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Algeria: End media restrictions

The Algerian authorities must respect, protect, promote and fulfil media freedoms, Amnesty International said today, following increased restrictions on independent journalists and media outlets in recent months.

On 28 June 2016, Algeria's Minister of Communication, Hamid Grine, warned Algerian private channels that they needed to strictly comply with the restrictive Law on Audiovisual Activity of February 2014. His statement follows the recent appointment by presidential decree of members of the Audiovisual Regulation Authority, who will notably be tasked with granting licences to privately-owned television and radio stations. Earlier this year, Hamid Grine declared that the Algerian state had "red lines that should not be crossed".

The Law on Audiovisual Activity requires private stations to obtain a licence from the Audiovisual Regulation Authority before they can begin broadcasting. It does not specify a timeframe for the authorities to respond to applications and does not explicitly allow for delays to be challenged in court, exposing stations to the risk of censorship through unreasonable delays. Amnesty International has previously called on the Algerian authorities to [amend the law](#) and bring it line with Algeria's international human rights obligations and constitutional guarantees.

Broadcasting licences have proven difficult to obtain in practice and as a result, the vast majority of Algeria's private channels have remained in a legal limbo. Although the Algerian authorities have largely tolerated them, they cracked down on channels featuring critical views of the authorities. In March 2014, the authorities shut down private channel [Al Atlas TV](#) in apparent reprisal for coverage of protests and criticism of the April 2014 presidential elections. They also shut down [El Watan TV](#) in October 2015, after the Ministry of Communication publicly announced its intention to file a complaint against the station and its director for broadcasting illegally and featuring subversive content harmful to state symbols.

Arrests and prosecutions

Mehdi Benaissa, director of private TV channel Khabar Broadcasting Corporation (KBC) and production company Ness Prod, Ryadh Hartouf, production manager at KBC, and Nora Nedjai, delegate at the Ministry of Culture, are facing up to 10 years in prison over the granting of filming authorisations for two satirical TV shows broadcasted on KBC. Mehdi Benaissa and Nora Nedjai were arrested on Wednesday 22 June 2016 while Ryadh Hartouf was arrested the following day. They were brought before the Public Prosecutor at the Court of Sidi M'hamed in Algiers on Friday 24 June 2016 and are still in custody. Amnesty International is calling for their immediate and unconditional release.

They were charged under Article 223 of the Algerian Penal Code, which carries up to three years in prison for making a false statement to obtain a public document, and Articles 33 and 42 of Law 06-01 on Corruption, which carries up to 10 years in prison and a fine of up to 1,000,000 Algerian dinars (about 9,000 US dollars) for abuse of office. Amnesty International believes that the charges brought against the three defendants solely for facilitating the filming of television shows are politically motivated and is calling for them to be dropped.

All three individuals were detained after officers of the national gendarmerie sealed off the studio

where KBC was recording its new yet increasingly popular talk-show *Ki Hna Ki Nass* (“We are like anyone else” in colloquial Algerian Arabic) on 19 June 2016, on the grounds that it had been used by Al-Atlas. Yet according to the people Amnesty International spoke to, another TV station had recently been able to use the premises unhindered. On 23 June 2016, officers of the national gendarmerie raided the studio where KBC was recording another satirical show, *Ness Estah*, and ordered producers to stop filming.

Both *Ki Hna Ki Nass* and *Ness Estah* combined political and current affairs debate and satire. Amnesty International is concerned that KBC is being punished for its independent editorial line.

Worrying clampdown

Restrictions on Algerian independent media have been increasing in recent months. On 15 June 2016, the administrative court in Bir Mourad Rais, near Algiers, ordered the freezing of Ness Prod’s buyout of the El Khabar Group, which includes KBC and leading Arabic-language daily newspaper *El Khabar*. Defense lawyers subsequently withdrew from the case in protest of what they consider to be deeply flawed proceedings. A manager from *El Khabar* told Amnesty International that he fears the prosecution came as reprisal for the daily’s independent editorial line, which is critical of the Algerian authorities, in particular of President Abdelaziz Bouteflika’s decision to run for the third and fourth presidential mandates.

Algeria’s Minister of Communication himself had opposed the buyout, invoking anti-monopoly and licensing provisions in the 2012 Information Law. Amnesty International believes that reasonable anti-monopoly measures are legitimate, and that pluralism is vital to ensure a vibrant, free press. However, the Information Law is unduly restrictive, and in effect only consolidates the state’s control on print media through tight licensing and ownership regulations. The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has discouraged the use of licensing regimes for print press and insisted that these should not be used for purposes of censorship.

The Algerian authorities must bring national legislation, including the Information Law, in line with the [new Constitution](#) adopted in February 2016 and its freedom of expression safeguards – particularly Article 41(3) guaranteeing media freedom without prior censorship. The harmonization of national legislation with the Constitution will be a good opportunity to review and clarify vague provisions in the law in conformity with international human rights law, in particular Article 19 of the International Covenant on Civil and Political Rights and Article 9 of the African Charter on Human and Peoples’ Rights, to which Algeria is a state party.

Public document

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