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Algeria: Guilty verdict against human rights lawyer undermines Algeria's commitment to human rights

Amnesty International deplores the prosecution of Amine Sidhoum, a lawyer and well-known human rights defender, who was convicted yesterday, 13 April 2008, of bringing the Algerian judiciary into disrepute. The court of Sidi M'hamed in Algiers sentenced him to a six month prison sentence, which it suspended, and a fine of 20,000 dinars (over USD 300).

Amine Sidhoum was tried on 30 March 2008 on charges of bringing the judiciary into disrepute after he publicly criticized the fact that one of his clients had been detained without trial for two and a half years. He was charged in 2006, at the initiative of the Department for Human Rights of the Algerian Ministry of Justice, based on quotes attributed to him in a newspaper interview in 2004.

Amnesty International considers that Amine Sidhoum may have been prosecuted in order to deter him and other human rights defenders from continuing their human rights activities. He is one of the few Algerian lawyers who have been prepared to expose breaches of national and international law by the Algerian authorities, and has been subject to repeated harassment since 2006.

The sentencing of Amine Sidhoum coincides with today's consideration of Algeria's human rights record by a Working Group at the United Nations Human Rights Council in Geneva under its process of Universal Periodic Review (UPR). In their submission to the UN, the Algerian authorities state that their report was prepared in consultation with Algerian civil society. However, the actions taken by the authorities to harass and intimidate Algerian human rights defenders who openly voice concern about human rights violations in the country puts in question the nature and extent of such consultation. This harassment and intimidation continues despite the reference the authorities make in their state report [para 27] to the right, guaranteed in the Algerian Constitution, to individual or collective defence of human rights.

Among other issues raised in its submission to the UPR, Amnesty International expressed concern about the use of criminal defamation charges to prosecute those who express criticism of the authorities or their policies, including human rights lawyers such as Amine Sidhoum and journalists working in privately-owned media.

Amine Sidhoum has acted as defence counsel in a number of terrorism-related cases and has openly denounced human rights violations, including the systematic incommunicado detention of suspects in secret locations, torture and other ill-treatment, denial of fair trial rights, and the failure of the judicial authorities to investigate allegations of torture and other ill-treatment. He has assisted SOS Disparu(e)s, a non-governmental organization which campaigns for the right to truth and justice for the relatives of thousands of persons who were forcibly disappeared by state security forces during the internal conflict of the 1990s and whose fate remains unknown.

It is not the first time that Amine Sidhoum has been subjected to judicial harassment. In August 2006, under different laws governing the organization and security of prisons, he was accused along with lawyer Hassiba Boumerdesi with passing prohibited items to prisoners – specifically, giving several of his business cards containing his contact details to a client in detention. Both lawyers were acquitted by a court in Algiers in March 2007.

Other human rights defenders have been prosecuted apparently because for taking a public stand on human rights issues. Most recently, on 26 March 2008, Louisa Saker, whose husband teacher Salah Saker was forcibly disappeared after his arrest by state agents in 1994, was found guilty of organizing an unauthorized march and fined 20,000 dinars (over USD 300). The charges relate to her participation in a peaceful demonstration in 2004 by families of victims of enforced disappearance. After the demonstration she was arrested, beaten up by the police and forced to sign a statement that she would not participate in such protests again.

Background

Years of violent conflict in which up to 200,000 people were killed have had a major impact on the human rights community in Algeria, seriously hindering its ability to conduct human rights work. Few lawyers today openly defend the rights of detainees in politically sensitive cases, such as those relating to terrorist offences.

In recent years, the Algerian government has tightened laws on freedom of expression. Changes to the Penal Code since 2001 have made the work of journalists and human rights defenders, like Amine Sidhoum, more difficult. Amine Sidhoum was charged under Articles 144 bis1, 146 and 147 of the Penal Code. Articles 144 bis1 and 146 were introduced as amendments in the Penal Code in 2001, under Law n° 01-09 of 26 June 2001, which increased penalties for defamation and curtailed freedom of expression in Algeria.

Freedom of expression in Algeria was further threatened by the adoption of presidential decrees to implement the “Charter for Peace and National Reconciliation” in February 2006. Article 46 of the “Decree implementing the Charter for Peace and National Reconciliation” of 28 February 2006, which penalizes public criticism of the conduct of state agents with up to five years’ imprisonment, or 10 years for a second offence, poses a direct threat to anyone seeking to publicize human rights violations or to generate debate about them. To Amnesty International’s knowledge, the provision has so far not been applied, but Amine Sidhoum reported that in May 2006 an Algerian government official attempted to discourage him from raising concerns about the human rights situation in Algeria at the 39th Session of the African Commission on Human and Peoples’ Rights held in Banjul, Gambia, by warning him that he would be sentenced to a prison term of up to five years if he did so.

The UN Human Rights Committee recently examined the situation in Algeria and recommended in November 2007 that Article 46 of the “Decree implementing the Charter for Peace and National Reconciliation” be repealed. The Committee expressed concern that certain provisions of Law n° 01-09 of 26 June 2001 threatened the fundamental right to freedom of expression. It recommended that Algerian law be amended so that defamation is not criminalized, and it also expressed concern at reports of intimidation and harassment of human rights activists in Algeria.

For further information about recent human rights concerns in Algeria, please refer to Amnesty International’s Submission to the UN Universal Periodic Review on Algeria, published on 28 November 2008 (AI Index: MDE 28/021/2007) and available at: <http://www.amnesty.org/en/library/info/MDE28/021/2007/en>