relating to the Prevention and Fight against Discrimination and Hate Speech], 2020.

Algerian authorities have continued to restrict the space for the exercise of the rights to freedom of peaceful assembly and association by civil society organizations, activists and other people notably through arbitrary arrests and detention and unfair trial.

Algerian authorities have previously used the heavily restrictive Law 12-06 on Associations<sup>16</sup> to arbitrarily dissolve two prominent civil society and human rights organizations -- the Algerian League for the Defence of Human Rights (LADDH) and Youth Action Rally (known by its French name, Rassemblement Action Jeunesse, or RAJ) -- over trumped-up motives.<sup>17</sup>

On 1 April 2024, police in the Darguina district, in the northern province of Bejaia, summoned activist Abdelouahab Fersaoui, president of RAJ, for questioning and seized his phone. Authorities asked him about recent Facebook posts and media interventions commenting on the political and human rights situation which are protected under the right to freedom of expression. Police summoned him again shortly after and requested access to his Facebook account, upon order from a public prosecutor, and rendered the aforementioned publications inaccessible.

In a similar case, on 1 July 2024, the first instance court of El Omaria, a town in northern Algeria, sentenced civil society activist Rabah Kadri to a one-year suspended sentence, a fine of 50,000 dinars and damages worth 100,000 dinars to be paid to the public treasury for “offense against public bodies” (Article 146 of the Penal Code) and “publishing false information susceptible to harm national order and security” (Article 196bis), without the presence of a lawyer. Rabah Kadri is the head of the local section of the General Union of Algerian Civil Society (UGSCA) in El Omaria. The sentence was solely based on publications on Tiktok which opposed a second presidential term for President Abdelmadjid Tebboune, commented on a statement by the Algerian president and called for the release of detainees and “for a civil, not military, state”.

On two consecutive instances on 29 February and 9 March 2024, authorities prevented Algerian human rights organization SOS Disappeared from organizing two human rights events on its premises – one relating to transitional justice and one relating to women’s rights. SOS Disappeared, created in 2001, is a branch of the Committee for the Families of the Disappeared in Algeria (CFDA), an association registered in France.

On both instances, police officers surrounded the association's offices in Algiers and blocked access to it without any justification. Individuals who came to attend the events were turned away by the police, while the organization’s staff were ordered to leave and close the premises. On 9 March, police arrested the office cleaner as she was about to enter the building and interrogated her for about two hours about the work of the organization and about the president of the CFDA. Police told her the organization was illegal and was not allowed to organize events.

Despite multiple attempts to obtain their registration, authorities have continued to deny legal recognition to SOS Disappeared since it started its operations in 2001.

The right to freedom of association applies equally to associations not registered.<sup>18</sup> Preventing an organization from holding an event on its own premises is a blatant infringement upon the rights to freedom of expression, peaceful assembly and freedom of association.

On 29 June 2024, police interrupted a book signing event in a bookstore in the city of Bejaia, ordered the closure of the store and arrested all those in attendance for participating in a gathering without authorization, including the book’s writer and editor, two journalists and a woman human rights defender (WHRD) who were subjected to questioning. Police confiscated their phones and questioned them for several hours about their reasons for being in the bookstore and their relationship with the writer. Police released all the participants in the evening without notifying them of any investigation. The book, entitled in French *La Kabylie en partage, dans l'intimité des femmes*, sold in Algeria, relates the memories of the writer as a French teacher in a village in the Amazigh-majority region of Kabylia in the 1970s.

On 25 June 2024, police in the northern town of Beni Douala arrested three activists, along with their driver, shortly after they gathered peacefully and laid a wreath on the grave of renowned Kabyle singer Lounes Matoub, on the anniversary of his killing. Among the group, who filmed and posted their gathering live on Facebook, was political activist Mira

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<sup>16</sup> Algeria, Law 12-06 relating to Associations [Loi 12-06 relative aux Associations], 2012.

<sup>17</sup> Amnesty International, “Algeria: Dissolution of leading rights group RAJ a blow for freedoms” (previously cited); Amnesty International, “Algeria: Reverse decision to dissolve leading human rights group” (previously cited).

<sup>18</sup> UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, *Report*, 21 May 2012, UN Doc. A/HRC/20/27, para. 56.

Moknache. Police seized their phones and questioned them about the reasons for their gathering and their live video, then released them after a few hours.

