

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

5 July 2019 index number: MDE 28/0664/2019

# ALGERIA: CRIMINAL CHARGES, ARBITRARY DETENTION, AND JUDICIAL SUPERVISION FOR CARRYING THE AMAZIGH FLAG

The Algerian authorities must immediately and unconditionally release all peaceful protesters and other individuals detained solely for carrying the Amazigh flag at protests across the country and drop all charges against them, Amnesty International said today. As protests continue, authorities must end arbitrary arrests, detention and prosecutions of protesters or placing any individuals under judicial supervision simply for carrying the Amazigh flag.

On 21 and 28 June, police arrested at least 41 people, including one woman and 40 men, for carrying the Amazigh flag at different protests across the country demanding “political change.” Of these, 18 were arrested in Algiers in two separate groups of five and 13 protesters, four were arrested in Oran and three were arrested in Tamanrasset on 21 June. Another 16 protesters, were arrested on 27 and 28 June. 34 protesters remain in detention, awaiting trial.

All 34 individuals have been charged under article 79 of the Algerian penal code for “harming the integrity of the national territory”, which provides for prison terms of between one and ten years and a fine of 3.000 to 70.000 Algerian dinars (around 25 to 600 USD).

Amnesty International stresses that arresting, harassing, intimidating or prosecuting anyone solely for carrying a flag is a blatant attack on the rights to freedom of expression and peaceful assembly and a violation of the cultural rights of the Amazigh community, guaranteed under the Constitution of Algeria as well as the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights to which Algeria is state party.

### DETAINED AND PROSECUTED FOR HOLDING A FLAG

On 30 June, the investigating judge of the Sidi M'hamed tribunal ordered the pre-trial detention of a group of 16 protesters arrested during the 28 June peaceful protests in Algiers for carrying Amazigh flags.

According to one of the lawyers representing the group, the protesters were arrested near Didouche Mourad Street, in central Algiers, after police officers had searched their bags, as they were gathering ahead of the protest. The group includes Samira Messouci, a 25-year-old elected member of the Rally for Culture and Democracy party, a flag seller, bystanders as well as a Palestinian man. All protesters are currently detained in El Harrach prison, which is known for poor detention conditions including overcrowding. At least three other protesters, including journalist Bouzid Ichalalene, were detained that same day before being released several hours later without charge.

A week earlier, on 23 June, investigating judges of the Bab El Oued and Sidi M'hamed tribunals ordered the pre-trial detention of 18 men arrested at peaceful protests that took place in Algiers on 21 June. Lawyers of both groups have appealed the decision; the date for the appeal hearing is yet to be set.

The brother of Said Akli, one of the detained protesters of the 21 June protests, aged 39, told Amnesty International that Said was planning to join the protest with two friends who came from the city of Bouira, before he and two friends were arrested for carrying their flags on the beach. They had planned to join the protests in downtown Algiers later that day.

Among the group is protester and activist Messoud Leftissi, also held in custody for carrying the Amazigh flag. Leftissi was charged in a separate case in May 2019 with "incitement to armed gathering" (under article 100 of the penal code) for holding a sign critical of the army at a protest against the current political system. The hearing in this case was adjourned to 6 July.

## **PLACED UNDER JUDICIAL SUPERVISION**

On 24 June, the investigating judge at the Sidi Jamel court in Oran ordered that three protesters be placed under judicial supervision, after they were charged with article 79 of the penal code for carrying the Amazigh flag, and were subsequently released. The men will have to report to court every Wednesday until a trial date is set. One man is still detained on charges not linked to protests.

The three protesters in Tamanrasset were released on the same day, after several hours of detention on 21 June. They are not facing any charges.

## **OTHER CASES**

Amnesty International also documented other cases related to carrying the Amazigh flag. On 24 June, a judge in the city of Bordj Bou Arreridj ordered the detention of Khaled Chouater, a medical doctor, after he published a picture of himself holding the Amazigh flag on Facebook. He was also charged under articles 79 of the penal code.

On 25 June, two students were arrested for holding the Amazigh flag during a new day of peaceful protest in Algiers. They were held for several hours before appearing before the prosecutor of the Sidi M'hamed tribunal on charges of "harming the integrity of the national territory" under article 79 of the penal code. The judge ordered their judicial supervision for two weeks.

In Mascara, on 26 June, police arrested Djamel Belleg, aged 55, in a café and interrogated him about the reason for holding the Amazigh flag during Fridays protests in the city. No charges were brought against him.

Police in the city of Annaba arrested and assaulted journalist Mustapha Bendejmaa while he was filming the protest and wearing the Amazigh flag, leaving him with bruises on his arm. In an interview with an online media outlet, Tout sur l'Algerie (TSA), Bendejmaa said that, once at the police station, officers forced him to take off his clothes, and performed a strip search. He was released eight hours after his arrest.

In Oran, at least nine protesters were arbitrarily arrested before being released that same day.

## **BACKGROUND**

Since 22 February, largely peaceful mass demonstrations led by lawyers, students, journalists and others have been taking place every Friday across Algeria. Initially opposing a fifth mandate of then-President Bouteflika, the protests have since been calling for "a complete change of the political system."

The Algerian authorities have taken steps to recognize the cultural rights of the Amazigh people by establishing Tamazight as an official language in the Constitution in 2016 and "yannayer" (the first month of the Amazigh year) as a public holiday since 12 January 2018. They have also established an academy for the promotion of the Amazigh language. The Algerian constitution also recognizes "Amazighness" as one of the fundamental components of Algeria's identity.

Arrested individuals include, amongst others: Khaled Aliche, Djaber Bacha, Abderrahmane Bibi, Akli Boudjmil, Khaled Boudraa, Mohand Ider Ali, Guerroudj Idir, Bilal Karoune, Hamza Lakhal, Tahar Meharzi, Chatri Mouloud, Timssi Nasser, Kamel Okbi, Hamza Oudihat, Amine Ouidri, Samir Ould Taleb, Makhlof Safi.