

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

Index: MDE 28/001/2011

Date: 3 June 2011

### **Algeria: Conviction for ‘offence to the Prophet’ and closure order of churches in Bejaia condemned**

Amnesty International regrets the five year-imprisonment sentence pronounced against Abdelkarim Siaghi for ‘offending the Prophet Mohamed’ in an unfair trial. Amnesty International fears that judicial proceedings were initiated against Abdelkarim Siaghi as a result of his conversion to Christianity and calls on the authorities to squash the conviction and uphold his right to freedom of conscience and religion.

The organization also calls on the authorities to rescind the decision of the Bejaia Governor dated 8 May 2011 ordering the closure of all churches in the governorate of Bejaia.

On 14 April 2011, Abdelkarim Siaghi, a 29-year-old man living in Oran, the second largest city in Western Algeria, was arrested by the judicial police and detained for 48 hours. He was interrogated about his religion and whether he offended the Prophet Mohamed, which he denied. He was taken to his house where his computer and Christian religious books were confiscated. On 17 April, he appeared before the General Prosecutor and was charged under Article 144 bis 2 for “offending the Prophet Mohamed”. On 25 May 2011, the Court of First Instance in Cité Jamal in Oran sentenced him to 5 years imprisonment and a fine of 20,000 Algerian dinars (equivalent of 1,400 euros). He is at liberty pending his appeal.

It appears that Abdelkarim Siaghi was arrested on the basis of a complaint by a man in Oran stating that he insulted the Prophet Mohamed. Abdelkarim Siaghi’s defence lawyer told Amnesty International that the court sentenced Abdelkarim Siaghi to five years without producing any evidence and without the possibility for the defence to cross-examine witnesses against him.

Amnesty International urges the Algerian authorities to drop all charges against Abdelkarim Siaghi as a result of his conversion to Christianity and guarantee his freedom of conscience, religion and belief. The Algerian authorities should not impose criminal sanctions on anyone in an effort to compel them to adhere to a religious belief.

In another attempt to restrict freedom of religion in Algeria, the Governor of Bejai adopted a directive ordering the closure of all churches in the governorate, Mustapha Krim, the President of the Association of the Protestant Churches in Bejaia, told Amnesty International. The decision appears to be an attempt to stop the legal proceedings initiated by the Association of the Protestant Churches in Bejaia, in 2002 to repossess a religious building belonging to the association. The governorate, apparently allocated the building to a trade union. The Directive was based on Ordinance 06-03 regulating religious faiths other than Islam.

The current Algerian Constitution states that “Freedom of creed and opinion is inviolable”. Other legislation in Algeria also protects the right to freedom of religion. For instance, the Ordinance 06-

03 of 2006 regulating religious faiths other than Islam sets out the State's obligation to guarantee tolerance and respect of other religions.

Ordinance 06-03 criminalizes religious activities not regulated by the state and requires religious faiths other than Islam to be practised only in places approved by the state. It also created a national commission on religious faiths, empowered to regulate the registration of religious associations.

As a state party to the International Covenant on Civil and Political Rights (ICCPR), Algeria is under the obligation to respect the right to freedom of conscience and religion. Article 18 of the ICCPR in particular states that "No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice".

Amnesty International is also concerned that vaguely-worded provisions of the Penal Code are used in breach of the principle of legality, which requires that a criminal offence is defined in a clear and precise manner and calls on the authorities to amend any such provisions in the Algerian Penal Code which are used to prosecute those who do not conform to the religious and social norms in Algeria.

Amnesty International also considers that many provisions of Ordinance 06-03 are vaguely-worded and could undermine the right of every person to freedom of religion and, more particularly, the right of members of faith groups other than Islam to worship in public. The organization is concerned that restrictions set out in the law appear to have been used especially to crack down on Protestant churches in Algeria, which some national media have suggested are involved in proselytizing in recent years.

According to information available to Amnesty International, since the promulgation of Ordinance 06-03, the Algerian authorities have consistently refused to register Protestant churches, forcing Protestant communities in Algeria, wishing to exercise their legitimate right to manifest their religion or belief, to worship in places not approved by the state, thereby risking prosecution under the law.

The Governor's Directive to close all churches in Bejaia and the court conviction of Abdelkarim Siaghi in Oran contradict promises of change and reforms made by the Algerian President.

## **Background**

President Abdelaziz Bouteflika in his speech in mid April 2011 promised political and social change. For instance President Abdelaziz Bouteflika promised to deepen the democratic process, to reinforce the rule of law, and to reduce disparities as well as to accelerate socio-economic development. After the lifting of the state of emergency in late February 2011, he committed to achieving a programme of political reforms. He also requested the parliament to revise laws regulating political participation of Algerians.

In his speech, President Abdelaziz Bouteflika emphasised the role of local assemblies and instigated a programme of increased decentralization.