## ROLLBACK ON FREEDOM OF EXPRESSION AND PRESS FREEDOM

Since 2023, Algerian authorities have introduced multiple legal amendments and new legislation to restrict human rights including the rights to freedom of expression and press freedom. In addition, authorities have continued to use vaguely worded and baseless terrorism charges to crackdown on peaceful dissent, including calls for political change, and to curtail the work of journalists through arbitrary detention and prosecutions, arbitrary restrictions on their right to freedom of movement and unfounded sanctions against independent media outlets.

Authorities adopted in 2023 a deeply flawed set of laws – Organic Law 23-14 of 27 August 2023 relating to information,<sup>19</sup> Law 23-19 of 2 December 2023 relating to the written and electronic press<sup>20</sup> and Law 23-20 of 2 December 2023 relating to audiovisual activity<sup>21</sup> – which reinforce a repressive legal framework for media activity. The three laws contain multiple vague and unjustified requirements incompatible with international human rights standards, threatening media pluralism and promoting censorship.

These include overbroad powers in the hands of the ministry of communication for the diffusion and licensing of media;<sup>22</sup> a restrictive definition of what constitutes a journalist;<sup>23</sup> a lack of safeguards regarding the independence of regulatory bodies with overly wide prerogatives;<sup>24</sup> vague and broad provisions unduly constraining the right to freedom of expression and press freedom;<sup>25</sup> discriminatory entry requirements;<sup>26</sup> and unjustified limitations on foreign funding<sup>27</sup> and web hosting of media.<sup>28</sup>

Law 24-06 of 28 April 2024 amending and supplementing the Penal Code<sup>29</sup> represented another setback for the right to freedom of expression. The law introduced a plethora of overly broad and vague amendments and new provisions which allow for the criminalization of acts protected by international human rights law. The amended Penal Code is likely to promote self-censorship and to prevent a free and open discourse on matters of public interest.

The law expanded the scope of provisions relating to the disclosure of broadly defined “confidential information relating to national security and/or national defence and/or the national economy”<sup>30</sup> and relating to the offenses of “demoralization of the army”, “harming the national interest”, “inciting to an unarmed gathering” and offending public officials.<sup>31</sup> Articles 148bis 1 and 149bis 21 introduced prison sentences and other penalties for “contempt, insult or defamation... against the symbols of the national liberation revolution” and “harming the image of the security services”. The law also increased the penalty for irregularly exiting the country and introduced up to five years in prison for “anyone who facilitates or attempts to facilitate, directly or indirectly” the irregular exit (Article 175bis 1).

Furthermore, building on the overly broad definition of terrorism provided under Article 87bis of the Penal Code, the law introduced new offenses such as “providing financial or economic resources to persons included in the list of terrorist persons and entities” (Article 87bis 18).

<sup>19</sup> Algeria, Organic Law 23-14 relating to Information [Loi Organique 23-14 relative à l'information], 2023.

<sup>20</sup> Algeria, Loi 23-19 relative à la Presse Ecrite et à la Presse Electronique [Law 23-19 relating to the Written and Electronic Press], 2023.

<sup>21</sup> Algeria, Loi 23-20 relative à l'activité audiovisuelle [Law 23-20 relating to audiovisual activity], 2023.

<sup>22</sup> Law 23-12 relating to information, Article 6; Law 23-19 relating to the written and electronic press, Articles 6, 28, 73 and 74; Law 23-20 relating to audiovisual activity, Articles 13, 17 and 80.

<sup>23</sup> Law 23-12 relating to information, Articles 10, 17 and 18; Law 23-19 relating to the written and electronic press, Articles 9 and 31; Law 23-20 relating to audiovisual activity, Article 12.

<sup>24</sup> Law 23-12 relating to information, Articles 13, 14 and 34; Law 23-19 relating to the written and electronic press, Articles 43 and 70; Law 23-20 relating to audiovisual activity, Articles 43 and 78.

<sup>25</sup> Law 23-12 relating to information, Articles 3, 35, 36 and 48.

<sup>26</sup> Law 23-12 relating to information, Article 4; Law 23-19 relating to the written and electronic press, Articles 4, 9 and 31; Law 23-20 relating to audiovisual activity, Article 4.

<sup>27</sup> Law 23-12 relating to information, Articles 12 and 44.

<sup>28</sup> Law 23-19 relating to the written and electronic press, Article 33; Law 23-20 relating to audiovisual activity, Article 15.

