

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

Index: MDE 28/2696/2015
21 October 2015

Algeria: Lift restrictions on El Watan TV and other private broadcasters

On the eve of Algeria's National Press Day, Amnesty International urges the authorities to allow private television station El Watan TV to resume broadcasting after shutting it down in a police raid last week. More broadly, it is calling on them to lift undue restrictions on journalists and media outlets, in particular unreasonably withholding approval of broadcast licences as a tool to censor content.

TV station shut down

On the morning of 12 October, police raided the studios of private television station El Watan El Djazairia, better known as El Watan TV, in the capital Algiers, escorted staff off the premises and sealed their equipment. Officers failed to produce a warrant authorizing the raid, according to staff.

Journalists from the station then gathered outside the Ministry of Communication in protest and demanded to meet the minister, but the request was turned down. Staff told Amnesty International that security forces forcibly dispersed the protest, detaining four journalists before releasing them later in the afternoon. On 14 October, journalists from El Watan TV, joined by other journalists and activists, protested peacefully in front of the parliament in Algiers and asked to meet with legislators. Security forces forcibly dispersed the protest, injuring several journalists in the process; at least one was transferred to hospital for treatment. Police arrested 18 protesters including El Watan TV staff, before releasing them later the same day.

The move to shut down the television station came after the Ministry of Communication took issue with statements by Madani Mezrag, the former chief of the dissolved armed wing of the Islamic Salvation Front, during a pre-recorded interview aired on the channel on 3 October. The source of its concern appeared to be Mezrag's vehement criticism of President Bouteflika's refusal to allow him to register a new political party and his threat to disclose controversial information, believed to relate to Algeria's internal armed conflict in the 1990s. 2015 marks the 10th anniversary of the Charter for Peace and National Reconciliation, which offered immunity from prosecution for members of parties to the conflict while depriving members of the Islamic Salvation Front, whose armed wing was one of those parties, of the right to participate in politics.

The Ministry of Communication summoned the station director for a meeting on 6 October, before publicly announcing its intention to file a complaint against El Watan TV and its director for broadcasting illegally and featuring subversive content harmful to state symbols in a statement made the following day to the state news agency. El Watan TV has filed an application for a licence to broadcast under Algeria's Law on Audiovisual Activity, most recently on 1 June 2015, but has yet to receive a response.

Broadcasting licences have proven difficult to obtain in practice. As a result, the vast majority of private channels have remained in a legal limbo and attempted to circumvent these obstacles by broadcasting from foreign countries such as Jordan and Cyprus. They are largely tolerated by the government who crack down selectively on channels featuring views critical of the authorities. In March 2014, authorities had similarly shut down private channel [El Atlas TV](#), in apparent retribution for coverage of protests and criticism of the April 2014 presidential elections.

Restrictive laws for private channels

Private satellite television channels have flourished in Algeria since 2011 when President Bouteflika pledged to end the state monopoly on television and radio in response to popular uprisings in the country. In January 2012 the authorities introduced a new Code of Information, which allowed private

television and radio stations to be set up. The following year, President Bouteflika declared 22 October National Press Day, pledging to uphold and strengthen media freedoms in the country. However, legislation introduced by Algeria's government since then has only opened a narrow space for private stations to function, leaving them under the constant threat of censorship.

The Law on Audiovisual Activity of February 2014 requires privately owned television and radio stations to obtain a licence from the government-appointed Audiovisual Regulation Authority before they can begin broadcasting (Article 20). Broadcasting in breach of this provision is punishable by disproportionate and unnecessary penalties including the confiscation of equipment, the sealing of premises, and heavy fines between 2 and 10 million Algerian dinars (about US\$19,000 – 95,000) (Article 107).

The law does not specify a time frame for authorities to respond to applications for a licence, and does not allow for refusals to be challenged judicially, exposing stations to the risk of censorship through unreasonable delays or refusals. The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (Special Rapporteur on Freedom of Expression) has recommended that licensing “should only be administered by an independent body that is insulated from government pressure and should not be used to subjectively ban or suspend independent media outlets, particularly television and radio channels”.

The law also places unduly restrictive and invasive controls on the content of private television and radio programmes. They can only be “thematic” (Article 5), focusing on one or more topics, as opposed to state-owned channels, which are allowed to be “general”, featuring varied programmes aimed at a broad audience (Article 7). In addition, they cannot be 24-hour news channels, and can only broadcast news programmes at specific times determined by the authorities (Article 18).

Once a licence has been obtained, private channels must sign an agreement with the Audiovisual Regulation Authority (Article 40) which involves detailed specifications regarding the content of programmes, including “the needs of national security and defence”, “the country's economic and diplomatic interests”, “conforming to the national religious reference” (Islam), “society's values” and “national values and State symbols” (Articles 47 and 48). Breaches of these dispositions are punishable by up to a one-month suspension of the right to broadcast (Articles 98-101).

Furthermore, the Audiovisual Regulation Authority has the power to immediately suspend a licence to broadcast when it deems that the needs of “national security and defence” have not been respected, or when “public order and morality” have been harmed (Article 103), an excessive penalty.

International human rights law allows restrictions in the interest of national security, public order, and public health and morals. However, authorities must demonstrate that the information or expression are a threat, and restrictions should be the least restrictive possible. These concepts, and in particular “national security”, should be defined precisely and not be abused to limit free speech and the free flow of information. Freedom of expression entails the right to be deeply critical, and even offensive, of government actions and policies.

The restrictions featured in the Law on Audiovisual Activity are in breach of Article 41 of Algeria's Constitution, which enshrines freedom of expression, as well as Algeria's international human rights obligations under Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 9 of the African Charter of Human and Peoples' Rights. The UN Human Rights Committee has further emphasized governments' responsibility to promote plurality of the media (General Comment 34 on Article 19 of the ICCPR, paragraph 40).

Public document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566 or email: press@amnesty.org International Secretariat, 1, Easton St., London WC1X 0DW, United Kingdom www.amnesty.org