<sup>29</sup> Algeria, Loi 24-06 modifiant et complétant l'Ordonnance 66-156 du 8 juin 1966 portant Code Pénal [Law 24-06 amending and supplementing Ordinance 66-156 of 8 June 1966 relating to the Penal Code], 2024.

<sup>30</sup> Algeria, Law 24-06 amending and supplementing the Penal Code, Articles 63bis and 63bis1.

<sup>31</sup> Algeria, Law 24-06 amending and supplementing the Penal Code, Articles 75, 96, 100, 144 and 149bis 15.

In that regard, in February 2023, authorities adopted Law 23-01 amending and supplementing Law 05-01 relating to the prevention and fight against money laundering and the financing of terrorism.<sup>32</sup> The law lays out the scope of the offense of financing terrorism and punishes a range of activities carried out in support of it but uses overly broad language which would allow authorities to use counterterrorism legislation to criminalize the exercise of the rights to freedom of expression, peaceful assembly and association, including by Algerian nationals abroad.<sup>33</sup>

Since 2021, Algerian authorities have been widely using vaguely worded and baseless terrorism charges to crackdown on peaceful dissent. Amnesty International has previously denounced the overly broad definition of terrorism under Article 87bis, further widened in its amendment of June 2021 which incorporated “working or inciting to gain power or change the system of governance by unconstitutional means”, thus facilitating the criminalization of peaceful calls for political change.<sup>34</sup>

On 29 January 2024, authorities arrested Hirak activist and poet Mohamed Tadjadit at his home in Algiers and subsequently placed him in pre-trial detention without the presence of a lawyer, for charges of “glorification of terrorism” and “using communication technologies to support the actions and activities of terrorist organizations” (Articles 87bis 4 and bis 12 of the Penal Code).<sup>35</sup> Authorities considered that using slogans from the Hirak protest movement expressing support for political change constituted support for terrorism, under the amended Article 87bis.

On 13 April 2024, authorities arbitrarily prevented Algerian journalist Farid Alilat from entering the country, where he was travelling on mission for French-language news outlet Jeune Afrique, and forcibly returned him to France, where he resides. Flying from Paris, Alilat arrived at the Algiers airport on 12 April in the evening and was held by the Algerian police until early morning without justification. Police searched his phone and his computer without a warrant and questioned him at length about his work, his press articles, his travels to Algeria and about political opposition activists in France. In the morning, police told Alilat they had instructions to return him to France and escorted him to the plane. His passport remained in possession of the pilot until his arrival in Paris, where French border police escorted him to the airport’s exit.

Commenting on this entry ban, on 18 April, Algerian Communication Minister Mohamed Laagab explained that Alilat was prevented from entry because of his work for Jeune Afrique, described as an “undesirable magazine” with “editorial positions hostile to Algeria”.<sup>36</sup>

On 1 August 2024, police in civilian clothing arrested journalist Merzoug Touati from his home in Bejaia without a warrant and kept him in custody until 5 August without letting him contact his family or a lawyer. Police searched his home and seized computers and digital equipment he used for his work, the phones of his wife and brother-in-law, who were present during the arrest, and several books as well as an Amazigh flag. Police interrogated him on various media interventions and online publications commenting on political affairs, the upcoming elections, detainees in Algeria and Israel and the Hamas, which are protected under the right to freedom of expression.

On 5 August, an investigative judge at the Bejaia court placed Touati under judicial supervision while he is investigated for publications “harming national interest”, “offending the president”, “offending public bodies” and publishing “false information”, respectively under Articles 96, 144bis, 146 and 196bis of the Penal Code, as well as “inciting voters to abstain from voting”, under Article 294 of Ordinance 21-01 constituting the organic law relating to the electoral system.<sup>37</sup>

Authorities have refused to deliver Touati a new passport since October 2019 without justification. A public prosecutor in Bejaia has also maintained an open-ended travel ban against him since November 2022. Under the Algerian Code of Penal Procedure, a prosecutor may order a motivated travel ban for the purpose of an investigation for no more than six

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<sup>32</sup> Algeria, Loi 23-01 modifiant et complétant la loi 05-01 du 6 février 2005 relative à la Prévention et à la Lutte contre le Blanchiment d’Argent et le Financement du Terrorisme [Law 23-01 amending and supplementing Law 05-01 relating to the Prevention and Fight against Money Laundering and the Financing of Terrorism], 2023.

<sup>33</sup> Algeria, Law 23-01 amending and supplementing Law 05-01 relating to the Prevention and Fight against Money Laundering and the Financing of Terrorism, Articles 3 and 11.

<sup>34</sup> Amnesty International, *Algeria: Shutting Down Civic Space – Submission to the 41st Session of the UPR Working Group* (previously cited), para. 27.

<sup>35</sup> Amnesty International, “Algeria: Authorities must drop bogus charges against Hirak activist Mohamed Tadjadit”, 17 July 2024, <https://www.amnesty.org/en/latest/news/2024/07/algeria-authorities-must-drop-bogus-charges-against-hirak-activist-mohamed-tadjadit/>

<sup>36</sup> APS, “L’interdiction d’entrée du journaliste Farid Alilat est liée à son statut d’envoyé du média où il exerce” [“The entry ban on journalist Farid Alilat is linked to his status as an envoy for the media where he works”], 18 April 2024, <https://www.aps.dz/algerie/169700-l-interdiction-d-entree-du-journaliste-farid-alilat-en-algerie-est-due-aux-positions-du-media-ou-il-exerce-envers-l-algerie>

<sup>37</sup> Algeria, Ordinance 21-01 relating to the Organic Law relating to the Electoral System [Ordonnance 21-01 portant Loi Organique relative au Régime Electoral], 2021.

months, or indefinitely until the investigation is closed if the offenses relate to terrorism or corruption.<sup>38</sup> The law does not provide for the possibility of recourse.

Journalist Mustapha Bendjama also spoke to Amnesty International about the travel ban arbitrarily maintained against him. A public prosecutor in the eastern city of Annaba subjected him to a travel ban in November 2019 as part of a police investigation into a Facebook publication deemed to be “harming the national interest”. Despite the case having been closed and a public prosecutor having confirmed the lifting of the ban in 2022, authorities continue to enforce it. When Bendjama attempted to travel to Tunisia in May 2024, border police held him for a night, told him there was no formal travel ban against him but they had instructions that he could not leave Algeria.

Bendjama was released from prison in April 2024 after completing two separate sentences of a total of 18 months on trumped up charges in relation to his journalistic work, to money he received to help the family of a detainee and to his prior relationship with activist Amira Bouraoui who fled Algeria in February 2023.<sup>39</sup>

On 13 June 2024, the Algiers Court of Appeal confirmed the arbitrary dissolution of Interface Médias, a media group including online outlets Radio M and Maghreb Émergent, for “exploiting an audio-visual communication service without authorization”<sup>40</sup> based on Article 107 of the former audiovisual law.<sup>41</sup> The law tasked the Algerian audio-visual regulatory body, which does not have sufficient independence safeguards, with media licensing without including a time frame for authorities to respond to applications or an appeal process. The court also ordered the group to pay a fine worth 10 million dinars (around EUR 70,000), and damages worth one million dinars (around EUR 7,000).

The dissolution follows the arbitrary sentencing by the same court of journalist Ihsane El Kadi, director and founder of Interface Media, to seven years in prison, including two years suspended, on 18 June 2023, for vague and unfounded charges in relation to his financing of his media company and journalistic work.<sup>42</sup> On 12 October 2023, the Algerian Supreme Court upheld El Kadi’s sentencing.

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<sup>38</sup> Algeria, Ordonnance 15-02 modifiant et complétant l'Ordonnance 66-155 du 8 juin 1966 portant Code de Procédure Pénale [Ordinance 15-02 amending and supplementing Ordinance 66-155 constituting the Code of Criminal Procedure], 2015, Article 36bis1.

<sup>39</sup> Human Rights Watch, “Algeria: Free People Held After Activist Fled”, 27 June 2023, <https://www.hrw.org/news/2023/06/27/algeria-free-people-held-after-activist-fled>

<sup>40</sup> Amnesty International, “Further information: Journalist’s sentence confirmed on appeal – Ihsane El Kadi” (Index: MDE 28/7591/2024), 16 January 2024, <https://www.amnesty.org/en/documents/mde28/7591/2024/en/>

<sup>41</sup> Algeria, Law 14-04 relating to Audiovisual Activity [Law 14-04 relative à l'Activité Audiovisuelle], 2014, Article 107.

<sup>42</sup> Amnesty International, “Further information: Journalist’s sentence confirmed on appeal – Ihsane El Kadi” (previously cited).